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STANDING TRUSTEE CHAPTER 13

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February 11, 2005

04-BK-043

Mr. Peter G. McCabe
Secretary of the Committee on
Rules of Practice and Procedure
Administrative Office of the United States
One Columbus Circle, N.E.
Washington DC 20544

Re: Proposed New (Amended) Bankruptcy Rule
4002(b)(2)

Dear Mr. McCabe:

As a Standing Chapter 13 Trustee, I write in support of and recommend the Rules Committee adopt the proposed New Bankruptcy Rule 4002(b)(2).

Chapter 13 debtors are under a statutory obligation (11U.S.C. Section 521(4)) to provide to the Trustee recorded information including books, documents, 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 and to determine whether a plan proposed by a debtor complies with all requirements of Chapter 13, which include, among other provisions, a good faith filing with full disclosures, dedication to the repayment plan of all disposable income and insuring that debtors pay a fair share equal to a hypothetical asset liquidation.

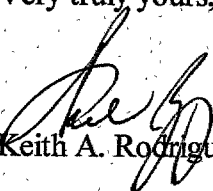
Trustees, however, are fully mindful of the burdens that can be imposed upon a family by simply going through the process of a Chapter 13 bankruptcy. The Trustees are also mindful that a Chapter 13 debtor as opposed to a Chapter 7 debtor is often paying a substantial portion of debt back to creditors. 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.

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 recognizes 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.

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

Very truly yours,



Keith A. Rodriguez

KAR/tns