

# OFFICE OF THE STANDING CHAPTER 13 TRUSTEE

## MICHAEL B. KAPLAN

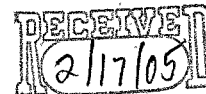
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February 11, 2005



Peter G. McCabe  
Secretary of the Committee on Rules of Practice and Procedure  
Administrative Office of the United States  
Washington, D.C. 20544

04-BK-029

RE: Proposed Amended Bankruptcy Rule 4002(b)(2)

Dear Mr. McCabe:

As Standing Chapter 13 Trustee, I write to you in support, and in recommendation that the Rules Committee adopt the proposed New Bankruptcy Rule 4002(b)(2).

Chapter 13 Debtors are under a statutory obligation, as per 11 U.S.C. 521(4), to provide, to the Trustee, recorded information including books, records, and papers, related to property of the estate. Chapter 13 Trustees have responsibilities, enumerated by law, to appear, and be heard on Confirmation of a Proposed Plan. In addition, Trustees must determine whether a plan proposed by a Debtor, complies with all requirements of the Chapter 13 laws. These laws include, among other provisions, a good faith filing, with full disclosures, dedication to the repayment plan of all disposable income, and insurance that Debtor(s) pay a fair share, equal to a hypothetical asset liquidation.

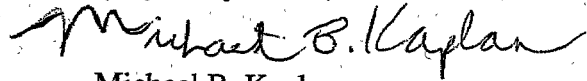
The Proposed Rule provides the Chapter 13 Trustee with an additional and flexible tool to fulfill the statutory responsibilities of his/her office. This rule, requiring Debtors to produce basic documents at 341(a) examination meetings, minimizes the more cumbersome methods of seeking attorney consent, or undertaking formal discovery, while providing flexibility for Trustees and Debtors, where the ability to obtain the information is simply not available, costly, or cumbersome in some circumstances.

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Proposed Amended Bankruptcy Rule 4002(b)(2)

The Proposed Rule is timely, appropriate, reasonable, and in the best interest of a fair and equitable bankruptcy process.

Very Truly Yours,

A handwritten signature in cursive script that reads "Michael B. Kaplan".

Michael B. Kaplan,  
Standing Chapter 13 Trustee

/jas