CHAPTER 7 OPERATING GUIDELINES AND REPORTING REQUIREMENTS OF THE THE U.S. TRUSTEE, REGION 5, JUDICIAL DISTRICTS OF LOUISIANA AND MISSISSIPPI www.usdoj.gov/ust/r05

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EFFECTIVE APRIL 1, 2009

I. INTRODUCTION

A. Authority

In furtherance of the duties imposed on the United States Trustee under the Bankruptcy Code (Code) (11 U.S.C. §101 et. seq.) and 28 U.S.C. §586(a)(3), the United States Trustee, Region 5 (UST) herein promulgates the following Operational Guidelines and Reporting Requirements for cases filed under Chapter 7 (OGRR-7). The OGRR-7 have been promulgated to set out the procedures to be followed by each trustee administering a Chapter 7 case whether appointed by the UST or elected pursuant to 11 U.S.C. §702. The OGRR-7 are not intended to be all inclusive and each trustee shall be thoroughly familiar with the Handbook for Chapter 7 Trustees (Handbook).

Unless specifically directed otherwise, all communications and document submissions should be addressed to the Office of the United States Trustee which serves the judicial district wherein the petition was filed (Attachment I).

B. <u>Purpose</u>

The OGRR-7 establish procedures to standardize practices of trustees in Region 5 subject to the Code, Federal Rules of Bankruptcy Procedure (FRBP), applicable local rules and standing orders and to serve as a central repository for UST policy decisions affecting trustees in administering cases.

II. OPERATING GUIDELINES

A. Trustee Appointments - 11 U.S.C §701

A panel trustee is deemed to have accepted the appointment to serve as interim trustee in a case unless the trustee within five (5) days of receipt rejects the appointment or subsequently resigns by transmitting such rejection/resignation to the UST by e-mail with the original document to be retained in accordance with the Court's ECF signature requirements. The UST will appoint a successor trustee if the appointed trustee resigns or rejects the appointment. (Attachment II).

B. Bond Requirements

The panel of trustees within Region 5 shall be covered by a bond authorized and approved by the UST which shall be adjusted from time to time based on the trustee's funds on deposit.

Within thirty (30) days from the receipt of a bond premium notice or a premium notice for any rider, each affected trustee shall submit to the UST a bond premium allocation in the form of a motion to assess cases and a proposed order authorizing payment (Attachment III). The allocation shall disclose the name and number of each case to be assessed a portion of the premium, the total amount to be assessed each case and the formula used in determining the assessment (costs per \$1,000 coverage times amount of coverage per case). No disbursement from estate funds can be made until the court enters an order authorizing payment of the bond premium.

If an auctioneer is permitted to retain estate funds beyond the day of the sale, the application to employ the auctioneer shall include a statement that the trustee has confirmed adequate bond and insurance coverage.

C. Trustee Bank Accounts of Estate Funds

Funds shall not be moved from the interest bearing account more than ten (10) days before submission of the trustee's final report (TFR) or final distribution of funds pursuant to the Handbook except as required to effect authorized disbursements during the administration of the estate. If the balance of funds on hand is less than \$50,000, the trustee may move the funds to a non-interest bearing account when the TFR is submitted to the UST.

D. Section 341 Meeting of Creditors

1. Generally

Each trustee shall maintain a completed proceeding memo (Attachment IV) for all §341 meetings and shall within 5 days of the meeting make a paperless virtual entry by CM/ECF if the meeting is conducted, concluded and has no exceptions or file a .pdf of the proceeding memo if the meeting is continued, debtor failed to produced documents, debtor failed to appear, etc. The trustee shall immediately deliver or mail to the UST a verbatim recording of the meeting.

2. Rescheduled §341 Meetings

All requests for a rescheduled §341 meeting submitted to the trustee shall be immediately forwarded to the UST. All continuances of meetings by the trustee pursuant to Rule 2003(e), FRBP, at the regularly scheduled date shall be clearly disclosed on the proceeding memo.

E. <u>Initial Case Reviewing Requirements</u>

Asset/No Asset Determinations

In any case previously noticed as a no-asset case, the trustee, upon the discovery of assets to be administered, shall file and serve a copy of the Notice of Change of Status (Attachment V) on the UST within 14 days of the discovery of such assets. In the event an NDR has been previously submitted, the trustee shall initiate any necessary pleadings to have the NDR withdrawn.

F. Referral Procedures

Abuse/Bad Faith Filings

The trustee is responsible for reviewing every case for any abuse of the bankruptcy system, including §707(b) abuse and bad faith filing, and timely reporting all instances of abuse to the UST by submitting the attached referral form (Attachment VI) by e-mail to your UST assigned attorney and analyst with all pertinent documents. All referrals for Means Test issues must be submitted within 2 days of the §341 meeting.

G. Case Closing Procedures

Asset Cases

The trustee shall timely submit to the UST a copy of the Trustee Final Report (TFR) together with the original bank statements, bank image replacement documents (IRD), deposit slips, and copy of

the annotated court's claims register and shall submit a copy of the Notice of Trustee's Final Report and Applications for Compensation (NFR).

The TFR and NFR shall conform to the "Uniform Forms of Trustee Final Reports" and shall include the forms and exhibits required.

The trustee shall submit to the UST with the TFR and NFR a copy of the proposed Trustee's Application for Compensation and Reimbursement of Expenses pursuant to 11 U.S. C. §330 and FRBP 2016 which shall include an itemization of requested expenses and the following calculation of compensation:

The trustee shall timely submit to the UST a copy of the Trustee's Final Account and Distribution Report Certification That The Estate Has Been Fully Administered and Application To Be Discharged (TDR) together with a zero balance bank statement; any bank statements not submitted with the TFR; and bank image replacement documents (IRD) not previously submitted. The TDR shall conform to the "Uniform Forms of Trustee Final Reports" and shall include the forms and exhibits required.

The original TFR, NFR, Application for Compensation and Reimbursement of Expenses, and TDR are to be retained by the trustee for filing with the Court.

2. No-Asset Cases

In no-asset cases, the trustee is required to file a Trustee's Report of No Distribution (NDR) to conform to the "Uniform Forms of Trustee Final Reports." For any case in which the "NDR - minimal funds collected" is filed, all original bank statements including the original zero balance bank statement and bank image replacement documents (IRD) shall be submitted to the U. S. Trustee simultaneously with the filing of the appropriate NDR along with a copy of the Court's "Notice of Electronic Filing."

3. Document Retention

Unless the court or UST requires custody, bank image replacement documents (IRD) and original bank statements shall be returned to the trustee and retained for safekeeping.

III. OPERATION OF A DEBTOR'S BUSINESS

If the trustee obtains court approval to operate the debtor's business pursuant to 11 U.S.C. §704(8), the trustee shall file with the Court and submit to the UST monthly operating reports (Attachment VII). Upon cessation of operations, the last monthly operating report shall be marked "Final."

IV. CONCLUSION

Any inquiries regarding compliance with these guidelines should be addressed to the appropriate office of the UST.

/S/ R. Michael Bolen **United States Trustee** Region 5, Judicial Districts of Louisiana and Mississippi

REGION 5 MAILING ADDRESSES

1. EASTERN AND MIDDLE DISTRICTS OF LOUISIANA:

OFFICE OF THE UNITED STATES TRUSTEE TEXACO CENTER, SUITE 2110 400 POYDRAS STREET NEW ORLEANS, LOUISIANA 70130 TELEPHONE: (504) 589-4018 FACSIMILE: (504) 589-4096

2. WESTERN DISTRICT OF LOUISIANA:

OFFICE OF THE UNITED STATES TRUSTEE 300 FANNIN STREET, ROOM 3196 SHREVEPORT, LOUISIANA 71101 TELEPHONE: (318) 676-3456 FACSIMILE: (318) 676-3212

3. NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI:

OFFICE OF THE UNITED STATES TRUSTEE DR. A.H. McCOY FEDERAL BUILDING 100 W. CAPITOL STREET, SUITE 706 JACKSON, MISSISSIPPI 39269 TELEPHONE: (601) 965-5241 FACSIMILE: (601) 965-5226

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____

In re:	Case no:
De	ebtor(s)
	REJECTION/RESIGNATION AS INTERIM/PERMANENT TRUSTEE AND APPOINTMENT OF SUCCESSOR TRUSTEE
	COMES NOW, the undersigned having been previously appointed as interim trustee in accordance U.S.C. §703 and submits this resignation and request that a successor trustee be appointed.
Т	This rejection/resignation is submitted because:
	(Trustee)
===== E	Effective this date, I hereby accept the rejection/resignation of
	been previously appointed as interim trustee and hereby appointed
is hereby	y rescheduled to the day of, 20
D	DATE: R. Michael Bolen United States Trustee Region 5, Judicial Districts of Louisiana and Mississippi
	By:

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____

In re:

THE MATTER OF ASSESSING CASES FOR

BOND PREMIUM

MOTION FOR ASSESSMENT OF CASES FOR BOND PREMIUM

Come now applicant, (name of trustee), a member of the chapter 7 panel of trustees, and files this motion to assess cases for the chapter 7 group coverage blanket bond premium, and in support thereof will show unto the court as follows, to wit:

I.

Each member of the chapter 7 panel of trustees is required to have bond coverage in a penal amount as determined by the United States trustee under an aggregate bond.

II.

Each panel trustee is required to maintain a minimum of \$1.00 of coverage for every dollar of assets in possession of the panel trustee.

III.

The premium for the bond is due annually and is paid from the personal funds of each chapter 7 panel trustee. The premium is then prorated among various cases which are then assessed a fee for bond coverage with the court's prior approval.

IV.

Applicant is assigned coverage under the bond and has paid the annual premium due for this coverage in the amount of \$______.

Applican	t requests	authorization	to	assess	the	following	cases	the	amount	specified	as	an
administrative e	xpense pui	suant to 11 U.S	S.C.	\$503 f	or re	imburseme	nt of th	ie bo	nd premi	um amoun	ıt:	

CASE NAME	<u>CASE NUMBER</u>	AMOUNT ASSESSED						
	TOTAL:							
	VI.							
This assessment is for the b	oond expense paid for the a	nnual premium and will be the only assessment						
made unless additional coverage	is required.							
WHEREFORE, PREMISE	ES CONSIDERED, applic	ant submits this motion for assessment of the						
bond premium and prays the cour	t will enter an order susta	ining this motion. Applicant prays for general						
relief to which entitled in these pr	remises.							
	Re	spectfully submitted,						
	Ch	me of trustee) apter 7 Panel TrusteeDistrict of						
	by:	(<u>name of trustee</u>) Mailing address Telephone Number						
CERTIFICATE OF SERVICE								
	been served on the United	correct copy of the foregoing motion for States trustee by U. S. Mail, first class, 0						
		(<u>name of trustee</u>)						

UNITED STATES BANKRUPTCY COURT	
DISTRICT OF	

In re:

THE MATTER OF ASSESSING CASES FOR BOND PREMIUM

ORDER ALLOWING ASSESSMENT OF BOND PREMIUM

This matter is before the court on consideration of the reimbursement for the premium of the bond
paid by applicant, (name of trustee). After fully reviewing this matter, this court finds that applicant is
serving as a chapter 7 panel trustee and is required to maintain adequate bond coverage for all assets in his
possession. Applicant has paid the annual premium assessed for this coverage in the amount of
\$ from his personal funds. Applicant has requested to assess the following cases the specified
amounts as the prorata share for each case based upon the assets in the subject case:
<u>CASE NAME</u> <u>CASE NUMBER</u> <u>AMOUNT ASSESSED</u>
TOTAL:
This court is of the opinion that applicant should be reimbursed the expense for his share of the
premium which has been paid from his personal funds as an administrative expense allowed pursuant to
11 U.S.C. §503 in the above specified cases.
IT IS THEREFORE ORDERED that applicant may assess the above specified cases the amount
requested in each as an administrative expense pursuant to 11 U.S.C. §503. Applicant is hereby authorized
to pay said sums from each case to himself as reimbursement of the bond premium amount paid by him.
ORDERED AND ADJUDGED on this the day of, 20
(name of Judge)
Judge, U. S. Bankruptcy Court
APPROVED FOR ENTRY: United States Trustee

IN RE:	CASE NO.
APPEARANCES: () DEBTOR 1 () () Required picture I.D. produced () Required SSN verification produced () Pay advices received	· / 1 1
Credit counseling certificate () filed () not filed	
Tax returns received for	(years) on
Financial Documents were () retained by trustee () DEBTOR'S REPRESENTATIVE() ATTORNEY FOR DEBTOR(S):() DEBTOR(S) APPEARED PRO SE YES () NO () If Pro Se, did anyone assist YES () NO () If Yes, obtain completed pr	with preparation?
THE MEETING OF CREDITORS WAS: () HELD or () NOT HELD or () NOT CONCLUDED AND IS CONTIN 20 AT O'CLOCK YES () NO () Attorney for debtor filed statement CREDITOR(s)	nt of compensation pursuant to 11 U.S.C. §329.
DEBTOR(s) REQUIRED TO: () AMEND Schedules and Statements within () OTHER: In accordance with Rule 6007, FRBP, the trustee ann	
ADDITIONAL NOTES:	
Track # or Tape # Side_	

-	UNITED STATES BANKRUPTCY COURT DISTRICT OF						
In re:	Case no.						
	TRUSTEE'S NOTICE OF CHANGE OF STATUS						
case was previously notic	e undersigned trustee in the above captioned case and states that although the sed to parties in interest as a no-asset case, the trustee has discovered assets cribution to creditors of the estate.						
Therefore, it is req	uested that a notice to file claims should be mailed to all creditors of record.						
DATE:							
	Respectfully submitted,						
	(TRUSTEE)						

CHAPTER 7 TRUSTEE REFERRAL ATTACH ALL SUPPORTING DOCUMENTATION (attach additional pages if necessary)

IN RE:				CAS	SE NO:_							
G	3/1 M	Seating Concluded on				or.						
G	341 M	eeting Concluded oneeting Continued to:			'	51 l.m./n.m.						
Case is						, , , , , , , , , , , , , , , , , , ,						
G	No As											
G	Asset	/ Possible Asset: \$		of asset(s)	being in	nvestigated						
G	CRED	CREDIT COUNSELING CERTIFICATE NOT VALID:										
	G	Not obtained within 180 da										
	G	Not an approved creditor of	ounselo	or for district								
G	707 (b	o)(2) MEANS TESTING										
U	G	The "Presumption Arises"	hox is o	checked on For	m B22A	(Means Testing Form)						
	Ğ					e identifies possible evidence of						
	•	presumed abuse	0011 10 1			possione e induite or						
		Tax Return	G	Attached	G	Due by:						
		Payment Advices	G	Attached	G	Due by:						
		Payment Advices Other:	G	Attached	G	Due by:						
	G											
	G											
	G	Income appears higher than on form because:										
	G	Presumption Arises and debtor is claiming special circumstances of:										
	G	Debtor claiming other experies (i.e. care of elderly; school Supporting Documentation	l, add'l	food, add'l he	ating)	_						
G		(3) ABUSE (Bad Faith or										
	Detail	ed facts:										
G		DISCHARGE										
	Detail	ed facts:										
G	CRIM	 IINAL REFERRAL										
G	110 - D.	Petition Preparer: Not disclosed on petition		(na	me) - at	tach completed pro se questionnaire						
G	Detail	ORNEY MISCONDUCT (Ced facts:										
Dated:												

uste:									
	Case number:								
	Did a substitute attorney appear?	Yes	No						
	ir attorney would not be present? their attorney for handling the bankruptcy?		No						
Will the substitute attorney be compensated in any way for appearing for the debtor? Yes No If yes - how much? \$									
-	iently knowledgeable about the case?	Yes							
Additional comments regarding	ng attorney's conduct:								
	Case number:								
Date of §341 meeting:	Did a substitute attorney appear?								
	ir attorney would not be present? their attorney for handling the bankruptcy?	Yes \$							
•	e compensated in any way for appearing for yes - how much? \$	the debtor	r?						
•	iently knowledgeable about the case?		No						

TRUSTEE REPORT OF INADEQUATE REPRESENTATION BY ATTORNEY FOR DEBTOR

- ATTACH ADDITIONAL SHEETS TO REPORT MORE CASES -

MONTHLY OPERATING REPORT

CHAPTER 7

CASE NAME:			
CASE NUMBER:_			
For Period:	to_	20	
of the following re	ports unless t		MONTH. The trustee must attach each vaived the requirement in writing. File I signature
Report/Document Attached	Previous Waived	REQUIRED REPORTS	DOCUMENTS
{ }	{ }	Exhibit A - Form 1	
{ }	{ }	Exhibit B - Form 2	
{ }	{ }	Exhibit C - Supporting Scho	edule (Post-Petition Payables)
{ }	{ }	Exhibit D - Supporting Sch	edule (Insurance)
{ }	{ }	Exhibit E - Narrative (Form	2-F)
{ }	{ }	-	Statement(s) and Reconciliations of ance for Trustee Account(s).
-		ry that the following Monthly I he best of my knowledge and b	Financial Report and any attachments elief.
Executed on:		Trustee:	
			(Name)
			(Signature)

CASE NAME:		CASE	NUMBER	R:		
	SUI	PPORTING S	CHEDUL	E		
	For Period	to		_, 20		
POST	PETITION A	CCOUNTS PA	AYABLE	AGING RI	EPORT	
ACCOUNT NAME DA	INCURRED					
=====================================	=======	=======	=====	=====	=====	=====
FICA						
FUTA						
SUTA						
STATE W/HOLDING						
OTHER						
 ΓΟΤΑL TAXES PAYABLE						
OTHER ACCOUNTS:	========	======	=====	=====	=====	=====

TOTAL OTHER PAYABLES

CASE NAME:	CASE N	IUMBER:							
SUPPORTING SCHEDULE									
For Period _	to		_, 20						
	INSURANCE SCHED	<u>DULE</u>							
Type	Carrier/Agent	Coverage (\$)	<u>Date of</u> <u>Expiration</u>	Premium Paid					
Workers' Compensation									
General Liability									
Property (Fire, Theft)									
Vehicle									
Other (list):									

- (1) Attach copy of certificate of insurance or declaration page of policy for any coverage renewed or replaced during the current reporting month.
- (2) For the premium paid column enter "yes" if payment of premium is current or "no" if premium payment is delinquent. If "no", explain on Exhibit E, Narrative.

CASE NAME:	CASE NUMBER:	
	NARRATIVE	
For Period	to	, 20
Please provide a brief description of treporting period. Comments should in expenses, and purpose of any new post of when the trustee anticipates ceasing	nclude any change in bank accest-petition financing. Comme	counts, explanation of extraordinary

INSTRUCTIONS FOR CHAPTER 7 MONTHLY OPERATING REPORT

<u>Please ensure that the name of the debtor and case number appear legibly on all correspondence, reports, and forms.</u>

The monthly operating reports package includes basic accounting documents and supporting schedules, as listed on Attachment VII. All requested data is to be submitted on the forms provided by the Office of the United States Trustee ("UST"). No other forms will be accepted. All forms must be completed each month, regardless of level of activity, and are due by the 15th of each month. Reports submitted to the UST must reflect the accrual basis of accounting. Signed original operating reports must be submitted to the UST. Regardless of who prepares the reports, the reports must be signed by the trustee. The trustee is responsible for the accuracy, completeness, and timeliness of the reports in compliance with the requirements of the United States Trustee. The UST shall be served with a paper copy of each monthly operating report and the reports shall also be filed with the court. Each monthly report shall include the following:

Exhibit A (Form 1).

Exhibit B (Form 2).

Exhibit C (Supporting Schedule) - post-petition accounts payable must be aged each month, based on the due date, and individual amount of each account listed under the appropriate age category;

Exhibit D - Supporting Schedule (Insurance)

Exhibit E (Narrative) - any relevant comments should be included on Form 2-F; and

<u>Exhibit F Copies of bank statements</u> - a complete copy of the bank statement, along with a copy of the reconciliation of such statement, for each bank account (or investment) holding estate funds.