

GENERAL REQUIREMENTS FOR CHAPTER 13 BUSINESS CASES

1. Make an entry on your books and records to indicate clearly the date of your bankruptcy filing. All business transactions conducted after your bankruptcy filing must be documented on your books and records. You may be asked to produce your books and records for inspection by the Trustee at any time during the course of your Chapter 13 case.
2. You should not combine your personal and business finances. If you have not already done so, you should open a separate business checking account. All receipts and disbursements relating to the business should be made through your business checking account. Avoid cash transactions; use your business checking account for proper recordkeeping.
3. It is your responsibility to obtain and maintain comprehensive liability insurance for the operation of the business. Failure to obtain and maintain such insurance can result in the dismissal of your case.
4. You must have Court approval to use “cash collateral” in which any creditor has a security interest. You will need to speak with your attorney immediately about obtaining court permission for its use.
5. You should review your plan carefully. Payments which are to be made by you directly to your creditors should start at once. You should not wait for your First Meeting of Creditors to take place.
6. Plan payments to the Trustee’s office should also start on schedule. Your first plan payment is due 30 days after your Bankruptcy Plan is filed, which may not be the same date as the petition was filed. Payments as scheduled in the Plan should be sent to the Trustee’s Lockbox address shown below. Paying a lesser amount than is called for is improper and may result in the dismissal of your case.

Deborah Langehennig Trustee
P.O. Box 298
Memphis, TN 38101-0298

7. All tax returns and reports should be filed on time with the appropriate tax authority. No extensions are permitted.
8. All tax payments (income, sales, property, etc.) should be made on time and paid in full. If you have employees, you should be sure that all employee withholding taxes incurred after the filing date of your bankruptcy case are paid regularly to the proper tax authorities.

9. The Federal Rules of Bankruptcy Procedure require you to submit a statement to the Court and the Trustee's office of all taxes required to be withheld or paid for and on behalf of employees and the place where these amounts are deposited.
10. Quarterly estimated income tax payments to the federal government should be made each January, April, June and September so as not to incur any unpaid income tax obligation when your returns are filed each April.
11. You should send complete copies of all federal and business income tax returns to the Trustee's office by no later than April 15th of each year that you are in your bankruptcy case.
12. You must obtain Court approval for any sale or other disposition of business property or any business borrowing which is outside the ordinary course of your business. When in doubt, ask your attorney.
13. You should submit semi-annual reports (Period ending June 30th and December 31st unless otherwise approved by the Trustee) to the Trustee regarding the operations and cash flow of your business. Attached is a sample report which you may copy for future use or you may provide a computer print-out if your records are computerized. Your semi-annual report should reflect all business activity (on a "cash basis") for the preceding six-month period. Reports are due at the Trustee's office within 45 days of the end of each reporting period. Upon review of your reports, if additional information is needed, you will be notified by the Trustee.

If you operate more than one business, separate reports for each business should be submitted. If you own or operate a small corporation or partnership, separate semi-annual reports for each corporation or partnership should be submitted.

The Trustee may require more frequent reporting than stated above if the size and type of business requires more timely reviews.

14. You must ensure that all entities where you have funds on deposit, including every bank, savings association, public utility company and landlord with whom you have a deposit, and every insurance company which has issued a policy having a cash surrender value payable to you are listed on your schedules. These entities are required to receive notice of your bankruptcy.
15. The Trustee cannot and will not act as your attorney. Your lawyer works for you and is your advocate. Keep in touch with your attorney at all times.