

Memorandum

To: Chapter 13 Bar
From: Devin Derham-Burk, Trustee
Date: 6/22/2010
Re: Dismissals for No Pay Stubs

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More than 60% of the Chapter 13 cases filed in San Jose are filed without providing me with sixty (60) days of required pay advices and/or a declaration explaining why a complete set is not available. Not having these pay advices to review at the time we are reviewing the petition and schedules creates substantial additional work for me and my staff. With 450 to 500 new filings every month, we do not have the time to track down missing pay advices. If even one pay stub is missing I must file an objection to confirmation.

In November 2009 I advised the Chapter 13 bar that I would be seeking dismissal of cases if I do not have the required pay advices/declarations by the 46th day after filing. Because we are lucky enough to have a standing order which allows a declaration in lieu of pay advices which are not available, a case should never be in jeopardy of being dismissed for no pay advices. Despite this, I am submitting between five and ten requests for dismissal each week for lack of pay stubs.

Please make providing the required pay advices as important a priority as having your debtors make their first plan payment. If you want to confirm that we received all required pay advices please call. Please do not send pay stubs that are not within the correct time period and please do not send more than one set of pay advices for each debtor.

