

Trustee's 341 Filings and Asset Designations

Overview: This ECF category can be used by Chapter 7 and Chapter 13 trustees. For Chapter 7 trustees, this feature mainly addresses bulk filings of No Asset IRAs (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.

New features with ECF version 4.1 allow the trustee to continue multiple meetings simultaneously and to add additional docket text to the NDR entry.

For Chapter 13 trustees, this feature only allows continuation of a meeting.

CHAPTER 7

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.

- You may sort your cases by case number or by time.
- If you want to continue multiple meetings **all to the same date/ time/location**, choose the "continue multiple 341 meetings" check box and continue with Step 5.
- Click **Next**.

STEP 4. A list of all cases set for that day appears, in case number order or by time of day. There are 3 basic options available for each case listed: (1) **Further Action Required**; (2) **NO ASSETS** (the default); and (3) **Continue To**. (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)**: This is 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 as 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** 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. The location of the continued meeting will default to the location of the original meeting; however, this can be changed using the drop down list in the event. If more than one case in the list is to be continued, each can be held at a different location/date/time. Set the time using the clock icon which will insert “AM” and “PM” in your selection.
- ❑ Each “No Asset” entry or “Continue To” entry will allow the trustee to add additional docket text and to indicate if the debtor(s) appeared or did not appear at the meeting. If a radio button for “appeared” or “absent” is chosen, the text will be added to the docket entry. If “No Text” is selected [it is the default], no text regarding appearance will display. Any text added via the text box will display regardless of selection of an appearance/no appearance radio button. **NOTE:** Indicating the debtor(s) appearance using these radio buttons or adding additional text will NOT cause the clerk’s office to take any action to dismiss debtor(s) for

failure to appear. If you think that use of the “absent” radio button would be appropriate of if you would like to discuss the advisability of adding text to the docket entry, please contact the US Trustee.

- Click **Submit** when all cases have had the appropriate action taken.

STEP 5. Continuing multiple meetings to the same date/time/location.
After entering the initial meeting date, choose the check box “Continue multiple 341 meetings.”

- Click **Next**.
- Enter the date, time and location for the new meeting. Add any additional docket text and make any selections regarding debtor(s) appearance at the original meeting. NOTE: This text and selection will appear for **every** case chosen from the list of cases, and the date/time/location **will be the same for every case** chosen. If you need different times/locations/text, go back. Do not choose the “Continue multiple 341 meetings” check box, but instead, use the “continued to” radio button [see Step 4] after generating your list of cases.
- Click the check box next to the applicable cases OR click the check box at the top of the list to choose ALL cases in the list.
- Click Submit

STEP 6. The **Notice of Electronic Filing** screen displays. The docket text for each of the cases will display under each 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 indication of the debtor(s) appearance via the radio button selection in the Trustee's 341 Filing is not a substitute for filing the appropriate Motion to Dismiss.

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.

CHAPTER 13

Using the Trustee’s 341 Filing selection to continue one or more meeting dates.

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.

- Determine if you want to continue multiple cases to the same date/time/location or if you want to continue one or more cases at different dates/times/location.
- Choose a method of Sorting: by case number or by time.

STEP 4. To Continue individual meetings, proceed to Step 6. To Continue Multiple meetings to the same date/time/location:

- Click the box “Continue multiple 341 meetings”
- Click **Next**.

STEP 5. A list of all cases set for that day appears.

- Enter the chosen date and time for the new meeting. Enter the time in the text field and include AM or PM or use the clock icon to set the time.

- Choose a location for the meeting using the drop down arrow. NOTE: The date/time/location must be the same for each case chosen on the list.
- Add additional docket text if required. If desired, information regarding the debtor(s) appearance at the original meeting can be added to the docket text by choosing one of the radio buttons “appeared” or “absent.” The default button for “no text” will not add any text regarding the appearance to the docket entry. **NOTE:** Any additional text added or radio button selection made will appear for **all** cases chosen in the list.
- Choose the cases which will have the meeting continued by clicking the check box next the applicable case OR click the check box at the top of the list to choose ALL cases in the list. Any cases where the box is not marked will be ignored and the meeting will not be continued.
- Click Submit

STEP 6. The NEF will display for each case number chosen.

STEP 7. To continue cases to varying dates/times/locations:

- Enter the date of the Meeting. Choose a method for sorting. Do not check the box for multiple meetings.
- Click Next.

STEP 8. For the appropriate case, leave the radio button on the “Continue To” selection.

- For any case that should not be processed, change the radio button selection to the first column “Court Use Only.”
- For each continued case, enter the date/time/location of the continued meeting. This may be different for each case. The location will default to the location of the original meeting. Use the drop down list to change it if necessary.
- For each case, enter any additional docket text, if needed.
- For each case, select a radio button regarding the debtor(s) appearance at the previous Meeting or leave the default which will not add text regarding appearance to the docket entry.
- Confirm your selections and click Submit.

- The NEF will display for each case where the meeting was continued. For cases where Court Use Only was chosen, no entry will be made.