

BANKRUPTCY ADMINISTRATOR WESTERN DISTRICT OF NORTH CAROLINA

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POSITION ANNOUNCEMENT CHAPTER 13 STANDING TRUSTEE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

The United States Bankruptcy Administrator for the Western District of North Carolina invites applications from highly qualified individuals for appointment as Chapter 13 Standing Trustee for the Western District of North Carolina, Charlotte Division. The official duty station will be located in the Charlotte Division of the Western District of North Carolina. The Chapter 13 Standing Trustee's office is in Charlotte, North Carolina. The Bankruptcy Court for the Western District, Charlotte Division of North Carolina (hereinafter "the Court") holds hearings in Charlotte and elsewhere as may be required.

The duties of the position are comprehensive and demanding. The Chapter 13 Standing Trustee must comply with all provisions of the United States Bankruptcy Code and Rules, and with the instructions of the Court. The Trustee must cooperate fully with the Clerk of Court and with the United States Bankruptcy Administrator. The Trustee must meet the duties of a fiduciary requiring the diligent exercise of good faith and loyalty in the administration of estates in Chapter 13 cases under the Trustee's supervision. Additionally, the Trustee must account for all property received, investigate the financial affairs of debtors, examine and object to the allowance of proofs of claim where appropriate, oppose the discharge of a debtor after confirmation of a plan where appropriate, furnish information relating to the estate and the estate's administration requested by a party in interest, except as limited by the Court, and make and furnish such reports concerning the administration of estates and final accountings as may be required by the Court, the United States Bankruptcy Administrator, and the Administrative Office of the U.S. Courts. Further, the Trustee bears responsibility for managing the office, property, and financial accounts of the trusteeship and the personnel employed by the trusteeship. The Trustee must also appear and be heard at hearings before the Court and must complete such other duties as may be required by the Court. Those duties include, but are not limited to, a review and recommendation regarding the debtor's Chapter 13 Plan and the debtor's attorney's fees, as proposed in the Plan. The Chapter 13 Standing Trustee is appointed by the Court and serves at the discretion and instruction of the Court. The Trustee further manages a staff and budget for the trusteeship.

To be qualified for appointment, an applicant must:

1. be competent to perform the trustee's duties;
2. as an individual, reside or have an office in the judicial district within which the case is pending, or in any judicial district adjacent to such district;
3. have integrity and good moral character;
4. be physically and mentally able to perform a trustee's duties satisfactorily;
5. have no demonstrated prejudices against any individual, entity, or group of individuals or entities that would interfere with unbiased performance of a trustee's duties;
6. receive no financial benefit either directly or indirectly from debt counseling, credit counseling, financial management, debtor education, or prorating, with the following applicable definitions:
 - a) "debt counseling" is a business engaged primarily in advising persons how to manage their debt, except as the counseling is provided in the ordinary course of an attorney-client relationship;
 - b) "credit counseling," "financial management," and "debtor education" as those terms are described by 11 U.S.C. § 109(h) and used in 11 U.S.C. § 111 and 11 U.S.C. § 727(a)(11); and
 - c) "prorating" is a business engaged in receiving money from an individual to make regular distributions to an individual's creditors;
7. have no relation, by affinity or consanguinity within the degree of first cousin, to a bankruptcy administrator for the judicial district referenced herein; bankruptcy administrator's employee for the judicial district referenced herein; a federal judicial officer of the Court; federal court employee of the judicial district referenced herein; or a chapter 12 trustee, a chapter 13 trustee, or an active member of the chapter 7 panel serving the judicial district referenced herein;
8. not be employed at the time of appointment by the federal government or by state or local agencies that appear regularly before the Court;
9. not be in business at the time of appointment with a chapter 13 trustee, a chapter 12 trustee, or chapter 7 panel member serving the judicial district referenced herein;
10. have the resources to provide timely and accurate reports required by the Court, the Bankruptcy Administrator, and the Administrative Office of the U.S. Courts;

11. have one or more of the following educational, professional, or business qualifications:
 - a) be an attorney in good standing of each bar in which the applicant is a member;
 - b) be a certified public accountant;
 - c) be a graduate from an accredited college or university with a major in a business-related field of study; or
 - d) have at least three years of relevant fiduciary work experience using skills required of a trustee;
12. have five years of experience using skills required of a chapter 13 trustee, or have equivalent experience deemed acceptable by the bankruptcy judge (exceptions should be made by the bankruptcy judge only when necessity is established clearly);
13. exhibit by demeanor, character, and personality that the applicant would be able to competently perform and discharge the duties required;
14. at the time of appointment be a “disinterested person” as defined by 11 U.S.C. § 101(14), having no professional relationships that would disqualify the applicant, such as:
 - a) an applicant who is on retainer as counsel to a creditor or creditors who appear regularly before the bankruptcy court, or
 - b) an applicant who is an executive officer of an organization composed principally of creditors who litigate regularly in the bankruptcy court; and,
15. be able to obtain a bond in an amount specified by the Bankruptcy Administrator’s Guidelines;
16. before appointment and each year thereafter as part of the trustee’s annual budget, the trustee must expressly disclaim or waive in writing any claim to a property interest in any funds or property acquired by the trustee and submit such waiver to the Bankruptcy Administrator.

The selection process will be confidential and competitive. The U.S. Bankruptcy Court and the Bankruptcy Administrator will review all applications. Only the best suited applicants may be selected for interview. Persons will be considered without regard to race, ethnicity, gender, religion, or national origin. The Chapter 13 Standing Trustee is an Equal Opportunity Employer. The Court’s selection and appointment are subject to the receipt of satisfactory FBI and IRS Full Field Background Investigations of the

applicant selected. The Court has statutory authority to make the appointment of a Chapter 13 Standing Trustee, who is considered to be a self-employed individual.

The annual compensation and locality pay, if applicable, and percentage fee for a Chapter 13 Standing Trustee will be established by the Court with the recommendation of the U.S. Bankruptcy Administrator. The annual compensation is subject to certain statutory limits. See Federal Employees Pay Comparability Act of 1990 and Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986. The actual starting compensation, which may be lower than the statutory maximum, will be determined based upon the experience and qualifications of the appointee.

Applicants must submit a cover letter and resumé to trusteeapplications@ncwba.uscourts.gov. Applications must be received no later than 5:00pm Eastern Standard Time on December 31, 2020. Applications received after that date and time will not be considered. Candidates invited to interview will be asked to submit additional application materials and written references.

The Bankruptcy Administrator reserves the right to modify the conditions or requirements of this position announcement or to withdraw the position announcement, any of which actions may occur without prior written notice.