



EVERYTHING YOU NEED TO KNOW ABOUT SECTION 341 MEETINGS

PREPARING FOR 341S, BEST PRACTICES, AND NEW PROCEDURES

Michael Bargar Rountree Leitman Klein & Geer LLC

Lauren Drayton The Semrad Law Firm, LLC

Maria Joyner Office of Nancy Whaley, Standing 13 Trustee

Jeneane Treace Office of the United States Trustee

AGENDA

- What is a 341 Meeting?
- Parties Involved Roles and Responsibilities
 - U.S.Trustee, Debtors' Attorneys, Trustees, Debtors
- Preparing for 341 Meetings
- Best Practices
- Questions

WHAT IS A 341 MEETING?

11 U.S. Code § 341 - Meetings of creditors and equity security holders

(a) Within a reasonable time after the order for relief in a case under this title, the United States trustee shall convene and preside at a meeting of creditors...



PARTIES INVOLVED – UNITED STATES TRUSTEE'S RESPONSIBILITY

- Duty to Convene and Preside (11 U.S.C. § 341)
 - Date and place
 - Order of the meeting
 - Election of trustee
 - Special meetings (FRBP 2003)
 - Attendance by media
- Authority to administer oath (11 U.S.C. § 343 & FRBP 9012)
- “United States Trustee” includes designees (FRBP 9001)

PARTIES INVOLVED – DEBTOR'S APPEARANCE

- Mandatory Appearance (11 U.S.C. § 343)
- Apprehension of Debtor (FRBP 2005)
- Dismissal for Failure to Appear (General Order 2-2005)
- Attorney's Failure to Appear (11 U.S.C. 329 & FRBP 2017)

PARTIES INVOLVED – DEBTORS WITH SPECIAL NEEDS

- Limited English Proficiency - Language Interpretation Services
- Disability – Reasonable Accommodations

HOJA DE INFORMACIÓN
SOBRE BANCARROTA

BẢN TIN VỀ SỰ PHÁ SẢN

파산관련안내

破産資訊

ИНФОРМАЦИОННЫЙ ЛИСТ
О БАНКРОТСТВЕ

Informacje dotyczące
ogłoszenia bankructwa

INFORMAÇÕES SOBRE FALÊNCIA

FICHE DE RENSEIGNEMENTS
SUR LES FAILLITES

ໃບແຈ້ງຂໍ້ມູນກ່ຽວກັບການລົ້ມລະລາຍ

*See <https://www.justice.gov/ust/bankruptcy-information-sheet-0> for Bk Info. Sheets in various languages

PARTIES INVOLVED – DEBTOR'S DUTIES

- Cooperate with trustee
- Provide tax return – seven (7) days prior to meeting
- Provide identification materials
- Provide financial information:
 - Evidence of Current Income (Most Recent Pay Advice)
 - Financial Account Statements (Petition Date); and
 - Documentation of Means Test Expenses

See 11 U.S.C. § 521 & Fed. R. Bank. P. 4002.



PARTIES INVOLVED – SCOPE & CONDUCT OF THE MEETING

- Scope of Examination (FRBP 2004)
- Mandatory Questions (28 U.S.C. § 586)
- Mandatory Information (11 U.S.C. § 341)
- Creditor Appearances
- Media

PARTIES INVOLVED – NEW PROCEDURES

Virtual Meetings

New Policy – Chapters 7, 12, and 13

Pilot Program Underway



PARTIES INVOLVED – WHO CONDUCTS IT?

- Chapter 13s – standing trustee or staff attorney
 - Reviews petition and documents
 - Collects payments from debtors and makes distributions to creditors
- Chapter 7s – panel trustee
 - Reviews petition and documents
 - Liquidates assets, if applicable

CHAPTER 13 TRUSTEES FOR THE NORTHERN DISTRICT OF GEORGIA

K Edward Safir

- Judge Paul W. Bonapfel and Judge Barbara Ellis-Monro in the Atlanta and Rome Divisions, Judge Sage M. Sigler in the Atlanta Division.
- Website: www.atlchl3tt.com/index.html
- Staff Attorneys: Brandi Kirkland, Sonya Buckley Gordon, Albert Guthrie

Melissa J. Davey

- Judge Paul M. Basier and Judge Lisa Ritchey Craig in the Atlanta and Newnan Divisions
- Website: [Melissa J. Davey – Standing Chapter 13 Trustee \(l3trusteeatlanta.net\)](http://Melissa J. Davey – Standing Chapter 13 Trustee (l3trusteeatlanta.net))
- Staff Attorneys: Taylor S. Mansell, Mandy Campbell, Delaycee Rowland, Kelsey Makeever

Nancy J. Whaley

- Chief Judge Wendy L. Hagenau, Judge James R. Sacca and Judge Jeffery W. Cavendar in the Atlanta Division, and Judge Sacca in Gainesville.
- Website [The Office of Nancy J. Whaley, Standing Chapter 13 Trustee \(njwtrustee.com\)](http://The Office of Nancy J. Whaley, Standing Chapter 13 Trustee (njwtrustee.com))
- Staff Attorneys: Eric W. Roach, Maria C. Joyner, and Julie M. Anania

Identification Documents and Tax Returns should be uploaded to the assigned Chapter 13 Trustee at least 3 days prior to the scheduled meeting and provided via Bankruptcy Documents (formerly 13 Documents) [Bankruptcy Documents \(bkdocs.us\)](http://Bankruptcy Documents (bkdocs.us))

CHAPTER 7 TRUSTEES FOR THE NORTHERN DISTRICT OF GEORGIA

Atlanta	Gainesville	Newnan	Rome
Michael J. Bargar	Albert F. Nasuti	James G. Baker	Tracey L. Montz
Kyle A. Cooper	Bradley J. Patten	Griffin E. Howell, III	Thomas D. Richardson
Neil C. Gordon		Theo Davis Mann	
S. Gregory Hays			
Jordan E. Lubin			
Tamara M. Ogier			
Edwin K. Palmer			
Jason L. Pettie			
Cathy L. Scarver			
Kathleen Steil			

*See https://www.justice.gov/ust/eo/private_trustee/locator/7.htm for list of current trustees and contact info

PARTIES INVOLVED – CALENDAR CALL AND ANNOUNCEMENTS

- Introduction
- No appearance
- Requesting a reset
- Trustee announcements
 - The meeting is recorded
 - Quiet – and no driving!
 - Hanging up after call is concluded
 - Joint debtors
 - Other announcements



PARTIES INVOLVED – VERIFYING IDENTIFICATION ON THE RECORD

Debtor's Counsel is expected to verify the Identification Documents provided to the Trustee are those of the Debtor who has just been sworn in. Debtor's Counsel should be prepared to make the following statements on the record:

- identify the Identification Documents that were personally inspected by the attorney (name of the documents ie: social security card, GA Driver's License, W-2)
- indicate that the Identification Documents appear to be valid documents that identify the debtor; and
- confirm that the information on the Identification Documents matches the name of the debtor and the identification number that appear on the notice of meeting of creditors.



PARTIES INVOLVED – EXAMINATION QUESTIONS

- How many years have you lived in the State of Georgia?
- Did you meet with an attorney to assist you in filing your Chapter 13 Plan, Schedules and Statements?
- Did you read and sign your Chapter 13 Plan, Petition and Schedules, before they were filed?
- Is everything in your Petition and Schedules true and correct?
- Did you include all of your debts and all of your assets?
- Are you a member of a credit union or do you have any loans with a credit union?
- Are you required to pay or do you received child support or alimony?
 - How much are you required to pay?
 - Do you pay it directly or is it employer deducted?
 - Are you current?
 - Have you made your ongoing payments since filing?

PARTIES INVOLVED – EXAMINATION QUESTIONS

- Do you contribute to any kind of retirement account?
- Do you have any loans that you are repaying to a retirement account?
- Are you currently suing anyone or do you have any claims?
 - Examples: worker's compensation, personal injury, or any type of lawsuit?
- Are you still employed by xxxx?
- Is the address of your employer xxxx?
- Is your income xxxx?
- Is your spouse's income xxxx?
- Is there any other income in your household other than what we just discussed?
- Are you married/single/dependents in the Household?
- Do you owe a domestic support obligation to anyone else?
- Have you read the bankruptcy information sheet provided by the United States Trustee?

PARTIES INVOLVED – EXAMINATION QUESTIONS

- Real estate questions:
 - Is the fair market value correct?
 - Do you own the property alone or with others?
 - Have you made your mortgage payment(s) since filing?
 - Do you understand that you have to pay your mortgage directly?
 - Is there a Home Owner's Association and have you paid them?
 - Do you understand that you have to pay your HOA per that agreement/rules?
 - Do you have an interest in any other real estate?
- Have you sold or transferred your interest in any real estate or personal property in the last 2 years?
- Have you filed any other bankruptcy cases during the last 8 years?
- Have you filed your tax returns for the last 4 years?
- Is the copy of the return you provided to the Trustee a true and correct copy of the most recent return that you filed with the IRS?

PARTIES INVOLVED – REVIEWING CLAIMS AND PLAN IN CHAPTER

- The Trustee will review the filed or anticipated claims
- The Trustee will review the set payments and special provisions in the Chapter 13 Plan

PARTIES INVOLVED – CREDITORS ATTENDING A 341

- Ask how debtor wants to treat a secured debt
- Inquire about insurance
- Question how funds were spent
- Address discrepancies

CHAPTER 7 TRUSTEE DSO FORM

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

DOMESTIC SUPPORT OBLIGATION FORM

DEBTOR INFORMATION

NAME: _____
CASE NUMBER: _____
MAILING ADDRESS: _____

PHONE NUMBER: _____

CLAIMANT INFORMATION

**ADDRESS OF STATE CHILD SUPPORT
ENFORCEMENT AGENCY:**

NAME: _____
ADDRESS: _____

PHONE: _____

DEBTOR'S EMPLOYER

COMPANY NAME: _____
ADDRESS: _____

Dated: _____, 20____.

Signature: _____

CREDITORS WHOSE DEB'TS WERE REAFFIRMED OR NOT DISCHARGED:

NAME: _____

NAME: _____

PARTIES INVOLVED – CHAPTER 7 BUSINESS 341S

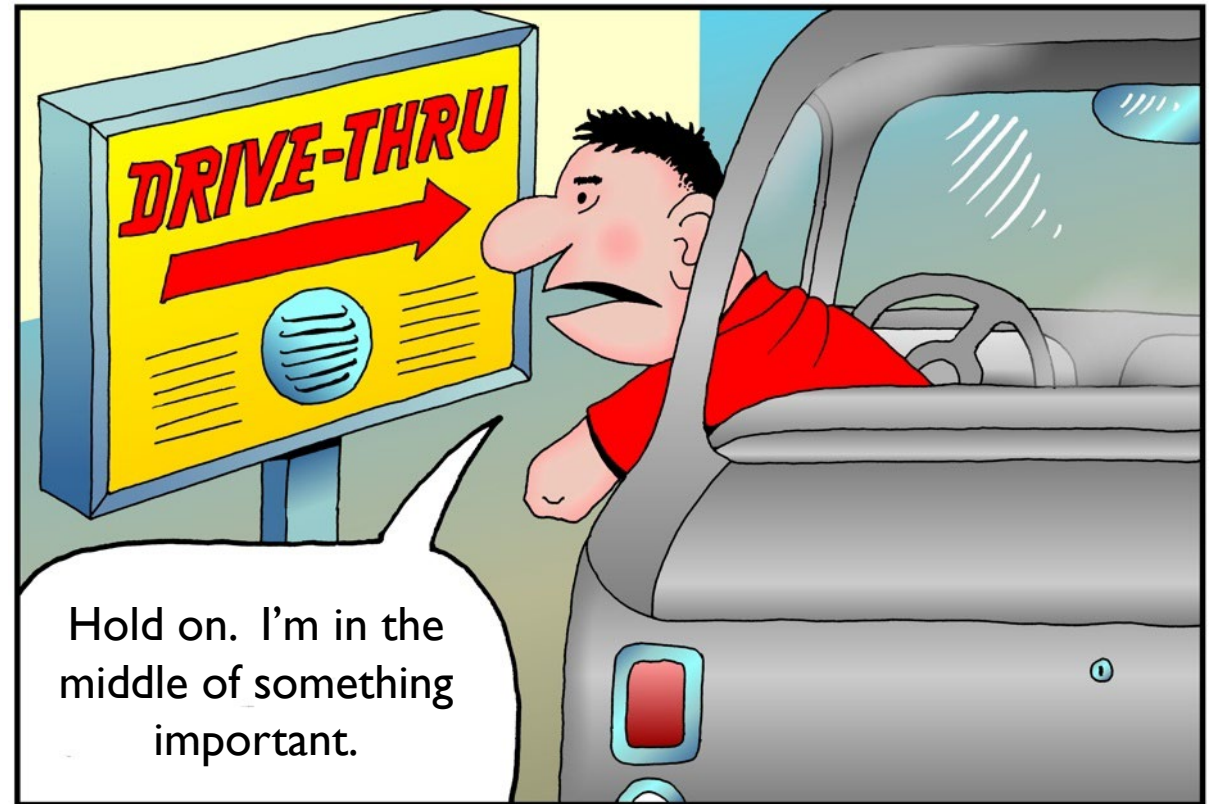
- In a Chapter 7, confirm as soon as possible that the debtor has ceased operations
- Understand how books and records are stored (and if stored in a cloud program, get access immediately)
- Ask if there is any D&O or E&O insurance
- Confirm corporate authority to file

PARTIES INVOLVED – CHAPTER 13 BUSINESS 341S

- The Chapter 13 Trustee reviews the Statement of Financial Affairs, Petition and Schedules when a case is filed to determine if a separate business packet is needed to hold the 341 Meeting.
 - If the business appears complicated with multiple assets, employees, large gross income, or complex expenses the Trustee may also renote the 341 meeting to a different date and time.
- **Business Packet**
 - Business questionnaire
 - Cash Flow Statements
 - Business Bank Statements

PREPARING FOR 341S – PREPARING CLIENTS FOR 341S

- Prepare early and often
- 341 preparation call:
 - Review petition information and general process
 - Review how client should handle the call itself
- Getting the client to call in



PREPARING FOR 341S – ATTORNEY PREPARATION FOR 341S

- Provide documents to the trustee
- Review the documents, the client's photo id, and proof of social
- Make sure to call into the 341



BEST PRACTICES – DEBTOR ATTORNEYS

- DSO Forms
- Personal injury claims listed correctly and proper information gathered
- Getting documents to trustee in appropriate time frame



BEST PRACTICES – DEBTOR ATTORNEYS

Get
documents
before
filing!



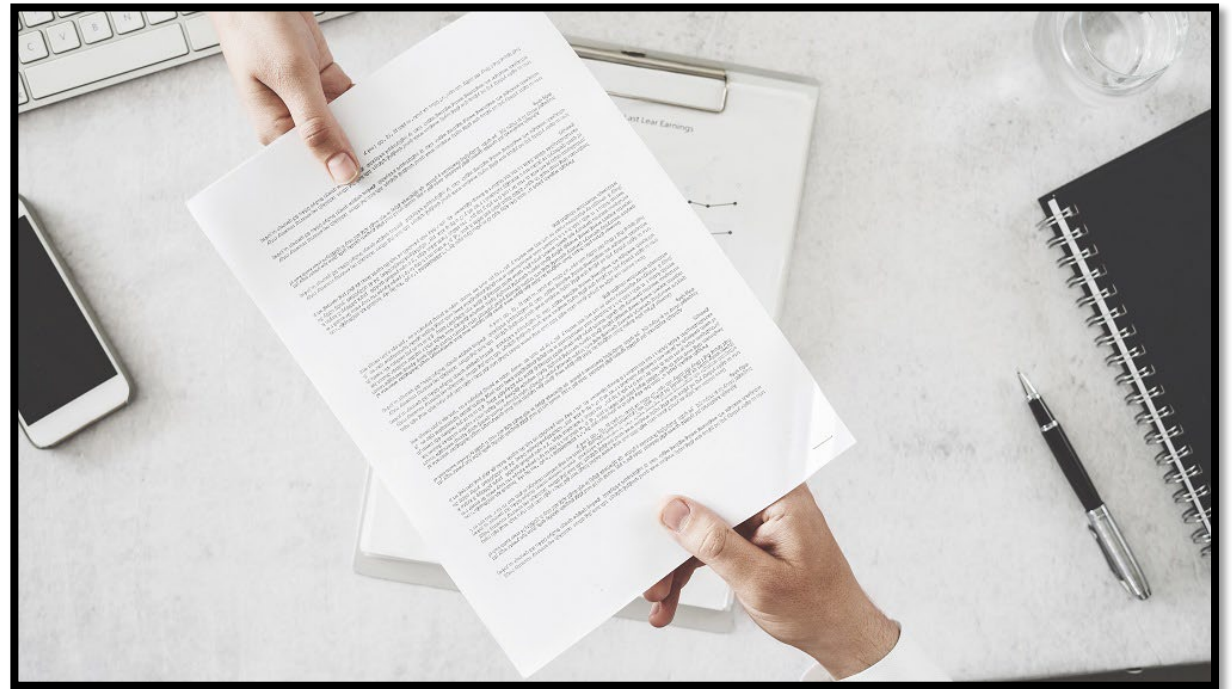
BEST PRACTICES – TRUSTEES

- Eliminate legalese where possible
- Be on time
- Be prepared (understand the file before the meeting begins)



AFTER THE 341

- Held and concluded
- Resets and continuances
(FRBP 2003(e))



FINAL WORDS ON 34I PREPARATION



FINAL WORDS ON 34I PREPARATION (CONT.)



QUESTIONS?

