

ABSHIRE

The Social Security Administration seized the 2012 Tax Refund of the debtor for a debt owed by his current wife (not a debtor in this proceeding), which was a debt she incurred prior to their marriage (the separate debt of the wife).

Debtor notified the IRS and the SSA indicating that this was a Stay Violation and requested the return of the money.

Demand was made both verbally and through written correspondence. There was no response.

A motion was filed to turnover the seized funds. No response was filed to the motion and an Order was entered to the SSA to turnover the funds to the Chapter 13 Trustee.

The funds were ultimately turned over the Trustee.

The exact same circumstances took place for the tax year 2013. The IRS sent the 2013 Refund to the SSA and offset the refund.

A second motion was filed to compel turn over with a request for sanctions for attorney fees.

In the second instance, verbal communication, as well as written correspondence, took place between attorney fore debtor's office and the IRS.

After hearing, the court ordered a turnover of the funds and sanctioned both the IRS and SSA.

Significant Fact:

The IRS was not a creditor in instance case nor were they on the mailing matrix.

Question:

Would all of these problems have been prevented on Schedule E - *For Notice Purpose Only?*