

# COMMUNICATION WITH THE TRUSTEE'S OFFICE

Trustee's Website: <https://www.ch13wdva.com/>

Trustee Phone Number: (540)342-3774

## **Plan Payments:**

- 1) If employed, the surest way to make your monthly Plan payment is to have your **employer deduct** it from your paychecks. If you would like to use this option, please have your attorney file the required paperwork.
- 2) If you have secure access to the internet and either a savings or checking account, you may pay your Plan payment electronically from your banking account. To explore this option, called **ePay**, please visit: [www.ch13wdva.com/debtor-payments.html](http://www.ch13wdva.com/debtor-payments.html)
- 3) If you cannot implement a deduction from your paycheck and cannot participate in ePay, then you must make your payments by check. Please make the check payable to and send it to Christopher Micale, Trustee, P.O. Box 750, Memphis, TN 38101-0750. Make sure to include your name and case number on the check. Do NOT send cash.

**Online access:** Information about Plan payments, disbursements from your case and general case information may be found at **ndc.org**. You will need to register to access your case but registration is free to you.

**Correspondence Only:** 15 Salem Avenue, SE, Suite 300  
Roanoke, VA 24011

**While the Trustee's office will help you with administrative issues related to your case and attempt to empower you with knowledge about your case, it is important to know that neither the Trustee nor staff can give you legal advice or an opinion as to the best way to resolve issues in your case. Legal opinions can only be provided by your attorney.**

## **WHAT IS “CHAPTER 13 BANKRUPTCY?”**

A Chapter 13 Bankruptcy is a process that allows you to obtain a fresh financial start by paying back your debts and may allow you to modify some of your debts while keeping your property. Unlike Chapter 7, in a Chapter 13 you will pay a certain amount of your debt back over a period of up to 60 months, and, after all required payments are made, you are generally eligible to receive a discharge.

## **DO YOU KNOW YOUR CASE NUMBER?**

At the time your Chapter 13 petition was filed, the Bankruptcy Clerk assigned your case a number. Your case number can be found on the document the court mailed to you entitled Official Form 309I, Notice of Chapter 13 Bankruptcy. If you cannot locate it, the Trustee’s office can provide your case number to you; once you have your case number keep it handy because you will likely need it again.

## **WHAT DOES YOUR ATTORNEY DO?**

Your attorney is your advocate to assist you in resolving your financial issues and providing an opinion about the best course of action you should take. Under the rules of the Bankruptcy Court, your attorney must continue to appear and represent you for as long as your case is active or until the judge permits your attorney to withdraw from your case. It is very important your attorney always has your most current phone number, email address and mailing address. PLEASE BE RESPONSIVE TO YOUR ATTORNEY’S COMMUNICATIONS.

## **WHAT ARE YOUR RESPONSIBILITIES?**

Your responsibilities are:

- Make timely payments to the Trustee and if unable to do so, contact your attorney immediately. There are many ways to address this problem and remain in your case but you must contact your attorney to determine the best way.
- Complete a course in financial management prior to discharge of your case.
- Report any changes to your address to your attorney during the life of the case.

## **WHEN MUST I MAKE MY FIRST PAYMENT?**

Your first payment must be received in full within 30 days of the filing of your Chapter 13 case. There are several ways to make your payment to the Trustee:

1. **Payroll deduction order:** The Court will order that your wages be withheld from your paycheck and sent directly to the Trustee.
2. **ePay:** This is the Trustee’s electronic payment system. Like a bill payment system, simply register at the following link: <https://www.ch13wdva.com/debtor-payments.html>
3. **Personal checks, money orders, cashier’s checks:** While the Trustee’s office strongly prefers the other methods of payment listed above, the Trustee’s office does accept personal checks, money orders and cashier’s checks by mail to the following address with the case number written on the check or money order:

**Christopher Micale, Chapter 13 Trustee**  
**P.O. Box 750**  
**Memphis, TN 38101-0750**

**\*Do not use an express mail or overnight method to send your payment to the Trustee, as this will slow down the receipt of your payment\***

### **WHAT IF THE TRUSTEE FILES A MOTION TO DISMISS?**

If you fail to make the payments to the Trustee as required by your plan, or otherwise fail to comply with the terms of your plan, the Trustee will file a Motion to Dismiss in your case. This does not necessarily mean your case will be dismissed, but rather an issue must be resolved. There may be many options to resolve the issue but you must contact your attorney immediately to understand your options. Your attorney and the Trustee will then work towards a resolution.

### **WHAT IF MY CREDITORS CONTINUE TO CONTACT ME?**

If a Creditor contacts you demanding payment differently than how to propose to pay them in your Chapter 13 case, contact the Trustee's office immediately.

### **CREDITORS NOT LISTED**

Only those creditors listed on your petition will be discharged. If you discover you failed to list a creditor on your Bankruptcy petition, contact your attorney immediately.

### **CAN I BUY A HOUSE, CAR OR ANYTHING ON CREDIT?**

It is not always advisable to take on new debt during your bankruptcy case. However, if it is necessary to do so, contact your attorney. If you borrow more than \$15,000.00 for any reason, you will need Court permission and your attorney will need to file a Motion with the Court.

### **CAN I SELL MY PROPERTY?**

You cannot sell any of your property, including land, without Court approval. If you want to sell or trade in any of your property, such as a car, or sell or refinance your home, be sure to discuss it with your attorney because you will need Court approval to do so.

### **WHAT IF I DON'T FILE MY TAX RETURNS?**

The law requires you to file your tax returns every year while your case is pending. Failure to file ongoing tax returns could result in the Trustee filing a Motion to Dismiss. If you file your returns and cannot pay the balance owed, contact your attorney immediately. Options exist to potentially pay the taxes through your bankruptcy case.

### **WHAT IF I ACQUIRE PROPERTY DURING MY CASE?**

A Chapter 13 case typically lasts 3-5 years. Many things can happen during that time. Because the Bankruptcy Code provides that all property acquired during the case is property of your bankruptcy estate, you are required to keep the Chapter 13 Trustee and the Bankruptcy Court apprised of the receipt of any property, including property received through an inheritance, life insurance settlement, or lottery winnings.

## **OTHER REQUIREMENTS**

**MEETING OF CREDITORS:** You must attend your Meeting of Creditors held by Zoom. Coordinate with your attorney on how you will access the online meeting. The meeting can be accessed at zoom.com and the meeting ID and passcode were included in the Notice of Chapter 13 Bankruptcy mailed to you by the court.

**MORTGAGE PAYMENTS:** If you are making a mortgage payment directly to a lender and not through your Chapter 13 case, it is very important you make your payments timely to the mortgage creditor each month. If you fail to do so, the mortgage creditor can file a Motion with the Court to ask for your property back.

**AUTOMOBILE AND HOMEOWNERS INSURANCE:** It is very important you keep your automobile insurance and any homeowner's insurance current during the life of your bankruptcy case. If you have a mortgage and pay your homeowner's insurance directly to the insurer, make sure to keep the payments current. Failure to do so can result in a Motion to Dismiss and increased costs to you.