

**MEMORANDUM TO THE DEBTORS AND THEIR ATTORNEYS CONCERNING
CERTIFICATION UNDER PENALTY OF PERJURY REGARDING STATUS OF POST-PETITION
OBLIGATIONS AS OF CHAPTER 13 PLAN CONFIRMATION HEARING**

To the Debtor(s) and, if applicable, their Attorneys:

As you know, the Court and the Trustee consider the payment by the debtors of their post-petition direct payments as set forth in their proposed Chapter 13 plan as essential evidence of the ability of the debtors to live within their budget and of the feasibility of their proposed Chapter 13 plan. The Trustee also believes that the debtors' failure to make such post-petition payments constitutes a material default of the terms of the proposed Chapter 13 Plan as well as placing in doubt the Plan's feasibility. Accordingly, beginning with the Chapter 13 cases filed on or after **May 1, 2011**, the Trustee will request that the debtors execute a Certification to the Trustee that all of their post-petition direct payments (including mortgage payments, car payments, domestic support obligations, etc.), if any, have been made from the date of filing of their petition through the date of confirmation. Attached hereto is a copy of the form proposed by the Trustee for that purpose that I will be posting on my website (at www.ch13tyler.com) under the tab entitled "Forms". At this time, the Trustee does not anticipate the filing of the form with the Court and such will be used by the debtors until the adoption by the Court of its own form.

The Trustee will be requesting this Certification if the debtors have direct payments (whether on secured claims or domestic support obligations) pursuant to the terms of their proposed Chapter 13 plan. In the event that the debtors fail to provide this Certification to the Trustee, the Trustee shall raise an objection to the confirmation of the debtors' proposed plan until such time as the debtors provide the Trustee with this Certification. In the event the debtors do not provide the Certification by the time of the confirmation of the hearing, the Trustee will request the Court to deny confirmation of the proposed plan.

John J. Talton
Chapter 13 Trustee
Eastern District of Texas
Tyler, Marshall, Lufkin, and Beaumont Divisions