

**OFFICE OF THE CHAPTER 13 TRUSTEE  
818 Grand Blvd., Suite 800  
Kansas City, MO 64106-1901  
816-842-1031**

Richard V. Fink, Trustee



January 30, 2015

**Re: WDMO Chapter 13 News**

**Office Relocation**

After 21 + years in the Scarritt Building, my office will be moving from 818 Grand Boulevard, Suite 800, Kansas City, MO 64106-1901, to **2345 Grand Boulevard, Suite 1200, Kansas City, MO 64108-2663.**

**Please make that change in your databases effective February 12, 2015.** The plan is to shut down my servers after we post receipts that morning and to shut down the telephone system shortly thereafter; my staff will complete packing up on the 12<sup>th</sup> and on Friday, February 13<sup>th</sup>, the movers will arrive and begin the trek to 2345 Grand. If the weather<sup>1</sup> cooperates, we will be operational on Tuesday, February 17, 2015, at the new location.<sup>2</sup>

If you have any pressing matters with my office, please address them prior to February 11<sup>th</sup>.

The move<sup>3</sup> will have no impact on the Western Division Section 341(a) meetings scheduled for February 17, 2015, at the Whittaker Courthouse, 400 East 9<sup>th</sup> Street, Kansas City, MO.

There will be no changes to our telephone numbers or our email addresses.<sup>4</sup>

**Western Division Section 341(a) meeting location**

Effective with the January 2015 dockets, the Chapter 13 Western Division Section 341(a) meetings of creditors are being held in the United States Courthouse, which is located at 400 East 9<sup>th</sup> Street, Kansas City, MO. Please double check your notices for **dates, times, and location.**

<sup>1</sup> Likewise, the elevators in the Scarritt Building need to cooperate.

<sup>2</sup> It will take us sometime to be fully operational and acclimate to the new space; so, I appreciate and thank you in advance for your patience and understanding.

<sup>3</sup> The weather is another matter.

<sup>4</sup> **However, from February 12, 2015, thru February 17, 2015, there will be no one available to respond to telephone inquiries or to emails.**

## ePay

The trustee's online ePay system is a secure, convenient alternative to personal checks, money orders or cashier's checks. There is a convenience fee collected by my bank for payments made on the ePay system. Payments made by 4 p.m. Central Time generally are posted the next business day. There is a registration link on the trustee's websites, [www.13network.com](http://www.13network.com) and at [www.ndc.org](http://www.ndc.org). To register, your clients must know their bankruptcy case number and the last four digits of their Social Security number; must have a checking or savings account (and must know the bank's routing number and account number); and must have a valid email address.

## Electronic fund transfers

Electronic fund transfers are available for the payment of your attorney's fees. Please contact David Boehnke, Director of Operations, or me, to sign up for electronic fund transfers.

## Finally Financial Freedom

I now am an approved provider for an on-line financial management course,<sup>5</sup> ***Finally Financial Freedom***. However, I only am an approved provider for Chapter 13 debtors whose cases pend in the United States Bankruptcy Court for the Western District of Missouri. This is an excellent course which is free for your clients.<sup>6</sup> If your clients filed their Chapter 13 petition on or after October 1, 2014, and they successfully complete the course within one year of filing their Chapter 13 petition, TEN (Trustee Education Network) will file with the Bankruptcy Court the Certificate of Debtor Education on your clients' behalf. If your clients filed their case on or before September 30, 2014, or if your clients do not complete the course within one (1) year of filing their Chapter 13 case, they can audit the class for free, but they will not be eligible for the Certificate of Debtor Education. This course takes a commitment of time, but the content is excellent and will enhance your clients' financial literacy and success, not only in the Chapter 13, but for their entire lives. I encourage you to encourage your clients to take the plunge and enroll. They will need to know their Case Number and use my Trustee Identifier Number (TIN) which is **TEN13004**. There are links for this course both on [www.13network.com](http://www.13network.com) and on [www.ndc.org](http://www.ndc.org).

## Debtor handbook

The Debtor handbook "The Keys to Chapter 13 Success" is available to the debtors at their §341(a) meetings. If needed, I also have a Spanish language version available. Also, the most recent version of the handbook, in both English and Spanish, always is available electronically on the [www.13network.com](http://www.13network.com) website.

<sup>5</sup> This course is produced by the Trustee Education Network (TEN). See 11 U.S.C. §§111 and 1328(g).

<sup>6</sup> This course has 10 chapters and each chapter takes approximately 20 to 30 minutes to complete. It is recommended that it not be done all at once.

### **Providing information/documents to the trustee (Secure FTP Server)**

Please do not email documents to me or my staff. Documents such as tax returns, affidavits, deeds of trust, warranty deeds, promissory notes, certificates of title, pay stubs, bank and financial account statements, cancelled checks, dissolution decrees, etc. may be submitted electronically to my office through a secure, dedicated website.

In order to submit documents electronically, you must enroll to obtain access to my Secure FTP Server. The enrollment form is available on the [www.13network.com](http://www.13network.com) website.

**THANK YOU if you already are signed up and use the Secure FTP Server to provide documents. But, please change your computer settings from 65.23.101.186 to sftp.wdmo13.com.**

**Please be aware that the file size for items submitted must be less than 10MB.**

Also, please be aware that the email address [ecfincdocs@wdmo13.com](mailto:ecfincdocs@wdmo13.com) is not a monitored site. **Please do not send any emails to this email address.**

### **Websites**

The [www.13network.com](http://www.13network.com) website still is available to debtor's attorneys and creditors for obtaining financial information in cases in which they are a party in interest. Debtor's attorneys also have the ability to get this same information (for free) at [www.ndc.org](http://www.ndc.org); <sup>7</sup>small, regional creditors can sign up at [www.ndc.org](http://www.ndc.org) for a nominal fee and get financial information about cases in which they are a party in interest as well. Large, national creditors subscribe to [www.ndc.org](http://www.ndc.org) to obtain financial information about cases in which they are a party in interest.

### **Email addresses**

My office maintains a list of attorney email addresses that I use when sending out various information throughout the year. If you are not receiving emails from me, please update your email address with my office.<sup>8</sup> If your PACER email address is not what you want my office to use, please update your email address with my office.

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<sup>7</sup> This is the same site that your clients can use to obtain financial information about their cases.

<sup>8</sup> Yes, I know if you are not receiving emails, you are not receiving this one either, so it will be mailed out via USPS mail as well.

### **Time barred debts**

Please be aware of the 11<sup>th</sup> Circuit decision, *Crawford v. LVNV Funding, LLC*, 758 F.3d 1254 (11<sup>th</sup> Cir. 2014). This case should be of interest to both the debtor and creditor bar. The court held that the filing of a proof of claim in a Chapter 13 case for a debt that is stale under the state's statute of limitations violates the Fair Debt Collection Practices Act and subjects the creditor to sanctions. Because I do not have all of the facts necessary to determine if a debt is time barred, it is important to discuss this issue with your clients, both debtor and creditor, for you and your client to determine the appropriate action to take regarding proofs of claim that may be based on time barred debts.