

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 unsecured 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 the debtor's plan provides for the curing of mortgage arrears and that creditor has not filed a proof of claim by the proof of claim deadline, we will set up the creditor in our system pursuant to the plan and file a notice of reserve with the court. If no proof of claim is filed within 60 days of the Notice of reserve, we will zero out the creditor and not pay. Please be advised that we will no longer be filing a proof of claim on behalf of the creditor.
- If a creditor files a duplicate proof of claim, we will continue to pay the creditor based on the original proof of claim, unless the Court's Registry indicates that the claim is an amended claim. You must file an objection to the claim if you want to remove the duplicate claim from the claims register.
- 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 the 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 only if the plan provides for a "surrender in full satisfaction" or a Zero dollar remaining unsecured balance. Otherwise the claim will be taken as an unsecured deficiency claim consistent with plan treatment.
- 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.
- If the plan or confirmation order provides for mortgage arrears to be paid outside of the plan through a loan modification and an arrears claim is filed we will set the claim amount as zero dollars and the creditor will receive no disbursements through the plan. If an order approving a loan modification is subsequently entered there will be no change in the treatment of the claim.

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- If the plan or confirmation order provides for mortgage arrears to be paid inside the plan even though a loan modification is being sought we will set up the arrears to be paid through the plan upon a proof of claim being filed. If an order approving a loan mod is subsequently entered and requires either the debtor to modify the plan or the creditor to amend its claim the Trustee will wait 60 days for these actions to be taken. If neither debtor nor creditor complies with the order an objection to claim will be filed.