

04-BK-042

OFFICE OF THE
CHAPTER 13 TRUSTEE
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February 14, 2005

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

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

Dear Mr. McCabe:

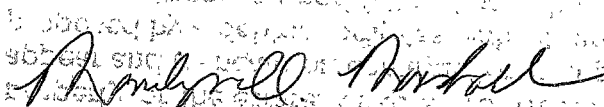
As a Standing Chapter 13 Trustee, I write in support of and recommend the Rules Committee adopt the proposed New Bankruptcy Rule 4002(b)(2).

Chapter 13 debtors are under a statutory obligation (11 U.S.C. § 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.

The proposed rule provides the Chapter 13 Trustee with an additional, flexible tool to fulfill the statutory responsibilities of his/her office. The rule requiring debtors to produce basic documents at 341 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.

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

Very truly yours,


Marilyn O. Marshall