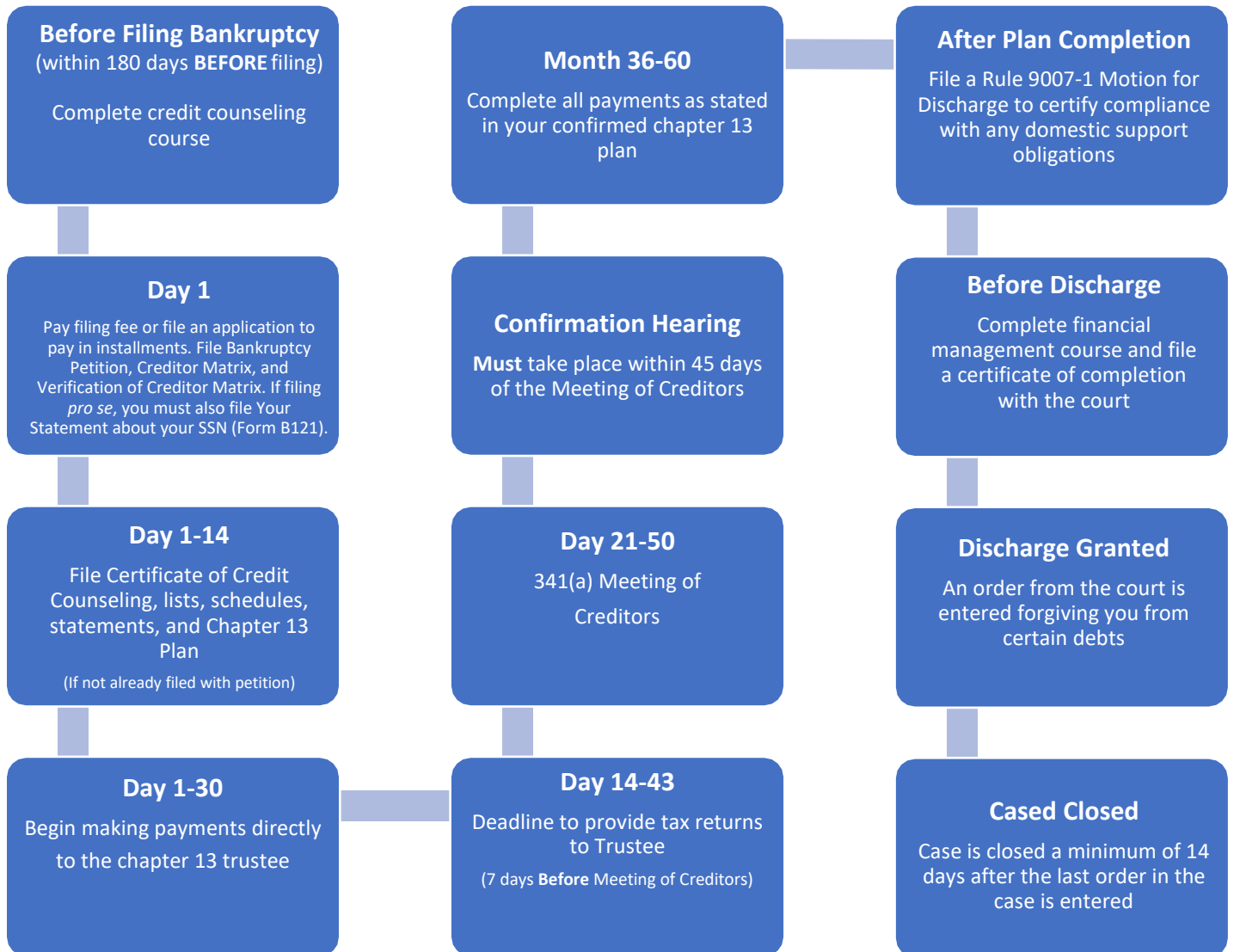


# Anatomy of a Chapter 13 Bankruptcy Case



## Important information

- For more information on the bankruptcy process, you can visit the [Filing Without an Attorney](https://www.alm.uscourts.gov) page on the bankruptcy court's website (<https://www.alm.uscourts.gov>).
- Bankruptcy court employees cannot provide legal advice, including how to complete bankruptcy forms, or refer prospective debtors to a lawyer. We recommend you hire an attorney to help you navigate this complicated legal process. If you choose to file without an attorney, there is an instructional pamphlet on filling out bankruptcy forms at the following website: [https://www.uscourts.gov/sites/default/files/instructions\\_individuals.pdf](https://www.uscourts.gov/sites/default/files/instructions_individuals.pdf).
- The U.S. Bankruptcy Court for the Middle District of Alabama now offers debtors the opportunity to request receipt of court notices and orders via email, instead of U.S. mail, through a program called Debtor Electronic Bankruptcy Noticing (DeBN). This is a free and voluntary service. Ask for the DeBN sign-up form at the intake counter to get started.

**Before filing for bankruptcy:**

- Before filing for bankruptcy, you must complete a credit counseling course from an approved credit counseling agency. These courses generally last 60 to 90 minutes and may be completed in person, online, or over the phone. A list of approved credit counseling agencies can be found at: <https://www.almba.uscourts.gov/images/Approved%20CCDEAgencies.pdf>.
- When you complete the course, you will receive a certificate of credit counseling.
- You may complete the credit counseling course any time within 180 days before you file for bankruptcy, but it must be completed before you file your bankruptcy petition, or your case may be dismissed.

**Day 1:**

- Filing a bankruptcy petition officially opens your bankruptcy case. At the time of filing, you will have to pay a filing fee. A list of fees is located on the bankruptcy court's website (<https://www.almb.uscourts.gov/fees>). If you have trouble paying the filing fee, the bankruptcy court may grant you permission to pay in installments. You will need to file the appropriate form for this option to be considered by the court. The filing fee in a chapter 13 bankruptcy case cannot be waived.
- [Official Form B121](#), Statement About Your Social Security Number), must be filed on day 1. If you do not file it on day 1, your meeting of creditors will be delayed. Only after Official Form B121 is filed will the court mail you and your creditors a notice entitled, "Notice of Chapter 13 Bankruptcy Case." This notice informs your creditors of that your bankruptcy case has been filed, provides information about various court deadlines, and contains the date, time, and location of the meeting of creditors, which will take place between day 21 and 50.
- All other required documents of the bankruptcy petition package must be filed with your bankruptcy petition on day 1 or within 14 days after filing your petition. A list of the filing requirements can be found on page 17 of the [Consumer Pro Se Debtor's Guide](#). All required forms can be found on the court's website (<https://www.almb.uscourts.gov/forms>).
- You have several options for filing your bankruptcy petition: you can bring filing fee and bankruptcy petition package to the intake counter of the bankruptcy court clerk's office, use the overnight drop box in front of the courthouse for your documents and filing fee, or you may mail all documents and your filing fee to our mailing address: U.S. Bankruptcy Court, One Church Street, Montgomery, AL 36104. The filing fee must be paid via cashier's check or money order made payable to U.S. Bankruptcy Court. Cash and credit cards are not accepted.

**Day 1-14:**

- If you did not file your certificate of completion for the credit counseling course or the other required documents with the petition on day 1, you must file them within 14 days of filing the petition. If you don't, your case may be dismissed.
- If you do not have copies of your payment advices or you are unemployed, you must file a Statement Concerning Payment Advices. You can find the form on the [local forms](#) page of the court's website.

- Your chapter 13 plan ([Local Form 3](#)) must be filed with your bankruptcy petition on day 1 or within 14 days after filing your petition. Your chapter 13 plan must be submitted for court approval and must provide for payments of fixed amounts to the trustee on a regular basis. The trustee will distribute the funds to your creditors according to the terms of the plan.
  - If you file your chapter 13 plan on day 1, the bankruptcy clerk's office will provide your creditors with a copy of the document. However, if you file the document after day 1, or if you file an amended plan to correct something on the document, you must send a copy of your chapter 13 plan to each of your creditors and file a certificate of service with the court. The certificate of service should state what document was served, and it should list the creditors that were sent copies of the document. Be sure to list the creditors' mailing addresses as that shows the court how the creditors were served.

**Day 1-30:**

- Within 30 days of filing your bankruptcy petition, you must start making plan payments in the amount stated on your chapter 13 plan, even if the court has not yet approved your chapter 13 plan. You should send all plan payments directly to the chapter 13 trustee. More information about paying the chapter 13 trustee can be found at <https://www.ch13mdal.com/>.
- If any secured loan payments or lease payments come due before your plan is confirmed (typically home and automobile payments), you must make adequate protection payments (minimum payments meant to protect the creditor's interest in the property) directly to the secured lender or lessor - deducting the amount paid from the amount you would otherwise pay to the trustee.

**Day 14-43:**

- At least seven days before the date first set for your 341(a) Meeting of Creditors, you must provide the chapter 13 trustee with a copy of your most recent federal tax return. The date of your 341(a) Meeting of Creditors will be listed in the "Notice of Chapter 13 Bankruptcy Case" which you will receive from the court after you file your bankruptcy petition. For more information on submitting tax returns to the trustee, visit the bankruptcy administrator's website: [www.almba.uscourts.gov/providing-tax-returns-trustees](http://www.almba.uscourts.gov/providing-tax-returns-trustees).

**Day 21-50:**

- After you file the necessary documents to open your bankruptcy case, the bankruptcy court will mail you and your creditors a notice entitled, "Notice of Chapter 13 Bankruptcy Case." This notice informs your creditors of the bankruptcy case, provides information about various court deadlines, and contains the date, time, and location of both the 341(a) Meeting of Creditors and your confirmation hearing. You must attend the 341(a) Meeting of Creditors and the confirmation hearing.
- The 341(a) Meeting of Creditors is a chance for the chapter 13 trustee overseeing your bankruptcy case and any creditors who wish to attend to ask you questions regarding your financial affairs and your property. Because this is not a court hearing, there will be no judge present during the meeting. However, you will be under oath as you answer questions regarding your financial situation.

- Due to the COVID-19 pandemic, the 341(a) Meeting of Creditors will be held via Zoom call. Information concerning call in numbers will be included on the notice you receive from the court. For more information on Zoom meeting procedures, visit the bankruptcy administrator's website (<https://www.almba.uscourts.gov/>).

### **Confirmation Hearing:**

- At the confirmation hearing, you, your attorney (if you have one), any creditors, the chapter 13 trustee, and the judge will meet to review your chapter 13 plan. This hearing must take place within 45 days after the 341(a) Meeting of Creditors.
- To be confirmed, the chapter 13 plan must meet certain criteria, such as providing for payment of past due child support, alimony, income taxes, and other "priority" debts (debts that must be paid first). After a chapter 13 plan is confirmed by the court, you and your creditors are bound to the terms of the plan. You will continue making payments as stated in your chapter 13 plan for the remainder of your chapter 13 bankruptcy case.

### **Month 36-60:**

- Complete all payments that are outlined in your confirmed chapter 13 plan. Your chapter 13 plan may call for a duration between 36 and 60 months. ([See Chapter 13 Bankruptcy Basics](#))

### **After Plan Completion:**

- After all payments have been completed, the court will enter a Notice of Final Discharge Requirements. Before the court can issue you a discharge, you must file a Rule 9007-1 Motion for Discharge ([Local Form 6a](#)) certifying either that a) you have paid all domestic support obligations due through the date of your certification, or that b) you did not owe any domestic support obligations at the time your petition was filed and have not owed any since then. Domestic support obligations include child support and alimony payments. This notice requires you to file your certification within 21 days after the notice is issued.

### **Before Receiving a Discharge:**

- In addition to the credit counseling course completed before you filed for bankruptcy, you must also take a financial management course from an approved course provider. The course can be completed in person, on the internet, or over the phone. For a complete list of approved agencies where you can take the course, please visit the following: <https://www.almba.uscourts.gov/sites/almba/files/ApprovedPFMA.pdf>.
- When you complete the financial management course, you will receive a certificate of completion which you are required to file with the bankruptcy court within 60 days after the first date set for your 341(a) Meeting of Creditors. You may complete Form B423 ("Debtor's Certification of Completion of Post-petition Instructional Course Concerning Personal Financial Management") and file this with the court. It must be accompanied by the certificate of completion.
- Failure to complete the course and file the certificate of completion will delay your discharge and could even result in your case being closed without a discharge.

### **Discharge Granted:**

- The [discharge](#) is the order from the court forgiving you from certain debts. Once your discharge is granted, your creditors can no longer attempt to collect from you for the debts that were discharged. Not all debts are dischargeable in bankruptcy. ([See Chapter 13 Bankruptcy Basics](#))

**Case Closed After Discharge:**

- The bankruptcy court will not close your case a minimum of 14 days after the last order, generally the discharge order, is entered in the case. This delay allows any appeal-related deadlines to pass.