

Rothschild & Ausbrooks, PLLC

August, 2021 Newsletter

I hope you find this information helpful and informative. MBA

What is a Trustee's Notice of Intent to Pay Claims?

In order for your creditors to be paid, they must file a Proof of Claim in your case. Non-governmental creditors have 70 days and the government has 180 days from the date of the filing of your Petition to file a claim. At the conclusion of these deadlines, the Chapter 13 Trustee will conduct an audit of all of the claims and will issue his Notice of Intent to Pay Claims. You should thoroughly review this document to make sure that you agree with the amounts claimed and to make sure that you recognize the creditors. If you disagree with the claims asserted, please reach out to this office immediately. If there are grounds to object to the claim, we will file the Objection.

How do
Motions work
in your
Chapter 13?

If you, the Trustee or a creditor need to do anything in your Chapter 13 case, most likely, a motion will need to be filed. The motion must be served on all affected parties. Most motions have a 21 day period in which objections can be raised. If no objection is raised, the relief sought will be granted. If there is an objection filed, the motion will have a pre-set hearing date found on the first page. The matter will then be heard on that date by the Judge. If a hearing is set in your case, you must attend unless my office specifically advises that you do not.

NEWS

The Sixth Circuit of Appeals, which is the Federal appeals court for the states of Tennessee, Kentucky, Ohio and Michigan ruled on July 23, 2021 that the CDC did not and does not have the power to issue a moratorium on evictions. The CDC issued a new moratorium effective 8/3/21 through 10/3/21. This does not apply in Tennessee. Landlords can evict delinquent tenants. If you know someone facing eviction, Chapter 13 may be an option.



Important

If you have any difficulties in making your Chapter 13 plan payments or have any questions, please do not hesitate to reach out to the office. Call us immediately at 615-242-3996. You can also email me at marybeth@rothschildbklaw.com.

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