

Petition and Claims Administration

Petitions and claims or is it claims and petitions? No this is not the chicken and egg debate. The petition comes first because without it we wouldn't know how to treat a claim. Pre-confirmation or post-confirmation, a lot of manhours are spent entering and sometimes deciphering the documents received in our office. The vast majority of petitions and claims filed present no clear or present danger, but the others, as I call them, require you to put on

your Sherlock Holmes or Inspector Gadget hat to determine what the final administration should be.

Our goal is to process any document received as accurately and quickly as possible. Occasionally we hear complaints that our office is too nit-picky and "why do we need to file an amendment, can't you just make a note." The main reason we require everything in writing is to protect our office from any future liabilities and to provide a record of all changes needed for the permanent court file.

A case goes through several checkpoints before any disbursements begin for creditors to ensure that the debt treatment is correct for each claim and payments are made according to the latest filed plan. Since this is the time of year when

we focus on sharing, our office would like to share with you a few issues that chronically arise during the administration of a case:

Plans

The model plan has made life a lot easier, but there are a few items that should be avoided:

<u>Set payment box</u> –The box is checked, but no amount was specified for payment each month. In some cases this is just a clerical error, but I've also heard some law offices say that this is a software problem. Logically, this is more than likely a typo but for administrative purposes we are bound by the confirmed plan and must pay this creditor a set payment of \$0. This means the creditor will not receive any disbursement until the plan is corrected. So, the box

should not be checked unless you intend to pay a specific amount each month to that creditor.

Creditor addresses - When a creditor is listed in the plan for payment but the creditor information is omitted from the schedule, our office will not have an address of where funds should be disbursed. The model plan requires that each debt listed in the plan is paid. In absence of a proof of claim from the creditor, payments are issued with an address from our database's most active claims for that particular creditor. If the creditor is not in our database, we notify the debtor's attorney of the need for a valid address of where funds should be disbursed.

<u>Real estate taxes</u> – Often, there is a misconception that these obligations should be treated as priority

and not secured. As a result, no provision is made to pay the taxes in the plan. Cook County Treasurer files all real estate tax claims as secured 99.9% of the time. These claims will not be paid unless provided for in the plan.

<u>Section G</u> – Any language in this section is only applicable See Petition and Claims Administration page 2

| United States Bankruptcy Court Northern District of Illinois. Division | | | CH 7 CH 13 CH 11 PLEASE CHECK CHAPTER |
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Petition And Claims Administration

(continued from page 1)

if the box is checked on the first page of the plan. Please remember to check the box, otherwise all your good work was done in vain.

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CLAIMS

Mortgage debts – It seems that more creditors are submitting these claims to the court without filing attachments. This would be fine if a description of the property was listed on the face of the proof of claim. In a case with multiple mortgages, attachments are utilized for the property description to match the claim with the scheduled debt. The plan is specific as to what amount should be paid for each debt. To avoid over or under paying a creditor, a confirmation of what property the claim is for must be made. This is not always successful because some creditors refuse to release information unless they have a written consent from the debtor or attorney to speak with our office! AARGHH!!!

<u>Priority claims</u> – The old version of the claim form provided three sections for a creditor to classify their claim as secured, priority or unsecured. The new form only provides two sections – one for secured and the other for priority claimants.

THE MARSHALL CHRONICLES

The Editorial Staff:

Amanu Nwaomah, Cheryl Jones, Shanika Thomas, Santricia Teat, Nicole Robertson, Joanne Coshonis, DonnaLynn Zimmerman, Kyle Issleb, Robin Dirksen and Dave Latz

Contents and Contributors:

General unsecured creditors end up checking the priority claim box, which results in our office filing a motion to correct the claim or the claim being disallowed due to improper filing. Hopefully, this will go away with the ECF process.

Courtesy copies – Creditors love to send us courtesy copies of claims via the mail, fax or FedEx. These claims are always copies of what was filed with the court. Unless the claim has a file or received stamp from the court, it will not be processed. It normally takes a week to process a document from the date that it was filed. One can confirm the receipt of a document through our web-site. If the document is not on our web-site, then e-mail our office and we will obtain a copy from the court web-site if needed.

Some of the items above could be avoided if they were reviewed more closely before filing. As we look forward to ECF, I hope that most of these issues will be resolved. Once a case is filed it becomes a joint partnership between the debtor's attorney to file timely and accurate documents, the debtor to pay their plan payments, creditors to submit the claims and the Trustee to disburse funds. If everything goes well the debtor will benefit by receiving their discharge, which was the original plan anyway.

Well, that's all the sharing for now. Have a Happy New Year.

Rosalind Lanier

U.S. Trustee Goes On Rampage

The UST Team went 4-0 in the First Annual U.S. Trustee vs. Chapter 13 Trustees Holiday Basketball Classic.

Led by the sterling performances of U.S. Trustee Ira Bodenstein and Brad Waller, hereafter referred to as "the ringer", UST Team 1 beat all comers on the Gray court at Hoops the Gym Stadium Club.

Their winning scores were 18-5 vs. Team 1 of the Chapter 13 Trustees, 19-16 vs. Team 2 of the Chapter 13 Trustees, 18-17 vs. Team 2 of the U.S. Trustee, and 19-16 vs. Team 2 of the Chapter 13 Trustees.

The final game was the most closely contested, with the Chapter 13 team taking an early lead, followed by constant lead changes up to a tie score at 16. The teams went back and forth, with defenses stepping up to make key stops, until "the ringer" finally dropped a three-pointer to end the game.

Representing the Chapter 13 Trustees were players Jammal Davis, Kyle Issleb, Carlos Lagunas, Brandon Vaughn, Trustee Glen Stearns, Art Holmes, Henry Weichman, Marcus Regendiz, Rudy Purchase and Pete Whalen. Cheering them on were Trustee Marilyn Marshall, Trustee Tom Vaughn, Graciela Cardona, Angela Hope-Davis, Cheryl Jones, Lavone Kizer-Merritt, Tonya Larkin, and scorekeeper Dave Latz.

Trustee Matters Teamwork During The Christmas Season

No matter how great Michael Jordan is as a basketball player, he cannot play forward, guard and center simultaneously. He has recognized that he has to pass the ball to others in order to achieve his goal. Basketball is not a one-man sport. It takes five players to make a team.



Each team member has a role. As we move toward a team concept in administrating our bankruptcy cases, each team member has a role. Let's work as a team today and always to accomplish our goals.

Since some of the teams will be short-handed during the holidays as staff will be taking some time to spend with their families, we ask members of other teams to lend a helping hand to ensure that the work flow remains constant. Pay close attention to the team process.

You, just like everybody else on the team, should be a watchdog. Monitor the team's effectiveness. How can the unit make better use of its resources – time, money, materials, and people? Look for what's missing... what's getting in the way... what needs to happen? Keep an eye on your teammates – who needs encouragement, who's out of line, who's confused?

Maybe you can give the team what it needs. Maybe you should call on a teammate who can. But if you still see behavior that's hurting performance, have the guts to bring the problem to the rest of the team's attention. One of the best ways to protect the team's results and reputation is to find and process problems soon. Catch them when they're small. Fix them before they have a chance to do any damage.

Even when things are going right, a sharp eye can often find ways for them to go a lot better. Pay attention to what's going on inside your team, and you'll see problems that need fixing.

Even if everyone in your team is competent, committed, and hardworking, you can't ignore internal problems and

still succeed as a team. Outcome is always influenced by approach. You can't separate the ends from the means. Process will count as much as raw talent in shaping your team's success.

We will return to a new year with new ideas, new concepts and a new attitude. It will be a joy to return to a rewarding job where the team has kept the ball rolling and is willing to pass the ball forward to other team players. Even in your absence, your team may have scored the winning point.

Merry Christmas and a Happy New Year to all!

Marilyn O. Marshall, Standing Trustee Source: Pike Pritchett's Handbook





THE OFFICE OF THE CHAPTER 13 TRUSTEE,
MARILYN O. MARSHALL,
WISHES YOU AND YOURS A
VERY MERRY CHRISTMAS AND A
HAPPY AND PROSPEROUS NEW YEAR!

New Year's Resolution: To tolerate fools more gladly, provided this does not encourage them to take up more of my time.

— James Agate

Good resolutions are like babies crying in church. They should be carried out immediately.

- Charles M. Sheldon

Human Resources Job Vacancies

We have begun our search to fill two positions in the Legal department – Case Administration Manager and Paralegal



Team Leader – by placing help wanted ads in the <u>Chicago Sun-Times</u>. Because the education and skills requirements cannot be met by any of our current staff members, we regret that we will not be posting these openings inhouse.

The Case Administration Manager will be responsible for supervising and supporting the case administrators and paralegals. Applicants must have a Bachelor's degree; a law degree is preferable. Applicants must also have at least ten years of managerial experience or eight years of bankruptcy experience to qualify.

The Paralegal Team Leader will supervise Paralegal I and II staff and will have primary responsibility for case management during the confirmation process. Applicants must have a Bachelor's degree, paralegal certificate and prior paralegal supervisory experience to qualify for an interview.

Interviews will begin in January and we will keep you posted of our progress in filling these positions.

Robin Dirksen

January Birthdays, Anniversaries And Other Notable Events

Happy New Year on January 1st!

Happy 13th Anniversary to **Karen Barron** on January 2nd! **All Staff Meeting** on January 3rd.

Happy Birthday to Eileen Kilkelly on January 5th!

Happy 16th Anniversary to **Rosalind Lanier** on January 5th!

Happy Birthday to **DonnaLynn Zimmerman** on January 10th!

Happy 2nd Anniversary to **Juliana Jones** on January 16th!

Martin Luther King, Jr. Day on January 20th.

Happy Birthday to **Sandra Cortina** on January 23rd!



FINANCIAL - RECEIPTS The Year In Review

The month of December is usually a time of reflection. This past year, our office has seen many changes and improvements in the Receipts area.

At the beginning of the year, our office tightened our audit controls by no longer accepting debtor plan payments in court. This lessened the likelihood of payments being damaged or lost in transit between the courthouse and our office.



Later in the year, our office began printing on a daily basis a new report that tracked every payment posted to each case.

In addition, our office has tightened our audit controls with regards to the payments that are sent to the office in error instead of the lockbox. We also began strictly enforcing our longstanding rule that personal checks are not accepted for plan payments.

Some improvements have also been made with our bank. A new courier was provided to deliver our receipts package from the bank in a timelier, more reliable fashion.

The year 2002 has really seen vast improvements in the Receipts department and we're better for it.

Nicole Robertson

Quick Tips

Car Tip

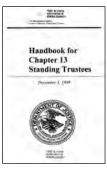
Fill 'er up! During colder weather, you should always keep your gas tank at least half full. This is especially important in the winter, when you may find yourself stranded with only your car's running engine to keep you warm. Also, during the day, the empty space in your gas tank fills with moisture. This will condense during the cold nighttime hours. Eventually you can end up with a rusted out gas tank. So, whenever you get a chance, take a moment to fill up your tank!

Organizing Tip

Is one of your New Year's resolutions to be more organized? Start with a trip to your local office supply or discount store. January is a great month to stock up on organizing materials and equipment, as they are often discounted at this time of year. Make a list before you go, however; otherwise, you may end up with supplies you don't really need and even more clutter than before!

FINANCIAL · COMPTROLLER The Rules, The Rules!

Did you ever wonder why the Trusteeship follows certain rules? There are guidelines and rules set in place outlined in the <u>Handbook for Chapter 13 Trustees</u>. This Handbook is a summary of the do's and don'ts for a Chapter 13 Trusteeship.



Some types of items covered in this handbook include: compliance with employment laws, reporting the suspicion of bankruptcy crimes, conducting section 341 meetings, case administration, motions to dismiss or convert cases, identifying debtors engaged in business, financial policies, procedures and reporting requirements, and auditing and record retention, to name some general categories.

The chapters most often referred to for financial guidelines are mainly Chapters 9 and 10. These chapters cover financial and auditing subjects. Some of the topics included in Chapter 9 are: what type of banking institution to use for depositing trust funds, investment of funds, reporting, maintaining, and safeguarding debtor information, different types of record keeping for various categories of information to be maintained by the Trusteeship, producing monthly and annual reports, security issues, documenting handling of routine transactions and documenting the computer system used to maintain trust information, passwords, accounting controls, a vacation policy that states a person must be off for five consecutive days as a means to guard against fraud, segregation of duties, submitting a budget and amended budgets, and operating expense line item rules. Wow! An incredible amount of information is contained in Chapter 9!

In Chapter 10, the Handbook discusses the purpose and frequency of audits. This chapter also addresses the written report following the audit. It covers the types of issues assessed in the report and records retention rules.

On several occasions, this Handbook has been a handy reference for financial questions. Even our auditors have referred to the Handbook. The purpose of this article is to discuss the Handbook (and amendments) in general terms and to make you aware of this reference material. Just where, you might ask, can you get hold of this Handbook? Don't run to you nearest bookstore because you won't find it there. You can locate it on the Internet at http://www.usdoj.gov/ust/library/chapter13/ch13lib.htm. This Handbook makes a wonderful reference guide for all people involved with Chapter 13 bankruptcies.

DonnaLynn Zimmerman

It's The Holiday Season

During this holiday season, many are celebrated. Quite often the name is heard, but a basic understanding of the actual holiday is not grasped. However, today is an opportunity to gain some insight on the following holiday celebrations.

HANUKKAH

Hanukkah is an eight-day celebration, which starts on the 25th of Kislev on the Hebrew calendar. In Hebrew, the word "Hanukkah" means dedication. This holiday commemorates the



rededication of the holy Temple in Jerusalem after the Jews' 165 B.C.E. victory over the Hellenist Syrians.

Today, each night a candle on a menorah is lit to commemorate an eight-day miracle. When soldiers returned to the holy Temple, they found that many things were missing or broken. They cleaned and repaired the Temple and decided to have a big dedication ceremony. Wanting to light the menorah for the celebrations, they searched for oil but could only find enough to last one day. However, miraculously, the oil lasted for eight days.

One candle is lit each night of Hanukkah. On each successive night, a light is added to the menorah and lit. The highest candle, known as the Shamash or "servant", is used to light the other candles. Blessings are recited each night before the lights are lighted.

KWANZAA

Kwanzaa is a non-religious African American holiday that celebrates family, community, and culture. It is celebrated for seven days — December 26 through January 1. The name means "first fruits" in Swahili.



Each family celebrates Kwanzaa in its own way but most include songs, dances, storytelling, and poetry readings. Each night, family members gather to light one of the candles on the Kinara (the candleholder) and then discuss the correlating principle.

There are seven principles that represent African cultural values, which contribute to building and reinforcing communities.

Umojo, which means unity.

Kujichagulia, which means self-determination.

Ujima, which means collective work and responsibility. *Ujamaa*, which means cooperative economics.

Nia, which means purpose.

Kuumba, which means creativity.

Imani, which means faith.

Healthy Holidays

Do you find your belly wiggling like a bowl full of jelly every January? It can be hard to keep from over-indulging when you are faced with a December full of buffets, cookies, and holiday dinners. But there are ways to battle the holiday bulge!

Exercise is an important part of anyone's healthy lifestyle. During the holidays it is even more important to include exercise in your busy day.

There is a stronger tendency to skip your daily walk, aerobics workout, or swim during winter. There are fewer daylight hours and there are additional activities that demand your time. Taking time for yourself every day, however, will reduce stress and help you to stay fit and trim.

As for the eating, remember that the key to success is moderation! You don't have to deprive yourself of all those holiday goodies. Just keep portions reasonable and opt for some healthy substitutes. If you are invited to a holiday gathering, try to eat something healthy before you go. You won't be starving and tempted to eat everything available. Take small portions of everything you wish to taste and eat slowly.

Substitutions can help also. Instead of very high-fat eggnog, drink cranberry juice. Avoid fried foods and choose fresh fruits and vegetables instead. Munch on pretzels in place of chips, and choose a couple of cookies instead of the cheesecake.

If you find yourself at a dinner party with a host or hostess that insists on second helpings, make your first serving a small one. When you return for more, your second serving will bring your total intake up to one normal sized portion. Offer to bring a dish or two and make it healthy and low-fat.

As for your own holiday baking and food preparation, remember your limits and your weaknesses. If you have a tendency to eat handfuls of cookies, make batches to give away. Keep only a few for yourself. As your schedule gets more hectic, remember to take time to eat three meals a day, and allow for time to plan for healthy meals.

A little planning and extra attention to including exercise in your day will be all it takes to avoid gaining those extra pounds this holiday season. You will enjoy your happy and healthy holidays even more!

EMPLOYEE BIO: Nicole Robertson

Birth date: March 9, 1967.

Birthplace: Harvey, IL.

Position: Receipts Manager.

Years with the Office: Five.

Favorite Food: Enchilada.

Favorite Movie/TV Program: Dances with Wolves/Buffy the Vampire Slayer.

Favorite Color: Orange.

Favorite Expression: Dude.

Favorite Smell: Hyacinths.

Favorite Childhood memory: Being at my grandpa's cottage.

If you could meet one person in the world dead or alive who would it be? Thomas lefferson.

What's most important in life? Family.

Is the glass half full or half empty? It's filled to the middle.

What's guaranteed to make you smile? Cliff Tarrance.

First thing you do in the morning when you wake? Pet my dog, Sam.

My friends would describe me as: Too talkative.

A perfect day for me would be: Hiking at the North Rim of the Grand Canyon with Jerry.

Most embarrassing moment: I haven't had one yet.

Proudest moment: Seeing my husband Jerry graduate law school.

In 5 years I see myself: Teaching the first grade.

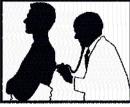
Top Ten Things To Say About A Gift You Dislike

- 10. Hey! There's a gift!
- 9. Well, well, well.
- 8. This is really, really interesting.
- 7. This is perfect for wearing around the basement.
- 6. You shouldn't have really!
- 5. Oh my, another one. Hope you kept the receipt!
- 4. I love it but I fear the jealousy it will inspire.
- 3. Sadly, tomorrow I enter the Federal Witness Protection Program.
- 2. To think I got this the year I vowed to give all my gifts to charity.
- 1. I really don't deserve this.



Dealing With The Flu

It's that time of year again! Flu season is here. Each year as many as 30 million people contract the flu in the United States, leading to 20,000 deaths a year.



At most risk are the elderly, those with chronic disease like diabetes, asthma, or heart disease, and infants.

The flu is like a cold in many ways. Both are respiratory infections, but the symptoms can vary. A fever, general aches and pains, and fatigue usually accompany the flu. You may also experience a sore throat, coughing or sneezing. If a cold is misdiagnosed as the flu, there is usually no problem. But the flu misdiagnosed as a cold can possibly lead to serious complications like pneumonia being overlooked. If you have any symptoms of the flu, you should contact your doctor as soon as possible.

There is no cure for the flu, but there are things you can do to make yourself more comfortable. The best course of action in dealing with the flu is to get plenty of rest and drink lots of fluids. Fever can be treated with acetaminophen. Be sure to talk to your doctor to get advice about using a decongestant/antihistamine to treat nasal congestion. Antibiotics have no effect on the flu because it is caused by a virus.

And what about chicken soup? Well, it can't hurt! Although it doesn't cure anything, it can soothe a sore throat, clear clogged passageways, and hydrate you. And it is good TLC at a difficult time.

If you do find that you are suffering from the flu, consider getting the flu shot next year. These are generally given in the fall, and must be received each year, as the strains of flu vary from year to year. In the meantime, remember that time and rest are the best cures of all for flu sufferers.

Glaucoma Awareness Month

Did you know that you could be going blind and not even know it? January is Glaucoma Awareness Month, a time to remind the public about the dangers of this disease. Glaucoma is the leading cause of blindness in all adults over the age of 60. In the African-American population, people over 40 are up to five times more likely to get glaucoma.

Glaucoma can't be cured, but if caught early, treatment options can reduce the risk of blindness. If you are over 60, or if you are African-American and over the age of 40, or you have a family history of glaucoma, talk to your doctor. You should have an eye exam every two years. It is painless, easy, and it could save your sight.

Winter Skin Care

Are you finding that your skin is getting dry and irritated more often? It could be the weather! Winter air is drier than normal and cold winds can remove moisture from your skin. Keep these tips in mind to keep your skin protected and healthy this season.

Even though the sun is not blazing, your face can still feel the effects of ultraviolet rays. Be sure to use sunscreen on your face during the winter when you go outdoors. Choose a product with added moisturizers for extra protection. And don't forget your lips – wear lip balm with sunscreen in it.

Avoid long, hot showers during the winter, as they strip your skin of its natural moisture. Instead, take a short, warm shower and pat your skin dry. While your skin is still damp, put on a moisturizing lotion.

Humidify your indoor air. Running a heater causes the air in your indoor environment to dry out. Room humidifiers will help your skin stay moisturized and has the added benefit of helping to relieve dryness in your nasal passages.

If all else fails, take some time to speak with a dermatologist. There are many good treatments available for those suffering from uncomfortable dry skin.

Freezing Fun

Are you stuck inside on these chilly days with nothing to do? These riddles will tickle your funny bone, even if it is freezing outside!

- Q. What do you call a dumb guy that got stuck in the freezer?
- A. A Frosted Flake.
- Q. What do snowmen eat for breakfast?
- A. Snowflakes!
- Q. What happened when the snowwoman got angry at the snowman?
- A. She gave him the cold shoulder.
- Q. What do snowmen wear on their heads?
- A. Ice caps.
- Q. What do you call a snowman party?
- A. A Snowball!
- Q. What do you get when you cross a snowman with a shark?
- A. Frost bite!
- Q. What kind of ball doesn't bounce?
- A. A snowball!

Newsletter F Y I s

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 Amanu

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

- ✓ type-written and
- ✓ submitted by the 2nd 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 and previous issues on the Chapter 13 Trustee website at http://www.chicago13.com/.



Did You Know? New Year's Trivia

In Scotland, the New Year is called Hogmanay. In the villages of Scotland, barrels of tar are set afire and then rolled down the streets. This ritual symbolizes that the old year is burned up and the new one is allowed to enter.

New Year's Day is the oldest of all holidays. It was first observed in ancient Babylon about 4000 years ago. But January 1 has been celebrated as a holiday by Western nations for only about the past 400 years.

Many cultures believe that anything in the shape of a ring is good luck, because it symbolizes "coming full circle," completing a year's cycle. For that reason, the Dutch believe that eating donuts on New Year's Day will bring good fortune.

The Tournament of Roses Parade started in 1886 when members of the Valley Hunt Club decorated the carriages with flowers to celebrate the ripening of the orange crop in California. The Rose Bowl football game was first played as part of the Tournament of Roses in 1902. It was replaced by Roman chariot races the following year. The football game returned to the festival in 1916.

