

MARIE-ANN GREENBERG
Chapter 13 Standing Trustee

CHAPTER 13 STANDING TRUSTEE'S POLICIES REGARDING PROOFS OF CLAIM
(For Cases Confirmed on or after June 15, 2006)

- If a claim was filed for a higher amount than scheduled in Debtor's petition and schedules, we will pay this claim as filed unless an Objection to the claim or amended Plan is filed. Please be advised that if we pay this claim and you do not file an Amended Plan, the debtor may be in jeopardy of not completing his/her case within the original time frame. An amended plan is not needed if the plan is confirmed as pro rata to unsecured creditors and the claim at issue is a non-priority unsecured claim.
- If a creditor that was not originally listed in Debtor's schedules or Chapter 13 plan files a claim, our office will add this claim to the list of creditors as unscheduled and it will appear on the case report. If we do not hear from you and you do not file any paperwork with the court with regards to this claim (Objection, Motion to Modify Plan, etc.), we intend to pay this claim with other similarly classified claims. In addition, if we pay this claim and you do not file an Amended Plan, the debtor may be in jeopardy of not completing his/her case within the original time frame.
- If a claim was filed as unsecured and the debtor's schedules and confirmed plan indicates that there are no unsecured creditors, we will set this claim up to be paid at a 100% dividend. If you disagree with this treatment, you must file an objection to the claim or a modified plan providing for treatment of same.
- If a creditor was listed as unsecured but the claim was filed as secured or priority, we will disburse money to this creditor as per the filed proof of claim unless an Objection to the claim or amended Plan is filed.
- If debtor's plan provides for the curing of mortgage arrears and that creditor has not filed a proof of claim, we will file a proof of claim on their behalf in the amount as proposed by the plan. However, we will not file a proof of claim for any other type of secured or priority creditor that is provided for in the plan. In order to commence payments to these creditors, a proof of claim must be filed either by the creditor or by the debtor [or attorney for debtor] on their behalf.
- If a creditor files a duplicate proof of claim, we will continue to pay the creditor based on the original proof of claim. You must file an objection to claim if you want to remove the duplicate claim from the claims register. This policy also applies to proof of claims entered on the claims register multiple times by the clerk.
- If a creditor was scheduled to be paid outside the plan and that creditor files a proof of claim, we will pay only the arrearages listed in the proof of claim. If you disagree with this treatment, you must file an objection to the claim or a modified plan providing for treatment of same. In addition, please be advised that if we pay this claim and you do not file an Amended Plan, the debtor may be in jeopardy of not completing his/her case within the original time frame.
- If a creditor files a proof of claim in connection with a piece of property that debtor has surrendered through the plan, we will not pay that proof of claim unless it is for an unsecured deficiency. If you disagree with this treatment, you must file an objection to the claim or a modified plan providing for treatment of same.
- If a creditor files a proof of claim after the applicable deadline to file claims has passed, we will pay that proof of claim. If you disagree with this treatment, you must file an objection to the claim or a modified plan providing for treatment of same. In addition, please be advised that if we pay this claim and you do not file an Objection or Amended Plan, the debtor may be in jeopardy of not completing his/her case within the original time frame.