

**Business Cases – Overview for Attorneys and Debtors**  
**Elizabeth Clark, Chapter 13 Trustee**  
**Matt Parker Business Case Analyst**

Over the last several years there has been an increase in the amount of information requested and reviewed by the Trustee prior to the confirmation hearing. The business case questionnaire, business case budget, financial reports, proof of insurance coverage, and all other reports or documentation are needed to determine the Best Interests of Creditors Test, feasibility, disposable income, and good faith of a business case or self-employed debtor. This information must be submitted to our office as soon as possible after the case has been filed. As the debtor's attorney, you should collect and review all business case-related documentation before you file accurate schedules and the debtor's bankruptcy plan with the Court.

The information requested by the Trustee's office prior to 341 and Court confirmation hearings might seem burdensome to a debtor who is heading into bankruptcy. Quite often a business case debtor will state that s/he does not have the money to spend on a bookkeeper or the cost to buy computerized accounting software is excessive. If the business owner or self-employed person is going to file Chapter 13 bankruptcy, s/he must be aware of all the requirements placed on them pre confirmation and (possibly) post confirmation. If s/he is unable to prepare the reports or documents needed to be submitted to our office, it may be necessary to hire someone to perform this critical task.

Keeping proper and complete records, reconciling bank statements, and comparing the actual results of a business or self-employment to the budget are some basic components of running any business or being a self-employed person. Just as importantly, it is the Trustee's fiduciary responsibility to monitor the estate. Without the information we are requesting it is difficult to assess the current and future success of a business case or self-employed debtor.

In addition, we would like to e-mail any letters, reports, and other requests for information to both the debtor and their attorney. Therefore, it would be helpful if you (debtor's attorney) could provide the Trustee's office with the debtor's e-mail address if the debtor has one. It would be quite beneficial to all parties in interest to reduce the time we communicate with each other and what better way than using e-mail providing the debtor has a computer.

Included on our website are samples of the business case letters sent out to debtors and attorneys. You will also find samples of reports and documents that should be sent to our office, along with a checklist that both you and the debtor can use to track what has and has not been sent to the Trustee's office.

It is highly advisable to have the debtor submit to the Trustee's office the proper business case questionnaire, along with all other appropriate documents and reports before a formal request is sent by the Trustee's office. The sooner this information is sent to our office, the sooner that the business case analyst can analyze and assess the information to assist the Trustee in the confirmation of the debtor's case.

If you have any questions related to a debtor who owns or has an interest in a business; or is self-employed, please call our office and talk with Matt Parker at 616 – 454 – 9638 extension 125.

Thank you