



United States Bankruptcy Court
Northern District of Indiana

Robert K. Rodibaugh United States Bankruptcy Courthouse
401 South Michigan Street
P.O. Box 7003
South Bend, Indiana 46634-7003

Harry C. Dees, Jr.
Chief Judge

Telephone: 574.968.2280
Facsimile: 574.968.2281

April 23, 2004

TO: Members of the Bankruptcy Bar

Dear Practitioners:

Enclosed you will find several informational documents addressing the following matters:

- A notice seeking public comment concerning proposed local rules changes which is self-explanatory.
- A document executed by Judge J. Philip Klingeberger and Judge Kent Lindquist on April 2, 2004, which adjusts the amount of attorney's fees awarded to counsel in a Hammond Division chapter 13 case without the necessity of an itemized fee application from \$1,800.00 to \$2,200.00.
- A document from the Indiana Department of Revenue providing Bankruptcy Section information and guidance for improved customer service.

Any questions, comments, or concerns, should be directed to Christopher M. DeToro, Clerk of Court, at 574-968-2232. Thank you for your attention to these matters.

Very truly yours,

Chief Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA**

TO: THE BAR AND PUBLIC

The United States Bankruptcy Court for the Northern District of Indiana is seeking public comment concerning proposed changes and revisions to the court's local rules. The changes involve the following rules:

- B-2002-1 – Treatment of Returned Notices, deletion of existing paragraph (c)
- B-3006-1 – Withdrawal of Claims, *new rule*
- B-9014-2 – Applicability of Certain Rules of the Federal Rules of Civil Procedure, addition of new paragraph (b)

The proposed amendments are available online at the court's website, <http://www.innb.uscourts.gov/>, or in hard copy at the clerk's office.

Please send comments and suggestions by May 25, 2004, to:

Christopher M. DeToro
Clerk of Court
United States Bankruptcy Court, Northern District of Indiana
P.O. Box 7003
South Bend, IN 46634-7003
(574) 968-2100

Proposed changes to the local rules for the United States Bankruptcy Court for the Northern District of Indiana. New material is indicated by *italics*, and deleted material is indicated by ~~strikeout~~.

B-2002-1
Treatment of Returned Notices

(a) Envelopes containing notices of the § 341 meeting will bear the return address of debtor's counsel or the debtor if *pro se*. Debtor or debtor's counsel shall retain all such notices returned by the postal service for no less than one-hundred *and* eighty (180) days after the case is closed or dismissed.

(b) As to any notice which is not served by the clerk, the party responsible for serving the notice shall retain all notices returned by the postal service for no less than one-hundred and eighty (180) days after the date the case is closed or dismissed.

~~(c) Any notice served by the clerk which is returned by the postal service may be destroyed upon the closing of the case.~~

B-3006-1
Withdrawal of Claim

(a) A request to withdraw a claim after it has been objected to, after the creditor has been named as a defendant in an adversary proceeding, or after the creditor has participated significantly in the case, shall be served upon the trustee or debtor in possession, any committee, all parties who objected to the claim, and the United States Trustee. In the absence of an objection or other response within 20 days after the date the request to withdraw is filed with the court, the court may allow the claim to be withdrawn without further notice or hearing.

(b) A request to withdraw a claim does not extend or defer the deadline for filing a response to a claim objection and will not delay any proceeding concerning the claim or the court's ruling thereon.

B-9014-2
Applicability of *Certain Rules 26(a) and (f)*
of the Federal Rules of Civil Procedure to Contested Matters

(a) Except as otherwise ordered by the court or agreed to by the parties, the requirements of Rule 26(a) and 26(f) of the Federal Rules of Civil Procedure shall not apply to any contested matter under Rule 9014 of the Federal Rules of Bankruptcy Procedure.

(b) The provisions of Rule 5(d) of the Federal Rules of Civil Procedure concerning the filing of discovery matters shall apply to contested matters.



United States Bankruptcy Court
Northern District of Indiana

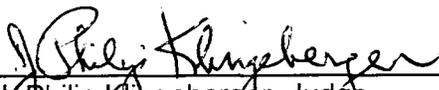
April 2, 2004

TO: The Chapter 13 Bar

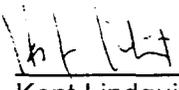
RE: Attorney's Fees Awarded to Counsel for Chapter 13 Debtor(s)

It has been the policy of this Court, effective June 1, 2002, to award up to a maximum of \$1800.00 in attorney's fees to debtor's counsel for representing a debtor in a routine, consumer case under Chapter 13, without the necessity of filing an itemized fee application. Any fee in excess of that sum required an itemized fee application for extraordinary, unusual, or unanticipated legal services that were rendered to the debtor or the debtor's estate.

The Court has concluded that this figure should now be adjusted upward to \$2200.00. Accordingly, effective May 1, 2004, as to any Chapter 13 case filed on or after that date, the Court will approve a fee not to exceed \$2200.00 for Chapter 13 debtor's counsel, without the necessity of an itemized fee application, in a routine, consumer case.



J. Philip Klingeberger, Judge
United States Bankruptcy Court
5400 Federal Plaza, Suite 3800
Hammond, Indiana 46320
(219) 852-3575



Kent Lindquist, Judge
United States Bankruptcy Court
5400 Federal Plaza, Suite 3600
Hammond, Indiana 46320
(219) 852-3550

cc: Trustee
U.S. Trustee



DEPARTMENT OF REVENUE

COMPLIANCE DIVISION
INDIANA GOVERNMENT CENTER NORTH
ROOM N203
100 N. SENATE AVE.

The DOR Bankruptcy Section has prepared this informational document in an effort to provide better customer service to Debtor's and Debtor's counsel. Serious delays occur when tax returns or correspondence are mailed to a generic departmental mailing address versus using a specific Bankruptcy Section address¹. It is very important that all tax returns and correspondence be sent ONLY to our section's address, as shown below.

**Indiana Department of Revenue
Bankruptcy Section, Rm. #IGCN203
100 N. Senate Avenue
Indianapolis, IN 46204**

Bankruptcy Section Supervisor

Todd Nichols... (317) 232-2293E-mail address...tnichols@dor.state.in.us

CASE BREAKDOWN BY TAX ANALYST

Chapter 13/Chapter 7 Asset cases

Bam-Bra, E, V.....	Darlene.....	(317) 232-2309
A, G.....	Sondra.....	232-1856
C, Mos-Mz.....	Burnita.....	232-0057
P, K, U.....	Judy.....	232-3273
M-Mor, Y.....	Christy.....	232-1488
D, J, Z.....	Trina.....	232-3434
B-Bal, N,R.....	Natalie.....	232-3278
#, H, X.....	Anita.....	233-8807
I, Q, W.....	Ava.....	232-3275
Brb-Bz, S-Sl.....	Trina.....	232-3434
Sm-sz, T.....	Lauretha.....	232-6629
F, L, O.....	Iris.....	232-2292

Chapter 11 Cases

A - K.....	Nancy.....	233-1842
L - Z.....	Carol.....	232-2190

MAIN PHONE and FAX LINE

Main Phone Line.....(317) 232-2289

Main Fax Line.....(317) 233-3064

¹Indiana Department of Revenue, Bankruptcy Section, Rm. #IGCN203, 100 N. Senate Avenue, Indianapolis, IN 46204

(see back side)

"Equal Opportunity Employer"

The Most Common Problems We Encounter

- (1) Bankruptcy Section Mailing Address¹
Tax Returns or Correspondence are frequently mailed to a generic Department of Revenue address. Tax returns of entities who have filed bankruptcy are requested to file returns or any correspondence related to their bankruptcy directly to the attention of our bankruptcy section¹. Time delays are possible if your matters are co-mingled with the millions of returns processed each year by the department for all taxpayers.
- (2) W-2 Credits and Tax Paid to Other States Credit
A very large problem is the filing of delinquent individual income tax returns claiming a withholding credit, yet W-2 statements are not attached. The W-2 statements are required so we may verify any withholding tax credit claimed on the return. If the W-2 is not attached to the return, our processing system will cause this credit to be disallowed and a liability generated for an additional amount of tax due. This is the same problem with taxpayers claiming a credit for tax paid to another state. A copy of the return filed with the other state must be attached in order for our department to allow credit for tax paid to another state. These are normal day-to-day processing policies established by the department which are applied to all taxpayers claiming credits for tax paid, not just taxpayers who have filed bankruptcy.

Most Common Tax Types Included In IDR Claims

IND..... Individual Income Tax
COR..... Corporate Income Tax
RST..... Retail Sales Tax
WTH..... Withholding Tax

Most Common Liability Types Included In IDR Claims

AUD..... Liability is generated from an actual audit or investigation of the taxpayer
BIA..... Best Information Available, ie: no return was filed and IDR created and estimate
CAL..... Calculation Error, there was a math error on the return or W-2's, required schedules or
Copies of other state tax returns not attached where credits were claimed, thus DOR has denied this credit
DEX..... Desk Examination of the return has resulted in a tax due amount
DIS..... Discrepancy billing due to federal income reported greater than state income
FDA..... IRS performed an audit which effects the Indiana return
INF..... Is a penalty billing for under payment of estimated income tax or failure to file an information return
LAT..... Penalty billing for a late filed return
NRM..... No Remit Return, ie: a tax return was filed but no monies were sent
PRM..... Partial Remit Return, ie: a return was filed and a partial payment was sent
PON..... Penalty only
RCH..... Returned check

DIRECT MAILING ADDRESS TO THE BANKRUPTCY SECTION

**Indiana Department of Revenue
Bankruptcy Section, Rm. #IGCN203
100 N. Senate Avenue
Indianapolis, IN 46204**

¹Indiana Department of Revenue, Bankruptcy Section, Rm. #IGCN203, 100 N. Senate Avenue, Indianapolis, IN 46204