



341 Hearing

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First Meeting of Creditors

The Bankruptcy Court Clerk has scheduled a *First Meeting of Creditors* or simply the *First Meeting* in your bankruptcy case. The First Meeting is also referred to as the **341 Hearing** because it is required by Section 341 of Title 11 of the United States Code — the Bankruptcy Law.

You are required to appear at this First Meeting and answer a few questions to obtain your discharge in bankruptcy. This brochure is designed to tell you what is involved in your First Meeting of Creditors.

The Bankruptcy Trustee

The Bankruptcy Court has appointed a *Trustee* in your bankruptcy case. The Trustee will preside at your First Meeting. No Judge will be present at the First Meeting. The Trustee's job is to see that you do what you are supposed to do and that your lawyer does what he is supposed to do under the Bankruptcy Law.

You must fully cooperate with the Trustee. The Bankruptcy Trustees who handle cases in this area are normally experienced lawyers from Oklahoma City: L. Win Holbrook, Robert Garrett, Rob Nelson and Susan Manchester among others.

The name of your Trustee is listed on the Notice of First Meeting of Creditors mailed to you by the Bankruptcy Court after your case was filed.

Date of First Meeting

This First Meeting will normally be on the first or third Thursday of the month if you live in Garfield, Grant, Dewey, Kay, Major, Alfalfa, Woods, Woodward, Ellis, Beaver, Harper, Texas or Cimarron County. If you live in Kingfisher, Blaine, Logan, Noble, Payne or Lincoln County, the First Meeting is usually on the second Thursday of the month.


First Meetings are scheduled every hour on the half hour beginning at 8:30 a.m. in Guthrie and 9:30 a.m. in Enid.

The exact date and time of your First Meeting is listed on the Notice of First Meeting of Creditors mailed to you by the Bankruptcy Court .

Location of First Meeting

First Meetings in *Enid* will be conducted in the Cherokee Strip Conference Center at 123 West Maine in Enid. The Conference Center is one block south of the Post Office on the square in downtown Enid.

For those who live south of Garfield County their First Meetings will likely be held in *Guthrie* on the second floor of the U.S. Post Office Building and Courthouse at 200 West Oklahoma in Guthrie. Or perhaps even at the US Bankruptcy Court House on Dean McGee Avenue in downtown Oklahoma City for others as well as for *all Chapter 13 First Meetings*.



Remember, Two Things as You Testify at Your First Meeting:

- *Tell the Truth*
- *Don't Volunteer Anything Unless Necessary to Convey the Truth*

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Setting of First Meeting

There are usually 50 to 100 other Debtors or persons like you who filed Bankruptcy at about the same time at the First Meeting. There will also be a number of lawyers and creditors present. You do not need to wear a suit or tie but most Debtors wear slacks or something similar. *This is the only court appearance for about 98% of Debtors.*

Questions to You

Your lawyer will normally ask you several simple questions at the First Meeting:

- ◆ *What is your Name?*
- ◆ *Where do You Live?*
- ◆ *How Long have You Lived There?*
- ◆ *Did You List all of Your Debts and Assets?*

The Trustee will then ask if any of your creditors have any questions. The Trustee will probably have a couple of questions for you while he or his assistant is looking at the documents you are required to bring. You will likely testify only about five minutes; however, you may be in court more than an hour because of the other Debtors' hearings. If you forget what to say, remember two things: **First**, tell the truth. **Second**, don't volunteer anything.

Documents You Must Bring

You are required to bring the following documents:

- ◆ **Bank Statements** without checks for the three months prior to your bankruptcy;
- ◆ **Income Tax Returns** for the two years prior to your bankruptcy;
- ◆ **Pay Stubs** from your job for the current month;
- ◆ **Vehicle Titles** to all vehicles you own; and
- ◆ **Two Forms of Identification** with your Social Security Number..

You are not required to bring what you do not have. If you do not have a job, you don't have to bring pay stubs. But if you don't bring something you should have, the First Meeting may be continued to a future date. Remember to bring your documents so you do not have to come back!

What's Next

Wait. Your creditors and the Trustee have 60 days to file an objection to your general discharge or to the discharge of a specific debt. This is rare and only occurs if you have done something serious — far more than failing to pay a debt.

Once this 60 days passes, the Bankruptcy Court will mail the Discharge to you and your creditors within a couple of weeks. Your Bankruptcy will then be finished.

The Author

Larry D. Lahman, the author of this publication, was born in Carmen, Oklahoma. He attended Northwestern Oklahoma State University receiving a Bachelor of Science in Chemistry, Mathematics and Physics in 1965.

Lahman subsequently attended graduate school at OSU and later received a Juris Doctorate Degree from the OU Law School. He is admitted to practice before all state and local federal courts including the United States Supreme Court.

Lahman served as President of the Garfield County Bar Association and other organizations. He was a parachute officer with the U.S. Army Special Forces – the Green Berets – in Vietnam and retired as a Lieutenant Colonel in the Army Reserves.

Caveat:
This brochure is
designed to give
general advice only.

Specific Questions
should be directed
to your Lawyer.