



What Can I Expect At My Chapter 7 Trustee Meeting?

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Normally, the only meeting or hearing a Chapter 7 debtor must attend is the “341 meeting,” also called a creditor’s meeting or trustee meeting. Section 341 of the U.S. Bankruptcy Code requires that the meeting be held “within a reasonable time” after the case is filed. In the Northern District of Texas, which covers the Dallas/Fort Worth area, the meetings normally take place about 30 to 45 days after the case filing. Debtors and their attorneys receive notice of the date and time of the meeting within hours of the case being filed.

All of the debtor’s creditors also receive notice of the meeting, and may attend and question the debtor. In reality, that seldom happens. Bankruptcy cases are filed electronically with the bankruptcy court, and creditors can view all the documents filed in the case online. There normally is no reason for a creditor to spend the time and money to attend the meeting in person.

The trustee assigned to the debtor’s case presides at the meeting, swears in the debtor, and tape records the meeting. The debtor, his or her attorney, and the trustee sit at a conference table in a meeting room, and if a creditor attends, the creditor will also sit at the table during the meeting. Other debtors, attorneys, and creditors are also in the room and can hear what is being said. However, the other parties are usually far more concerned about their own cases and pay little attention to what is being said in other cases.

After the debtor is sworn in and the trustee determines that the debtor has presented the proper identification — usually a driver’s license and Social Security card — the debtor’s attorney asks the debtor a series of questions. Those questions are related to the information that was given in the

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schedules and statement of financial affairs filed in the case, and usually just confirm for the record that the information given was true and correct. If any explanations or corrections to the information need to be made, those issues are discussed during the meeting.

If the trustee wants additional information or documents, those items are requested and a deadline is normally given for production of that information or those documents. If any creditors are in attendance, they are allowed to ask questions relevant to their claims in the case. However, most trustees limit the time allowed for creditors to question debtors at the meeting, and do not allow the questions to become abusive or irrelevant. If creditors wish to ask further questions, they are allowed to file a motion with the court requesting a "2004 exam," which is similar to a deposition. However, it is extremely rare for such an exam to be requested.

It is very important that a debtor review all of the paperwork filed in his or her case before the time of the trustee meeting, to be sure that no mistakes were made, that no information is incomplete, or that no additions or changes need to be made. Once the debtor is sitting before the trustee, all of the paperwork should be complete and accurate, to avoid any appearance of fraud or dishonesty. Be sure your lawyer is completely aware of anything relevant to your case that could possibly cause a problem at the meeting. Your lawyer can make any necessary amendments to the documents before the meeting so that your case will proceed smoothly and you will receive your discharge in a timely manner.