



**NACTT**

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February 1, 2005

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Re: Proposed Bankruptcy Rule 4002

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The National Association of Chapter 13 Trustees ("NACTT"), a non-profit, educational organization of consumer bankruptcy practitioners, trustees, debtor's advocates, and creditor's representatives, writes to support the adoption of the amendments proposed to Rule 4002 of the Federal Rules of Bankruptcy Procedure now being considered by the Committee on Rules of Practice and Procedure.

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A Chapter 13 debtor is under a statutory obligation to provide to the bankruptcy trustee all recorded information, including books, documents, records, and papers, related to property of the estate. See, 11 U.S.C. § 521(4). Chapter 13 trustees are charged with the responsibility of monitoring all Chapter 13 cases to determine whether a plan proposed by a Chapter 13 debtor complies with the requirements of Chapter 13 and the Bankruptcy Code including the question of whether a debtor is paying all disposable income. Chapter 13 trustees have standing to be heard on the question of confirmation of a proposed plan and are authorized to oppose a bankruptcy plan in which a debtor is seeking to pay less than the full amount of debts while failing to dedicate to a repayment plan all of that debtor's disposable income.

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Trustees across the country have developed tools to assist them in eliciting the information necessary to perform this vital function. Some trustees, bolstered by local rule, review tax returns, pay advices, insurance documents, title and mortgage information, and other documentary evidence at or prior to a meeting of creditors. Other trustees, utilizing more cumbersome methods, elicit similar information from the debtor or the debtor's attorney by consent or by more formal means of discovery.

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Trustees, however, are fully mindful of the burdens that can be imposed upon a family by simply going through the process of a Chapter 13 bankruptcy. The trustees are also mindful that a Chapter 13 debtor, as opposed to a Chapter 7 debtor, is often paying a substantial portion of debt back to creditors. Most Chapter 13 debtors are making a sincere and true sacrifice in order to accomplish the goal of repaying debt. Chapter 13 trustees wish to facilitate that process and not construct unreasonable barriers to the parties.

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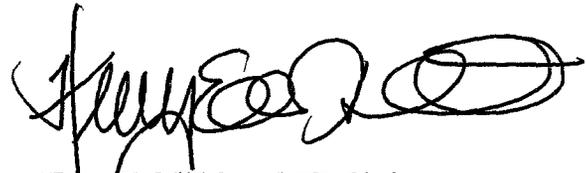
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The rule now being considered by the Rules Committee provides to the Chapter 13 Trustee an additional tool with which to fulfill the statutory responsibilities of that office. The rule also recognized that, in some cases, the Chapter 13 Trustee may relieve a debtor of this obligation, particularly where the ability to obtain such information is costly, cumbersome, or simply not available.

The Trustee members of the NACTT, therefore, recommend the Rules Committee adopt the proposed modifications of Rule 4002(b) to bring veracity and reliability to the schedules prepared by debtors and their counsel. We believe the rule is reasonable, appropriate and will assist in the administration of the bankruptcy process.

Very truly yours,



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