

# KYLE L. CARLSON, TRUSTEE

Office of Chapter 12 & 13 Bankruptcy Trustee

---

Phone: 218-354-7356

Fax: 218-354-2235

E-mail: [info@carlsonch13mn.com](mailto:info@carlsonch13mn.com)

Correspondence:

55 2nd Avenue SW

P.O. Box 519

Barnesville, MN 56514

Website and ePay: [www.carlsonch13mn.com](http://www.carlsonch13mn.com)

Phone payments: 1-888-548-0787

Cashier's Checks and Money Orders:

2900 Momentum Place

Chicago, IL 60689-5329

---

The following letter includes information, instructions, and suggestions to use as a guide during the life of your bankruptcy. You may contact the Trustee's Office with non-legal questions concerning your bankruptcy and for information about making payments made under your plan. A list of the employees of the Trustee and their duties is included in this letter. Communication between the Trustee's office and debtors is a key component to working through bankruptcy. However, please do not seek legal advice from the Trustee or his staff. Only your attorney can advise you on legal matters.

## **11 U.S.C. § 342 NOTICE**

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under this title shall be subject to a fine, imprisonment, or both; and all information supplied by the debtor in connection with a case under this title is subject to examination by the Attorney General.

## **NOTICE IS HEREBY GIVEN THAT INFORMATION RELATING TO YOUR CHAPTER 13 BANKRUPTCY CASE WILL BE MADE AVAILABLE ON THE INTERNET TO YOUR CREDITORS AND OTHER PARTIES IN INTEREST**

Pursuant to 11 U.S.C. §§ 1302(b)(1) and 704(7), the Chapter 13 Trustee has a duty, unless otherwise ordered by the Bankruptcy Court, to furnish information concerning the administration of your bankruptcy case as is requested by parties in interest. In furtherance of this duty, the Chapter 13 Trustee will make the following information available to parties in interest who request such information:

- Your name, address, bankruptcy case number, state and district in which your case is pending, and the trustee assigned to your case. Your social security number will not be visible to parties in interest, but they will be able to search for your bankruptcy case using your social security number. Furthermore, your employer's name will not be displayed.
- Information regarding claims filed against your bankruptcy case including the identity of the claimant, the type of claim (e.g., priority taxes, secured, unsecured, etc.), and the amount of the claim.
- A history of all payments you make to the Chapter 13 Trustee in your bankruptcy case including the date and amount of each payment.
- A history of all disbursements made by the Chapter 13 Trustee in your case including the date of the disbursement, the payee, and the amount.

# **PRE-341 MEETING OF CREDITORS INSTRUCTIONS AND INFORMATION**

## **YOUR PLAN PAYMENTS**

**Your first payment under your proposed plan is due within 30 days of the date you filed bankruptcy. Payments are due on this date each and every month thereafter until your plan is completed.** You will not receive monthly notices of your payment due date from the Trustee's Office. Failure to make your payments may result in the dismissal of your case. If you receive a motion to dismiss, contact your attorney immediately as you may have options to resolve the issues that have arisen. Chapter 13 is a voluntary program for repaying your debts over an extended period without pressure from your creditors. It will be successful only if you adhere to the terms of your plan.

You should not make any payment to your creditors included in your plan after the bankruptcy is filed unless your plan specifically instructs you to remit direct payments to your creditors listed in your plan. Usually ongoing mortgage payments and ongoing child support payments that come due after the filing of your bankruptcy are paid directly and not through the Trustee's office. If you have any questions concerning direct payments, be sure to contact your attorney.

## **ACCEPTABLE FORMS OF PAYMENT**

- Personal checks and bill-pay are not acceptable forms of payment. These types of payments will not be accepted by the Trustee's Office and will be returned to you.
- The Trustee's e-Pay system allows you to make one-time or automatic monthly payments from your checking or savings account online. The link can be found at <http://carlsonch13mn.com>. There is a \$1.50 service fee per transaction.
- The Trustee's phone payment system allows you to make payments from your checking or savings account over the phone. Debtors should call 1-888-548-0787 and follow the prompts. There is a \$1.50 service fee per phone payment transaction.
- Paper form payments can be made with either money order or cashier's check, made payable to Kyle L. Carlson, Trustee and mailed to 2900 Momentum Place, Chicago, IL 60689-5329 (do not send overnight/UPS/Fed Ex/etc). Include your case number on your payment to ensure proper credit for your payments.
- You may also choose to have your payment automatically deducted from your wages (form is attached). Because this takes some time to set up, you must make payments through the options described above until the Court Order for wage deduction is in place.

## **341 MEETING OF CREDITORS**

You must attend the 341 Meeting of Creditors scheduled for your case. The meeting cannot be held without your attendance and your spouse's attendance (if a joint bankruptcy case was filed).

## **REQUIRED DOCUMENTS PRIOR TO 341 MEETING OF CREDITORS**

- **TAX RETURNS** – Seven (7) days prior to the 341 meeting with the Trustee, the Trustee **MUST** have last year's tax returns in hand or the 341 meeting may not be held on the scheduled date.
- **SELF EMPLOYMENT** - If self-employed, business information needed: business questionnaire, insurance verification, bank statements, any corporate tax returns, business licenses, proof of payment of withholding tax and sales tax, if applicable.

## **REQUIRED DOCUMENTS AT THE 341 MEETING OF CREDITORS**

The 341 meeting cannot be held without the following information. **THERE WILL BE NO EXCEPTIONS.**

- **SOCIAL SECURITY NUMBER VERIFICATION:** Social Security cards or W2 forms.
- **PHOTO IDENTIFICATION:** A valid government issued photo ID (driver's license, passport, military ID)
- **PAY ADVICES:** Most recent, issued just prior to the 341 Meeting of Creditors.
- **BANK STATEMENTS:** Copies of statement for accounts showing the balances as of the date of filing, including, checking, savings, health savings, money market, and non-retirement stock accounts.

# **POST 341 MEETING OF CREDITORS INSTRUCTIONS AND INFORMATION**

## **CONFIRMATION HEARING**

A confirmation hearing is conducted before a Bankruptcy Court Judge following completion of the 341 Meeting of Creditors. It is at the confirmation hearing that your proposed plan is approved. Only attend this hearing if your attorney tells you to attend.

## **TAX RETURNS**

You are to forward a copy of your tax return each year when you file it with the IRS. If required by the terms of your plan, tax refunds should immediately be submitted to the Trustee's Office when received from taxing authorities. Tax refund payments should be made through e-Pay, phone payment, or cashier's check/money order.

## **CASE REPORTS**

The Trustee's Office will send a report to you in January of each year of your plan that list the dollars that you have paid to the Trustee's Office and to whom we have distributed these dollars. It will list the creditors that you have listed in your schedules. It will also list the creditors who have filed claims. When you receive this report, please look it over carefully. If you see something on the report that you don't understand or something in the report does not look correct, please contact your attorney and the Trustee's Office immediately.

## **INHERITANCES, LIFE INSURANCE PROCEEDS, OTHER WINDFALLS, AND INCREASED INCOME**

If you should receive any information that indicates that you will receive an inheritance, life insurance proceeds, or any windfall of property or money, at any time during this plan, contact your attorney immediately to let your attorney know what is transpiring. In addition, if your income increases above a cost of living adjustment, immediately contact your attorney. The Trustee expects you and your attorney to disclose such information to the Trustee's Office.

## **LOSS OF INCOME AND MISSED PAYMENTS**

If you fall behind on your payments to the Trustee's Office or direct payments to your creditors, you should contact your attorney immediately. If you receive a motion to dismiss your case or a motion for relief from the automatic stay, also contact your attorney immediately. Your attorney will know what options you may have for dealing with these issues and changes in your financial circumstances, including job loss and unforeseen medical expenses. Your attorney is required to promptly respond to your questions throughout the case. Other than adversary proceedings in which the original attorney has not yet made an appearance, your attorney is required to represent you in bringing and defending all matters in the bankruptcy case until a substitution of attorneys is filed or an order is entered allowing the attorney to withdraw, as specified in the Notice of Responsibilities of Chapter 13 Debtors and Their Attorneys and in the Local Rules.

## **CHANGE OF ADDRESS**

You should notify the Trustee and the Clerk of Bankruptcy Court, in writing, of any changes of address.

## **SALE OF PROPERTY**

It may be necessary for you to obtain Court approval before you sell, or otherwise dispose of any property, both real and personal. Please consult your attorney for legal advice if you wish to sell your property.

## **CHILD SUPPORT**

You must pay any child support or alimony payments that are due after your case was filed directly to the collection agency or person. Failure to do so may result in denial of a discharge or dismissal of your case.

## **CASE INFORMATION ACCESS THROUGH NATIONAL DATA CENTER**

**NDC.ORG**:: You can view your case information on-line anytime and without charge by going to [www.ndc.org](http://www.ndc.org) and clicking the "GET STARTED" button to register. The National Data Center can assist you and your attorney in gaining access to your Chapter 13 Bankruptcy Case information securely through the internet. Benefits of setting up a National Data Center account include:

- Access your Chapter 13 bankruptcy information online.
- Helpful answers to frequently asked questions.
- A quick glance at the page may save you a call to your lawyer or trustee office.
- Provides you the information you need to stay informed about your Chapter 13 bankruptcy case.
- Keep yourself on track during your payment plan.
- Ensure that you will have no surprises.

If you believe the information about your bankruptcy case is inaccurate, you can contact the National Data Center to report the error and you should receive a written response from the National Data Center within thirty (30) days following receipt of such report. You may also contact the National Data Center at 707-938-3639.

### **TRUSTEE'S OFFICE CONTACT INFORMATION**

**Phone:** 218-354-7356

**Fax:** 218-354-2235

**General Email:** [info@carlsonch13mn.com](mailto:info@carlsonch13mn.com)

#### **EPAY & Payment Information**

- Jamie Swenson – [jswenson@carlsonch13mn.com](mailto:jswenson@carlsonch13mn.com) – Ext 308

#### **Address Changes**

- Connie Akers – [cakers@carlsonch13mn.com](mailto:cakers@carlsonch13mn.com) – Ext 304

#### **Case Administration (Confirmation, Dismissals, Payoffs, Wage Orders)**

- Jamie Swenson – [jswenson@carlsonch13mn.com](mailto:jswenson@carlsonch13mn.com) – Ext 308 (Fergus Falls/St. Paul/Fargo Cases)
- Patty Halverson – [phalverson@carlsonch13mn.com](mailto:phalverson@carlsonch13mn.com) – Ext 306 (Duluth/Minneapolis/Bismarck Cases)

#### **Case Closings, Discharge Issues & Final Reports**

- Jane Salber – [jsalber@carlsonch13mn.com](mailto:jsalber@carlsonch13mn.com) – Ext 305

#### **Claims**

- Jane Salber – [jsalber@carlsonch13mn.com](mailto:jsalber@carlsonch13mn.com) – Ext 305
- Kristi John – [kjohn@carlsonch13mn.com](mailto:kjohn@carlsonch13mn.com) – Ext 301
- Karen Johnson – [kjohnson@carlsonch13mn.com](mailto:kjohnson@carlsonch13mn.com) – Ext 313

#### **Loan Letters and Relief Stay Motions**

- Kristi John – [kjohn@carlsonch13mn.com](mailto:kjohn@carlsonch13mn.com) – Ext 301
- Karen Johnson – [kjohnson@carlsonch13mn.com](mailto:kjohnson@carlsonch13mn.com) – Ext 313

#### **Rescheduling Meeting of Creditors**

- Connie Akers – [cakers@carlsonch13mn.com](mailto:cakers@carlsonch13mn.com) – Ext 304

#### **Tax Returns/Refunds**

- Rebecca Stout – [rstout@carlsonch13mn.com](mailto:rstout@carlsonch13mn.com) – Ext 302

#### **Trustee**

- Kyle Carlson – [kcarlson@carlsonch13mn.com](mailto:kcarlson@carlsonch13mn.com) – Ext 0

#### **Trustee Staff Attorney**

- Mike Gieseke – [mgieseke@carlsonch13mn.com](mailto:mgieseke@carlsonch13mn.com) – Ext 0

#### **Trustee Attorneys**

- Patti Sullivan – St. Paul cases – [patti@pattisullivan.com](mailto:patti@pattisullivan.com) – 651-699-4825
- John Hedback – Minneapolis and Duluth cases – [jhedback@hac-mnlaw.com](mailto:jhedback@hac-mnlaw.com) – 612-436-3280

## **BANKRUPTCY INFORMATION SHEET**

**BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET PROVIDES YOU WITH GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.**

### **WHEN YOU FILE BANKRUPTCY**

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

Chapter 7 – A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the State where you live and applicable federal laws.

Chapter 13 – You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 – Like chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 – This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

### **WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a “discharge.” A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for–

- most taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do

something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements—

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**

# KYLE L. CARLSON, TRUSTEE

Office of Chapter 12 & 13 Bankruptcy Trustee

---

Phone: 218-354-7356  
Fax: 218-354-2235  
E-mail: info@carlsonch13mn.com  
www.carlsonch13mn.com

Correspondence:  
55 2nd Avenue SW  
P.O. Box 519  
Barnesville, MN 56514

Payments:  
2900 Momentum Place  
Chicago, IL 60689-5329

Re: Wage Order Request Form

Below you will find a Wage Order Request Form. This type of order requires your employer to deduct payment from your paychecks and forward the funds directly to the trustee. If you would like to take advantage of this, please complete the enclosed form and return it to our Barnesville address. *If you don't have a confirmed plan at this time, we will file this with the court when your plan is confirmed.* You will receive a copy of the signed order in the mail, and your employer and attorney will also receive copies. **You should continue to mail money orders or cashier's checks to the Chicago address until you are certain that your employer has begun the wage assignment.**

## WAGE ORDER REQUEST FORM

Debtor's Name \_\_\_\_\_

Case Number \_\_\_\_\_

Debtor from whose  
paycheck to be deducted: Debtor                      Spouse

Social Security Number \_\_\_\_\_

Employer Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Frequency of Deduction      Weekly    Bi-Weekly (26/yr)    Semi-monthly (24/yr)    Monthly

Amount of Deduction \_\_\_\_\_

*Example: If you are paid every two weeks (bi-weekly), take your monthly bankruptcy payment times 12 months and divide by 26.*

Starting Date \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Telephone Number: \_\_\_\_\_