

**TRUSTEE GUIDELINES FOR THE OFFICE OF
KATHLEEN A. LEAVITT
CHAPTER 13 STANDING TRUSTEE**

I. Introduction

Pursuant to LR 3015(b), “each chapter 13 standing trustee may issues guidelines for the administration of chapter 13 plans.” As such, Kathleen A. Leavitt is issuing the following Trustee Guidelines for the cases in which she is appointed as the Standing Trustee. The Trustee may amend these guidelines at anytime. The Trustee’s current guidelines can be found at www.las13.com.

II. Contact Information and Office Hours

- Correspondence Address: Kathleen A. Leavitt, 201 Las Vegas Blvd South, Suite 200, Las Vegas, NV 89101
- Payment Address: Kathleen A. Leavitt, P.O. Box 1453, Memphis, TN 38101-1453
- Office Hours: 9:00 A.M. to 12:00 P.M. and 1:00 P.M. to 4:00 P.M. Monday to Friday, Closed Federal Holidays
- Phone Number: (702) 853-0700
- Fax Number: (702) 853-0713
- General Correspondence E-mail: kal13mail@las13.com
- Website: www.las13.com

III. Additional E-mail Contact Information

- Orders for Signature: orders@las13.com
- Order Shortening Time Requests: ost@las13.com
- Confirmation Review Appointments: chreview@las13.com
- Conduit Documents: conduit@las13.com
- ePay Communication: epayquestions@las13.com

IV. Form Plan

LR 3015(a) allows each Chapter 13 standing trustee to issue a form Chapter 13 plan. The Trustee’s form plan must be observed. The Trustee will not recommend confirmation on plans not conforming to the Trustee’s form plan. The form plan can be found on the Trustee’s website at www.las13.com. The Trustee may revise the form plan at anytime.

V. Document Process and Requirements

Debtors are required to provide several documents to the Trustee during the bankruptcy process. The Trustee has issued the following procedures for turnover of those documents.

- A. Submission – Debtors’ attorneys must submit documents via the Trustee’s FTP site where documents are electronically transmitted to the Trustee. For more information

on setting up an FTP login, visit the Trustee's website at www.las13.com or call the office at the number listed above. Attorneys who are not regular filers may, at the Trustee's discretion, mail, e-mail or hand deliver documents to the Trustee's office at the correspondence address listed above. Debtors who are not represented by an attorney may mail, e-mail or hand deliver documents to the Trustee's office at the correspondence address listed above.

B. Timing – Trustee must receive documents no later than seven days prior to the § 341 Meeting of Creditors or confirmation hearing for such documents to be considered. Documents received after that time may not be considered, and the hearing may be continued to give the Trustee sufficient time to review the requested documentation.

C. Required Documents – The Trustee requires the following documents in each case:

COPIES OF:

- Bank statements for all accounts for the month of filing, plus the preceding 6 months;
- Pay stubs for the 6 months preceding the month of filing;
- Tax Returns or Tax Affidavits filed with the IRS for the four years prior to filing;
- Completed Chapter 13 Trustee Bankruptcy Questionnaire & Document Request (form available at www.las13.com).

SIGNED ORIGINALS:

- B-21 or Statement of Social Security Number;
- Declaration of Electronic Filing.

ADDITIONAL DOCUMENTATION, IF APPLICABLE:

- Verification of Social Security Income, Disability Income, and Pension Income
- Verification of all sources of income
- Documentation on Life Insurance (premium statement page & declaration page)
- Appraisals on any Real Property in the United States or another country (e.g. Raw Land, Timeshares, Investment property)
- Sworn Affidavit of Support/Contribution from contributing source
- Sworn Affidavit from third party making vehicle payment
- Pay stubs for non-filing spouse for the 6 months preceding the month of filing
- Divorce Decree and any Property Settlement Agreements and Orders
- Court Order for child support, alimony, or other domestic support obligation
- Domestic Support Obligation (DSO) Declaration (Including Name and Address of support recipient) (form available at www.las13.com)
- Proof of Valuation of Vehicles
- Documentation, including valuation, for any other assets, including annuities, mutual funds, inheritance, trusts, etc.
- Lease/Rental agreement for all rental properties to be retained
- Documentation relating to support of third party (e.g., family member, friend, etc.)
- Documentation as to pending legal action/litigation in favor of the debtor, e.g., personal injury/medical malpractice/wrongful death/class action/etc.
- Documents relating to repayment of any retirement account loans (e.g., 401k, TSP) to include origination date of loan, monthly payment amount, balance owed and date of final payoff

- _____ Authorization to Release Information, Conduit Creditor Information Worksheet, and a copy of the most current statement the debtor received from the Conduit Creditor (forms available at www.las13.com)
- _____ Proof of direct post-petition ongoing mortgage payments through confirmation
- _____ Proof of direct post-petition ongoing automobile payments through confirmation
- _____ Proof of security interest if property acquired within 90 days of the date of filing (ie: automobile title loan)
- _____ Current pay verification if there has been a change in income.

BUSINESS DOCUMENTATION, IF APPLICABLE:

- _____ Detailed list of assets, inventory, supplies, equipment, and accounts receivable with valuation for each item as of the date of filing;
- _____ Business tax returns filed with the IRS for the four years prior to filing;
- _____ Monthly Profit & Loss statements, to include detailed breakdown of expenses for the 6 months preceding the date of filing through confirmation;
- _____ Business Bank statements for the month of filing, plus the preceding 6 months;
- _____ Book of Business for the 6 months preceding the month of filing;
- _____ Assets & Liabilities of Corporation/LLC/Partnerships;
- _____ Any UCC filing documents.

- D. The Trustee may request additional documents in her investigation into the Debtor's assets and/or financial affairs.
- E. In addition to the above documents, Debtor(s) must provide to the Trustee's office a copy of his/her tax returns each year as the returns are filed with the IRS. Returns must be filed with the IRS and provided to the Trustee by the April 15th tax deadline each year. Failure to do so may result in the Trustee's office filing a motion to dismiss. If, Debtor files taxes after the April 15th deadline due to circumstances beyond his/her control, Debtor must provide to the Trustee: a written explanation of the reason for the delay in filing, the expected date the return will be filed, and a copy of the application for extension of time to file that was submitted to the IRS.

VI. 341 Meeting of Creditors

- A. The § 341 Meeting of Creditors is set by the bankruptcy court and conducted by the Trustee's office as appointed by the United States Trustee. The Debtor(s) must appear at each 341 meeting unless the Trustee has previously waived the Debtor's appearance. A Debtor's appearance will not be waived if the Debtor fails to timely submit documents to the Trustee's office, fails to commence plan payments, or fails to file the required Schedules, Statement of Financial Affairs, B22C or Plan.
- B. All documents must be provided to the Trustee's office at least seven (7) days prior to the 341 meeting. Any documents received less than seven (7) days prior to the 341 meeting will not be reviewed and may cause the 341 meeting of creditors to be continued in order to give the Trustee's office adequate time to review the documentation.

- C. At each 341 Meeting Debtor(s) must bring the following:
- Original Social Security Card, medical insurance card, pay stub, W-2 form, IRS form 1099, or a Social Security Administration (SSA) Statement; and
 - Government issued photo identification.
- Failure to bring the above items may result in the 341 meeting being continued.
- D. All 341 meetings will be conducted in English, unless a translator is requested seven days prior to the 341 meeting. The translator will be provided free of charge. The Interpreter Request Form is available at www.las13.com. Failure to notify the Trustee may result in a delay of the 341 Meeting of Creditors.

VII. Confirmation Hearing

- A. Trustee's Opposition - After the 341 Meeting of Creditors is concluded, the Trustee will file an opposition to confirmation. The Opposition will detail any additional documentation requested by the Trustee, any amendments required in the case, and any additional objections to the confirmation of the Chapter 13 Plan.
- B. Documents and Amendments – All documents must be provided to the Trustee's office no later than seven (7) days prior to the confirmation hearing date. All amendments must be filed no later than seven (7) days prior to the confirmation hearing date. Any documents and/or amendments provided or filed after the above deadline will not be reviewed for the pending confirmation hearing and the Trustee will recommend that the confirmation hearing be continued in order to give the Trustee and her staff adequate time to review the documents and/or amendments.
- C. Additional Documentation – The Trustee may request updated documents, e.g. paystubs, profit and loss statements, at any time prior to the confirmation of the case.
- D. Pending Motions – The Trustee will not recommend confirmation until an Order is entered on the docket for all motions to value, motions to avoid liens, and objections to claims filed in a case.
- E. Appointments – The Trustee requires that all cases be reviewed with her office prior to the confirmation hearing. Generally, appointments are available between 9 a.m. and 5 p.m. beginning one week prior to the confirmation hearing. To schedule an appointment, please call (702) 853-0700 or e-mail to chreview@las13.com. Appointments will be provided on a first-come, first-served basis.
- F. Updated Pay Verification – The Trustee requires three months of updated pay verification, e.g. paystubs, profit and loss, etc., on all cases in which confirmation is continued for more than four months from the date the initial confirmation hearing is scheduled. Additionally, three months updated pay verification must be provided to the Trustee every six (6) months thereafter until the case is confirmed.

VIII. Modified Plan Confirmation

All proposed Modified Plans must be accompanied with the following:

1. A budget, filed with the court, showing current employment, income and expenses. If the debtor's position is that their income and expenses remain the same, then an affidavit or declaration signed under penalty of perjury stating such must be filed with the court.
2. 3 months current paystubs, and verification of any increased or additional expenses, provided directly to the Trustee.

Modified plans will not be reviewed by the Trustee's Office until the current budget has been filed, and the aforementioned documents have been provided.

IX. Requests for Orders Shortening Time (OST)

Pursuant to Local Rule 9006, the moving party must contact opposing counsel and other interested parties prior to setting motions on OST. All inquiries to the Trustee regarding Orders Shortening Time should be sent to ost@las13.com.

X. Plan Payments

The Trustee accepts monthly payments, tax refunds, and all other funds required to be turned over to the trustee, in the following payment forms:

1. ePay – For ePay information visit www.las13.com.
2. Cashier's Check or Money Order –Debtor's name and case number must be included on the cashier's check and mailed it to: Kathleen A. Leavitt, P.O. Box 1453, Memphis, TN 38101-1453. Tax refunds must identify the tax year.

THE TRUSTEE DOES NOT ACCEPT CASH OR PERSONAL CHECKS

XI. Case Information

The National Data Center maintains a website which allows debtors and other parties of interest to view case and claims data for Chapter 13 cases. Information, including complete instructions for registration for an account to access a case, can be found at www.ndc.org. In addition, information about the case and claims data is available by contacting the Trustee's office directly.

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