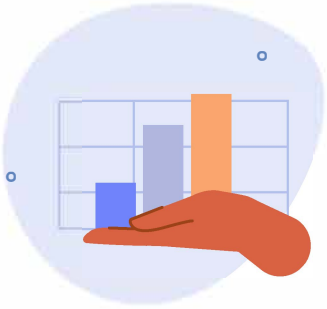
bankruptcy basics

WHAT IS A 341 HEARING?





What is a 341 meeting, also known as, meeting of creditors?

At the meeting, the debtor meets with the trustee appointed to oversee the case. The trustee will check identification and ask a series of questions about the bankruptcy paperwork. Creditors can attend and ask about financial matters as well, although few appear. Most 341 hearings last less than 10 minutes.

What is a bankruptcy trustee?

A bankruptcy trustee is appointed by the United States Trustee to represent a debtor's estate—not the debtor—in a bankruptcy proceeding. The trustee evaluates your assets and property and the accuracy of your reported income. The trustee will try to find any unreported sources of income or property.

The Chapter 7 trustee will sell any assets that you can't protect with a bankruptcy exemption and distribute the proceeds to creditors. The Chapter 13 trustee will evaluate the feasibility of your proposed Chapter 13 repayment plan. If the judge approves the plan, the Chapter 13 trustee will distribute your monthly payments to creditors.

What to Bring to the Hearing

In preparation for a Ch. 7 hearing you will need to submit tax returns for the last two years and 60 days of paystubs; for a Ch. 13 hearing you will submit tax returns for the last four years and 60 days of paystubs.

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You should bring the following to the hearing:

- an government-issued photo I.D.
- your Social Security card;

The Logistics of the 341 Hearing

A judge will not be present. The trustee or their representative will conduct the hearing. The trustee will swear you in and ask a series of questions under oath. If satisfied, the trustee will conclude the hearing. Otherwise, the trustee will continue it until another day. A continuance is rare but may happen if you have not submitted all required documents or if there are assets to distribute.

Typical Questions at the Meeting of Creditors: The trustee will ask a series of routine questions and any particular questions that arise in your case.

Typical questions include:

- Did you review your bankruptcy petition and schedules before you filed them with the court?
- Is all of the information contained in your bankruptcy papers true and correct to the best of your knowledge?
- Did you disclose all of your assets?
- Did you list all of your creditors?
- Have you filed for bankruptcy before?
- Has anything changed since filing your bankruptcy?
- Are you required to pay any domestic support obligations such as alimony or child support?
- Have you filed all tax returns as they have come due?
- Have you made any payments to creditors exceeding $600 in aggregate in the last year?
- Does anyone owe you money for any reason?

Your Creditors

Although your creditors will received notice of the 341 hearing, most will not appear. Here are a few instances when a creditor might appear:

- The creditor wants to ask you about recent cash advances or credit card purchases,
- The creditor seeks information about disclosures that differ from that put on a credit application, such as the amount of your income, or
- A creditor is a hostile former business partner, spouse, or another individual concerned about not being paid.

