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To "Rules" <Rules_Comments@ao.uscourts.gov>

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Subject Bankruptcy Rule 4002

04-BK-035

As a practicing Ch. 7 trustee, I support the proposed rule and urge it's adoption. The information required (pay stub, tax returns, bank statements) should already be used by every debtor to complete his or her bankruptcy schedules and statements. Otherwise, how could a debtor accurately report his or her gross income, payroll deductions and net wages; his or her gross income for purposes of the statement of affairs; and his or her schedule B reporting of bank accounts? To simply bring this information (again, which should already exist) to the Sec. 341 meeting would allow the trustee to easily confirm what the debtor has place on the schedules and statements with virtually no hardship or cost to the debtor. Certainly, bank account balances may have to be updated per the date of filing, but if the actual amount in the account on the date of filing differed from the scheduled amount, the schedules would have to be updated anyway. This rule simply provides a straight-forward way to confirm how much was in the account on the date of filing. The rule would also allow the trustee to compare tax-refund information included on the debtor's schedules with the actual amounts set forth in the tax returns. Last, the rule allows the trustee to waive the requirement of bringing such information to the Sec. 341 meeting. Trustees around the country regularly require all sorts of information be brought to Sec. 341 meetings--car titles, recorded mortgages, deeds, etc. Trustees also regularly waive that requirement when conscientious attorneys work with trustees to provide the requisite information in a manner that is acceptable to both parties.

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