

# How Will You Remember 2003?

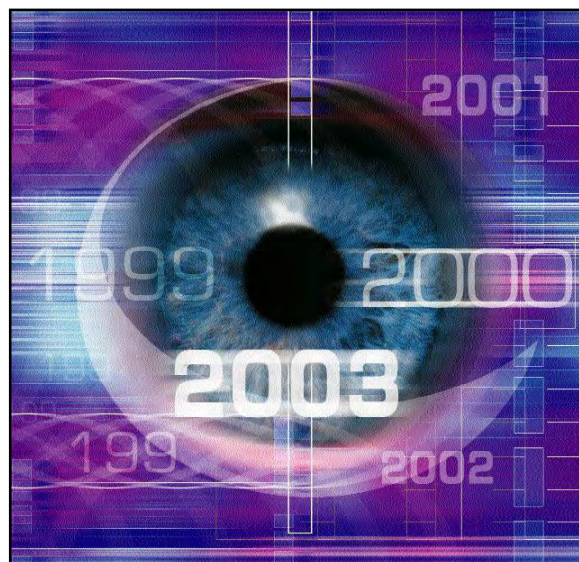
Will you remember 2003 for a current event? Will you think of it as the year that the United States went to war in Iraq and captured Saddam Hussein, or as the year that Michael Jackson got arrested? Will you recall the Columbia shuttle disaster, SARS, the California recall election, the Northeast Blackout, or the return of Elizabeth Smart? Or, will you reminisce about the Cubs losing in the playoffs, the kiss between Brittany and Madonna, Bennifer, and The Lord of the Rings.

Or, will you remember 2003 on a more personal note? Will you think of it as the year you got engaged, got married, had a child, or got promoted? Maybe 2003 was a difficult year for you in which you suffered an illness or lost a loved one? Whatever your memories, 2003 was a year to remember in one way or another.

The staff of the Office of the Chapter 13 Trustee will remember 2003 for many reasons and will rejoice in remembering. Our Trustee, Marilyn O. Marshall, celebrated her second anniversary as Trustee. One of our closing specialists, Denise, married her fiancé David and Lavone, a case administrator, had her second baby boy.

Also, a number of employees took advantage of the historically low interest rates and joined the ranks of first time homeowners. Congratulations to Denise, Lavone, Agueda, Sandra, Santricia, and Kenya on their purchases.

The Employee Recognition Committee (ERC) planned and executed a number of memorable events. We bowled at the University of Illinois Chicago, picnicked at Grant Park, and partied at the Beverly Country Club. Each event was a huge success and all who attended had tons of fun.



The National Association of Chapter 13 Trustees held its annual convention in the Windy City. Chapter 13 Trustees from all over the country attended and greatly enjoyed our great city. A number of the participants even visited our office and received a personal tour of the office from Ms. Marshall.

On the legal front, the ruling by the 7th Circuit in *Colon v. Option One Mortgage Corp. (In Re Colon)*, 319 F.3d 912 (7th Cir. 2003) greatly impacted the practice of bankruptcy in the Northern District of Illinois. The court ruled that the right of an Illinois debtor to cure a default terminates upon the completion of the foreclosure sale of that debtor's property. Thus, once the property is sold the debtor cannot save the property through bankruptcy even though the state court has not confirmed the sale. Prior to this ruling, some judges in the Northern District allowed debtors to cure up until judicial confirmation of the sale.

Within our office, we filed two adversary complaints and one appeal. We also filed a number of successful motions for sanctions against petition preparers. On the financial side, in the fiscal year 2003, we received and disbursed more funds than ever before in the history of this trusteeship.

Truly, in looking back to 2003, we will reflect on the strides and accomplishments we have made and the ordeals and adversities we have endured and overcome.

We look forward to another record setting year and welcome the challenges and rewards of 2004. We also embrace the opportunity to create a whole new year of memories.

Kimberly Eisenberg

## Trustee Matters Did You Really Speak With The Trustee?

More and more calls are being transferred to me because debtors and creditors are insisting that they have spoken to the Trustee or insist on talking to "my Trustee." As I have emphasized in every staff meeting: "Do not tell anyone that this Trustee does not take calls."



You can tell if I have spoken with someone because I usually make a docket entry under "Plan Administration Communication from." In speaking with callers, I follow a basic prescription: I am polite, considerate and as patient as I can possibly be. I don't criticize the debtor and I don't interrogate. I don't make judgments about the person or their bankruptcy. I try to understand the difficult circumstances the caller may be facing. I never give legal advice. I want you to remember to do the same; perhaps, I will receive fewer calls if you adopt this prescription.

### THE MARSHALL CHRONICLES

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#### Newsletter Information:

If you would like to contact us or submit ideas or articles for the newsletter, you can do so by:

- ✓ e-mailing us at newsletter@chi13.com
- ✓ dropping your submission or idea in the anonymous newsletter folder located in the mail room, or
- ✓ leaving them with Dave Latz

Please remember when making a submission to the newsletter, it must be:

- ✓ type-written and
- ✓ submitted by the 1st Wednesday of the month via e-mail, a Word document or an ASCII file.

We also ask that anyone who goes to a seminar please be prepared to furnish the committee with a detailed article on its subject.

You may also view this edition of the Chronicle, as well as all the previously published issues, on the Chapter 13 Trustee website at <http://www.chicago13.com/>.

Handling phone calls from debtors and creditors can be a challenge. Some suggestions on how to handle specific circumstances follow:



#### Call #1: Refund Check

"When will I receive my refund check?" is the most common question. My first response is: "What is the status of your case? Is it Dismissed, Closed Complete or Closed?" A case must have a status of DISMISSED, CLOSED COMPLETE or CLOSED in order for a refund to be disbursed. DISMISSED cases will not come up for a refund until 40 days from the dismissal date. All cases have to be audited before a refund will be issued. The closing department has specific criteria which must be met before a case will be docketed CLOSED or CLOSED COMPLETE. Do not tell a debtor when they will receive a refund if you are not 100% sure you are correct. Never quote an amount because additional attorney fees may have been ordered on the case. It is quite disheartening to tell someone they will have to wait another month for their money.



#### Call #2: Late Payment

When a debtor says something like, "My payment is going to be late" or "I can't make my payment this month," there are a few things we need to evaluate. What is the amount of the plan default? Are the debtor's payments irregular? Has a motion for payroll control or dismissal been set? With these facts, we can decide how to proceed and whether to make a docket entry.

For instance, if the debtor is current with the plan and the payment will only be a few weeks late, there probably is no need to make a docket entry. If the debtor is in default, the payments are irregular, or the payment is going to be more than one month late, then a docket entry should be made. Usually, if a debtor fails to make a payment in 60 days or more, we will set a motion to have the case dismissed or placed on payroll control. However, if a docket entry states that the debtor has called and explained the late payment, we usually allow a few more weeks.

You may explain to the debtor what can happen to the case if payments are behind. For example, you might say: "I will make a note that you are going to be late with your payment. Unfortunately, our office can't give you permission to skip or to be late with your payments. When payments are missed, a motion may be presented to the court to dismiss your case or to deduct payments from your payroll check. If you are experiencing any difficulty in meeting your monthly payment obligations, you should call your attorney."

There are also a few things to avoid saying to a debtor:

- ⊗ "It's all right. Send it in when you can."
- ⊗ "There is nothing we can do. Your case can be dismissed if you do not send in your payment right away."
- ⊗ "You don't have to call our office. We give you a grace period before doing anything."



#### Call #3: Harassing Telephone Calls

Debtors call our office with questions about stopping creditors who are harassing them either by phone or by mail. In trying to help, we must remember that we do not represent the

Continued on page 3

## Trustee Matters *(continued from page 2)*

debtor or the creditor and cannot give legal advice to anyone. However, there are some things we can say to help clarify a situation. The Bankruptcy Code is a federal law that provides relief for debtors who are unable to pay their debts. When a debtor petitions the court for protection, an automatic stay goes into effect. This stay prevents a creditor from harassing or taking action against the debtor to collect the amount owed during the duration of the bankruptcy case unless the stay is lifted by order of the court.

SECURED CREDITORS have no need to harass a debtor. They may file a claim at any time during the life of the case, and they are paid 100% of the value of their collateral. The creditor will be paid according to the plan confirmed by the judge.

UNSECURED CREDITORS have 90 days from the first creditors' meeting to file a claim regardless of whether or not they were scheduled on the debtor's original petition. Governmental creditors have 180 days from the date the case was filed.

UNSCHEDULED CREDITORS (those not included on the original petition) may need to obtain a court order to be added to the plan to be paid or to allow payment of their claim after the filing deadline. The unscheduled creditor, whether secured or unsecured, should seek legal advice.

POST-PETITION CREDITORS have extended the debtor's credit after the bankruptcy petition has been filed with the court. This creditor may be able to proceed against the debtor as if the bankruptcy case did not exist. We can offer no assistance to the debtor who is harassed by a post-petition creditor. However, the creditor may elect to file a claim and participate in the Chapter 13 case following certain requirements that apply to any post-petition claims. Remember that unsecured creditors will be paid according to the terms of the confirmed plan. Consequently, the post-petition unsecured creditor will seldom want to file a claim in a case that doesn't propose to pay 100% to unsecured creditors.



### Call #4: Debtor Attorneys

We often advise debtors who call us with certain types of questions to call their attorneys. Occasionally, this elicits a response like, "I hate my attorney. He doesn't do a thing for me and never returns my phone calls..." How can you respond?

Most important, never say negative things about an attorney, or you could subject our office to legal action. Be careful about even seeming to agree with the debtor's statements. The debtor is angry or frustrated, and you can let them talk for a short while. Depending on the circumstances, there are some constructive suggestions you can make. Here are some – you'll have to use some judgment on which is appropriate for the situation:

- You can check to see if the attorney has been paid. If no attorney fee is entered, the debtor may appear at the fee/confirmation hearing or at any upcoming motion on the case to make a statement to the judge. This would be an effective action to take prior to confirmation.
- A debtor may wish to engage another attorney, depending on the complaint or problem.

A debtor may request that an investigation of the professional conduct of their lawyer be conducted by the Attorney Registration and Disciplinary Commission (ARDC). They can reach the ARDC by calling 312-346-0690. The ARDC provides a form and a brochure to assist in requesting an investigation. Although the investigation of a lawyer may result occasionally in an effort on the lawyer's part to take corrective action, this is not the primary purpose of the disciplinary proceedings.

Fee matters are not ordinarily a basis for ARDC investigation of a lawyer because they do not involve questions of professional misconduct. Clients should discuss fees with their lawyers. If they cannot reach an agreement, the matter may have to be resolved by court action.

By no means is the above exhaustive of all calls I handle. Our telephone representatives are trained and can handle most situations. Whenever you encounter a situation that you cannot handle and have followed the above prescription, and the caller still insists on speaking with the Trustee – call the Trustee.

*Marilyn O. Marshall, Standing Trustee*

## Holiday Social

The 1st annual Marshall/Vaughn Employee Holiday Social was a huge success. The ERC along with the TV Crew worked long and hard to put together this event. Both offices came together for this festive holiday social. It was good to see us mix and mingle in a party atmosphere throughout the evening. Everyone was dressed in his or her holiday best, and the country club was decorated elegantly.



The food was delicious and the entertainment was just beyond words. The fabulous "Bankruptettes" (Denise Ashley, Karen Barron, Betty Frazier, Cheryl Jones, and Juliana Jones) performed several Motown hits, which brought the room to its feet. They were true divas, from their 60's hairdos and dresses to their well-choreographed steps. Their performance was fantastic.

The evening continued with dancing, gift raffles, presentations and comments by the Trustees. Again, we thank you, our co-workers, for all your support of both committees, our fund raisers and all the other activities we sponsor during the year.

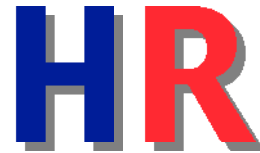
If you were in attendance last year, reserve your space now because you ain't seen nothing yet! Those of you who did not attend, you won't want to miss it this year – trust me.

*Darlene Odom*

**Some photographs from the Holiday Social follow on pages 4 and 5. We hope you enjoy them – there are some doosies!**



**Human Resources  
Human Resources  
& Client Services  
Department Goals**



Here are some of the goals for the Human Resources/Client Services Departments for fiscal year 2004:

- 1 Provide client services training for the newest member of the HR/Client Services team, Tonya Larkin. Continue training Cheryl Jones, a post-confirmation review team member, who provides weekly backup service during lunch break. Learn how to perform all of the client services tasks myself.
- 2 Complete the restyling of the position descriptions.
- 3 Prepare a client services manual that can be used for future training purposes.
- 4 Work with our third-party payroll provider to streamline our payroll process so that it's even more efficient.
- 5 Compile a manual that provides administrative steps for our managers and supervisors to follow for consistent administration of office policies and procedures.
- 6 File or shred personnel documents that are past their retention date.
- 7 Research 401(k) sponsors for possible vendor change.

*Robin Dirksen*

**CASE ADMINISTRATION  
Upgrades**

Spread the rumor, someone in the mail room had triplets – okay, that's a small exaggeration. Actually, we have three new pieces of equipment in the mail room:

- ✉ Folder/Inserter
- ✉ Postage Machine
- ✉ Copier



Some of the old equipment had been with the trusteeship for as long as 10 years. They served their purposes well, and we've probably processed over a million documents on some of those machines. But, like anything else, the chronic repairs, constant adjustments and tweaking started to take its toll on the workflow.

The new machines will allow us to do the same amount of work in less time and also automate some tasks that were being done by hand. If you have any documents that require multiple inserts and you currently do those by hand, we may be able to add a permanent job on the document sorter that will now do that for you. Please check with Sandra or Jammal and they can let you know if it's possible.

*Rosalind Lanier*

**FINANCIAL**

**Debtor Refund Policy**



We have a new policy on debtor refunds. We will NOT process a debtor refund if any of the following conditions exists:

- ✉ A trustee check is still open (has not cleared our bank) on a Converted, Completed or Dismissed case.
- ✉ We are still receiving money from an employer.
- ✉ A stop payroll letter just went out within the past 5 days.
- ✉ Money is in claim reserves.
- ✉ Any recent NSF check returned from the bank not cleared.
- ✉ Motion for original and/or additional attorney fees is pending.

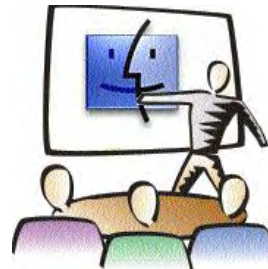
The closing team will be reviewing receipts and disbursement returns to make certain they are correct. If we are holding a refund for any of the above reasons, a docket entry will state the reason it is being held.

Please DO NOT give out a tentative date or dollar amount of the refund.

A refund will not be processed until the case is reviewed and approved by the trustee.

*Patti Brower*

**INFORMATION SERVICES  
Goals For FY 2004**



Training, training, training!

That's the number one priority of the Information Services department for this year. We want to give you the training you need to help you perform your job better. Whether it is CaseNET searches and reports or Microsoft Word or Excel, we will work with you to get you the help you need. I would like to see a combination of big-group sessions led in the Training Room and smaller group meetings with a more informal feel. If there are specific needs you see in your department or area, please let me know and we will schedule a class for you!

Other goals for our department include:

- ✉ Complete the CashFlow Module.
- ✉ Complete the General Ledger.
- ✉ Increase the number of creditors who receive their payments via Electronic Funds Transfer (EFT).
- ✉ Meet with creditors to establish a main address for them.
- ✉ Utilize new management telephone reports made possible with our upgraded telephone software.
- ✉ Create a database for streamlining the "Employee Wish List" process that occurs around budget time.
- ✉ Work with staff to develop a system for storing documents that will allow documents to be shared as well as maintained properly.
- ✉ Develop a job for reconciling undesignated receipts.

*Sandra Pillar*

**EMPLOYEE BIO:  
Cheri Johnson**



*Nickname:* Cher.  
*Birth date:* December 18, 1962.  
*Birthplace:* Puyallup, Washington.  
*Family:* Husband and two sons.  
*Position:* Paralegal, Team Leader.  
*Years with the Office:* Since May, 2003.  
*Favorite Food:* Seafood.  
*Favorite TV program:* E! True Hollywood Story.  
*Favorite Color:* Plum.  
*Favorite expression:* "yeah, right!"  
*Favorite Smell:* Homemade bread baking.  
*Favorite Childhood memory:* Playing hide-n-seek in the barn climbing over bales of hay at my uncle's house.  
*If you could meet one person in the world, either dead or alive, who would it be?* Jesus.  
*What's most important in life?* Being there for loved ones.  
*Is the glass half full or half empty?* Half full.  
*What's guaranteed to make you smile?* Watching puppies or kittens play.  
*First thing you do in the morning when you wake?* Shower.  
*My friends would describe me as:* Outgoing and dependable.  
*A perfect day for me would be:* A warm sunny day sitting at the beach reading.  
*Most embarrassing moment:* Oh, too many to remember just one.  
*Proudest moment:* When I went through commencement to receive my B.S. degree.  
*In 5 years I see myself:* Older and wiser.  
*Anything else you'd like to tell us?* Life is too short, love the ones you're with.

**Curing The Cabin Fever Blues**

Cabin fever is defined as a feeling of aggravation when confined to an enclosed area for an extended period of time. In other words, "I haven't been out of this place for ages!" Although the best cures for cabin fever are time and better weather, there are some things you can do to make the best of it until spring is finally here!

- ☆ Read a book set in an exotic locale.
- ☆ Rent old, funny movies.
- ☆ Write long letters to old friends.
- ☆ Clean out all your closets.
- ☆ Visit a museum or art gallery new to you.
- ☆ Go to a tanning salon.
- ☆ Plan your summer vacation.
- ☆ Get (and use) a new exercise video.
- ☆ Try out a couple of new recipes.
- ☆ Eat lots of fresh fruits.



**2nd Annual Basketball Classic  
US Trustee vs. the Chapter 13 Trustees**

The second annual US Trustee vs. Chapter 13 Trustees Holiday Basketball Classic was held on December 19th at Hoops Gym Stadium Club. The UST team went 4-0 for the second time due to outstanding and aggressive performances by US Trustee Ira Bodenstein, US Bankruptcy Clerk Kenneth Gardner and other team members.



After a slow and sluggish start, the Chapter 13 Trustees team regrouped in the final three games. The second and third games were competitive, but due to some "interesting" score-keeping techniques, the Chapter 13 Trustees fell short by a few baskets.

In the final game, the Chapter 13 Trustees took an early lead with strong defense and smart offense. In this game, the UST utilized their three point offensive threat once again, which closed the gap. Despite the Chapter 13 Trustees' team energy and outstanding plays, they were a basket short of a victory for two straight games. The play was physical yet fun.

Congratulations to the UST on the victory. However, due to the physical nature in which they played, maybe next year we should consider a football game.

Special thanks go out to all the players and cheerleaders.

*Brandon Vaughn*

**February Anniversaries,  
Birthdays And Other  
Notable Events**



- Super Bowl XXXVIII** on February 1st.
- Ground Hog Day** on February 2nd.
- Happy 4th Anniversary to **Estela Garcia** on February 3rd!
- Halfway Point of Winter** on February 4th.
- Happy Birthday to **Santricia Teat** on February 5th!
- NACTT Mid-Year Meeting** on February 5th through the 7th.
- Pay-A-Compliment Day** on February 6th.
- Happy Birthday to **Graciela Cardona** on February 8th!
- Valentine's Day** on February 14th.
- President's Day** on February 16th.
- Happy 1st Anniversary to **Ganelli McDonald** on February 19th!
- Happy 1st Anniversary to **Maria Padilla** on February 19th!
- Happy 13th Anniversary to **Patti Brower** on February 25th!
- Ash Wednesday** on February 25th.
- Happy Birthday to **Jay Tribou** on February 27th!
- Leap Year Day** on February 29th.

**Flapjacking Fun!**

February is National Hot Breakfast Month. How much do you know about the first meal of the day? Test your breakfast knowledge with this trivia quiz. *(The answers can be found below.)*

1. This ready-mix food product was introduced in 1889, but did not become popular until 1893, when the owners hired Nance Green to be featured in its marketing. What is the product?
2. In the U.S., what part of the pig is bacon made from?
3. Which is the lowest in fat: French toast, waffles, or pancakes?
4. More than 75 percent of the world's supply of maple syrup comes from what country?
5. How many gallons of sap does it take to make one gallon of maple syrup?

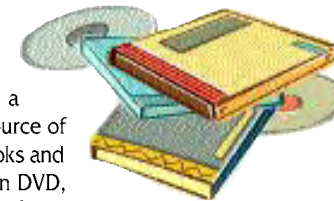
6. True or false: Only one egg in 20,000 might be contaminated with salmonella.
7. What country does the world's most expensive coffee, Kopi Luwak, come from?
8. What is unusual about Kopi Luwak coffee?
9. The first automatic pop-up toaster was introduced in 1926 under the name Toastmaster. How much did this first toaster cost?
10. Hash browns were properly called "hashed brown potatoes" before the name was shortened to "hash browns." When did this name change become commonly used?



**OFFICE OF THE  
CHAPTER 13 TRUSTEE  
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**Check Out Your  
Local Library**

If you haven't been to your local library in a while, you may be missing out on a great source of information and fun. Your library isn't just books and magazines any more. You can find movies on DVD, music CDs, and audio books. In fact, some libraries carry eBooks for handheld PDAs. If you need access to a computer, most libraries offer use of them for free. You can surf the Internet, write a paper, or make airline reservations. Libraries offer free meeting space for some groups, children's programs and shows, book clubs, resources for seniors, and informational seminars. You can find tax forms and maps, and some libraries offer a toy checkout for parents of young children. If your library doesn't have what you are looking for, you can have your librarian search in other libraries around the country. The best part, of course, is that it is all free! So stop by your local library and check it all out.



↓ These are the answers to the Flapjacking Fun! Trivia Quiz above. ↓

- Flapjacking Fun! Trivia Answers**
1. Aunt Jemima Pan-  
cake Mix.
  2. Pork bellies.
  3. Pancakes.
  4. Canada.
  5. 40 gallons.
  6. True.
  7. Sumatra.
  8. It is harvested from the  
excretions of a marsu-  
pial who consumes the  
beans and excretes  
them unharmed.
  9. \$13.50.
  10. Not until around 1970.