

## NACTT 38th Annual Trustee Convention

On July 17th through the 20th of 2003, the National Association of Chapter 13 Trustees convened their 38th annual convention in Chicago for only the second time in the convention's history at the Marriott Hotel on Michigan Avenue. Due to the convention's close proximity to our office, Ms Marshall allowed a number of our staff to attend. The contingency from our office included all four staff attorneys (Anthony Olivadoti, Kim Eisenberg, Joanne Coshonis, and Jay Tribou), two of our head paralegals (Lisa Purnick and Christel Roberts), case analyst Rosalind Lanier, and financial manager Rita Saunders.

Upon registration, all participants received a number of items including a t-shirt, a gym bag with a water bottle, and a bound Case Law update. Most importantly, each person was given a nametag listing their full name, nickname, the name of the trustee they work for, the city they work in, and their position in the office. Each attendee was to wear their nametag throughout the event for identification purposes and as a pass to each session and activity.

The event kicked off Thursday, July 17th, with an evening cocktail reception at the Marriott where the NACTT held its very own taste of Chicago, highlighting the fantastic array of foods available in our city. Set up throughout the room were various food stations entitled Little Italy, Chinatown and Michigan Avenue, featuring the culinary spe-

cialties from those parts of town. A great band played in the background as old friends reconnected and discussed the upcoming agenda.

Bright and early the next morning on Friday, July 18th, the learning began. NACTT president, Walter O'Cheskey, Chief Bankruptcy Judge for the Northern District of Illinois, Eugene Wedoff, and others made the opening remarks of

the convention. Immediately following, the director of the Executive Office of the United States Trustee Program, Laurence Friedman, spoke about combating bankruptcy fraud and abuse through their Civil and Criminal Enforcement Initiative. It was the first time most of our office had the opportunity to hear Mr. Friedman speak.

Next, Sandra Rasnak, Assistant U.S. Trustee for Region 11, updated the crowd on specific types of bankruptcy fraud and abuse. She especially focused on the dramatic increase in the

number of non-attorney petition preparers across the country and some of the steps being taken to curb their abuse.

In the afternoon, the convention featured a number of breakout sessions. The attorneys attended the Staff Attorney Workshop run by a panel of staff attorneys from across the country including Albany, New York, and Albuquerque, New Mexico. Our hometown attorney, Mark Wheeler from Tom Vaughn's office, also sat on the panel. The session focused on business cases and a comparison of how

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*Members of our office staff and their guests prepare to board the Chicago Odyssey for a leisurely dinner cruise on Friday evening.*

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each office handles such cases. Later in the afternoon, the session broke up into small groups to analyze and discuss a specific business case fact pattern.

That afternoon, the rest of our office attended the Staff Symposium. They had the opportunity to meet staff members from other Trustee offices. Different scenarios in regards to ethics in the work place were presented to the group. They were then asked how their office would handle these situations to compare and contrast the extensive assortment of ways to handle each circumstance.

We were also given the opportunity to attend different workshops throughout the afternoon. That afternoon, the most interesting session was the one entitled "Sale of Property during a Chapter 13 Case." It drew a rather large crowd and the session became somewhat heated. It presented an opportunity for various offices to discuss the common issue of constant refinancing and its impact. We learned that there are a number of ways to approach this issue and that it is a "hot button" topic across the country.

That evening, the NACTT showed off Chicago once again by renting out the Odyssey and Mystic Blue boats for an evening cruise on Lake Michigan. Being from Chicago, our office had the advantage and knew that we wanted to cruise on the Odyssey, the nicer of the two boats. Of



*Xiaoming Wu, Joanne Coshonis and Kim Eisenberg at the NACTT.*

course, both boats provided a similar experience of great food, great views and dancing. Unfortunately, due to the inclement weather, the captain limited the cruise to the area around Navy Pier and the out of town visitors missed out on the full lakefront cruise. Still, everyone had a great time and no one got seasick.

Saturday morning, the Honorable Keith M. Lundin and Henry Hildebrand III, both from Nashville, Texas, did their annual Case Law update. Highlights of the events were: they wore costumes, gave away candy, made jokes and updated the crowd on many recent court rulings from across the country. They provided valuable information and managed to entertain at the same time. The rest of the day was "free" for optional activities around the city, including golf and a White Sox game.

The final day of the convention began with a 5k fun run/walk at 7:00 a.m. The morning continued with the Case Law update and "Ask the Judges" featuring one of our newly appointed judges from the Northern District of Illinois, Judge Hollis, as well as judges from California, Virginia and Wisconsin. In the afternoon, a number of great sessions were offered such as "The Audit Matrix," "Attorney Fees – Beyond the Bright Line Test," "Chapter 13/7 Issues" and "Trustee Employee Compensation Forum." The assortment of topics gave everyone the opportunity to learn about topics related to their specific jobs as well as those that they just found interesting.

The convention concluded with a final gala event at the Marriott Hotel Grand Ballroom with dinner and dancing for everyone. The party also included an award ceremony and a slide show commemorating the convention. A great band played and people danced well into the night. If only we didn't have to work the next morning...

*Kimberly Eisenberg*

### THE MARSHALL CHRONICLES

#### The Editorial Staff:

Kimberly Eisenberg, Cheryl Jones, Angela Hope-Davis, Joanne Coshonis, Kyle Issleb, Cheri Johnson, Robin Dirksen and Dave Latz

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## Trustee Matters

### NACTT – “Giving Me Something I Can Use”

At each NACTT Annual Seminar, trustees are always looking at ways to improve their office operations. Several of the Trustees walked down Michigan Avenue with me to see our operation. We also stopped and visited with Mr. Vaughn. As we discussed office procedures, case confirmations, claims and budgets, it became clear that we all rely on our Handbook for Chapter 13 Trustee as our foundation but each of us are unique in the way we actually “run” our office. One of the trustees stated that it is his goal to visit all of the Chapter 13 offices. As he visits each office, he always takes at least one thing back to his office from each office that he has visited.

I have adopted that philosophy with the NACTT Seminars. I have realized that mistakes will be made in this industry, no matter what preventive measures are implemented. I am sharing with my staff from The Staff Symposium discussion:

#### **IT’S OK TO MAKE MISTAKES? (HOW NOT TO REPEAT THEM)**

- I. How do you foster an attitude that encourages your staff to bring mistakes to the attention of their supervisor?
  - A. Do not kill the messenger!
    1. Understand the impact to the office of the error that has been relayed to you.
    2. How will this affect the debtor’s case?
    3. What effect does this error have on Trustee operations?
  - B. Make your staff aware that each case from beginning to end is the result of a team effort.
    1. Express appreciation for their concern and look into the problem.
    2. If warranted, follow through.
    3. Be sure that everyone knows that this is not a license to tattle. Make sure complaints are warranted.
    4. Make the entire staff aware how a mistake affects the case through the life of the plan. Explain how the mistake can snowball if ignored.
  - C. Quality control.
    1. It is the responsibility of everyone to make sure every aspect of the case is implemented accurately.
    2. Discourage the “It’s not my job” attitude.
    3. Insure that no one lets an error go thinking someone else will find it.
  - D. Encourage staff to question people’s resolve (including answers of management).
    1. If the answer or request you are given seems



- incomplete or you do not fully understand what is to be accomplished, then clarify the request.
2. Does one department understand how to use codes that are primarily used in another department? For example, does the coding department know how to use the posting codes in the accounting department to accomplish their goal.
- E. Audits are for the protection not only of the Trustee but also the staff.
  1. If someone is making mistakes, is that person aware of the errors so that the problem can be eliminated.
  2. Errors that are continually repeated after consultation will lead to poor performance reviews and further consequences.
  3. Mistakes that are not dealt with in a timely manner can cause disruption of the team environment.
    - a. Do not let errors ruin your team spirit with a “who cares” attitude.
- II. Strategies to combat mistakes.
  - A. Use of teams.
    1. Training and understanding of duties.
      - a. One person inputs, a different person audits. One person works a claim, another person reviews that claim at Master Intention time.
    2. Case reviews at various times through the life of the case, i.e., when input, at confirmation, first check review, Notice of Intent to pay claims, and when case is closed.
  - B. Use of notes.
    1. Are your docket notes reliable?
    2. Are you using the case and claims notes section on your system.
    3. Do you document unusual occurrences during the life of the case on your docket, case or claims notes?
    4. Special provisions cases. Do you document the reasoning of how a claim was coded?
      - a. Is the documentation done on your computer system so everyone can see or is it listed on your work product.
    5. Ownership of work. Initial and date all work.
    6. Automate as many functions as possible.
      - a. Develop forms that update files and case notes.
        - (1) Cuts down on errors and increases efficiency. Users only have to enter the information one time instead of many times.
        - (2) Provides case notes that are in a standard format that everyone will be able to understand.

*See Trustee Matters on page 4*

## Trustee Matters

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7. Use of barcodes.
    - a. Eliminates key strokes and errors.
  8. Set up Edofiles.
    - a. Use to run various forms without having to re-input case numbers through the export of key lists.
    - b. Allows storage of additional information that will be needed throughout the life of the plan. Reports and/or forms then can retrieve this information, saving the staff from having to pull the file and reinput needed information.
  9. Reports
    - a. Excel spreadsheet to record statistics on errors
      - (1) Monthly meetings with Supervisor to review reports
    - b. Discrepancy reports, exception reports, summaries, checklists
      - (1) Unsecured Report, Posted Payments Comparison, Attorney Fee Report, Positive NSF Report, Negative Balance on Hand, Negative Creditor Balance on Hand, Out of range Reports, Summaries, Checklists
  10. Quality and time control.
    - a. Haste makes waste.
    - b. If filing a claim, double check and make sure that the name and case number on the screen match the document. More effective than correcting mistakes later.
- C. Monthly departmental meetings with training sessions at each meeting.
- D. Keep office updated on changes in the law and guidelines. How will they affect your area of expertise?
- III. What to do with an employee who continues to make the same mistake over and over again? Questions to ask yourself
- A. Have you done everything you could do to help this individual succeed?
  - B. Were they properly trained?
  - C. Do they have printed instructions for their job?
  - D. Have those instructions been updated?
  - E. Was there a mentor appointed for a specific length of time?
  - F. Have the errors and suggested resolution been documented?
  - G. Are there notes taken by the employee that were made when they were new that are incorrect?
  - H. Does the employee understand the implications of their errors?
  - I. Does the employee have the desire, decision, determination and discipline required to do this job?
  - J. If the person is an otherwise good employee, is there another position that might better suit their talents?
  - K. Determine whether the employee understands the implications of errors – i.e., a disbursement sent to the wrong creditor can have dire consequences for the Trustee.
  - L. If the employee cannot or will not be retrained, then perhaps the employee should resign or be terminated from employment.
  - M. The Trustee should hold an exit interview to pinpoint trouble areas or possible supervisory deficiencies.

*Marilyn O. Marshall, Standing Trustee*

## Congratulations !



The Employee Recognition Committee hosted a “**Luncheon Reception**” honoring Denise Ashley. The former Ms. Giddings was married on August 19, 2003. The ERC along with the entire staff feasted on Ham and Turkey sandwiches, Hot Wings, Chips, Cake and Punch.

August has been quite a busy month for the ERC. We have held several fund raisers such as Pizza Day, Sloppy Joe Day, Ice Cream Cone Day, and our never ending Cookie, Chip, and Candy Sales.

In addition, we were delighted to present certificates for **Five Years of Service** at our monthly meeting to our co-workers, **Angela Hope-Davis, Carlos Lagunas** and **Agueda Orozco**.

Our congratulations go out to all!



## Human Resources Keeping You Up-To-Date Symphony Hall



U.S. Equities has informed all tenants that the Management of Symphony Hall has advised them that any cars, trucks, bikes, and/or motorcycles parking in the Symphony's dock, along the north fence in the alley, or in the area where the dumpsters are often placed, will be towed at the owners' expense. Public parking is not allowed in any of these areas so don't park your mode of transportation there.

### Medical Insurance Renewal

We no longer have the convenience of having one carrier service our group for most of our health insurance needs. As a result, we have different renewal periods on some of our plan coverage during the calendar year. Our medical plan renewed in August. Renewal period can be a time consuming process that takes several weeks because we are committed to providing our employees with the best possible coverage that fits in our budget and at the lowest cost to the Trustee.

We typically get the renewal premium information from the carrier about two months prior to renewal. Our insurance broker will use that information to market our group to other carriers to see if we can get identical or similar benefits at a reduced cost. Once information from other carriers is received, it is presented to our Benefits Committee members for their review and input and they must make a recommendation to the Trustee. It didn't take long for the committee members to review the other carriers' plans and come to the conclusion that our employees have one of the best plans in the insurance industry. All the other plans that they reviewed that come close to our current plan require that you pay a higher deductible and more out-of-pocket for customary services. Ms. Marshall concurred with their recommendation and is maintaining our current plan. We are so fortunate to have an employer who knows the value of good benefits and how those benefits affect her employees. She is:

- 1.) **not** requiring us to pay any amount toward our single coverage;
- 2.) **maintaining** the trusteeship's percentage toward dependent coverage premiums; and
- 3.) **paying** the increased out-of-pocket premium for those employees who have family dependent coverage because they have been hit the hardest with the premium increase. That benefit applies only for the months of August and September, 2003.

Employees who elect dependent coverage will see the premium rate changes effected as a biweekly payroll deduction labeled **Medprem**. Please review your next payroll statement for accuracy and inform me of any discrepancies.

Are we lucky, or what? If you appreciate our health benefits, like I do, you should let the Trustee and the committee members know. It's not easy to make decisions that affect all of our employees and their families. Thank you, Ms. Marshall, Mark Caffarini, Darlene Odom, Dave Latz, Rita Saunders, and Santricia Teat. Your efforts were appreciated during the renewal process. I'd also like to thank all of our employees for responding promptly as requested to my health insurance memo. I was able to make the changes in a timely manner.

### Flexible Schedule Changes

You already know the changes are coming. Get your grumbling out of the way now. Stay tuned for more details.

Hmmm.....Have you noticed that when we don't appreciate what we already have that a policy gets changed, and then we learn how to appreciate it after it's gone?

*Robin Dirksen*

### EMPLOYEE BIO: Kyle Issleb



*Nickname:* Wolfie, Pinoch, Webster.

*Birth date:* May 30, 1981.

*Birthplace:* An alley in Skokie according to my father.

*Family:* I'd assume so.

*Position:* On my back with all four legs in the air,

*Years with the Office:* Long enough to know they prefer the sitting-in-a-chair position.

*Favorite expression:* Oyff! (pronounced the way it looks.)

*Favorite quote:* "The internet is so big, so powerful and pointless that for some people it's a complete substitute for life" – Andrew Brown.

*Favorite Smell:* My dog after he's been playing in the snow (but not the yellow kind).

*What's most important in life?* Family, friends, laughter and small kindnesses.

*What's guaranteed to make you smile?* Small children at play, especially when they fall down and cry.

*My friends would describe me as:* Irritatingly goofy.

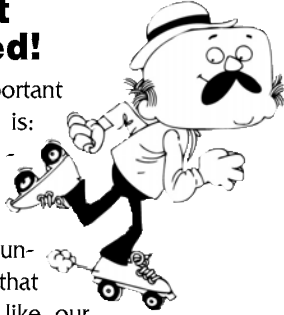
*A perfect day for me would be:* November 14, 1489.

*In 5 years I see myself:* Older, hairier, arthritic and bald.

*Anything else you'd like to tell us?* Due to unreliable sources, some of my answers may not be accurate.

## Fitness: The Hardest Part – Getting Started!

Have you ever considered how important exercise is? The definition of fitness is: *Good health or physical condition, especially as the result of exercise and proper nutrition.* I mention this because obesity is an epidemic in our country. Prevent yourself from following that path but instead, treat our bodies like our houses or cars. Cars need maintenance, oil changes, new tires and our homes need maintenance – cleaning floors, windows, walls, etc. Well I suggest to you that we need to keep in shape and “maintain” our bodies with a healthy lifestyle.



Ok, after saying that, the hardest part is getting started. Consistency is key. You have heard the clichés “mind over matter” or “if there is a will there is a way.” Well, you need to be committed to keeping to a schedule. We should be able to do this. We keep schedules at home – we eat on a basic schedule, three times a day; we sleep and wake up as a routine; we have work and commuting schedules; so why not fit in one more very important thing – time for you! Time for body maintenance.

In getting started, I found it helpful to set a goal. If you currently do not exercise regularly, there are several ways to get and keep motivated. Set a goal to become a runner or avid walker! You can do it! Reading articles always inspire me. There are many great resources on the web to read. Three sites I recommend you view are, [www.time-to-run.com](http://www.time-to-run.com), [www.waddleton.com](http://www.waddleton.com), or [www.runnersworld.com](http://www.runnersworld.com). They have articles on proper footwear, nutrition, how to train to reach certain goals, or to train for a 5k race and forums. Forums or “message boards” are extremely helpful. People write in questions about anything and you get answers and feedback from fellow running/walking peers. It is always good to get real advice from people like you!

Setting a goal to participate in a 5k race is a great and obtainable goal. It is great for two reasons. First, 5k is equivalent to 3.1 miles. This is a distance that you can achieve! Look at it as being able to jog for 30-40 minutes (depending on your pace) without stopping. What a goal! Of course you do not start out jogging that long, but believe me you can soon jog an easy slow pace for a 1/2 hour in no time. Secondly, participating in 5k races is terrific community involvement. Many 5k races are charity sponsored. You are running/walking for a good cause. Many organizations sponsor races to raise money for research on cancer and other diseases. Some community organizations raise money for battered women or homeless shelters. Whatever the cause, you are getting involved in your community. And, often times you get a T-shirt after your hard earned run!

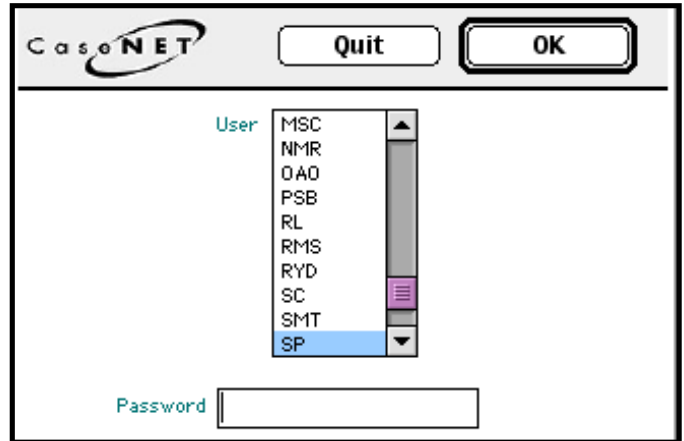
Ok, are you inspired yet? Set a goal. Find a local 5k race near you. And go for it! Visit [www.chicagoevents.com](http://www.chicagoevents.com) or [www.abclocal.go.com/wls/features/community](http://www.abclocal.go.com/wls/features/community) to find upcoming events in your neighborhood.

Cheri Johnson

## INFORMATION SERVICES

### Three Strikes And You're Out!

When logging into CaseNET, take a second to look up and see whose user ID is selected in the user list.



CaseNET remembers the user ID of the last person to log into 4D at that computer. If you perform your work at different computers throughout the office, your user ID will be remembered by that computer. If the next person doesn't notice that your initials are highlighted in the list, they could be entering an incorrect password for your logon. For security purposes, we limit the numbers of retries on incorrect passwords to three. So after three incorrect login attempts the user ID becomes inactive and will not be displayed in the logon list. So, before you strike out, don't just retype your password. Make sure CaseNET knows who's standing at the plate.

#### Mac tip for iMac users

If your iMac freezes, you don't necessarily have to reach for the paper clip right away. If you are able to restart your computer by pressing the on/off key on your keyboard then by all means, go ahead. The “straightened-paperclip-in-the-side” trick is only necessary if you are completely stuck and pressing the on/off key has no effect.

Sandra Pillar

## Inquiring Minds

### QUESTION:

What does our office tell creditors that call the week of check-run wanting to know how much will their disbursements be?

### ANSWER:

That information is not available. We do not want to encourage creditors to call each month for this information. You may suggest Electronic Funds Transfer if they would like this information. We fax and mail a report on Thursday of disbursements.



**To Whom It May Concern:**

Our office’s answer to “Dear Abby” from the perspective of both female and male employees.

Dear Whomever,

*How often is too often for your in-laws to come by and should they feel free to roam at will?*

*From: How often is too often.*

HER RESPONSE...

Dear How often is too often,

Your concern is how often is too often for your in-laws to come by and visit and should they feel free to roam at will.

First of all, let me say that I have in-laws, and I’m not saying what I’m about to say because of the kind of in-laws they are. Truly this comes from the heart.

When you think about it, you realize how serious a question this is. Someone out there really has this type of problem! How was it discovered? Did those suffering with this illness finally come out of the closet? Did a couple, a group of friends, or co-workers, etc., sit around and discover this problem? Or, was it revealed by accident from some kind of joke? Somebody please help me with this one.

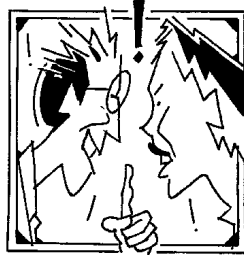
What’s so surprising is that you have in-laws that would even take you there in the first place. Don’t your in-laws remember when they were young and excited – how they felt when their in-laws came by to visit? It’s sort of like when you’re young and trying to get into something you know you have no business getting into, and who shows up but your parents. Then, they hang around making small talk, and the only thing you’re thinking about is “Will they go somewhere?” As a matter of fact, it’s just like that.

I don’t think I have to say anything about the roaming at will. You teach your children something that common when they’re barely talking. If you have an in-law who roams around your house at will it’s because you let them. They’re too deep in your business, or they just don’t like you. That’ll be added fuel for the fire of ammunition against you, or just to support their reasons for not liking you. One bit of advice – Nip it now before it destroys what you spent all your money on – your marriage.

HIS RESPONSE...

Dear How often is too often,

This will always be a touchy subject to anyone with family values. Often we treat family members different from outsiders, especially in-laws. We were taught to welcome family members with open arms, you know “what’s mine is yours”. I don’t see a problem with family visits from in-laws in particular. What people can’t see is that either they



visit and everything is fine or they don’t visit and hear vicious moans and groans from your spouse.

Now once or twice a week is just fine for visiting. The usual drop by to say hello, hold a conversation, tell me what’s new, and have a few laughs and leave. That is what I call a visit. You can determine how often is too often when you run out of stuff to talk about or see their faces in your sleep. It’s very simple, when the visits get to be too much just turn the tides and take random visits to their homes. If they still welcome you with open arms, they might not see anything wrong. I don’t want to see my own family every day.

As you can see, I can tolerate “occasional” visits from in-laws at anytime, but roaming through my house, everyone has the same response to that question. I don’t think anyone should roam through someone’s house for any reason. I’ll show you the washroom, kitchen and where everyone sits when company comes on your first visit. I usually hand out a very simple rule: clean up what you mess up while you are here. It is up to them to keep that in mind when they come over. Any violation of those rules could terminate our beautiful family gatherings.

To be fair to your family and in-laws, talk it over with your spouse. If you think things are still out of order just don’t answer the door!

DO YOU HAVE A PERSONAL QUESTION THAT YOU’D LIKE TO ASK? SUBMIT ONE TODAY IN OUR ANONYMOUS DROP BOX LOCATED IN THE MAIL ROOM.

**September Birthdays, And Other Notable Events**

Happy 2nd Anniversary to **Trustee Marilyn Marshall** on September 1st!

**Labor Day** on September 1st.

**Fight Procrastination Day** on September 3rd (Well, at least think about it!).

**All Staff Meeting** on September 5th.

Happy 5th Anniversary to **Denise Ashley** on September 9th!

**Patriot Day** on September 11th.

**Someday** on September 15th.

**Citizenship Day** on September 17th.

**Fall Begins** on September 22nd.

**National Women’s Health and Fitness Day** on September 24th.

**Family Health and Fitness Day** on September 27th.

Happy Birthday to **Juliana Jones** on September 30th!



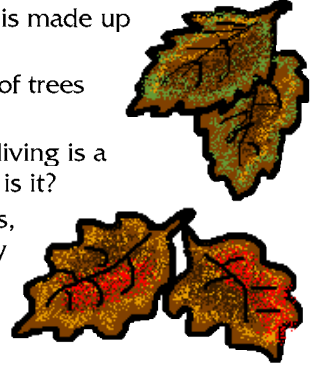
(c) 2001 The Record, (Bergen County, NJ)

### Leafy Trivia Quiz

Even though it's still warm, before you know it, fall will be here. There's no better way to be aware of the season's arrival than when you first notice the changing colors of the trees in your community. To celebrate the arrival of fall, we've put together a quiz to test your tree knowledge. Have fun! (The answers can be found below.)

1. True or False. Almost one third of the U.S. is covered by forests.
2. Which of the following products are made with some part of a tree: chewing gum, hair spray, toothpaste, and/or Twinkies?
3. How long does it take for an oak tree to produce its first acorn?
4. How long does a typical tree in an urban area live?

5. What percentage of a tree is made up of living cells?
6. How many different kinds of trees are there in the world?
7. The oldest tree that is still living is a Bristlecone Pine. How old is it?
8. Palms are often called trees, but they are more closely related to what plant?
9. What type of tree is the tallest in the world?
10. The ship USS Constitution earned the nickname Old Ironsides for its ability to repel British cannonballs. But the ship was not made of iron. What was it really made of?



**OFFICE OF THE  
CHAPTER 13 TRUSTEE  
MARILYN O. MARSHALL**  
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### 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 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 and previous issues on the Chapter 13 Trustee website at <http://www.chicago13.com/>.

↓ These are the answers to the Leafy Trivia Quiz above. ↓

**Leafy Trivia Answers**

- 1 True.
2. All of them.
3. At least 20 years.
4. Only seven years on average.
5. Only 1 percent.
6. Over 20,000.
7. 4,900 years old.
8. Grasses.
9. The California Red wood (the tallest is 368 feet tall).
10. Live oak wood.