BANKRUPTCY LAW NEWSLETTER

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Western District of Michigan Chapter

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FOLLOW THOSE LOCAL BANKRUPTCY RULES . . . .

INTERVIEW WITH THE CALENDAR CLERKS FOR THE WESTERN DISTRICT OF MICHIGAN

By: Robert F. Wardrop II and
Denise D. Twinney*

All of us who have had occasion to practice in bankruptcy courts in districts other than the Western District of Michigan realize how fortunate we are to be practicing here. Other courts do not operate with the efficiency and with the respect for all parties involved that we experience daily in our district. Here, administrative procedures and rules and regulations rarely impose the stumbling blocks they do in other districts. All of us have either heard of or experienced situations outside our district where administrative procedures made it difficult or impossible for lawyers to protect their clients' interests or positions. Such cases are rare in our district.

The flow of motions, adversary proceedings, and trials in the Western District of Michigan is administered most directly by four people who hold the civil service title of Case Administrator with Courtroom Responsibilities. We know them as the bankruptcy judges' calendar clerks. We see them most often in the courtroom announcing the next matter to be heard by the judge. However, it is their work behind the scenes that is most vital both for efficient courtroom administration and for the case administration that allows practitioners to feel confident that the procedures employed in each case are consistent and fair.

Recently we had an opportunity to meet with the calendar clerks to discuss case administration in the district. We wanted to find out what attorneys most often do wrong and what they can do to help the calendar clerks perform their job responsibilities. The calendar clerks were quick to point out that the attorneys in the district are, on the whole, very responsible and that the problems that arise are most often caused by failure to follow the Local Bankruptcy Rules.

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Chief Bankruptcy Judge Laurence Howard's calendar clerk is James Blaszczyk. Jim has been working in the federal court system since 1978; he started with the bankruptcy court as calendar clerk to both Judge David Nims, Jr. and Judge Howard. Jim and his wife Lola have five children and thirteen grandchildren. Jim's hobby is "camping" in his 29-foot trailer which contains a television, a microwave oven, and all of the other bare necessities for roughing it in the great outdoors.

Judge David Nims Jr.'s calendar clerk is Sandra Boylan. Sandy is a ten-year veteran with the bankruptcy court. She started in the file room and has progressed through the positions of intake clerk, adversary proceeding coordinator, and generalist before beginning her tenure as Judge Nims' calendar clerk in December, 1987. Sandy says that Judge Nims is a pleasure to work with and that her job during the past 4 years has been one of the greatest work experiences of her life. She respects the judge's extensive knowledge of the law as well as his winning sense of humor.

Sandy has two married children. She has been waiting a long time to be a grandmother, and this year she will be blessed with two grandchildren. When she is not working, her favorite pastime is gardening. She says she is an amateur, but she spends nearly every evening and weekend working in her flower garden, and this spring she is looking forward to relandscaping her whole yard.

Judge James Gregg's calendar clerk is David Scalici. Dave is the senior member of the calendar clerks' group, having begun his tenure with the United States District Court in 1977. In 1982 he joined the Bankruptcy Clerk's staff, later becoming Judge Nims' calendar clerk and then joining Judge Gregg upon his appointment to the bench on June 1, 1987. Dave is a graduate of Ferris State University. He and his wife Rita have two children. Dave's hobbies are sports of all kinds and he is an avid runner.

Judge Jo Ann Stevenson's calendar clerk is Patrice Nichol. Patrice joined the court in February of 1982 as secretary to Maury Root. She later worked with Mark Van Allsburg in Chapter 11 administration and then became Judge Stevenson's calendar clerk when she was appointed to the bench on December 23, 1987. Patrice is a loyal Michigan State University grad. She lives in Lowell with her husband and their two very active sons.

The calendar clerks pointed out that the most common problem they encounter is that many pleadings fail to meet the clear requirements set forth in the Local Bankruptcy Rules. Surprisingly, while Local Bankruptcy Rule 9 requires that all pleadings and papers filed with the clerk bear the appropriate case number, this is sometimes missing. Local Rule 9 also requires that the debtor's current bankruptcy chapter and the date of filing appear on all motions, complaints, and applications. Finally, the attorney's name, telephone number, address, and P number must be on every signed pleading or document.

Pleadings filed with the Court must include the original and the required number of copies (always at least an original plus one). No original pleadings, other than orders, should ever be filed with or presented directly to the judge. The calendar clerks point out that it is helpful to provide and hand deliver to the judge's secretary a "judge's copy" of a pleading if the pleading is filed less than a week before the hearing date. The original and the required duplicates still must be filed with the clerk, but the judge's copy should be delivered directly upstairs to allow the judge the opportunity to review any pertinent pleadings prior to hearing. Also, it is very helpful to the judge if you provide copies of the cases cited in your brief. However, as one of the calendar clerks noted, if you anticipate mailing a brief to the court only a day or two before the scheduled hearing, you would be better off using your time in some other way, because the judge will usually have little or no opportunity to review it before the scheduled hearing.

The calendar clerks also point out that under a new court policy they are charged with noticing out § 341 meetings, discharges, no asset-report notices and notices of possible distribution of dividends. The court no longer serves notices of sal

(except to the buyer's list) or disclosure statements or plans in Chapter 11 cases. Current matrices will be provided without charge when an attorney is required to serve notices.

Once a motion is received, the calendar clerk will set it for hearing. You must have your pleadings and orders time-stamped and docketed before presenting them to the calendar clerk to set a hearing date. Questions about emergency hearings should be resolved with the court before the hearing date is set. The notice of hearing will then be prepared and, depending on the type of hearing, the hearing will be noticed out by the court or a copy of the notice of hearing will be mailed to the attorney who has filed the pleading for service on the requisite parties.

The calendar clerks pointed out that the new court computer system requires that every motion that is filed be resolved by an order of some kind--granting the relief, denying the relief, dismissing the motion, or the like. Where a motion is withdrawn, there must be an order, signed by the bankruptcy judge, allowing the withdrawal. This is especially true in adversary proceedings.

Where an order is to be entered as a result of a hearing, leave the date of the order itself blank. The order becomes effective only on the date that it is entered, which may not necessarily coincide with the date of the hearing. However, your cover letter to the court should clearly set forth the date of the hearing when the judge approved the motion, so that the calendar clerk and the judge can verify with the court's résumé that the order accurately reflects the judge's decision.

Reaffirmation agreements also tend to be a source of problems for the calendar clerks. Local Rule 20 prescribes the procedures for approval of reaffirmation agreements. All the calendar clerks suggest that creditors and debtors use the official bankruptcy court form. Using it--and filling it out completely--makes the clerk's job much easier. Approved reaffirmation orders are returned to debtor's counsel for service. A creditor's attorney who desires a copy should send the court an extra copy of the order for approval with a self-addressed and stamped return envelope.

Additionally, the debtor's attorney is advised to review the debtor's budget. Often it does not provide sufficient funds for the required payments. When the reaffirmation agreement is filed, the attorney should provide some explanation of how the debtor will continue the payments required by the reaffirmation. The calendar clerks ask that all attorneys follow the requirements set forth in Local Rule 20.

Adjournments continue to be a problem for everyone, including the judges, their secretaries, and the calendar clerks. An adjournment must be noticed out to all persons who received notice of the original hearing. If an adjournment is sought more than two days before the date of the scheduled hearing, the parties seeking adjournment should contact the calendar clerk. The calendar clerk is authorized to adjourn a hearing only if the party requesting adjournment has obtained the consent of all parties who received notice of the hearing. If an adjournment is sought two days or less before the hearing date, then the judge's secretary should be contacted directly. Again, no adjournment will be granted unless all the parties who received the initial notice consent.

Attorneys are reminded that the procedure for appointment of professionals, and compensation for them (attorney for the trustee or debtor, accountants, auctioneers, and the like), require approval of the United States Trustee (unless entered after a contested hearing). The Office of the U.S. Trustee should receive copies of all applications for appointment of professionals and, pursuant to Local Rule 14, all Bankruptcy Rule 2016 fee applications. Our bankruptcy judges will not sign an order appointing a professional without a hearing until the appointment requested has been approved by the U.S. Trustee. The U.S. Trustee's office sends a listing of approved applications to the bankruptcy court every week. If you are wondering why an approval has not come through, call the U.S. Trustee's office first to verify that it has reviewed the application. Remember to

follow Local Bankruptcy Rule 14, not the procedure employed in the Eastern District of Michigan.

A common mistake made by many lawyers is to treat a pleading to compel abandonment or turnover of property as a motion. Such actions are Adversary Proceedings and must be filed as such. However, the type of motion that seems to cause the most problems for the calendar clerks and attorneys is one involving the relief from stay. Many attorneys combine a motion for relief from stay with a motion for other relief, such as abandonment, dismissal, or to compel assumption or rejection, or the like.

Judge Howard and Judge Gregg treat any motion that is entitled in part "Motion for Relief from Stay" as simply a motion for relief from stay, no matter what other relief is requested in the motion. The motion is docketed as such, and the only relief that will be granted is either relief from or continuation of the stay. Presently, Judge Stevenson will accept a motion that seeks both relief from stay and other relief and treats it as two or more separate motions. The motion for relief from stay will be docketed as such and handled in the procedure set forth in Local Bankruptcy Rules 10 and 11. The motions seeking alternate relief will be treated as separate motions that will be brought on in standard motion practice fashion. Remember to place the motion number assigned by the court on all relief from stay pleadings, especially proofs of service. The relevant exhibits (in 8½ x 11 form) must be attached to all copies of filed pleadings. Local Rules 10 and 11 must be followed to the letter.

The Local Bankruptcy Rules for the United States Bankruptcy Court for the Western District of Michigan are clear, concise, and simple. They promote efficiency and ease of practice for the attorneys practicing in our bankruptcy courts. You need only contrast the rules for the Western District with those of other districts to appreciate how our court facilitates our practices. But the rules only work for everyone if everyone follows them. Elementary school comes to mind: if people don't follow the rules, additional rules will be imposed. None of us needs that.

Every lawyer practicing in the Wester District should take a couple of hours one evenin this week to sit down with the Local Bankruptc Rules and review them carefully, and every offic should implement procedures to see that the Loca Bankruptcy Rules are followed. If you have an question at all regarding the rules and how the apply, simply give the calendar clerks a call; the will be more than happy to give you guidance an assistance. You will find them to be as pleasant an helpful as we did in our interview.

RECENT BANKRUPTCY DECISIONS

The following are summaries of recent Cou decisions that address important issues of bank ruptcy law and procedure. These summaries wer prepared by Joseph M. Ammar with the assistance o Larry VerMerris.

Taylor* v. *Freeland & Kronz, 60 U.S.L.W 4333 (U.S. S. Ct. April 21, 1992). In this decision authored by Justice Thomas, the United State Supreme Court held that a trustee may not object t a debtor's claimed exemption after the Rule 4003(b 30-day period has expired, even if the debtor has n colorable basis for claiming the exemption.

The debtor filed a Chapter 7 petition whil she was pursuing an employment discrimination suit The debtor claimed as exempt property the mone she expected to receive in her suit. At the meetin of creditors, the Trustee was informed that the debto might receive $90,000. The Trustee later receive more details regarding the suit, including th debtor's opinion that the suit might settle fo $110,000. The Trustee decided not to object to th claimed exemption because he doubted that the sui had any value. The debtor then settled the suit fo $110,000. The Trustee subsequently filed suit t recover the money, claiming that it was property o the estate. The debtor and her attorneys argued tha they could keep the proceeds because the proceed were claimed as exempt.

The bankruptcy court concluded that th debtor had no statutory basis for claiming the pro

ceeds of the lawsuit as exempt and ordered the debtor to return to the Trustee a sum sufficient to pay off all of the unpaid creditors. The district court affirmed, but the Third Circuit Court of Appeals reversed, holding that the bankruptcy court could not order that the money be turned over to the Trustee, since the debtor had claimed it as exempt and the Trustee had failed to object to the exemption in a timely manner. The Supreme Court affirmed the Third Circuit's decision.

Section 522(l) of the Bankruptcy Code provides that "[u]nless a party in interest objects, the property claimed as exempt ... is exempt." Fed. R. Bankr. P. 4003(b) gives the trustee and the creditors 30 days after the conclusion of the meeting of creditors to object to claimed exemptions, unless within such period, further time is granted by the court. The Court noted that the bankruptcy court did not extend the 30-day period and that the Trustee did not ask for such an extension. Therefore, §522(1) made the property exempt. As a result, the Trustee could not contest the exemption at a later time whether or not the debtor had a statutory basis for claiming it.

The Court acknowledged that deadlines may lead to unwelcome results, but noted that they prompt parties to act and produce finality. The Court concluded that it had no authority to limit the application of §522(l) to exemptions claimed in good faith.

Justice Stevens, in his dissent, would hold that the filing of a frivolous claim for an exemption is tantamount to fraud for purposes of deciding when the 30-day period begins to run. Therefore, he would hold that the doctrine of equitable tolling applies to the 30-day limitation period in Rule 4003(b).

This decision overrules In re Dembs, 757 F.2d 777 (6th Cir. 1985), in which the Sixth Circuit held that a bankruptcy court could examine a claimed exemption to determine whether a good faith statutory basis exists to claim the exemption, even if no timely objection was filed. This decision also illustrates the Supreme Court's literal reading of the Bankruptcy Code.

In re Munn, Case No. 88-CV-74694-DT (E.D. Mich. February 4, 1992).

In this opinion by Judge Hackett, the district court affirmed the bankruptcy court's decision that the debtors' sale of non-exempt, non-abandoned property was unauthorized and that therefore the Trustee could void the transfer of the property and recover the sale proceeds. The district court also affirmed the bankruptcy court's judgment that the Trustee did not breach any duty to the debtors because the Trustee owes no fiduciary duty to debtors. Rather, the Trustee represents the estate.

In re Tower Leasing, Inc., Case No. 91-73916 (E.D. Mich. January 30, 1992). This case involves the appeal of the bankruptcy court's order compelling the debtor to assume or reject a lease pursuant to §365(d)(2) and to provide adequate protection to the creditor. Part of the order provided that the debtor was to reimburse the creditor for all of its costs and attorney fees incurred in reliance upon the order and in connection with the debtor's attempts to set the order aside.

The debtor claimed that the order should have been set aside for fraud under Fed. R. Civ. P. 60(b)(3) because the creditor did not include a purchase option rider in its motion to assume or reject, which allegedly could have transformed the lease into a security agreement. The debtor argued that, as a result, the creditor should have been precluded from receiving reimbursement for its attorney fees because of its bad faith.

In his district court opinion, Judge Rosen noted that the debtor raised a new issue, fraud, for the first time on appeal. Therefore, the district court did not address the merits of the debtor's claim. The district court stated that the debtor's appeal was little more than a desperate attempt to circumvent the bankruptcy court's valid order, which was affirmed.

In re Christy, Case No. 91-CV-74447-DT (E.D. Mich. February 21, 1992).

In this case, the debtor filed an adversary proceeding in bankruptcy court, claiming that the bank violated the automatic stay by having the sheriff enforce a writ of restitution after a Chapter 13 petition was filed. The debtor also sought to recover $460 that was paid to the bank post-petition pursuant to a pre-petition wage assignment order.

The district court, in an opinion by Judge Zatkoff, held that the debtor possessed no legal or equitable interest in the property, and therefore, no violation of the automatic stay occurred. Under Michigan law, a purchaser at a foreclosure sale takes the property subject to the owner's statutory right of redemption. When the redemption period expires, the former owner no longer has an interest in the realty. The district court stated that the debtor's six-month redemption period expired months before the Chapter 13 petition was filed. Therefore, the district court affirmed the bankruptcy court's ruling that the automatic stay was inapplicable because the debtor's legal and equitable interests in the property were completely extinguished at the time she was evicted.

The district court also affirmed the bankruptcy court's holding that the bank's collection of $460 pursuant to a pre-petition wage assignment order did not constitute a willful violation of the automatic stay.

In re Murphy, Case No. 91-CV-72331-DT (February 25, 1992). In this decision by Judge Zatkoff, the district court affirmed the bankruptcy court's denial of the creditor's motion to reopen a Chapter 7 case. The creditor had sought to reopen the case to file an adversary proceeding objecting to the discharge pursuant to §523. The district court held that pursuant to §523(a)(3)(B), mere knowledge of a pending bankruptcy proceeding is sufficient to bar the claim of a creditor who takes no action within 60 days after receiving actual notice of its status as a listed creditor. The 60-day limitation period runs whether or not the creditor receives official notice, from the court or the debtor, of the meeting of creditors.

In re Reichert, Case No. HT 90-84841 (Bankr. W.D. Mich. March 13, 1992). This decision, authored by Judge Howard, involves the treatment of the Internal Revenue Service's secured claims for delinquent taxes and claim for FUTA taxes in a Chapter 11 plan of reorganization.

Before a court can approve a plan, §1129(a)(9)(C) requires that certain unsecured tax claims, enumerated in §507(a)(7), be paid within six years of the date of assessment.

The court found that the unsecured claim for FUTA taxes was entitled to priority status under §507(a)(7)(D). The court held that §1129(a)(9)(C) requires that FUTA taxes, due within three years of the date of filing the petition, are subject to the six year payment requirement. The court also held that since §507(a)(7) is limited to unsecured claims, the IRS's secured claims need not be paid in accordance with §1129(a)(9)(C). According to the court, the IRS is not entitled to claim both the benefits of its right to encumbered property and, when it is desirable, the status afforded to unsecured claims under §507. Therefore, any secured claims of the IRS fall outside the operation of §1129(a)(9)(C).

In re Cadillac Wildwood Development Corporation, Case No. HG 82-00358 (Bankr. W.D. Mich. March 4, 1992).

In this case authored by Judge Howard, the corporate Chapter 11 debtor requested the court, pursuant to §502(j), to reconsider and recalculate a savings and loan's allowed claim based on the debtor's usury defense. The court agreed to reconsider the claim. However, the court rejected the debtor's argument that the savings and loan, by charging interest in excess of what was called for in the written agreement, had lost the benefit of the corporate exception to the usury defense. The court found that once a transaction is excepted from the general usury prohibition, the usury defense cannot again be asserted if the lender later charges excessive interest.

In re Sumpter, 136 B.R. 690 (Bankr. E.D. Mich. 1991). In this opinion, authored by Judge Spector, the IRS sought an order denying the debtors their general discharge under §727, or alternatively,

that the debt to the IRS be excepted from discharge.

The court first held that the government was required to establish the elements of its cause of action under §727(a) by a fair preponderance of the evidence.

The court then held that the IRS was not entitled to relief under §727(a)(4), which provides in part that "[t]he court shall grant the debtor a discharge, unless -- (4) the debtor knowingly and fraudulently, in or in connection with the case -- (A) made a false oath or account." A party objecting to discharge under §727(a)(4) must establish that the debtor knowingly made a false statement under oath with the intent to defraud his creditors regarding a matter material to the administration of his estate. According to the court, the only statement made by the debtor wife in connection with the case that the government proved was false, concerned whether she had actually read her schedules before signing them. However, the government failed to establish that the statement was fraudulent. The government also did not prove that any of the wife's other allegedly false statements were untrue. Even if the court assumed the statements were untrue, the government failed to prove either that the wife knew that they were untrue, or that she acted with reckless disregard for their accuracy.

The court next held that the government could not rely on §727(a)(5) for the denial of discharge because the debtor satisfactorily explained the loss of certain assets.

The court next concluded that the government could not establish the elements of §727(a)(2), which is designed to prevent the discharge of a debtor who attempts to avert collection of his debts by concealing or otherwise disposing of assets.

Lastly, the court agreed with the government that the debtor wife attempted to evade or defeat taxes by fraudulently conveying real estate to her children's trust before the IRS could levy on the property. Since the government proved its cause of action under §523(a)(1)(C), the liabilities owed to the IRS were excepted from discharge.

Stackpoole* v. *Michigan Dept. of Treasury, Case No. 126721 (Mich. App. May 4, 1992).

This Michigan Court of Appeals case involves the effect of the automatic stay on a sales tax assessment against a corporate officer of a Chapter 11 debtor.

The corporation failed to pay Michigan sales taxes. Under Michigan law, a corporate officer can be held individually liable for a corporation's unpaid taxes. The officer argued that he was not individually liable for the corporation's unpaid taxes because the automatic stay was in effect at the time notices of final assessment were issued to the corporation. The officer asserted that his liability was derivative of the corporation's liability. Therefore, he argued that he could not be liable because the notices of final assessment were in violation of the automatic stay and thus were void.

The court held that the issuance of the notices of final assessment was not in violation of the automatic stay. The court first noted that under §362(b)(9), a Chapter 11 filing does not operate as a stay of a governmental unit's issuance to the debtor of a tax deficiency notice. The court found that the issuance of the notices was not an act to create, perfect, or enforce a lien against the corporate debtor's property. In addition, although each notice was called a "notice of final assessment," the notices were distinguishable from an action "to collect, assess, or recover" a claim, which is prohibited by §362(a)(6). The court stated that under federal law an IRS assessment involves formally recording the taxpayer's liability in the office of the secretary of state. A federal tax lien attaches when unpaid taxes are assessed. Therefore, according to the court, the federal assessment governs the time when a lien is created, while the State's notices of final assessment in this case were issued to satisfy the due process requirement of providing the taxpayer with notice of a deficiency and an opportunity to contest it. The court reasoned that the "notice of final assessment" was similar to the "notice of tax deficiency" which may be issued during the stay period pursuant to §362(b)(9).

The notices of final assessment were not void since they were not issued in violation of the stay. As a result, the officer was personally liable because the corporation failed to pay the sales taxes due after receiving the notices.

Mashak* v. *Mashak, Case No. 128061 (Mich. App. February 27, 1992). In this unpublished decision, a divorce judgment provided that the wife quitclaim her interest in the marital residence to the husband and that the husband pay certain credit card debts and hold the wife harmless for those debts. The husband then filed a Chapter 7 bankruptcy petition.

The Michigan Court of Appeals held that the hold harmless obligation was dischargeable in bankruptcy even though it was not specifically scheduled. The court reasoned that the wife had actual notice of the bankruptcy and could have filed a proof of claim as to the unscheduled hold harmless obligation. The court, however, in a circumvention of the Chapter 7 discharge, upheld the trial court's decision to grant the wife relief from judgment to impose a lien on the husband's residence in the amount of the credit card debt.

STEERING COMMITTEE MEETING MINUTES

A meeting was held on May 15, 1992 at noon at the Peninsular Club. Present: Thomas Schouten, Patrick Mears, Denise Twinney, Robert E.L. Wright, Peter Teholiz, Thomas P. Sarb, Carol Chase, Janet Thomas and Marcia Meoli.

The meeting focused on the 1992 Bankruptcy Seminar sponsored by the Bankruptcy Section of the Federal Bar Association for the Western District of Michigan at the Park Place Hotel in Traverse City on August 13 to August 15, 1992. The final schedules of educational programs and activities were reviewed and approved and arrangements were made for publicity of the seminar, in particular, for announcements to the Grand Rapids, Kalamazoo, Lansing, Traverse City, and Marquette Bar Associations. Announcements and application forms will also appear in the Bankruptcy Law Newsletter.

There being no further matters coming before the Committee, the meeting was adjourned. The next meeting of the Steering Committee will be on Friday, June 19, 1992 at 12:00 noon at the Peninsular Club.

EDITOR'S NOTEBOOK

Please note the announcement on the following pages of the 1992 Bankruptcy Law Seminar presented by the Bankruptcy Law Section of the Federal Bar Association of the Western District of Michigan. The Seminar will take place August 13-15, 1992 at the Park Place Hotel in Traverse City. Because of the growing popularity of the seminar, you are encouraged to send in your reservations as soon as possible. Please use the reservation forms which are also published in this issue of the Newsletter.

Thomas P. Sarb

LOCAL BANKRUPTCY STATISTICS

The following is a summary of the number of bankruptcy cases commenced in the United States Bankruptcy Court for the Western District of Michigan (Lower Peninsula) during the period from January 1, 1992 through April 30, 1992. These filings are compared to those made during the same period one year ago and two years ago.

	1/1/92-4/30/92	1/1/91-4/30/91	1/1/90-4/30/90
Chapter 7	2,002	1,776	1,337
Chapter 11	40	63	41
Chapter 12	9	3	6
Chapter 13	577	608	536
	2,628	2,450	1,920

FOURTH ANNUAL BANKRUPTCY SECTION SEMINAR
AUGUST 13-15
PARK PLACE HOTEL, TRAVERSE CITY, MICHIGAN

Presented by: Federal Bar Association of Western District of Michigan - Bankruptcy Section

THURSDAY, AUGUST 13, 1992

5:00-7:00 p.m.	Early Registration at **Park Place Hotel**
7:00 p.m. - ??	Cocktail Party - Presidential Suite 9th Floor

FRIDAY, AUGUST 14, 1992

7:45-8:00 a.m.	Registration - Coffee and Sweet Rolls
Session I 8:00-9:15 a.m. (Choose One)	**CURRENT CHAPTER 11 ISSUES** Timothy Curtin, Thomas Schouten, James Vantine, Jr.
	CHAPTER 13 ISSUES Roger Bus, Carol Chase, John Educato
Session II 9:30-10:45 a.m. (Choose One)	**TAXATION IN BANKRUPTCY** Robert Mollhagen, William Napieralski, Terry Zabel
	DIVORCE AND BANKRUPTCY Marcia Meoli, Janet Thomas, Thomas VanMeter
Session III 11:00-12:30 p.m. (Choose One)	**CRISIS MANAGEMENT - FINANCIAL CONSIDERATIONS** Dick Beal, Van Conway, James Frakie
	CHAPTER 7 ISSUES James Boyd, Robert Hendricks, Robert Wright
1:45 - Tee Off	Golf Outing at High Pointe Golf Club

SATURDAY, AUGUST 15, 1992

8:00-9:30 a.m.	**BREAKFAST MEETING** Speakers: Honorable Robert Ginsberg, United States Bankruptcy Court Northern District of Illinois Honorable Robert D. Martin, United States Bankruptcy Court Western District Wisconsin
9:45-11:00 a.m.	**6th CIRCUIT REVISITED** Honorable Laurence E. Howard, Honorable Jo Ann C. Stevenson, Patrick E. Mears, Timothy Curtin
11:15-12:00 Noon	**OPEN FORUM:** Judges, Daniel Casamatta-Assistant U.S. Trustee; Mark Van Allsburg-Clerk of the Court; other experienced Trustees and/or practitioners

No Afternoon Programs

Park Place Hotel reservations must be made before July 1, 1992, by using the reservation form enclosed. Please contact Park Place directly regarding day care and reservation details (1-800-748-0133). Alternate beach front rooms are available for $88-$118.00 per night at the brand new **Grand Beach Resort Hotel** by calling (616-938-4455) by June 6, 1992. Also, alternate rooms may be available for $110-$170.00 per night at the **Grand Traverse Resort** by calling (1-800-748-0303) by July 13, 1992.

The **Annual Golf Outing** will be a Scramble on Friday afternoon, August 14, at the **High Pointe Golf Club** with Tee-Times from 1:45-3:00 p.m. To register, mark yes on the registration form, then call High Pointe at (1-800-753-7888) and give them your handicap and credit card number to guarantee your reservation. The price is $44.00 for 18 holes including cart, limit of 50 players.

To register for a Friday afternoon **Canoe Outing**, call Mark Van Allsburg at (616-456-2693) and mark yes on the registration form.

If you have any question, please call Dona (Chapter 13 Trustee's Office) at (616) 732-9000.

REGISTRATION FORM - PLEASE RETURN BY 7-1-92

NAME _____ ADDRESS _____

FIRM _____ _____

TELEPHONE _____ _____

To reserve a place at the seminar, you **must** enclose a check payable to **Federal Bar Association (FBA)**, c/o Brett N. Rodgers, Chairman, Bankruptcy Section, 1122 Leonard Street NE, Grand Rapids, MI 49503, for:

_____ $105.00 fee for FBA Member _____ $125.00 fee for Non-Member

Please choose one topic for each Friday Workshop Session:

Workshop Session I	_____ Ch 11 Issues or	_____ Ch 13 Issues
Workshop Session II	_____ Taxation or	_____ Divorce
Workshop Session III	_____ Crisis Man. or	_____ Ch 7 Issues

Please indicate you choice of the Golf Scramble and/or Canoe Trip and the number in your party:

Golf Scramble _____ No. _____ Canoe Trip _____ No. _____

The Management and Staff extends a warm welcome to you and your Associates during your stay with us.

ORGANIZATION 1992 4th Annual Bankruptcy Section Seminar Official Meeting Dates August 13-15, 1992

ALL REQUESTS FOR RESERVATIONS MUST BE RECEIVED BY July 1, 1992 Reservation requests received after this date will be taken on a space available basis.

Please reserve accommodations Print or Type

NAME _____ COMPANY _____

ADDRESS _____ BUS PHONE ( ) _____

CITY _____ STATE _____ ZIP _____

SHARING ROOM WITH _____ NO OF PERSONS _____

ARRIVAL _____ DATE _____ DEPARTURE DAY _____ DATE _____ NO. OF NIGHTS _____
Checkin - 3pm Checkout - 11 am

Return Reservation form to: Park Place Hotel, 300 East State Street, Traverse City, MI 49684

REQUESTS AFTER THE QUOTA IS FILLED WILL BE UPGRADED TO THE NEXT AVAILABLE ACCOMMODATIONS.
RATES QUOTED DO NOT INCLUDE STATE AND LOCAL TAXES.
NO CHARGE FOR CHILDREN OCCUPYING THE SAME ROOM AS PARENTS. $10 EXTRA PER ADDITIONAL ADULTS AND SINGLE/DOUBLE OCCUPANCY, FOUR PEOPLE PER ROOM MAXIMUM.
OTHER ACCOMMODATIONS SUBJECT TO AVAILABILITY. RATES BASED ON ROOM TYPE.

ACCOMMODATIONS BLOCKED - CHECK ONE REQUEST NON-SMOKING _____

☐ KING - $110.00 ☐ DOUBLE, DOUBLE - $110.00 ☐ HANDICAP ACCESSIBLE - $110.00

ADVANCED DEPOSIT: To confirm your reservation please include a credit card number or enclose a check. Make check or money order payable to Park Place Hotel, do not send currency. Or deposit by Credit Card.
(Check one)
AMERICAN EXPRESS ☐ VISA/BANKCARD ☐ MASTER CARD ☐ OTHER ☐ _____

_____ Interbank # _____ Expiration Date _____

CANCELLATION POLICY: Your deposit will be refunded if cancellation is made more than 72 hours prior to your arrival date.

SIGNATURE _____

Western Michigan Chapter of the
Federal Bar Association
250 Monroe Avenue, Suite 800
Grand Rapids, MI 49503

BULK RATE
U.S. POSTAGE
PAID
Grand Rapids, MI
Permit No. 807

PETER TEHOLIZ
5801 W. MICHIGAN AVE
PO BOX 80857
LANSING, MI 48908