

## McAlpin, Ronald (USTP)

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**From:** McAlpin, Ronald (USTP)  
**Sent:** Tuesday, April 12, 2011 9:08 AM  
**To:**

**Cc:** Jackson  
**Subject:** FW: Trustee Referrals  
**Attachments:** BAPCPA - OUST ASSIGNMENTS FOR EMAIL.pdf; 7 Trustee referral form re debtor att at 341.wpd; 7 - Trustee Referral Form - BAPCPA Jackson.wpd; 341 Agreed Ord extending bar dates - modified Jan 07.wpd; 7 - Trustee Referral Form - BAPCPA Jackson.pdf; 7 Trustee referral form re debtor att at 341.pdf; 341 Agreed Ord extending bar dates - modified Jan 07.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Attached are pdf versions of the word perfect attachments.

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**From:** McAlpin, Ronald (USTP)  
**Sent:** Monday, April 11, 2011 3:18 PM  
**To:**

**Cc:** Jackson@USDOJ.GOV  
**Subject:** Trustee Referrals

Please email all referrals to your assigned attorney, analyst and paralegal as shown on the attachment. Also attached is a word perfect version of the current referral forms.

Thank you for your attention to this matter. Please advise if you have any questions.

Ronald H. McAlpin  
Assistant U. S. Trustee  
United States Department of Justice  
501 East Court Street, Suite 6-430  
Jackson, MS 39201  
Telephone: (601) 965-5247  
Fax: (601) 965-5226  
Email: [ronald.mcalpin@usdoj.gov](mailto:ronald.mcalpin@usdoj.gov)

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**CHAPTER 7 TRUSTEE REFERRAL**  
**ATTACH ALL SUPPORTING DOCUMENTATION (attach additional pages if necessary)**

IN RE: \_\_\_\_\_

CASE NO: \_\_\_\_\_

- ☐ 341 Meeting Concluded on \_\_\_\_\_ or  
☐ 341 Meeting Continued to: \_\_\_\_\_ @ \_\_\_\_\_ a.m./p.m.

Case is:

- ☐ No Asset  
☐ Asset / Possible Asset: \$ \_\_\_\_\_ of asset(s) being investigated

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☐ **CREDIT COUNSELING CERTIFICATE NOT VALID:**

- ☐ Not obtained within 180 days prior to filing  
☐ Not an approved creditor counselor for district

☐ **707 (b)(2) MEANS TESTING**

- ☐ The "Presumption Arises" box is checked on Form B22A (Means Testing Form)  
☐ The "Presumption Arises" box is not checked and trustee identifies possible evidence of presumed abuse
- |                 |                                   |  |
|-----------------|-----------------------------------|--|
| Tax Return      | <input type="checkbox"/> Attached | <input type="checkbox"/> Due by: _____ |
| Payment Advices | <input type="checkbox"/> Attached | <input type="checkbox"/> Due by: _____ |
| Other: _____    | <input type="checkbox"/> Attached | <input type="checkbox"/> Due by: _____ |

- ☐ Disabled Veteran Status disputed because: \_\_\_\_\_

- ☐ Means Testing Form appears to be incorrect because: \_\_\_\_\_

- ☐ Income appears higher than on form because: \_\_\_\_\_

- ☐ Presumption Arises **and** debtor is claiming special circumstances of: \_\_\_\_\_

- ☐ Debtor claiming other expenses (supporting documentation required)  
(i.e. care of elderly; school, add'l food, add'l heating)  
Supporting Documentation ☐ Attached ☐ Due by: \_\_\_\_\_

☐ **707(b)(3) ABUSE (Bad Faith or Totality of Circumstances)**

Detailed facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ **727/ DISCHARGE**

Detailed facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ **CRIMINAL REFERRAL**

Detailed facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ **110 - Petition Preparer:** \_\_\_\_\_ (name) - attach completed pro se questionnaire  
☐ Not disclosed on petition

☐ **ATTORNEY MISCONDUCT (Complete attached form for failure to attend §341)**

Detailed facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

Trustee: \_\_\_\_\_

# TRUSTEE REPORT OF INADEQUATE REPRESENTATION BY ATTORNEY FOR DEBTOR

TRUSTEE:\_\_\_\_\_

DATE:\_\_\_\_\_

Please submit to UST if, based on your assessment, attorney's conduct at the §341 or his/her failure to attend §341 meeting appears to indicate inadequate representation:

**Debtor(s)' attorney:**\_\_\_\_\_

Previous issues with this attorney:

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1. Case Name:\_\_\_\_\_ Case number:\_\_\_\_\_

Date of §341 meeting:\_\_\_\_\_ Did a substitute attorney appear? Yes\_\_\_\_\_ No\_\_\_\_\_

Attorney's substitute:\_\_\_\_\_

Was the debtor aware that their attorney would not be present? Yes\_\_\_\_\_ No\_\_\_\_\_

How much did the debtor pay their attorney for handling the bankruptcy? \$\_\_\_\_\_

Will the substitute attorney be compensated in any way for appearing for the debtor?

Yes\_\_\_\_\_ No\_\_\_\_\_ If yes - how much? \$\_\_\_\_\_

Was the substitute attorney sufficiently knowledgeable about the case? Yes\_\_\_\_\_ No\_\_\_\_\_

If no - please explain:\_\_\_\_\_

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Additional comments regarding attorney's conduct:\_\_\_\_\_

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2. Case Name:\_\_\_\_\_ Case number:\_\_\_\_\_

Date of §341 meeting:\_\_\_\_\_ Did a substitute attorney appear? Yes\_\_\_\_\_ No\_\_\_\_\_

Attorney's substitute:\_\_\_\_\_

Was the debtor aware that their attorney would not be present? Yes\_\_\_\_\_ No\_\_\_\_\_

How much did the debtor pay their attorney for handling the bankruptcy? \$\_\_\_\_\_

Will the substitute attorney be compensated in any way for appearing for the debtor?

Yes\_\_\_\_\_ No\_\_\_\_\_ If yes - how much? \$\_\_\_\_\_

Was the substitute attorney sufficiently knowledgeable about the case? Yes\_\_\_\_\_ No\_\_\_\_\_

If no - please explain:\_\_\_\_\_

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Additional comments regarding attorney's conduct:\_\_\_\_\_

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ATTACH ADDITIONAL SHEETS TO REPORT MORE CASES.

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF MISSISSIPPI**

**IN RE:**

**CASE NO.**

**DEBTOR(S)**

**CHAPTER 7**

**AGREED ORDER EXTENDING DEADLINES FOR FILING §523(c)/§727 COMPLAINTS,  
MOTIONS FOR DISMISSAL FOR ABUSE,  
AND OBJECTIONS TO CLAIM OF EXEMPT PROPERTY**

On **ore tenus** motion of the debtor(s) and the trustee in the above styled cause to extend the deadlines for filing § 523(c)/§ 727 complaints, a motion to dismiss for abuse, and objections to claims of exempt property and the Court, having considered the same, finds for good cause shown that said **ore tenus** motion should be granted, therefore,

**IT IS ORDERED** that

- (1) **The time for filing § 523(c) and § 727 complaints is hereby extended to sixty (60) days after the conclusion of the § 341(a) meeting of creditors; and**
- (2) **The time for filing a motion to dismiss for abuse is hereby extended to sixty (60) days after the conclusion of the § 341(a) meeting of creditors; and**
- (3) **The time for filing objections to debtors' claims of exemptions is hereby extended to thirty (30) days after the conclusion of the § 341 (a) meeting of creditors.**

**SO ORDERED.**

**APPROVED AND AGREED TO:**

\_\_\_\_\_  
Counsel for Debtor(s)

\_\_\_\_\_  
Trustee