

# YVONNE V. VALDEZ

## *Chapter 13 Trustee*

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### **Trustee Guidelines for Loan Questionnaire and Instructions**

Chapter 13 debtors who need to incur a loan, which is considered a post-petition debt, may seek approval from the Trustee's office without filing a motion with the Court. Your case cannot be more than one full payment behind for Trustee to review the Loan Questionnaire.

If you have not selected a vehicle or do not have a pre-approved loan, please do so prior to submitting the attached Loan Questionnaire. **We must have the lender's name and full address, loan amount, along with the interest rate, monthly payment, and number of payments of the term. If we do not have this information, we cannot process your request.**

The Trustee can review loans up to \$25,000.00. If you intend to purchase a vehicle or incur a loan over this price range please contact your attorney to file a "Motion for Authority to Incur Debt," which is subject to Bankruptcy Court approval.

**We strongly discourage purchases of any unnecessary items or luxury vehicles (including but not limited to the list below) due to the cost of maintenance of these vehicles.**

- Mercedes-Benz
- BMW
- Cadillac
- Lexus
- Lincoln
- Infiniti
- Audi
- Hummer
- Jaguar

Provide a copy of the Buyer's Order for the vehicle you intend to purchase. Please make sure the information you provide on the Loan Questionnaire matches the information on the Buyer's Order.

Provide copies of the most recent pay stubs for the total household income, including a non-filing spouse.

We STRONGLY advise that you **DO NOT** trade in a vehicle or take a new vehicle off the lot until the loan approval letter has been issued.

**ALLOW AT LEAST 7 BUSINESS DAYS FOR THE LOAN QUESTIONNAIRE TO BE PROCESSED.** An incomplete loan questionnaire and/or missing documents will result in denial.

If you are trading in or surrendering a vehicle that is in your Chapter 13 Plan, your attorney must file certain documents with the Court to properly reflect the changes you are making regarding treatment of the creditor holding the lien on your vehicle. Once the proper documents are filed, our office will review them along with the Loan Questionnaire.

Approval of a new loan/post-petition debt should not interfere with your ability to make your Chapter 13 plan payments. You are responsible for making payments under the new loan directly to the lender.

### **Loan Questionnaire Instructions**

1. Complete the “Loan Questionnaire” in detail. The sales personnel can provide the Lender Name and Address, Interest Rate, Monthly Payment Amount, and Number of Payments required in your loan.
2. Complete “Schedule I – Current Income of Individual Debtor” and include all income and deductions for the household.
3. Complete “Schedule J – Current Expenditures of Individual Debtor(s).” Take the time to enter all of your expenses. This is your “**BUDGET**” and reflects your projected expenses. Do not show any payments that are made by the Chapter 13 Trustee.
4. Provide copies of your two most recent pay stubs.
5. Submit the Purchase or Buyers Order with your Loan Questionnaire.

## Loan Questionnaire

**\*\*The purpose of this questionnaire is to help the Trustee determine if the debtor qualifies for approval of a new loan. This form is not a legal and binding contract.**

Date: \_\_\_\_\_ Case #: \_\_\_\_\_  
Debtor's Name: \_\_\_\_\_ Home/Cell #: \_\_\_\_\_  
Debtors Address: \_\_\_\_\_ Work #: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ E-mail: \_\_\_\_\_

**This loan questionnaire is for approval of a new loan. Home mortgage loans are not handled by this office. You must complete the following questionnaire, with attached budget, pay stubs, buyers order and return them to this office. Be sure to answer fully. An incomplete questionnaire will result in denial of the loan. Please submit to our office at: Yvonne V. Valdez, Chapter 13 Trustee; 555 N. Carancahua, Suite 600; Corpus Christi, TX 78401 or email it to: [info@ch13cctx.com](mailto:info@ch13cctx.com)**

1. What is the purpose of the loan? \_\_\_\_\_

2. Have you made any prior requests for loan approval while in Chapter 13? \_\_\_\_\_

If YES, answer the following:

Date of Request: \_\_\_\_\_ Amount requested: \_\_\_\_\_

Purpose of Loan: \_\_\_\_\_ Granted or Denied: \_\_\_\_\_

3. How much are you financing? \_\_\_\_\_

4. Interest Rate: \_\_\_\_\_ Monthly Payment: \_\_\_\_\_ Number of payments required: \_\_\_\_\_

5. Amount of down payment: \_\_\_\_\_ Source of down payment: \_\_\_\_\_

6. Lender Name: \_\_\_\_\_

Lender Address: \_\_\_\_\_

7. If this loan is for a vehicle, please answer the following:

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Mileage: \_\_\_\_\_

Dealership's e-mail/fax #: \_\_\_\_\_

Are you paying for a car outside the plan? \_\_\_\_\_ If so, are you current on the payments? \_\_\_\_\_

List Make, Model and Monthly Amount of the vehicle being paid outside the plan: \_\_\_\_\_

Are you surrendering\* or trading in a vehicle being paid in your plan? \_\_\_\_\_ If yes, which vehicle? \_\_\_\_\_

\*Please contact your attorney for advice on surrendering a vehicle.

8. Are you on a wage order for your bankruptcy payments? Yes \_\_\_\_\_ No \_\_\_\_\_

9. Are you current with your bankruptcy payments? \_\_\_\_\_

10. Based on Schedules I & J submitted with this loan questionnaire, do you feel you can afford this new debt? \_\_\_\_\_

11. Additional Notes/Comments on why this debt is necessary: \_\_\_\_\_

Debtor Signature: \_\_\_\_\_ Joint Debtor (if any): \_\_\_\_\_

## SCHEDULE I-CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

### SECTION 1

All of your income, from whatever source, needs to be reported. If you are married and living with your spouse, your spouse's income must be reflected even though he or she may not have filed Chapter 13.

Debtor 1	Debtor 2
Debtor's Name:	Debtor's Name:
Employer:	Employer:
Title/Occupation:	Title/Occupation:
How Long Employed:	How Long Employed:

**Marital Status:**    Single    Married    Divorced

#### Dependents:

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
 Name: \_\_\_\_\_ Age: \_\_\_\_\_  
 Name: \_\_\_\_\_ Age: \_\_\_\_\_  
 Name: \_\_\_\_\_ Age: \_\_\_\_\_

### SECTION 2

	Debtor 1	Debtor 2
Current monthly gross wages, salary and commissions (prorate if not paid monthly)	\$	\$
<b>Less Payroll Deductions</b>		
a. Payroll Taxes and Social Security	\$	\$
b. Insurance (Health/Medical, Flexible Spending Account, etc.)	\$	\$
c. Union Dues/Trade Association Dues	\$	\$
d. 401(k)	\$	\$
Total Net Monthly Take Home Pay	\$	\$

### SECTION 3

a. Regular income from operation of business (attach detailed statement)	\$	\$
b. Income From Real Property (rental/lease income)	\$	\$
c. Interest and Dividends	\$	\$
d. Alimony or Support Payments Payable to the Debtor for the Debtor's use or that of Dependent's Listed Above	\$	\$
e. Social Security or Other Government Assistance (specify)	\$	\$
f. Pension or Retirement Income	\$	\$
g. Other Monthly Income (specify)	\$	\$
Total Monthly Income	\$	\$

### SECTION 4

Grand Total Combined Monthly Income \$

You must show your gross income, and the deductions that are taken from your check to arrive at your "Take Home Pay" or net income. If no deductions are made, enter the word "income" in the spaces provided.

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

**SECTION 1**

Complete this schedule by continuing the average monthly expenses of the debtor and the debtor's family.  
Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household.  
Complete a separate schedule of expenditures labeled "spouse."

Rent or home mortgage payment (include lot rented for mobile home). Do not list if paid through the Chapter 13 Plan.	\$
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Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No
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**Utilities:**

Electricity and Heating	\$
Water and Sewer	\$
Telephone	\$

**SECTION 2**

Home Maintenance (repairs and upkeep)	\$
Food	\$
Clothing	\$
Laundry and Dry Cleaning	\$
Medical and Dental Expenses	\$
Transportation (not including car payments)	\$
Charitable Contributions	\$
Other Expenses (not previously listed)	\$
Other Expenses (not previously listed)	\$

**SECTION 3**

Homeowner's/Renter's Insurance	\$
Health/Life Insurance	\$
Auto Insurance	\$
Other Insurance (not deducted from wages or included in home mortgage payments)	\$

**SECTION 4**

Taxes (not deducted from wages or included in home mortgage payments)	\$
Any payments made outside your Chapter 13 (auto, furniture, loan, etc.) Specify:	\$
Monthly amount of new loan for which you are requesting approval	\$
Alimony, maintenance, support paid to others (Do not list if deducted from wages and listed on Schedule I)	\$
Regular expenses from operation of business or profession (attach detailed profit and loss statements)	\$

**SECTION 5**

Total Monthly Expenses (add all expenses from Section 1 to Section 5 above)	\$
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**SECTION 6**

Please calculate the amounts below.

a. Total projected monthly income (total from Section 4 on Schedule I)	\$
b. Total projected monthly expenses (total from Section 5 on Schedule J)	\$
c. Net Income (a minus b)	\$
d. Monthly Chapter 13 Trustee Plan Payment	\$