

Chapter 13 Debtor Instructions to Comply with the Bankruptcy Code and Bankruptcy Rules

1. **Debtor must comply with all the applicable requirements of the Bankruptcy Code and Bankruptcy Rules, including but not limited to, those found in 11 U.S.C. § 521 and Bankruptcy Rules 2015 and 4002, where applicable. This includes a duty to file tax returns and operating reports.**
2. **Tax Returns.** File your tax return on time or obtain an extension to file your tax return. Send a copy of your tax return or the extension to the Trustee within thirty (30) days of filing your tax return. [Fed. R. Bankr. P. 4002(b)(3)].
3. **Operating Reports.** If you are self-employed or operate a business, you must provide the Trustee with monthly operating reports throughout your entire case. [Fed. R. Bankr. P. 2015(c)(1)].
4. **Tax Refunds.** You can voluntarily use your tax refund to make payments. The Court may also order you to contribute some of your tax refund to the Plan. [11 U.S.C. § 1306(a)(1)].
5. **Shortfall.** You must make all payments under the Plan before the Plan is complete. [11 U.S.C. § 1322(b)(5)].
6. **Insurance.** You must maintain insurance or the court will order you to. [11 U.S.C. § 1326(a)(4)].
7. **Payment Records to Trustee.** You must keep and maintain all payment records to Trustee when you are engaged in business. [Fed. R. Bankr. P. 2015(c)(1)]. However, it is still a good idea to keep and maintain all payment records made to Trustee even if you are not engaged in business.
8. **Payment Records to Secured Creditor.** You must keep and maintain all payments made to Secured Creditors once you file your bankruptcy petition. [11 U.S.C. § 1326(a)(1)(C)].
9. **Donation Records.** If you make charitable donations during your case, you should record and maintain those charitable donations. The Trustee or Court may require you to show them.
10. **Domestic Support Obligation(s).** You must maintain a record of all domestic support payments paid directly to a separation agreement, divorce, child support or court order. You must also complete and sign the “Certification Regarding Domestic Support Obligations” required by Local Rule 4004-2. Return the Certification to the Trustee when you submit the last payment of the Plan. [Bankr. S.D.N.Y. R. 4004-2].
11. **Change in Address.** You must notify the court and Trustee if your address or contact information changes during the case. [Fed. R. Bankr. P. 4002(a)].
12. **Disposal of Property.** You cannot sell, burden, transfer, or dispose of any real property or personal property outside of the ordinary course of business without court approval. [Fed. R. Bankr. P. 6007].
13. **Proof of Fair Market Value.** The values in your schedules are not adequate proof of the fair market value of collateral or outstanding liens. The court will consider a broker’s price opinion or appraisal as evidence of the value of your real property, a payoff letter, or account statement as evidence of a lien amount. [11 U.S.C. §§ 522(f), 101(36), 101(53)].
14. **Mailing and Service of the Plan.**

- (a) You must mail this Plan to all creditors and parties in interest at least 31 days (28 days plus 3 additional days if service is by mail) before the confirmation hearing. You must also file an affidavit showing compliance with the notice requirement as required by Bankruptcy Rule 2002(b) and Local Bankruptcy Rules 3015-1(c) and 9078-1. [Fed. R. Bankr. P. 2002(b); Bankr. S.D.N.Y. R. 3015-1(c), 9078-1].
- (b) If you checked a box that requires service under Bankruptcy Rule 7004, you must serve this plan on any creditor affected by the box that has been checked. Although Bankruptcy Rule 7004 contains additional provisions, which should be consulted, commonly used provisions of the Rule are as follows:
- a. Send the summons and complaint by first class mail to an individual (other than an infant or incompetent person) to the individual's house, place where the individual stays, or the individual's business or profession. [Fed. R. Bankr. P. 7004(b)(1)];
 - b. Send the summons and complaint to the attention of an officer, managing or general agent, or any other agent that is authorized by statute to receive service of process of a domestic or foreign corporation, partnership, or unincorporated association. If you mail the summons and complaint to an agent also mail a copy to the defendant. [Fed. R. Bankr. P. 7004(b)(3)];
 - c. Send the summons and complaint to the civil process clerk at the office of the United States attorney for the district where you brought your action. Also mail a copy of the summons and complaint to the Attorney General of the United States at Washington, District of Columbia. If you are attacking the validity of an order of an officer or an agency of the United States not made a party, mail a copy to that officer or agency. The Court will give you a reasonable time for service pursuant to this subdivision for the purpose of curing the failure to mail. [Fed. R. Bankr. P. 7004(b)(4)];
 - d. Send a copy of the summons and complaint by first class mail to any officer or agency of the United States as prescribed in paragraph (4) of this subdivision and also to the officer or agency. If the agency is a corporation, the mailing shall be as prescribed in paragraph (3) of this subdivision of this rule. The court will give you a reasonable time for service pursuant to this subdivision for the purpose of curing the failure to mail a copy of the summons and complaint to multiple officers, agencies, or corporations of the United States if the plaintiff has mailed a copy of the summons and complaint either to the civil process clerk at the office of the United States attorney or to the Attorney General of the United States. If the United States trustee is the trustee in the case and service is made upon the United States trustee solely as trustee, service may be made as prescribed in paragraph (1) of this subdivision of this rule [Fed. R. Bankr. P. 7004(b)(5)];
 - e. Send a copy of the summons and complaint by first class mail to the person or office of a state, municipal corporation, or governmental organization that is prescribed by law to be served in the state your action is brought. If there is no designation of who to serve, then mail a copy to the CEO. [Fed. R. Bankr. P. 7004(b)(6)];

- f. Service on an uninsured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) in a contested matter or adversary proceeding shall be made by certified mail addressed to an officer of the institution unless-(1) the institution has appeared by its attorney, in which case the attorney shall be served by first class mail; (2) the court orders otherwise after service upon the institution by certified mail of notice of an application to permit service on the institution by first class mail sent to an officer of the institution designated by the institution; or (3) the institution has waived in writing its entitlement to service by certified mail by designating an officer to receive service. [Fed. R. Bankr. P. 7004(h)]

If Debtor has checked a box that requires **service** under Bankruptcy Rule 7004, Debtor must **serve** this Plan on any creditor affected by the box that has been checked.