



THE

# MARSHALL CHRONICLES

DECEMBER 2010  
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## It's "No Go" Until The Money's Right

How many times have we heard Ms. Marshall say, "Where is the money?"

As Trustee, she is responsible for disbursing nearly 60 million dollars a year to creditors, an average of almost 5 million dollars per month. Since she is trusted with administering the debtor's case according to the confirmed plan, it is understandable that proper disbursements remain a priority.

When we talk about a "Go Live" date for our conversion to BSS TNG, one big item on the checklist is disbursement balancing. This involves converting our CaseNET data into TNG, running a disbursement trial in TNG and then balancing the numbers against what we disbursed in CaseNET.

Are we going to match to the penny? If you know our Trustee, that, of course, is the goal. But we disbursed on 24,083 claims in November, so how do we test and compare each and every disbursement? Right off the bat we had an exact match on 15,593 of the claims, meaning that CaseNET and TNG

paid the same amount. The procedure has been to whittle down the remaining items on the list starting with the largest dollar amount discrepancies. Our goal is that if there is not an exact match, we can give a plausible explanation as to why. The goal isn't always to match exactly, but to be able to reliably and consistently determine the reason for the difference and be comfortable with it. The conversion teams in our office and at BSS have been combing through the results to provide an explanation for why we would not disburse exactly the same to the penny on each system. Sometimes the discrepancy is a good thing, meaning that we want

the disbursements to behave the TNG way and not the CaseNET way.

Much of the conversion process has been related to system setup. There seems to be a parameter for everything in TNG, which allows each Trusteeship to customize the program to meet their individual needs.

One example of a parameter like this is the setting that causes TNG to loop back to a claim and "pay ahead" on the set amount if there is money remaining in the case. In CaseNET, we pay one monthly set amount and then any remaining money sits in the case. Sometimes we don't find out about

this money until we run a "cases with high balance on hand" report. After reviewing these cases, we can set the claim's monthly amount equal to the balance due so that the money can be paid out. In TNG, this happens automatically with no "manual" review.

Another item that causes the systems to disburse differently is the close code, or status of the case. Remember the training session I did on close code flow in TNG? Cases will flow through the system and pay the appropriate creditors, the attorney or the debtor based on the close code of the case. Currently in CaseNET we only disburse on confirmed cases. In order to pay pre-confirmation adequate protection, for example, the claim must be set to pay that way. Also, at the end of the life of a case, we don't disburse on inactive cases. Our disbursement specialist tracks inactive cases with unpaid attorney's fees that still have money in the case, and, in order to pay on

*(Continued on page 2.)*



### It's "No Go" Until The Money's Right



(Continued from page 1.)

these fee orders, she must "force disburse" the money. In TNG, this will be handled automatically with close codes. If a case has the close code of "Dismissed pre-cfm pending final disb," then the system will automatically know to pay the attorney fee.

We reached a milestone on December 16th during our conversion call with BSS. In reviewing the November disbursements and comparing the TNG disbursements to the CaseNET disbursements, we were able to assign a reason to each payment that didn't match on the two systems.

This means we can move on to December!

We've asked you to stay out of TNG so that BSS can concentrate on disbursement balancing and leave the database in a state of November disbursements. Soon, we'll be moving on to December disbursements. When we get that knocked out, we'll let you all back on to practice all that we learned from our intense September training session.

Sandra Pillar, Director of Office Systems

### THE MARSHALL CHRONICLES

The Editorial Staff: Cheryl Jones, HVB and Dave Latz.

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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/.

### Case Administration Petition Entry



Petition Entry is a job that's processed by the Post Confirmation Team. Currently we receive twenty petitions per day, which equals out to four to six per team member including faux plans. Schedules A through J are processed during petition entry along with the plan if filed. Faux plans are petitions that come in without a plan filed with the court.

Once the plan is filed with the court the petition is updated and a team member enters the plan. When petition entry is completed, the team member then gives their petitions to another team member to verify if the plan and schedules were entered correctly.

Schedule D is very important to the entry of petitions. This schedule is a mirror of the debts filed in the plan. If a debt is scheduled in the plan to be paid by the trustee, the plan-based claim field will be selected by the system. Upon confirmation and final verification of the case, a monthly job called Plan Based Claims is run. This job will find confirmed cases where the plan-based claim box was selected and the creditor has not submitted a proof of claim. A claim would then be created, which is called an STR claim, so that the disbursement could begin to that creditor. Some creditors can receive adequate protection payments from these STR claims as long as the schedule indicates that there is a purchase money security interest (PMSI) for that debt.

The team is looking forward to working with the new system, as the entry of every schedule will no longer be necessary. We will only enter the debts that were listed on Schedules D, E and F. This will cut down on data entry, make the petition entry process run a lot smoother, and the department will be more efficient.

Elise Taylor, Laura Mendoza & Cheryl Jones, Case Administrators

### By the Numbers: Christmas



- The U.S. Postal Service will deliver over 16 billion cards, letters, and packages between December 1st and Christmas Day.
■ Pre-cut Christmas trees account for 78% of all trees purchased in the United States. The rest are sold to people who cut their own trees.
■ About 44% of all American feel they spend too much on Christmas gifts.
■ The average Christmas trip is 275 miles for those traveling to be with loved ones on the holiday.
■ Retail stores take in about 15% of their total year's sales in December. That percentage rises to 24% for jewelry stores.

Source: U.S. Census Bureau

**Trustee Matters**

**Congratulations to Patrick S. Layng from the Office Of the Chapter 13 Trustee!**  
**Press Release from the U.S. Trustee Program Website**



**U.S. Department of Justice**  
*Executive Office for United States Trustees*

For Immediate Release  
December 14, 2010

**Patrick S. Layng Appointed United States Trustee  
for Northern Illinois, Wisconsin**

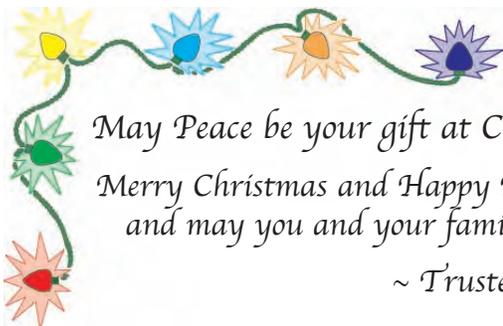
**WASHINGTON** - Patrick S. Layng has been appointed by Attorney General Eric Holder as U.S. Trustee for the Northern District of Illinois and the Eastern and Western Districts of Wisconsin (Region 11), and will assume his duties today, the Executive Office for U.S. Trustees announced. Mr. Layng replaces William T. Neary, the U.S. Trustee for the Northern and Eastern Districts of Texas (Region 6), who has also served as U.S. Trustee for Region 11.

For the past six years, Mr. Layng was a Regional Criminal Coordinator for the U.S. Trustee Program (USTP) with responsibility for prosecuting bankruptcy-related cases as a Special Assistant U.S. Attorney, providing consultation and guidance for law enforcement and USTP personnel on criminal bankruptcy fraud issues, and lecturing extensively on bankruptcy crimes, mortgage fraud, and related topics. Prior to that, he was an Assistant U.S. Attorney in the Northern District of Illinois for more than 14 years. From 1987 to 1989, Mr. Layng was law clerk to the Honorable Stanley J. Roszkowski, U.S. District Court, Northern District of Illinois (retired).

Mr. Layng has tried nearly 40 federal criminal trials and argued 14 cases before the U.S. Court of Appeals for the Seventh Circuit. He received his law degree *cum laude* from the University of Illinois Urbana-Champaign Law School and his undergraduate degree *magna cum laude* from the University of Illinois Urbana-Champaign College of Commerce.

The USTP is the component of the Justice Department that protects the integrity of the bankruptcy system by overseeing case administration and litigating to enforce the bankruptcy laws. The USTP has 21 regions and 95 field offices. Region 11 is headquartered in Chicago with additional offices in Milwaukee and Madison, Wisconsin.

Contact: Jane Limprecht, Public Information Officer  
Executive Office for U.S. Trustees  
(202) 305-7411



*May Peace be your gift at Christmas and your blessing all year through!  
Merry Christmas and Happy New Year to all in the Bankruptcy Community,  
and may you and your families have a wonderful and safe holiday season!*

*~ Trustee Marilyn O. Marshall ~*



**Financial**  
**New Mid-Case Audit Review Item: Case Feasibility**

In order to monitor bankruptcy cases assigned to our office more closely during the life of the plan, auditors will be checking, and monitoring, case feasibility during the mid case audit.

Case feasibility is covered in the following sections of the Bankruptcy Code:

- ★ 11 U.S.C. §1322(d) states “a plan may not provide for payments over a period that is longer than three years unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than five years.”
- ★ 11 U.S.C. §1329(c) states “a plan modified under this section may not provide for payments over a period that expires after the applicable commitment period under 1325(b)(1)(B) after the time that the first payment under the original confirmed plan was due, unless the court, for cause, approves a longer period, but the court may not approve a period that expires after five years after such time.”



Auditors will be checking the plans to make sure that they will complete within the five years allowed by the code. In order to check case feasibility at the time of the mid case audit, the payoff balance (remaining claim balances, interest accrued, and the projected Trustee administrative fees), is divided by the number of months left in the plan.

- ★ Example – Feasible Case: Case is at 30 months. Plan Payment is \$1,667.00, and the payoff balance is \$50,000.00.  
 $\$50,000.00 / \$1,667.00 = 30$  months remaining – case will complete in time, and is feasible.
- ★ Example – Unfeasible Case : Same case as above, however the payoff balance is \$60,000.00.  
 $\$60,000.00 / \$1,667.00 = 36$  months remaining – case will not complete in time, and is not feasible.

The calculation is more extensive when the Trustee is paying a current mortgage in a bankruptcy plan. For simplicity, an example is not shown of this calculation, but the fact that monthly current mortgage payments come due is taken into account.

If an auditor finds that a bankruptcy case is running over 60 months during the mid case audit, the case will be referred to our Staff Attorney, who in turn will communicate with the debtor’s attorney, and request that the plan be modified in order for the case to complete within 60 months. The auditor will monitor this matter, and follow-up with the staff attorney to ensure that the proper legal action is taken to correct the case feasibility.

Case feasibility is also checked before case confirmation, post confirmation, and at the end of the case. It is the Trustee’s intention to resolve any case feasibility issue during the life of the plan, and not at the end of the plan.

With the addition of this new audit review, our office hopes to see more cases successfully complete.

*Rita M. Saunders, Financial Manager*

**January’s Notable Events**



- New Year’s Day** on January 1st.
- Happy 24th Anniversary** to **Rosalind Lanier** on January 5th!
- All Staff Meeting** on January 7th.
- National Clean Off Your Desk Day** on January 10th.
- National Hat Day** on January 15th.
- Happy 10th Anniversary** to **Juliana Dunklin** on January 16th!
- Martin Luther King, Jr. Day** on January 17th (the office will be closed).
- National Popcorn Day** on January 19th.

- Happy Birthday to Darlene Odom** on January 21st!
- National Pie Day** on January 23rd.
- National Compliment Day** on January 24th.
- Clean Out Your Inbox Week** is January 24th through January 28th.
- Happy 3rd Anniversary** to **Maude Tetteh** on January 28th!
- National Kazoo Day** on January 28th.
- Bubble Wrap Appreciation Day** on January 31st.



**Legal**  
**Paper Pushers Beware!**

As a paralegal, there is a big push to file documents electronically and it has been going on for approximately two years. Well, in the private sector, it still hasn't sunk in. We still receive, in the mail and by fax, hard copy documents (PAPER) from debtor attorneys (such as pay advices and tax returns). I'm not saying that it's chronic, but on any given day our mailboxes are still full of paper. Our office has gone beyond to prepare for pdf formatted documents (servers, scanners, etc). I think there is more paper now than before we asked that documents be sent electronically.

Let me tell you, it is more efficient and quicker if you would just scan and email your documents, especially, if you would like the staff attorneys to review your case properly. When we get paper documents, one has to locate the case, then, make sure the documents have all been reviewed. As hard as we try, sometimes this doesn't happen because the one who

received the documents may be out and the documents may not be marked as "satisfied," or the documents cannot be located when it's time for the case to be reviewed.

So, in order for this not to happen, pdf documents should be named, docketed as received and moved into the images folder for that particular case.

When a person wants to view a pay stub, they only have to go to the image folder for that case and they'll see all the documents that were sent via debtor's attorney or court filed.

Our office email address for these documents to be sent by email is: [payadvices@chi13.com](mailto:payadvices@chi13.com) and [taxreturns@chi13.com](mailto:taxreturns@chi13.com)

Please let's try to use these email addresses. One day we'll run out of paper and then what will you do?

*Catherine Mendoza, Paralegal*



**Legal**  
**You're A Mean One, Mr. Grinch**

I was asked today why I was in a "Grinch" mood while doing §341 meetings. However hard I try to be in the holiday spirit, a few bad creditor meeting will squash that elation almost immediately.

Now, the reason is not because I don't like doing the meetings. Creditor meetings help ground one's perceptions. We normally see a paper profile of the debtor in the petition and speaking with the debtors helps give a human perspective to the situation.

Those are the good cases. By good cases I mean the ones where the petitions are filled out correctly, the debtors were prepped correctly by their attorneys, and the debtors are actually making some effort to repay their bills and treat their creditors fairly.

Unfortunately, those cases are NOT the norm. The first case I had started out poorly. I asked the debtor, under oath to tell the truth, of course, if he had any prior bankruptcy filings over the past eight years. He said "no." Now in reality, this is his third case. A 2005 Chapter 7 and a prior Chapter 13 that was filed and dismissed not four months ago. One would wonder why he said no to my question... I sure did.

Bad preparation by his attorney, who is getting paid \$3,500 for the second time. The debtor actually believed, and it's quite common, that this second Chapter 13 case is the same as his prior 2010 case because the previous one "didn't go through."

Many debtors have no idea how the re-filing process works or that they are getting charged a second fee. After the first

case gets dismissed, the debtors are in a vulnerable spot and with the automatic stay as a carrot, they agree to anything, even if it doesn't really benefit them.

One would think I was being picky but as we progressed through the meeting, there were creditors listed that were owed "unknown" amounts, a Schedule J that didn't provide for auto insurance though the debtor pays it, a plan that was not feasible on its face and provided fixed payments to the secured creditors at monthly installments of \$0.00 per month, and a B22C that showed the debtor's monthly income at \$9,180 when in fact, that was his YEARLY income and he really only brings home \$845.00 a month.

Talk about going from over the median to under in no time at all. These are some of the problems we face in creditor meetings that, quite frankly, are inexcusable. Often times I wonder if the attorney representing the debtor ever read the documents before they were filed. If not ethically bound, debtor attorneys have a duty under the model retention fee agreement to perform certain tasks, such as preparing and filing schedules truthfully, and having clients that are informed about their case.

More importantly, these attorneys are asking for \$3,500 to represent people and some of them appear to be clueless about the case and the debtor's situations. While there are some excellent debtor attorneys out there, I truly hope that the others take a hard look at the way they practice law. With a bad economy, there are a lot of desperate people out there that need good solid representation to get out of their financial troubles. They can't afford shoddy representation and, as a bankruptcy community, we should not tolerate it.

*O. Anthony Olivadoti, Managing Attorney*



**One City, One Food Drive – Chapter 13 Pitches In With Heart And Gusto!**



*Some of the contributors pose with a few of the items found among the five full boxes of food that were collected in the office.*



*Dave and Carlos dropping the boxes off.*

In the past, the ERC (Employee Recognition Committee) has worked diligently to provide a Holiday Party for employees to enjoy. This year, we decided to do a little something different for the holiday season. Instead of a Christmas event, we joined BOMA (Building Owners and Managers Association) and the Greater Chicago Food Depository in the fight against hunger by donating non-perishable food items to the Food Depository’s “One City, One Food Drive” campaign. Several members of the office made this suggestion to the ERC in lieu of an office party.

We stationed boxes throughout the office, and employees were able to bring in as many donations as they could during our two-week drive period. We collected five large boxes of donations filled with everything from breakfast items to dinner and snacks. The entire office was buzzing with excitement as the boxes were packed and the office picture was taken. We all had a sense of fulfillment in doing something for someone else this year. This is going to be an ERC tradition for many years to come. It would not have

been successful if it were not for the kind hearts of everyone at the Office of the Chapter 13 Trustee!

Merry Christmas and Happy New Year from the ERC Committee: Monica Frausto, Cheryl Jones, Catherine Mendoza, Laura Mendoza, Darlene Odom and Elise Taylor.

*Elise Taylor, Catherine Mendoza & Cheryl Jones, Case Administrators/ERC Committee Members*



## Tax Tips For The New Year

What better New Year's resolution can you make than getting your finances in order? Take time this January to do a few simple things that can go a long way towards making your tax filing time easier than ever.



### Organize Better

Instead of keeping your tax records and receipts stuffed into shoeboxes, take some time this year to organize your records better. A large accordion file may be all you need. Label the slots with different categories, like medical expenses, donations to charity, and other deductions. Every time you pay your bills, drop your receipts into the appropriate slot. When tax time comes around, you'll have everything at your fingertips.

### Learn More about the Tax Laws

You don't need to make the tax code your bedside reading, but it is helpful to become more knowledgeable about the tax laws that might affect you. If you are unsure about what deductions you may qualify for, or what tax consequences you may incur from investing decisions, consider talking to a qualified accountant.

### Look Into Your Tax Saving Opportunities

Ask your employer about ways to maximize your tax-sheltered savings potential. Consider increasing your contribution to your employer's 401(k) plan to take advantage of all of the tax benefits available to you. Also ask about any "flexible spending arrangements" that you may qualify for to pay for child-care and medical bills.

## Grandma Lorena's Holiday Magic Cookie Bars



### Ingredients

- 1/2 cup of butter
- 1 1/2 cup of graham cracker crumbs
- 1 14 ounce can of condensed milk
- 1 cup of butterscotch chips
- 1 cup of chocolate chips
- 1 1/3 cup of coconut flakes
- 1 cup of chopped walnuts

### Directions

Preheat the oven to 350 degrees. Melt the butter in the oven in a 13" x 9" baking pan. Put the graham cracker crumbs over the butter. Pour on the condensed milk. Top with the remaining ingredients in order. Press everything down in place.

Bake for 25 minutes. Cool slightly before cutting. Enjoy!

*Submitted by Percy Davis, Administrative Clerk*

## Beating The Chronic Pain Cycle

If you find that you are suffering from aches and pains every day, you may be in a cycle that develops over time. Many people ignore the daily pains that come from working at a computer, being on your feet all day, or other occupational hazards. But if these pains are not addressed, you can end up with irreparable damage to your body.



There are many causes of daily pain, including body positioning at work, too much sitting or standing, injuries from workouts, or even stress. To help alleviate some of these concerns, try these techniques:

### Move around.

Getting up and moving around during the day helps your circulation and keeps your muscles healthier. If you have a sedentary job, try to get up at least once every two hours for a short walk or some moderate stretching.

### Consider your posture.

Poor posture can easily lead to chronic pain. When sitting, don't slump your shoulders forward. You should also have an ergonomic workspace if possible. If you are behind the wheel for much of the day, you still need to concentrate on good posture. Place your seat in a position that allows you to easily reach the pedals without having the steering wheel too close to your chest. Sitting up straight, even in the car, can help with those aches and pains.

### Talk to your doctor.

If you find that you are doing everything right (a good workstation, frequent breaks, good posture, stretching before exercising) and you still are suffering from daily pain, you should talk to your doctor. He or she can help develop a plan to give you the tools you need to cut back on the stress on your body and begin to heal before more damage is done.

## Trivia Quiz: Trivial Trivia – The Answers:

1. Eight minutes.
2. Antarctica.
3. Geoffrey.
4. 1978.
5. Vermont.
6. California.
7. 16 years old.
8. Mars.
9. The U.S. Naval Observatory.
10. 119.

**Trivia Quiz: Trivial Trivia**

Test your trivial trivia knowledge with this little quiz. *(The answers can be found on page 7.)*

1. How many minutes does it take for light from the sun to reach Earth?
2. Where is the volcano Erebus located?
3. What is the name of the Toys R Us mascot giraffe?
4. In what year did the first casino open in Atlantic City?



5. What was the first U.S. state to join the Union after the original 13?
6. Which state has the most 7-11 stores?
7. How old was actress Judy Garland when she filmed The Wizard of Oz in 1939?
8. Which planet has the largest volcano and the largest valley in the solar system?
9. What institution is responsible for measuring and distributing correct time in the United States?
10. How many grooves are on the edge of a quarter?



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The Marshall Chronicles is now available in full color,  
both in print and on-line at [www.chicago13.com](http://www.chicago13.com)

**Did You Know: Pie Trivia**

January 23 is National Pie Day. Do you know your pie?

- The first pies made by the early Romans were often baked in reeds. These reeds were intended only for holding the pie filling ingredients together, not for eating with the filling.
- The first pie recipe was published by the Romans and was for a rye-crust-ed goat cheese and honey pie.
- According to a survey by Crisco and the American Pie Council, one out of four Americans prefer apple pie above all others.



- The next most favored pie is pumpkin or sweet potato, followed by anything chocolate, lemon meringue, and cherry.
- Early Americans called pie fillings “timber” and the crust “coffins.”
- You’ve heard of the term “eating humble pie.” Well, humble pie was an actual dish, not just a saying. It was popular in 17th century England. This pie was served to the “humble” servants and consisted of the deer innards (heart, liver, and kidney) that were not good enough to be served to the noblemen. These innards were combined with apples, currants, sugar, and spices.

