

ANDREA E. CELLI, CHAPTER 13 STANDING TRUSTEE

Served as the Chapter 13 Standing Trustee for the Northern District of New York in Albany since 1995. Before becoming the trustee, represented chapter 12 and 13 debtors in a large-volume consumer bankruptcy practice and represented a Chapter 7 Trustee.

I have served as a case trustee throughout New York, the District of Connecticut, and the District of Vermont. As a member of the National Association of Chapter 13 Trustees Peer Review Team, I have also helped other trustees from around the country improve their internal procedures. I have implemented many procedures to my office as a result of these experiences. I look forward to getting to know you and I welcome your suggestions for our practice here.

Currently, our Albany office has 6 trained professionals each with more than 15 years of experience. We receive between 30-50 new cases each month and are administering approximately 1500 pending Chapter 13 cases.

Contact Information:

For correspondence only:

7 Southwoods Boulevard, Albany, New York 12211

For payments only:

P.O. Box 39 (we are keeping the same VT PO Box #)
Memphis, TN 38101-0039

Money orders and cashier's checks should be
payable to: Andrea Celli, Trustee

General Information.

Hours Monday – Friday 8:00am to 4:00pm

Phone number 518-449-2043

Fax number 518-449-2473

General Inquiry Email : inquiries@ch13albany.com

Zoom information for Vermont 341 meetings: SAME
This will change starting January 2025.

We have a designated secure portal to send us documents : www.13documents.com
Attorneys will need to register to upload documents. I will let you know when this is set up for registration.

National Data Center for case information: www.ndc.org (same)

Our Office Staff - Contact Info

Phone Number
518-449-2043

Bonnie S. Baker	Staff Attorney	X 203	bonnieb@ch13albany.com
Diana Bagstad	Comptroller	X 244	dianar@ch13albany.com
Kim Waxman	Paralegal	X207	kimw@ch13albany.com
Jessica Trazskos	Case Closing /Audit	X239	jessicah@ch13albany.com
Barbara Lefebvre	Claims Manager	X242	barbaral@ch13albany.com
Katie Robbins	Receptionist	X201	katies@ch13albany.com

What They Do (EMAIL @ch13albany.com) :

Counsel:

Bonnie S. Baker Staff Attorney	(<u>BonnieB</u>)	All motions and any general questions
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Reception:

Katie Robbins	(KatieS)	Loan requests, general inquiries
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Controller:

Diana Bagstad	(DianaR)	Disbursements, tax returns/refund overages, insurance proceeds
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Paralegal:

Kim Waxman	(KimW)	Confirmation Hearings, Trustee Motions to Dismiss, website/IT issues, ad Adjourned 341 meetings
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Claims Manager:

Barbara Lefebvre	(BarbaraL)	Initial 341 meetings, claim questions / issues, Trustee's Notice of Claims
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Case Closing:/Audits

Jessica Trazaskos	(JessicaH)	Plan feasibility, closing/completions, plan payoff requests
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Docket Activity to expected in late September and October:

1. Notice of Designation of Chapter 13 Trustee and Transfer of Case to Successor Trustee

This will be filed in each individual pending case to designate the change of Trustee from Sensenich to Celli.

This notice is normally filed by the United States Trustee and is the triggering event for the Clerk to change the case records.

2. Federal Rule of Bankruptcy Procedure 2012 Report and Accounting of Prior Administration of Case

These reports will be filed a short time after the cases are transferred and will detail the status of the claims at the time of the transfer.

The report will be filed by our office but will be signed by both Trustee Sensenich and Trustee Celli.



Our Process

What we do and how we do it.

We want to support the success of your debtors and your law practice.

Our Case Management System / National Data Center

Our office uses the Bankruptcy Software Specialists (“BSS”) system for managing our Chapter 13 cases. BSS provides support to more than 115 Chapter 13 trustees nationwide.

We maintain not only the financials of the case but also the full case docket as well as copies of all documents filed with the court. We receive a download of the previous day’s case docket activity every morning.

Our case information is available to parties through the National Data Center (NDC).

How we communicate with debtors

We take phone calls from debtors and provide basic case information.

We encourage debtors to call their attorney and often call or email counsel when we receive calls or become aware of an issue otherwise.

Plan Payments

Our plans succeed when payments come in through TFS and Payroll Deduction Orders.

Payments can be sent by mail if necessary but they must be certified checks or money orders.

Sorry, we do not accept “bill pay” directly from the debtor’s bank, ACH payments from employers or personal checks.

What happens in our office when a new case is filed:

The next day, we receive basic case data downloaded from the court. If the plan is included, we send debtor a “Welcome letter” with instructions regarding payment options and general information.

Once we receive the BNC noticing, we enter all case information into our system.

Within one week, our Staff Attorney reviews the case and we send counsel a letter/email identifying documents we are requesting and any issues the Trustee will address during at the 341 meeting.

Review before the initial 341 meeting includes :

- Confirm prepetition credit counseling has been completed and certificate is on the docket
- Confirm tax return has been remitted to the Trustee
- Confirm debtor's email has been remitted to the Trustee
- Calculate liquidation, noting questions regarding lien perfection, exemptions, and funding
- Calculate minimum disposable income, if applicable, noting questions regarding current monthly income, household size and expenses
- Review plan terms – identify questions to be raised at 341 meeting
- Identify other issues in schedules to be raised at 341 meeting
- Proof of perfection of any mortgages
- Review claimed exemptions
- Verify service of plan with Notice of Hearing if plan was not served by BNC

The 341 meeting

As Trustee, I conduct all meetings.

My objective is to be as efficient as possible with your time and your client's time. I am prepared and want us to leave the meeting with a list of items to be addressed prior to confirmation. Have debtor in your office for the meeting, if possible.

In Albany, I always adjourn the meeting if the last 4 years of tax returns have not been filed. I may adjourn the meeting if other vital documentation has not yet been provided. The decision to adjourn or close the meeting is made in consultation with debtor and objecting counsel. Unless the case is a business case or has several outstanding issues, I recommend closing the meeting.

After the meeting – Trustee reviews the file for confirmation:

After the meeting and at least 7 days before the first confirmation hearing date, I will file a statement recommending confirmation (Like Trustee Sensenich's "as is" docket) or a document outlining my concerns ("Trustee's Objection to Confirmation"). This will include the issues/concerns addressed at the 341 meeting. The Objection provides a record of my position for the court and counsel and also provides a checklist of any additional information needed to resolve my concerns.

Managing the Confirmation Process

At least one week before the confirmation hearing date, I plan a call with counsel to discuss all outstanding issues on their cases and decide if the hearings should proceed or if a motion to continue the hearing should be made.

If there are creditors who have appeared/ filed objections, I often host a conference call to help address those concerns as well. Everyone knows the remaining issues and understands how we will proceed.

At the hearing on confirmation, I am prepared to report to the court regarding the status of the case / plan payments and my recommendation regarding confirmation of the proposed plan.

Motion Practice - FRBP 7004 and 9014

We review all motions for substance and service^{*}. To assure transparency on the docket, at least 7 days before the hearing, we will file either a statement indicating “no objection to the relief as requested ” OR will file a written objection. Our objection makes a record of our position for the court. It also provides a basis for our discussion so that an order can be entered on consent.

Note: Bonnie and I welcome your calls to discuss issues before a motion is filed. In many cases, we can reach agreement and the motion can indicate the Trustee has consented to the relief.

Trustee Motions to Dismiss

We will communicate with counsel about any default before filing a motions to dismiss.
Common issues are:

- Lack of prepetition credit counseling
- Failure to file required plan, schedules and/or statements without extension
- Default in payment
- Failure to appear
- Failure to cooperate or to provide requested information
- Failure to file tax returns within 90 days of the 341 meeting

** We welcome calls to the office and are willing to enter into Conditional Orders of Dismissal to allow debtors to cure defaults.

Claim Administration – Your Review

To facilitate and confirm your review of filed claims, our office will send you (and your client) a document entitled “Trustee’s Notice of Claims Filed.”

This Notice details the filed claims and how those claims will be paid under the plan. If an objection to a claim is not filed within 30 days, we may disburse on based upon the filed claims under the plan. If an objection is filed, we may reserve disbursement until the objection is resolved.

We review all filed objections and do take positions on your motions, when appropriate. Typically, our objections raise questions such as proper service or request certain language in the order to assure the proper administration of the claim.

Claim Administration - Trustee Review

We review every filed claim and often correspond with creditors to resolve questions or concerns about the claims. We file motions objecting to claims for the following reasons:

- To disallow - Untimely
- To disallow - Duplicate
- To strike a secured claim if the stay has been lifted
- To disallow a postpetition claim if it has not been allowed by separate order
- Reclassify to unsecured - judgment claim filed as “secured” however debtor owns no real property

We often email you with claim questions before we file an objection.

Miscellaneous Case Issues – Just Call Us

- Loan Requests

Please use the Trustee's Loan Request form from website.
We will file the form with the Trustee's approval on the docket.

- Annual income review or changes in income

We generally review cases where there has been a change of more than 20% of household income. We will contact you to discuss.

- Unexpected occurrences (windfalls, automobile accidents)

Please contact our office to discuss and provide information.

Case closing process

Pursuant to the United States Trustee guidelines, we file a final report after all final disbursement checks have cleared our account.

If your client has a need for a document evidencing completion of all plan payments prior to discharge, please contact our office for assistance.

CLE Opportunities

CRBBA/CNYBBA Annual Seminar - November 8-9th, 2024 (full day Friday and ½ day Saturday) at The Otesaga Resort in Cooperstown, New York

Vermont Bar Annual Seminar November 22, 2024 at Vermont Law School

Individualized Training is always available. My office welcomes the chance to do one-on-one Zoom training sessions at your convenience.

I also look forward to working with Ryan Long and Greg Fox (Bankruptcy Section of the Vermont Bar) to present periodic Chapter 13 CLEs on Chapter 13 topics of interest.

TWENTY-EIGHTH ANNUAL BANKRUPTCY CONFERENCE

IN PERSON AT
THE OTESAGA
RESORT HOTEL

60 LAKE STREET
COOPERSTOWN,
NEW YORK 13326

NOVEMBER 8-9,
2024

DISCOUNTED ROOM RATES
AVAILABLE UNTIL
SEPTEMBER 23, 2024



CONFERENCE CO-CHAIRS

CNYBBA
ANDREW S. RIVERA

CRBBA
CASSANDRA M. GIPE

Dear Colleagues:

It is with great pleasure that I join the Capital Region and Central New York Bankruptcy Bar Associations in inviting you to this year's Annual Conference to be held November 8-9, 2024, at the beautiful Otesaga Resort Hotel in Cooperstown, New York.

The name "Otesaga" has Native American origins and means "place of meeting." This will be our 28th Annual Conference, offering a nationally-renowned faculty of judges, academics, and practitioners while providing 9 CLE credits, including 1 ethics and 1 diversity credit.

Our "place of meeting" will afford us the opportunity to mingle in a relaxed, beautiful setting, and provide us a chance to renew friendships and to network. Please come and join us on November 8th – we look forward to seeing you!!

Hon. Wendy A. Kinsella
Chief United States Bankruptcy Judge, N.D.N.Y.

FRIDAY, NOVEMBER 8, 2024	FRIDAY, NOVEMBER 8, 2024	SATURDAY, NOVEMBER 9, 2024
9:00 am - 10:00 am Registration	2:20 pm – 3:10 pm Hot Topics in Legal Ethics	7:00 am - 9:15 am Breakfast Buffet
10:00 am - 10:15 am Welcome Hon. Patrick G. Radel <i>United States Bankruptcy Judge (N.D.N.Y.)</i>	Professor Patrick M. Connors <i>Albany Law School</i>	9:30 am - 10:20 am Student Loan Modification, Dischargability and Forgiveness
10:15 am - 11:05 am Annual Case Law Update Henry E. Hildebrand, Esq. <i>Chapter 12 and 13 Standing Trustee Middle District of Tennessee</i> Mary Beth Ausbrooks, Esq. <i>Rothschild & Ausbrooks, PLLC Goodlettsville, Tennessee</i>	3:10 pm - 4:00 pm (BREAKOUT SESSION - Choose 1) Merchant Cash Advance Agreements and Claims in Bankruptcy Patricia Fugee, Esq. <i>Fisher Broyles LLP, Perrysburg, Ohio</i> Chapter 13 - Disincorporation Theory Randy J. Creswell, Esq. <i>Creswell Law, Portland, Maine</i> Kellie W. Fisher, Esq. <i>Drummond Woodsum, Attorneys at Law Portland, Maine</i> Hon. Heather Z. Cooper <i>Chief United States Bankruptcy Judge District of Vermont</i>	Joshua Cohen, Esq. <i>The Student Loan Lawyer St. Albans, Vermont</i>
11:05 am - 11:25 am Coffee Break	4:00 pm - 4:15 pm Coffee Break	10:20 am - 10:40 am Coffee Break
11:30 am - 12:20 pm Brick by Brick: Understanding Real Property Appraisals in Bankruptcy Proceedings Patrick L. Seely, Jr., Esq. <i>Hacker Murphy LLP</i>	4:15 pm - 5:05 pm Why Having a Diverse Bar and Bench Matters Hon. Frank J. Bailey <i>Retired United States Bankruptcy Judge District of Massachusetts</i>	10:45 am - 11:35 am Third Party Releases and Purdue Pharma Professor Ralph Brubaker <i>University of Illinois, College of Law</i>
12:20 pm - 1:10 pm Ch. 7 Trustee Tune Up: Role, Avoidance Powers, and Responsibilities of Debtor's Counsel Gregory Messer, Esq. <i>The Law Office of Gregory Messer</i> Christian Dribusch, Esq. <i>The Dribusch Law Firm</i> William J. Leberman, Esq. <i>The Law Office of William J. Leberman</i> Marc Ehrlich, Esq. <i>Ehrlich Law Firm, P.C.</i>	6:00 pm - 7:00 pm Cocktail Reception	11:35 am - 12:25 pm Judges Panel: Consumer and Commercial Bankruptcy Issues and Advice to Practitioners Hon. Heather Z. Cooper <i>Chief United States Bankruptcy Judge District of Vermont</i> Hon. Patrick G. Radel <i>United States Bankruptcy Judge (N.D.N.Y.)</i> Hon. Kyu Y. (Mike) Paek <i>United States Bankruptcy Judge (S.D.N.Y.)</i>
1:15 pm - 2:20 pm Lunch Buffet	7:00 pm - 9:00 pm Dinner	12:25 pm - 12:40 pm Closing Remarks Hon. Patrick G. Radel <i>United States Bankruptcy Judge (N.D.N.Y.)</i>
	 	12:40 pm - 2:00 pm Lunch Buffet 



THANK YOU