

**TRUSTEE GUIDELINES FOR THE OFFICE OF
RICK A. YARNALL
CHAPTER 13 STANDING TRUSTEE**

I. Introduction

Pursuant to LR 3015(b), “each chapter 13 standing trustee may issues guidelines for the administration of chapter 13 plans.” As such, Rick A. Yarnall, is issuing the following Trustee Guidelines for the cases in which he is appointed as the Standing Trustee. The Trustee reserves the right to amend these guidelines at anytime. The Trustee’s current guidelines can be found at www.lasvegas13.com.

II. Contact Information and Office Hours

- Correspondence Address: 701 Bridger Avenue, Suite 820, Las Vegas, NV 89101
- Payment Address: Rick A. Yarnall, P.O. Box 1482, Memphis, TN 38101
- Office Hours: 9:00 A.M. to 12:00 P.M. and 1:00 P.M. to 4:00 P.M. Monday to Friday.
Closed Federal Holidays
- Phone Number: (702) 853-4500
- Fax Number (702) 853-4513

III. Form Plan

LR 3015(a) allows each Chapter 13 standing trustee to issue a form Chapter 13 plan. The Trustee’s form plan must be observed and the Trustee will not recommend confirmation on plans that do not conform with the Trustee’s form plan. The form plan can be found on the Trustee’s website at www.lasvegas13.com. The Trustee reserves the right to revise the form plan at anytime.

IV. Document Process and Requirements

- A. Throughout the bankruptcy process several documents will be required to be turned over to your Trustee. To make this process more efficient on all parties involved, the Trustee has issued the following procedures.
- B. Submission – Documents can be mailed or hand delivered to the Trustee’s office at the correspondence address listed above. For attorneys and regular filers, the Trustee has created an FTP site where documents can be electronically transferred from your system to the Trustee’s. For more information on setting up an FTP login, please visit the Trustee’s website at www.lasvegas13.com or call the office at the number listed above.
- C. Timing – Due to the large volume of documents that are reviewed by the Trustee’s office on a daily basis documents must be received by the Trustee’s office no later than seven (7) days prior to the 341 Meeting or Confirmation hearing to be considered for that hearing. Documents that are received after that time will not be

considered and the hearing will be continued to give the Trustee sufficient time to review the requested documentation. The Debtor will still be required to appear to receive a new 341 hearing date in the circumstance where the hearing is continued for documents.

D. Required Documents – The Trustee requires the following documents in each case:

COPIES OF:

- ___ Bank Statements All Accounts (for the month of filing, plus the preceding 6 months)
- ___ Pay Stubs (for the 6 months preceding the month of filing)
- ___ Tax Returns or Tax Affidavit (prior 4 years of returns that have been filed with the IRS)

SIGNED ORIGINALS:

- ___ B-21 or Statement of Social Security Number
- ___ Declaration of Electronic Filing

ADDITIONAL DOCUMENTATION, IF APPLICABLE:

- ___ Verification of Social Security Income, Disability Income, and Pension Income
- ___ Verification of all sources of income not previously provided
- ___ Documentation on Life Insurance (premium statement page & declaration page)
- ___ Appraisals on any Raw Land / Timeshares
- ___ Sworn Affidavit of Support/Contribution from contributing source
- ___ Sworn Affidavit Third party making vehicle payment
- ___ Pay stubs for non-filing spouse (for the 6 months preceding the month of filing)
- ___ Divorce Decree plus any Property Settlement Agreements and Orders
- ___ Court Order for Child Support
- ___ DSO Affidavit (Name and Address of support recipient)
- ___ Documentation with valuation on any other assets, such as: annuity, mutual funds, inheritance, Trust, etc.
- ___ Lease/Rental agreement for all rental properties retaining
- ___ Support to third party, i.e., family member, friend, etc.
- ___ Documentation as to pending legal action/litigation in favor of the debtor, i.e., personal injury/medical malpractice/wrongful death/class action/etc.
- ___ 401k loan documents and/or documents repaying any retirement account loans to include origination of loan, payment, balance owed and when paid off
- ___ Original Mortgage statement and completed Mortgage Release form for any mortgage being paid through the plan.
- ___ Proof of post-petition on-going mortgage payments through confirmation.

BUSINESS DOCUMENTATION, IF APPLICABLE:

- ___ Detailed list of assets, inventory, supplies, equipment, and accounts receivable with valuation for each item as of the date of filing
- ___ Business tax returns (prior 4 years of returns that have been filed with the IRS)
- ___ Monthly Profit & Loss statements, to include detailed breakdown of expenses (6 months from the date of petition filing through confirmation)
- ___ Business Bank statements (for the month of filing, plus the preceding 6 months)
- ___ Book of Business (insurance business – for the 6 months preceding the month of filing)
- ___ Assets & Liabilities of Corporation/LLC/Partnerships

- E. The Trustee reserves the right to request additional documents in his investigation into the Debtor's assets and/or financial affairs.
- F. In addition to the above documents, Debtors must provide to the Trustee's office a copy of their tax returns each year as the returns are filed with the IRS. Returns must be filed with the IRS and provided to the Trustee by the April 15th tax deadline each year. Failure to do so may result in the Trustee's office filing a motion to dismiss in the noncompliant Debtor's case. Please inform the Trustee's office if your taxes will be filed after the April 15th deadline due to circumstances beyond your control.

V. 341 Meeting of Creditors

- A. The 341 Meeting of Creditors is set by the bankruptcy court and conducted by the Trustee's office as appointed by the United States Trustee. The Debtor(s) must appear at each 341 meeting unless the Trustee has previously waived the Debtor's appearance. A Debtor's appearance will not be waived if the Debtor fails to timely submit documents to the Trustee's office or fails to file the required Schedules, SOFA, B22c or Plan.
- B. All documents must be provided to the Trustee's office at least seven (7) days prior to the 341 meeting. Any documents received less than seven (7) days prior to the 341 meeting will not be reviewed and may cause the 341 meeting of creditors to be continued in order to give the Trustee's office adequate time to review the documentation.
- C. At each 341 Meeting the debtor(s) must bring the following:
 - Social Security Card
 - Government used photo identification
 - A complete copy of the Schedules and Plan filed in the caseFailure to bring any of the above items may result in the 341 meeting being continued.
- D. All 341 meetings will be conducted in English. Although a translator will be provided as needed, free of charge, the Trustee requests that you notify the Trustee seven (7) days prior to the 341 meeting if you require translation assistance.

VI. Confirmation Hearing

- A. Trustee's Opposition - After the 341 Meeting of Creditors is concluded the Trustee will file an opposition to confirmation in each case. The Opposition will detail any additional documentation requested by the Trustee and any amendments that need to be made in the case.
- B. Documents and Amendments – All documents must be provided to the Trustee's office no later than seven (7) days prior to the confirmation hearing date. All amendments must be filed no later than seven (7) days prior to the confirmation hearing date. Any documents and/or amendments provided or filed after the above deadline will not be reviewed for the pending confirmation hearing and the Trustee

will recommend that the confirmation hearing be continued in order to give the Trustee and his staff adequate time to review the documents and/or amendments and evaluate their effect on the case.

- C. Additional Documentation – The Trustee reserves the right to request updated verification of income, i.e. paystubs, profit and loss statements, and other documents at any time prior to the confirmation of the case.
- D. Pending Motions – The Trustee will not recommend confirmation in a case until an Order is entered on the docket for all motions to value, motions to avoid liens, and objections to claims to be filed in a case.
- E. Notice of Plan and Interlineations – The Trustee will not recommend confirmation of any Chapter 13 plan that has not been proposed in conformity with the noticing requirements of Federal Rule of Bankruptcy Procedure 2002. Furthermore, the Trustee has a strict no-interlineations policy and will not write any modifications to the confirmed plan no matter how “immaterial they may ultimately prove to be to the economic effect of the plan”. See In re Franklin, BK-S-10-32720-bam, Doc #47.
- F. Appointments - Due to the large number of cases scheduled for confirmation each week, the Trustee requires that all cases be worked with his office prior to the pre-confirmation hearing. The Trustee’s office is available to work cases from 8:00 am to 5:00 pm, Monday through Friday during the five (5) business days preceding the confirmation hearing. Unfortunately, at this time, the Trustee’s office is not available to work cases outside of these hours. To schedule an appointment, please call (702) 853-4500. Appointments will be given on a first-come, first-served basis. No appointments outside of the above hours will be given.
- G. Updated Pay Verification – The Trustee requires three (3) months of updated pay verification, i.e. paystubs, profit and loss, etc., on all cases in which confirmation is continued for more than four (4) months from the date the initial confirmation hearing is scheduled. Additionally, three (3) months updated pay verification will need to be provided to the Trustee every six (6) months thereafter until the case is confirmed.

VII. Requests for Orders Shortening Time (OST)

Pursuant to Local Rule 9006, the moving party must contact opposing counsel and other interested parties prior to setting motions on OST. The Trustee requests that all requests for Orders Shortening Time be sent to ost@lasvegas13.com.

VIII. Payments

The Trustee accepts monthly payments in the following payment forms:

1. ePay – For ePay information please visit www.lasvegas13.com
2. Cashier’s Check or Money Order – please write your name and case number on the cashier’s check and mail it to: Rick A. Yarnall, P.O. Box 1482, Memphis, TN 38101

THE TRUSTEE DOES NOT ACCEPT CASH OR PERSONAL CHECKS