

Trustee's 341 Filings and Asset Designations

Overview: This ECF category, to be used by Chapter 7 trustees only, mainly addresses bulk filings of No Asset IRAs (now with 4 subcategories) and Continued 341(a) Meetings; there remain separate events to, for example, file Asset and Undetermined IRAs; Motions to Sever; and Motions to Dismiss based on non-appearance at the 341(a) meeting. (It is also possible to file any of the 4 types of "No Asset" reports individually.)

STEP 1. Click on **Bankruptcy** on the ECF Main Menu Bar.

STEP 2. Click on **Trustee's 341 Filings**.

STEP 3. A screen displays for you to enter a 341(a) date, in which you are the trustee.

Click **Next**.

STEP 4. A list of all cases set for that day appears, in case number order. There are 3 basic options available for each case listed: (1) **Further Action Required**; (2) **NO ASSETS** (the default); and (3) **Continue To, Date, Time, AM/PM**. (Disregard the **For Court Use Only** column)

Further Action Required is to be selected in the following instances: (a) Severance and/or dismissal will be separately filed. See **Request for severance et al** in this procedure for further information; or, (b) Case is "asset" or "undetermined". You will subsequently need to file either an **Inventory and Report of Assets** or an **Inventory and Report of Undetermined Assets**. See information following Step 5.

NO ASSETS is now broken up into 4 subcategories, discussed in depth below. Regardless of the subcategory chosen, this will create a text-only docket entry for an IRA No Asset report, satisfy the 341(a) meeting deadline, and change the case status to "Awaiting Discharge". No further action will be necessary unless the asset status of the case subsequently changes, in which case you must file either the **Inventory and Report of Assets** or the **Inventory and Report of Undetermined Assets**. See "**Amended IRAs**" below for further information.

[1] NO ASSETS (No Funds): The default setting for a given case. This presents 9 fields, at least most of which are already populated by ECF for you (e.g., information taken from Schedules A-F). If a field is blank, the trustee is not required to manually enter information from the Schedules. Nor is the trustee required to verify the accuracy of the pre-populated information supplied through ECF.

- [2] NO ASSETS (Dismiss/Convert No Funds):** For cases which were dismissed, converted to another chapter, or reassigned (though if a trustee resigns due to conflict, they don't have to submit this). There are no fields displayed like in the simple **No Funds** example cited above.
- [3] NO ASSETS (Dismiss/Convert Funds):** For cases which were dismissed, converted to another chapter, or reassigned and in which funds were collected; enter the dollar amount of funds collected in the field "Assets Collected".
- [4] NO ASSETS (Min Funds):** Similar to the **No Funds** example cited above, but there is a 10th field, "Assets Collected"; enter the dollar amount of funds collected in the field provided.
- Continue To, Date, Time, AM/PM** will satisfy the previous 341(a) meeting deadline and create a docket entry and deadline for the continued 341(a) meeting. The docket text will include the continued 341(a) date, time and location. **HOWEVER**, if the location of the continued 341(a) meeting is different than the location of the initial 341(a) meeting, you must use the following menu item: Bankruptcy-Trustee/US Trustee-Memorandum Rescheduling 341(a) Meeting (see separate procedure).
- Click **Submit** when all cases have had the appropriate action taken.

STEP 5. The **Notice of Electronic Filing** screen displays listing only the cases that have been designated as NO ASSETS or where the 341(a) was continued (to the same location). The docket text for each of the cases will display under the case number.

"Asset" and "Undetermined Asset" Procedures:

Asset: You must file an Asset IRA (Bankruptcy-Trustee/US Trustee-Inventory and Report of Assets), which will satisfy the 341(a) meeting deadline, change the asset status to "Y", and produce the *Order Fixing Time to File Claims*. This is a text only entry (i.e., no document needs to be produced or attached). Assets will not be identified in the docket text.

Undetermined Assets: You must file an Undetermined Assets IRA (Bankruptcy-Trustee/US Trustee-Inventory and Report of Undetermined Assets), which will satisfy the 341(a) meeting deadline and change the asset status to "U". This is a text only entry (i.e., no document needs to be produced or attached). Potential assets will not be identified in the docket text.

NOTE: Upon later determining the asset status of the case, you file either an Asset IRA or a No Asset IRA. The No Asset IRA must be filed thusly:

(1) Select Bankruptcy-Trustee/US Trustee and select one of the 4 variations of the Chapter 7 Trustee's Report of No Distribution, all of which match up with the four subcategories of "No Asset" detailed above. The docket text is standardized text.

Amended IRAs:

To file an amended IRA, you select the proper IRA (e.g. Assets, Undetermined Assets, No Distribution). ECF searches for any previously filed IRA and, if found, the system automatically inserts "Amended" in the docket text.

Other Items Currently on 341(a) Worksheet:

Persons Attending Meeting: The court does not need this information. You will keep your own records if necessary.

(Jt) Debtor's Change of Address: You must advise the debtor(s)/debtor's attorney to file a written change of address with the court, preferably using LBF #101, and may want to make the form available at the meeting.

Request for severance: [NOTE: no longer listed on the 341(a) Worksheet, but this information still applies] You must have selected "Further Action Required" on the 341 Filings, and must then file a separate motion (Bankruptcy-Motions/Applications-Sever Case (Chapter 07)–See procedure). This is a text only entry, as explained above. In the event, you will indicate the party to be severed and select among the following reasons for severance (more than 1 may be selected): (a) Failure to complete (default) and/or (b) Debtors have filed joint petition and are not married.

If the motion to sever relates to failure to complete the 341(a), filing of the motion to sever will result in the setting of a case tickler which will prompt the case administrator to sever and dismiss the case of the severed party 10 days after filing of the motion to sever unless a motion to reschedule the 341(a) meeting is granted by the court. [No separate motion to dismiss by the trustee is required].

In a joint case if one of the debtors is to be dismissed, you must wait until the severance is completed before filing an IRA or continued first meeting of the debtor who will continue.

Failure to complete and request for dismissal: You must have selected "Further Action Required" on the 341 Filings, and must then file a separate motion (Bankruptcy-Motions/Applications-Dismiss Case–See procedure). In the event, you will indicate if the reason for dismissal is for failure to complete the 341(a) meeting. If so, the result will be a text only entry.

The filing of the motion to dismiss for failure to complete the 341(a) meeting will result in the setting of a case tickler which will prompt the case administrator to dismiss the case 10 days

after the motion to dismiss is filed unless a motion to reschedule the 341(a) meeting is granted by the court.

Failure to complete and request for no dismissal (LBF #750.3): You must have selected “Further Action Required” on the 341 Filings, and must then file the LBF #750.3 using Order Upload/Upload Order - No Separate Motion (Order Type is “Other”, Order Description is “Trustee Request that Case Not Be Dismissed for Failure to Attend”).

Debtor(s) did not produce proper I.D. at/before continued hrg: The UST will file a motion (Bankruptcy-Motions/Applications-Dismiss Case), answer “n” to the prompt as to whether this motion is based on the debtor’s failure to complete the 341(a) meeting, and attach the motion.