

THE **MARSHALL**
CHRONICLES

MAY 2009
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“PROJECTED” MEANS...

The Trustee, Marilyn O. Marshall, my colleagues and I recently had the opportunity to attend oral arguments in the Circuit Court of Appeals for the Seventh Circuit in the *Matter of Brothers v Turner (In re Turner)*, docket #08-2163. The case comes out of the Southern District of Indiana, Indianapolis Division (case 07 B 06592). As in many cases more recently litigated under the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA), this case involves the issue of what the word “projected” means in §1325(b)(1)(B) where it states that “...all of the debtor’s projected disposable income to be received in the applicable commitment period...will be applied to make payments to unsecured creditors under the plan.” The bankruptcy court had overruled the Trustee’s objection to confirmation of the debtor’s proposed plan and the Trustee took a direct appeal to the Appeals court. The arguments and questions posed by the Judges were both interesting and illuminating to me. You may think, “yeah, but was there really anything new or different that we have not already heard in the other circuit court cases previously deciding this issue?” Well, there were a couple of things in particular that I found interesting and maybe you will too – or maybe not.

One of the first questions posed by the panel to the Appellant’s counsel by the court was do we have jurisdiction to hear this case. This is not a particularly unusual question for the court to ask. However, what I found odd was that there had already been an order entered on December 11, 2008, by a three-judge appellate panel *granting* certification for direct appeal. The order specifically provides “It is ordered that the request for certification pursuant to §158(d)(2) is granted.” So, why the fuss? One would think that if the court granted certification for direct appeal then there would be no jurisdictional issue, because otherwise the certification would have been

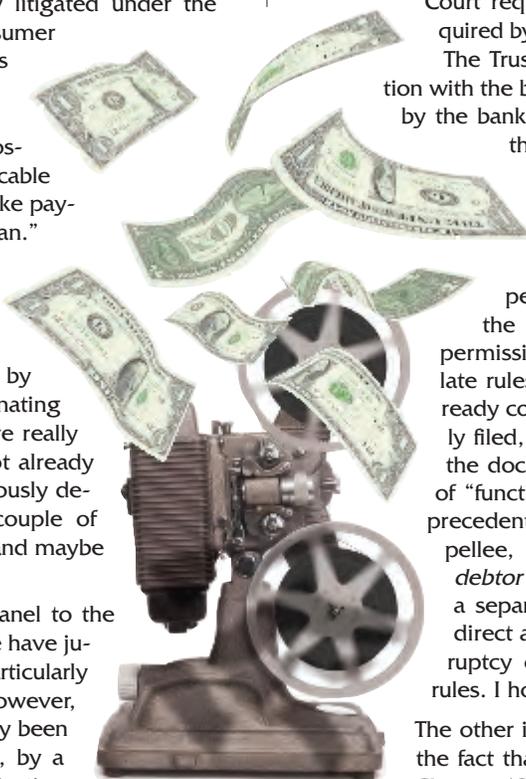
denied, right? At the time, the interim rules were in effect requiring a petition requesting permission to appeal to be filed with the *circuit court* within 10 days of the bankruptcy court certification. (Final rules have since been codified to allow 30 days.) It turns out that there was no petition filed with the Appellate

Court requesting permission for direct appeal as required by rule 5 of the Federal Rules of Civil Procedure. The Trustee had filed a timely petition for certification with the bankruptcy court which was then transmitted by the bankruptcy clerk to the circuit court, along with the bankruptcy court record, within ten days from the date the lower court had certified the issue for direct appeal.

The question then was whether the transmittal of the record containing the petition for certification for direct appeal was the “functional equivalent” of the request for permission to appeal required by the federal appellate rules. Since all of the same information was already contained in the record and petition previously filed, the appellant argued that the sufficiency of the documents presented satisfies the requirement of “functional equivalency” found in Supreme Court precedent analyzing the requirements of Rule 5. Appellee, of course, argued that the failure of the *debtor* (as opposed to the bankruptcy clerk) to file a separate and distinct petition for permission for direct appeal (rather than the one filed in the bankruptcy case) was fatal. We’ll see when the court rules. I hope they get to the merits.

The other interesting and somewhat unique thing was the fact that this was the first circuit court appeal in a Chapter 13 case in which the issue raised involved the deduction from Current Monthly Income or the “expense” side of the “projected” disposable income question. Prior circuit courts and bankruptcy appellate panels have addressed the question only in terms of determining the income side of “projected”

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Projected Means... (Continued from page 1.)

disposable income. Three of the courts previously deciding the issue had factual situations where an "above median" debtor's income during the six months prior to filing the bankruptcy (current monthly income or CMI) was significantly less than it was post-filing. The amount calculated as disposable income in each of these cases was determined to be negative on the B22C form used for calculating that figure but the debtor was now making much more. The Courts in *In re Fredrickson*, 375 B.R. 829, (8th Cir. BAP 2007), cert denied 129 S.Ct 1630 and *In re Petro*, 365 B.R. 369, (6th Cir. BAP 2008) both held that the bankruptcy courts must consider the debtor's post-filing, actual present income at the time of the hearing on confirmation thereby finding that "projected" along with other language in §1325 and the code imparts a "forward-looking" requirement to the amount that must be paid to unsecured creditors under the "projected" disposable income requirement. *In re Kaganveama*, 541 F.3d 868, (C.A. 9 2008) ruled the opposite in generally similar factual circumstances, i.e., debtor's CMI was less before filing than after and the calculation of disposable income produced a negative amount. That Court held that "disposable income" is a defined term that, once calculated using the historical income information defined as CMI and the deductions of



§707 in the B22C form, is to be projected out over the life or term of the plan as required by the "applicable commitment period." If the amount of disposable income is negative, there is nothing to "project" and there is no "applicable commitment period." The Courts in *In re Lanning*, 545 F.3d 1269, (C.A. 10 2008) and *In re Kibbe*, 361 B.R. 302, (1st Cir. BAP 2007) both went the same direction as *Frederickson* and *Petro* but the factual situations were different. In *Lanning*, the debtor's CMI was significantly greater than it was after filing but the Court allowed the use of the actual present income while applying the expenses outlined in §707(b)(2)(A) & (B). In *Kibbe*, the debtor's CMI placed debtor "below median." Debtor used the CMI but actual expenses as listed on schedule J to arrive at a negative "disposable income" while the debtor's actual income would have produced a net available for monthly plan payments of about \$2,380. The Court required use of the actual income rather than allowing the debtor to rely on CMI.

In the *Turner* case presently before the Seventh Circuit, the focus is not on any difference in pre-filing income (CMI) or post-filing (actual) income but, rather, on whether the calculation of disposable income also demands a forward-looking or actual look at expenses at the time of the hearing on confirmation. Specifically, the allowed deductions from CMI to arrive at disposable income include one sixtieth of "...the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition..." plus one sixtieth of any additional amounts owed to secured creditors to cure pre-petition defaults in order to maintain possession of the debtor's primary residence, motor vehicle or other property necessary for debtor or dependants of the debtor. See §707(b)(2)(A)(iii). The debtor's plan proposed to surrender the primary residence and debtor did not propose to make any payments to the mortgagee post-petition or to cure any pre-petition arrears. However, the calculations on form B22C included an amount in line 47 for the monthly post-petition mortgage payment. The basis for debtor taking that deduction is the language of §707(b)(2)(A)(iii) because the monthly amount was, at the time of filing, contractually due to that secured creditor in each month of the 60 months following the date of the petition.

So, in this case the debtor argues that the concept of disposable income is static – that a "snap-shot" of the debtor's expenses is taken at the time of filing and, therefore, that the monthly mortgage payment is an allowed line 47 deduction. The result is a negative disposable income, and a minimal payout to unsecured creditors. The Trustee, on the other hand, argues a forward-looking view. The debtor no longer has the mortgage expense as soon as the plan is filed that proposes to surrender the real estate, the plan is a new contract between the parties and that is what determines "contractually due," and the relevant time to look at the debtor's expenses is at the time the bankruptcy court is considering confirmation of the proposed repayment plan and subsequent thereto. The argument that determining the reasonableness of a debtor's expenses is one of the discretionary roles of the judges that BAPCPA was intended to remove may not apply

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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 third Wednesday of the month via e-mail, a Word document or an ASCII file.

We also ask that anyone who attends a seminar please be prepared to furnish the committee with a detailed article on its subject.
You may also view this edition of THE MARSHALL CHRONICLES, as well as all the previously published issues, all in full color, on the Chapter 13 Trustee website at <http://www.chicago13.com/>.

Trustee Matters

Chicago Trustee Conference East Bank Club, May 7, 2009



Rick Fogel was beaming as he left the conference. He told me that several people said that this was one of the best seminars ever. I wholeheartedly agreed not only because I served on the committee with Rick, who served as Chairman of the Trustee Advisory Committee this year, but also I had received the same feedback from other attendees. Congratulations and hats off to William Neary, the United States Trustee Program in Chicago and the entire Trustee Advisory Committee.

William Neary, United States Trustee for Region 11, opened the conference with his welcome address. He noted that Bankruptcy has had a heightened visibility. Not only was bankruptcy the subject throughout the 2008 Presidential campaign but bankruptcy was also making news headlines daily.

Dean Harvalis and Sandra Rasnak, Assistant U. S. Trustees, delivered the update from the UST's office. The material contained IMPORTANT REMINDERS, which highlighted matters to be aware of for both the Chapter 7 and Chapter 13 Trustees. A new segment discussed was the LEP Phones/Translation Services. Executive Order 13166 improves access for persons with limited English proficiency and requires federal agencies to examine the service they provide. For Chapter 7 and Chapter 13 §341 meetings in locations where phone service is available, it is now mandatory to use this translator service. Currently, this is available in our Chicago office and the downtown Chapter 13 offices, and will be expanded to outlying facilities where §341 meetings are conducted in the near future. We must complete the necessary forms and return them to Julia Russell at the UST office to take advantage of this service. We were cautioned not to give the 800 numbers to debtor's counsel or other members of the public. Each Trustee received a packet of information at registration on the new translation service. This will be a great resource in our office since, previously, we had to have a staff member to serve as an interpreter on occasions.

Ken S. Gardner, Clerk of the Court, followed with statistics and information from the Court. He reported that in the last three months we have had the largest volume of filing post-BAPCPA. There was a 60% increase from March 2008, but Chapter 13 filings in March and April of this year were 23% and 27 % respectively. Also, you can find statistical data on the Clerk's website. The court will be upgrading to 3.3. The Clerk realizes that there is limited sort and search capabilities with CM/ECF, and this will be addressed in the future. Ken completed his presentation just before lunch. Every year the food at the East Bank Club seems to get better and better.

After lunch, Honorable Eugene Wedoff presented the Legislative Update. Judge Wedoff reported that House Bill 1106 and Senate Bill 61, which were the loan modification bills that would allow Judges to modify loans in Chapter 13, were both stalled in the Senate. We were not surprised when he confessed that he actually had nothing to report concerning those bills. Since Judge Wedoff is known to never disappoint with his presentations, he continued to educate the group on House Bill 901. The bill titled Medical Bankruptcy Fairness Act, amends the Bankruptcy Code to give protection to medically distressed debtors. He also discussed Senate Bill 257, the Consumer Credit Fairness Act. This bill also amends the Bankruptcy Code to disallow "high cost consumer credit transactions." He discussed the Rules Committee's proposed changes to the Means Test Forms and changes to Fed-

eral Rules of Civil Procedure 8c. Bill Neary noted that Judge Wedoff could deliver the most interesting updates without any notes. As expected, Judge Wedoff didn't disappoint.

The Civil and Criminal Enforcement Update from Sandra Rasnak, Assistant UST, and Patrick S. Layng, Regional Coordinator of Criminal Enforcement, brought us up-to-date on matters that are also very much in the news. With an increased focus on mortgage fraud, it is always interesting to hear them discuss cases with facts that we can recognize.

David Asbach, Assistant U. S. Trustee, Milwaukee, served as the moderator of the Creditor Abuse Panel. I, along with David Leibowitz, Chapter 7 Trustee, and Joseph Baldi, Chapter 7 Trustee, discussed this topic, which is hot not only in the Chapter 13 world but also in Chapter 7. The materials for the seminar can be used as a resource in both Chapter 7 and Chapter 13. The Chapter 13 Guidelines for Reviewing Mortgages Proof of Claims and the NACTT Best Practices were discussed. David followed with thought-provoking questions to each panelist.

When we returned from the break, the Ethics Case Studies were reviewed. Rich Fogel served as the moderator. Denise Delaurent, Cameron Guiden, and Roman Sukley, Trial Attorneys from the UST office, made up the panel. Chapter 7 Panel Trustees were volunteers for the characters and the case studies were presented as skits. If you didn't understand ethics before, you should now, after seeing this academy award winning performance. Dean Harvalis later reported that this session has been approved for one-hour of CLE credit.

Richard V. Friedman, Trial Attorney, moderated BAPCPA Case Law Update and his panelists were Richard Mason, Chapter 7 Trustee, and Anthony Olivadoti, Managing Attorney for Marilyn O. Marshall, Chapter 13 Trustee. I always equate this presentation with our Case Law Update at the NACTT Annual Seminar. It is presented every year and you cannot miss it no matter where it is placed on the program. Both Richards had a list of cases that each reviewed. Anthony discussed the In re Johnson case which is on appeal to the 7th Circuit Court of Appeals.

Steven Wolfe, Trial Attorney, UST office, moderated the panel addressing Attorney Performance Issues. Glenn Stearns, Chapter 13 Trustee, Deborah Ebner, Chapter 7 Trustee and Allen Demars, Chapter 7 Trustee, were panelists. The panelists looked at systemic/recurring problems and also looked at Trustee remedies. Glenn Stearns discuss §329 cases one in which the court ordered the attorney to disgorge the full \$17,180.37 in fees that he received from the Debtor.

Last on the program was After March First – Life as a Trustee in the Seventh Circuit. Tom Vaughn, the Chapter 13 Trustee on the panel, asked what had he done in order to present at 5:15 p.m., the last session of the afternoon. He received no answer because Gretchen Silver, Trial Attorney, who served as the moderator was eager to introduce the other panelists, Tom Springer, Chapter 7 Trustee, and Frances Gecker, Chapter 7 Trustee. The discussion of the KPMG's decision continued until 5:45 pm.

The conference concluded with a hearty thanks to all of the presenters and attendees from Bill Neary for their participation in the program. Bill Neary was also smiling, as he exited the room.

*Marilyn O. Marshall,
Chapter 13 Trustee*



Projected Means...

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where an objective observation can be made that the expense simply does not exist. The result would be that since the expense cannot be deducted, the disposable income calculated on the B22C will require a higher payout to unsecured creditors, though that payout may be greater than the debtor's ability to pay.



There is one recent 7th Circuit decision that deals with the expense side of the calculations under §707. In *In re Ross-Tousey*, 549 F.3d 787 (7Cir. 2008), the Court held that the "above median" debtors were allowed to take IRS standard vehicle ownership expense deductions from CMI for two vehicles that were owned outright by the debtors – no ownership expense existed. The result was that the debtors had negative disposable income and, therefore, no presumption of abuse arose to preclude the debtors from obtaining a discharge in their Chapter 7 case. The major difference in this case from the *Turner* case is, of course, the one word.... "projected." That undefined bothersome little word is found in §1325(b)(1)(B) applicable to Chapter 13.

While this writer tends to agree with the pragmatic arguments against allowing a debtor to take a deduction for an expense that no longer exists, the question becomes then at what point do we draw the line. When do the courts simply ignore all the implications of the calculations on the B22C made pursuant to the BAPCPA that Congress took such pains to draft and enact – even though it is imperfect? We'll have to wait and see what the Seventh Circuit thinks, if it gets to the merits.

Jay Tribou, Staff Attorney

Trustee Announcement

**Coming Soon:
A New Payment Address
for Chapter 13 Debtors!**



The Office of The Chapter 13 Trustee, Marilyn O. Marshall, will be notifying, debtor, debtor's employers, debtor's attorneys, creditors and the bankruptcy court that all Chapter 13 payments will be mailed to a new lockbox payment address. Our office is in the process of changing banks and, therefore, the lockbox address will change. The effective date of this change will be mailed to all involved.

As we prepare for this conversion, we want to assist you in making the change. If you have printed material that you distribute with the Trustee's payment addresses, please limit printing of this information until the new lockbox address is published.

We have established a new banking relationship with SunTrust Bank. Since more than 130 trustees currently bank with SunTrust, I do not foresee any interruption of services. We will continue to offer Electronic Funds Transfers. Payments will be mailed to Memphis, Tennessee, but, currently, we have not been assigned a lockbox address.

An official notice with an effective date to mail payments to the new lockbox address will be mailed to our clients. Please note that when you receive the notice, it will be official and will not be a scam/phishing about which you should be concerned.

THE TRUSTEE OFFICE IS NOT MOVING. We will still be located at 224 South Michigan Avenue, Suite 800. Chicago, Illinois 60604. However, we do not accept payments at this address.

Marilyn O. Marshall, Chapter 13 Trustee

How To Live Like A Millionaire

Did you know that winning the lottery is not the best way to become a millionaire? In fact, more than 90 percent of lottery winners burn through their money within ten years, with some using up their cash within weeks or months. The true secret is that millionaires don't rely on a quick buck. There are some consistent patterns that millionaires live by that you can imitate on your own road to richness.

Saving and Investing, Not Earning

Millionaires tend to see their money differently than many folks. They perceive their money as a tool for saving and investing, not just as income to spend. They may, for example, live in a smaller home than they could actually afford, in order to have remaining income to invest. In fact, most people would be surprised to learn that many people who have amassed large investment portfolios live rather simply.

Keeping Their Eyes on the Goal

These millionaires tend to be very focused on their goal of financial success and persevere throughout their lifetimes. They tend to work out short- and long-term plans, including writing down their goals and the methods they intend to use to get there. They are also willing to make sacrifices for the long term.

Willing to Take Risks

Millionaires also realize that they need to take some calculated risks in order to maximize their investment earning potential. They understand that they will not become rich by storing their saved cash under their mattress. Rather, they spend the time necessary to learn to invest in the smartest way possible.

Sharing the Wealth

Although donating some of their fortune can offer tax benefits, most millionaires are generous with their money regardless. Giving away some of your treasure often leads to more creative thinking and is a motivation to earn more and make your money work harder.

So, can you become a millionaire? There are currently over eight million households in the United States with a net worth of over \$1 million. The vast majority of those are people who have slowly amassed their fortune over their lifetime. So, while you may buy a lottery ticket from time to time, remember that you can create your own winnings if you are focused, have a plan, and use your money wisely.



Financial Checks Received: Where Do They Go?

Do you know what happens to checks that we receive at the Trustee's office? Who handles these checks? How are these payments tracked, and classified? Where do they go from here?

Negotiable checks received at our office are opened under dual control by our administrative staff. They endorse each check upon receipt. These checks are usually Chapter 13 plan payments (receipts), or creditor disbursement returns.

Another type of negotiable check that we receive is a receipt exception from our bank. These are personal and/or on-line checks, or checks with an incorrect payee. These checks are voided upon receipt.

We also receive some Chapter 13 disbursement checks (void) that are returned. These checks are voided upon receipt. Voided checks are given to the Trustee to void in CaseNET, the case administration software.

After all mail is opened, the administrative staff logs each check into FileMaker databases entitled "In-House Receipts," or "Receipt Exceptions." They then telephone the Payroll Specialist to pick these checks up.

The Payroll Specialist reviews every check and verifies that it is recorded correctly by case name, number, dollar amount and check number. Also, each check is coded as a



The Office of the Chapter 13 Trustee does not accept personal checks as payment on bankruptcy cases, even if they are signed by Abraham "Honest Abe" Lincoln.

receipt, creditor disbursement return or void. Using the In-House Receipts file, the Payroll Specialist will prepare a bank deposit, to be sent to the bank to deposit debtor receipts, and/or creditor disbursement returns. These deposits are mailed to our Bank Lockbox.

A copy of the receipt deposit is given to the Trustee and the Receipts Specialist. A copy of the creditor disbursement return deposit is given to the Trustee, the Receipts Specialist and the Audit/Closing Specialist handling these returns. A copy of the voided checklist is given to the Financial Staff handling voided checks. File copies are maintained in a binder.

Financial Staff research each Creditor Disbursement Return for the proper case, and claim information, then give this information to the Receipt Specialist to be used to load

the deposit information, once it is entered into our Lockbox. They also research all voided checks to determine the reason for return, and for the proper case and claim entries into CaseNET.

Receipt Exception items are given to the Receipts Specialist to send letters regarding these returned items.

Checks deposited into our bank lockbox, will then be processed by the bank. We will receive batch information showing the checks have been received and deposited. The Receipts Specialist will then apply them to the proper case and/or claim.

Stay tuned for more information next month as to how we verify that each check received is posted correctly to CaseNET.

*Juliana S. Dunklin, Payroll Specialist
Rita M. Saunders, Financial Manager*



Case Administration The Debtor Attorney's Disclosure Of Compensation

Pursuant to 11 U.C.S. § 329(a) and Bankruptcy Rule 2016(b), every attorney for the debtor, whether or not the attorney applies for compensation, shall file and transmit to the United States Trustee a statement called "Disclosure of Compensation of Attorney for Debtor." By filing this form, an attorney certifies that he is in fact the attorney for the debtor and how much money the debtor agrees to pay for services rendered or to be rendered on behalf of debtor in their bankruptcy case. In Section 1 of the form, along with the total payment that was agreed upon, the attorney needs to specify how much money was received prior to filing of the petition.

We confirm approximately 300 cases per month, and normally we receive an attorney fee order for each confirmed case. Prior to disbursements, each case is reviewed to make sure we have received and processed all

claims and orders correctly. Among the documents we verify are attorney fee orders. Along with checking the math on the order, we are making sure that the amount received pre-petition matches the amount that was specified in the disclosure statement.

If there is a discrepancy between information contained in the disclosure statement and the fee order, our staff will send a letter to the attorney. The letter informs the attorney that the amount listed on the fee order does not match the disclosure of compensation statement filed with the court and that we require action to be taken to correct the discrepancy by:

- Filing a motion to amend the fee order
- Filing a motion to vacate the fee order
- Amending the 2016(b) fee disclosure statement and providing explanation for the amendment

Until the issue is resolved, the disbursements for the attorney are placed on hold. The purpose of the letters is to ensure that the fee order is not underpaid or overpaid. To avoid a delay in disbursements, please return your response promptly. *Paulina Garga, Case Administration*

Confessions Of A Yard Sale Junkie

This is the perfect time of year for garage and yard sales. There are bargains galore, if you know how to shop wisely. To make your trips to garage sales fun and productive, take heed of these tips from some yard sale pros!

Plan Ahead

Use the newspaper classifieds to plan out your garage sale schedule. Having a good map is a plus. But don't forget to be flexible too. Many yard sales are not advertised in the paper, so keep your eye out for signs posted in the neighborhoods you are visiting. Try to arrive early, but not before the posted start time. Early birds are not always welcome. If you are looking for the lowest prices, consider visiting garage sales later in the day, when prices generally start to drop.

Have the Right Equipment

Wear comfortable shoes that can get dirty and wet—you never know what you might run into. Bring several bags or boxes in your car to place your items when you are ready to take them home. Have old newspapers to wrap breakable items, as many sellers don't provide this. Bring a supply of batteries to check the operability of items requiring them. Don't forget to remove your batteries when you are done! Bring lots of small bills and some change if you are planning on making smaller purchases. And remember, most sellers will only take cash! If you will be out all day, bring sunscreen, a hat, and a cooler full of beverages.

Wheel and Deal

Examine all items carefully, as there is usually an "All Sales are Final" policy. Instead of offering a price, ask what the seller will take for an item. You will sometimes luck out if the seller gives you a lower price than what you would have paid for it. If you see an item you might like, but are unsure of, carry it around with you. Otherwise, someone might snatch it up and buy it before you. If your kids are with you, let them pay for their purchases themselves. Besides teaching them about money, kids will often get better prices on items from sellers.

Closing the Sale

Check items completely before purchasing them. Plug in electrical items, check the insides of things, and make sure of sizes. Be especially careful of baby items. You never know if something has been recalled or if a car seat has been in an accident. If you purchase something that has to be picked up later, like a refrigerator or a sofa, be sure to get a receipt for the item. If you do see something you'd like, but it is priced too high for you, give the seller your name and phone number. Tell them that if it doesn't sell by the end of the day, you'd be interested in buying it if they would come down on the price. You never know—you may end up with a great deal!



Fresh Strawberry Pie

May and June are the peak time for Strawberries. Why not take advantage of them?

Ingredients:

2 tablespoons sugar
 1 1/2 teaspoons vanilla extract
 5 tablespoons unsalted butter, melted
 1 1/3 cups finely crushed vanilla wafers (about 42)
 8 cups hulled strawberries divided (small works best)
 2 tablespoons water
 2/3 cup sugar
 2 tablespoons cornstarch
 1 tablespoon lemon juice
 Whipped cream (optional)



Directions:

1. Preheat oven to 350F. Combine cookie crumbs, sugar, 1/2 teaspoon vanilla and butter, press into a 9-inch pie dish. Bake 10 minutes or until set and barely beginning to brown. Cool.
2. Slice 2 cups strawberries. Combine with 2 tablespoons water in a saucepan. Bring to a boil while mashing strawberries. Cook about 2 minutes.
 Push through a sieve with a spoon. Discard solids that remain. Measure juice and add water to equal 1 cup.
3. Combine sugar and cornstarch in a saucepan. Gradually whisk in strawberry juice and lemon juice.
 Cook over medium heat until thickened. Boil 1 minute. Remove from heat and stir in remaining vanilla.
4. Place 1/2 of the remaining berries in a pie shell; drizzle with 1/2 of the glaze. Repeat twice. Chill 2 hours or until set. Serve cold with whipped cream.

Number of servings: 8

June's Notable Events

All Staff Meeting on June 5th.

National Cancer Survivors Day on June 7th.

Happy Birthday to **Elise Taylor** on June 8th!

Happy Birthday to **Trustee Marilyn O. Marshall** on June 11th!

Flag Day on June 7th.

Happy Birthday to **Sulethé Mason** on June 18th!

Juneteenth on June 19th.

Happy 2nd Anniversary to **Paulina Garga** on June 18th!

Happy 2nd Anniversary to **Alma Martinez** on June 18th!

Happy 2nd Anniversary to **Elise Taylor** on June 18th!

Father's Day on June 21st.

Relaxed Dress-Code for Summer begins on June 21st.

First Day of Summer on June 21st.

Happy 1st Anniversary to **Sulethé Mason** on June 23rd!

Let It Go Day on June 21st.

National Handshake Day on June 25th.



On Intelligence

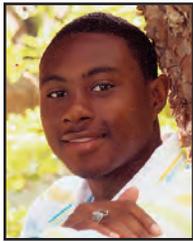
"Knowing a great deal is not the same as being smart; intelligence is not information alone but also judgment, the manner in which information is collected and used."

~ Carl Sagan

"The ability to focus attention on important things is a defining characteristic of intelligence."

~ Robert J. Shiller

Congratulations To The Graduating Class of 2009!



London Spencer Douglas Sylvester

Graduated on May 13, 2009, from Baton Rouge Magnet School in Baton Rouge, Louisiana. London graduated cum laude (3.5-3.8 gpa). After having considered offers from Louisiana State University (their Freshman Merit Award Scholarship) and from Louisiana Tech (their Outstanding Student Scholarship), he has chosen to accept

a four year scholastic scholarship from Morehouse College in Atlanta, Georgia.

His aunt, Marilyn O. Marshall, is so very proud of him. He will be visiting his aunt in Chicago July 18th-July 25th to celebrate his graduation and 18th birthday which is July 21st.

London is the son of Melvin and Eddriene Sylvester, and the older brother of Gabby.



Milan Ashley Wright

Congratulations and best wishes to Milan from the Trustee. Milan will graduate from Seven Lakes High School in Katy, Texas, on June 7, 2009.

Milan will be attending Baylor University in the Fall.

She is the daughter of Steven and LaDonna Barres and Gerald P. Wright of Houston, Texas.



Andrea Rose Caffarini

Congratulations to my godchild and niece, Andrea Rose Caffarini, from her uncle Mark. Andrea has graduated from Marian Catholic High School in Chicago Hts. She shall be moving to Bloomington, Indiana, where she will attend

Indiana University. She plans to major in Education.



Allison Pillar

Allison Pillar, daughter of systems director Sandra Pillar, will celebrate her 8th Grade graduation from the Whitney Young Academic Center on June 9. Allison will continue at Whitney Young for high school. She was recently inducted into the National Junior Honor Society, plays bass clarinet in the top band and has enjoyed success this Spring running the mile on the track team. Congrats to you, Allison! You make your mama proud. Other famous Whitney Young alums include First Lady Michelle Obama and our own staff attorney Keisha Hooks!

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Are We There Yet?

If you are planning a road trip this summer, you are probably searching for ideas to help pass the time for your kids. Take these activities and ideas along with those swimsuits and shorts.

Find It Games

Before you go, write the letters of the alphabet on index cards. During your trip, deal them out to everyone. Search for words starting with those letters on billboards or simply things out the window starting with those letters. The first one to go through all his cards is the winner.

Travel Games

Most board games come in travel sizes. You might check the thrift stores in your area. You can find everything from Monopoly Junior to Memory games and even an electronic Wheel of Fortune.

License Plates Games

Start by together naming all the states in the U.S. This can be harder than it seems! Keep this list handy and every time a license plate from that state is spotted, mark it off. Try to complete your list before your trip is over. Finding Alaska and Hawaii will be extra special.

Category Games

Pick a category. For example, you might choose cities, presidents, flowers, sports, or movie stars. Each player has ten seconds to name something that fits into that category. Continue playing until only one player is left. That person picks the category for the next round.

Never Ending Story

The first person begins this game by saying, "Once upon a time..." and then adding a sentence. The next person continues the story by adding a sentence or two. This can continue as long as you like.



Trivia Quiz Answers: An Extreme Trivia Quiz

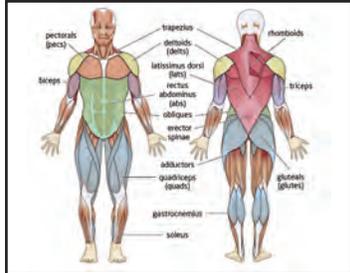
1. The giraffe.
2. The ostrich.
3. Your tongue.
4. Diamond.
5. 22 months.
6. The blue whale.
7. Also the blue whale.
8. Coca-Cola.
9. \$1.19 (3 quarters, 4 dimes, and 4 pennies).
10. Saturn.



Trivia Quiz: An Extreme Trivia Quiz

Records are made to be broken, but some of these records will last a long, long time. Try your hand at this trivia quiz and test your knowledge of the longest, fastest, biggest, and best! (You can find the answers on page 7.)

1. What animal has the largest heart of any land animal as well as the highest blood pressure?
2. What land animal has the largest eyes?
3. Per square inch, what is the strongest muscle in your body?



4. What mineral is the hardest substance known?
5. How long is an elephant's gestation period?
6. What is the largest animal to ever have existed on Earth?
7. What is the loudest animal on Earth?
8. Who has the largest fleet of trucks in the world?
9. What is the largest amount of money in coins you can have without being able to make change for a dollar?
10. Jupiter is the largest planet. What is the second largest?



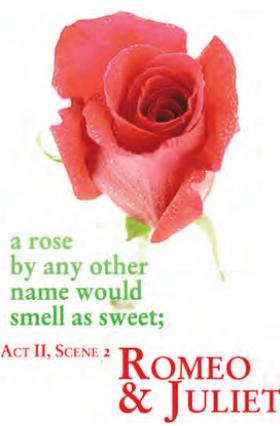
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Did You Know: Roses

June is National Rose Month

- ✿ The writings of Shakespeare refer to roses more than 50 times.
- ✿ There is a rose bush on the wall of the Hildesheim Cathedral in Germany that is thought to be the oldest living specimen. It is over 1,000 years old.
- ✿ To get one ounce of essential oil of rose, it takes 4,000 pounds of rose petals.



- ✿ The rose is native to the United States.
- ✿ Rose hips, the part left on the plant after a rose finishes blooming, contain more vitamin C than almost any other fruit or vegetable.
- ✿ The rose is the official state flower of New York, Georgia, Iowa, North Dakota, and the District of Columbia. It is also the official National Floral Emblem of the United States.
- ✿ About 60 percent of the roses grown in the United States are produced in California.

