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What To Expect at Your Meeting With The Trustee

Everyone who files a chapter bankruptcy case must attend what is called a 341 Meeting, also known as a Trustee's Meeting or Creditor's Meeting. In a Chapter 7 bankruptcy, this meeting will likely be your only contact with the bankruptcy court. In the Orlando Division of the Middle District of Florida Bankruptcy Court, 341 meetings are currently held at the Bankruptcy Court located at 135 West Central Boulevard in Orlando ("Fairwinds" Building).

People at the 341 Meeting will include you, your bankruptcy attorney, the Bankruptcy Trustee, possibly a representative of the US Trustee's Office, and any creditors that decide to attend. In most cases, the chances of any creditors or US Trustee attending are remote, so in the vast majority of cases, the only people in attendance will be you, your attorney and the Chapter 7 or 13 Trustee.

The Bankruptcy Trustee is required by law to ask you certain questions on the record. Your responses to these questions are recorded and can be used in a court of law, and you can be subjected to perjury charges if you do not answer truthfully. If you are unsure about how to answer a question, you may speak to your attorney.

Common Bankruptcy Trustee Questions

While each trustee has his or her own stylistic preferences regarding the standard questions and has the option of asking additional questions based on the details of a particular case, he or she will ordinarily address at least the following questions:

- * State your name and address for the record.
- * Have you read the bankruptcy information sheet?
- * Did you sign the petition, schedules and related documents you filed with the court?
- * Did you read those documents before you signed them?
- * Are they accurate to the best of your knowledge?
- * Are there any changes you would like to make at this time?
- * Do the schedules list all of your assets?

- * Do the schedules list all of your debts?
- * Do you have a child support obligation?
- * Does anyone owe you money?
- * Do you have any reason to sue anyone?
- * Have you sold anything or transferred anything out of your name over the past two years?
- * Have you repaid any debts to family members over the past two years?
- * Are you the beneficiary of a Trust or an Estate?
- * Do you expect to come into an inheritance over the next 6 months?

The order and particular wording of these questions will vary with the particular bankruptcy trustee assigned your case.

This is also normally the time that the Trustee will discuss with you any non-exempt assets that need to be surrendered or bought back.

In Chapter 7 cases, you should have your second required counseling class completed prior to the meeting.

In Chapter 13 cases typically you will attend the second class in person at the bankruptcy court on the day of your 341 meeting.

You must have with you at your meeting a photo ID and proof of your social security number. You will need either your original social security card, or a copy of another form of proof, such as a W-2 form or 1099 or other official document containing your entire social security number. If you fail to have your photo ID and proof of social with you, the Trustee may not hold the meeting and you will have to go back on another day. Some Trustees will require that you produce additional documents prior to the meeting, such as paystubs, bank records, car titles, etc. but most do not.

The Clerk schedules 6 to 8 meetings in half hour increments. Individual meetings tend to go by very quickly averaging 3 - 5 minutes.

In most Chapter 7 cases, once your meeting is completed, there is nothing else required of you in the Bankruptcy case. Your Discharge will be entered approximately 60 - 90 days after the meeting and usually, in no assets cases, the case is closed at that time.

In Chapter 13 cases, your first plan payment is usually due around the time of the 341 meeting. The Trustee will review your payment plan with you and give you envelopes to use in making your payments. Your Plan Confirmation hearing will usually be about 60 - 90 days after the 341 meeting.