

Plan Payments to the Chapter 13 Trustee

Pre-Confirmation Payments:

Prior to confirmation, a debtor shall make their payments to the Trustee directly and timely (11 U.S.C. § 1326(a)). Unless good cause is shown to the Court by the debtor, the Trustee shall not recommend confirmation of chapter 13 plan unless the debtor is current on their pre-confirmation payments.

Post-Confirmation Payments:

Unless otherwise exempted, **no later than 14 days after the date of filing a petition** under chapter 13 or the date of conversion to chapter 13 (if applicable), debtor shall submit to the Trustee the form attached, which indicates the debtor's agreement to make the post-confirmation payments to the Trustee through a wage order pursuant to 11 U.S.C. § 1325(c). In cases assigned to Trustee Wyman, Debtor may alternatively agree to set up and use a Trustee-approved electronic account deduction program,¹ commencing with the payment due in the month that debtor(s)' plan is confirmed.

Debtor may be exempted from this requirement if:

- (1) The debtor is not currently employed;
- (2) The debtor does not receive payments that are amendable to a wage order;
- (3) The debtor's employer has less than 20 employees;
- (4) The debtor is self-employed; or
- (5) Other good cause is shown in writing submitted to the Trustee by the 14 day deadline.

Every instance of exemption shall be presented by the Trustee to the Court for review as a condition of confirmation.

Upon the failure to timely comply with this requirement, the debtor and debtor's counsel shall appear before the Court at the first available dispute hearing after the initial confirmation hearing to show cause for the failure to comply.

¹ TFS Bill Pay (<http://www.tfsbillpay.com>), a third party payment method specializing in payments to trustees under chapter 13 plans.

Consent for Payment Method of Post-Confirmation Payments to the Trustee

Case Number: _____

Debtor 1 Name: _____

Debtor 2 Name: _____

Debtor 1 Address:

Debtor 2 Address:

I/We hereby consent to:

- ☐ **A Wage Order**, so that my payments due to the Chapter 13 Trustee (“Trustee”) will be drafted from my/our paycheck and sent by my/our employer to Trustee. I/We understand that the wage order will direct the employer(s) to pay the Trustee, but that if the employer does not send the payment to the Trustee, even after taking them out of my/our pay, it is up to me/us to contact my/our employer to send in the payments.

This is the current address for the pay roll department of my/our employer(s). If this address ever changes, of if I/we change jobs, I/we will let you know where to reissue the wage order.

The wage order will be deducted from:

Debtor 1 Name:	Name of employer and address of payroll department:	I want: <input type="checkbox"/> all / <input type="checkbox"/> ½ of the trustee payment taken out of my pay—the rest will be taken out of my spouses’ pay, below. If “all” selected, then do not fill in the below boxes.
Debtor 2 Name:	Name of employer and address of payroll department:	I want: <input type="checkbox"/> all / <input type="checkbox"/> ½ of the trustee payment taken out of my pay—the rest will be taken out of my spouses’ pay, above.

- ☐ (For cases assigned to Trustee Wyman only) **Set up a TFS Bill Pay account**, so that my/our payments due to the Chapter 13 Trustee (“Trustee”) will be drafted automatically from my/our bank account and sent directly to the Trustee by the program.

I/We also understand that it will continue to be my/our responsibility to make sure that the payments are sent to Trustee Wyman. I/We further understand that until the commencement of the wage order or payment deduction by TFS Bill Pay, we will need to send the payments to Trustee Wyman at the below payment address:

James M. Wyman, Chapter 13 Trustee
P.O. Box 110
Memphis, TN 38101-0110

Signed:

Debtor 1

Debtor 2