

FREQUENTLY ASKED TAX REFUND QUESTIONS

What should I do after I have my tax returns prepared?

File the tax returns with the appropriate taxing authority. Do not take a rapid refund. Do not request a direct deposit. Send copies of the filed tax forms to my office as soon as possible. There is no need to wait for the checks to send me copies of the tax forms.

How do I have the refund sent directly to the Trustee?

In most cases, I have already sent a request to the IRS to have the refund sent directly to my office. However, I do not send a request to the state taxing agency. Any state or federal refund check you receive should be mailed to my office, unsigned, upon receipt.

Should I sign the backs of the refund checks before forwarding those to your office?

No, it is not necessary to sign the checks. Endorsed (signed) checks should not be sent in the mail as I am able to endorse the checks once they arrive in my office.

What should I do if I accidentally requested that the refund be direct deposited or took a rapid refund?

If the refunds are direct deposited into your bank account, send me a personal check or money order for the refund along with a printout or statement of your banking activity that shows the refund deposit. If you took a rapid refund, you must turn over the rapid refund check and check stub. Please note that the rapid refund charge will be deducted from your portion of the refund. However, if you are not entitled to any portion of the refund, you will be required to turn over to me the rapid refund fee (usually over \$350) from your personal funds.

How can I determine if I am entitled to a portion of the refund?

You may be entitled to a portion of the tax refund(s) if you filed your bankruptcy case before the end of the year. In that situation, the allocation of your refund is determined by your bankruptcy filing date. For example, if you filed your case on September 1st, the bankruptcy estate's portion of the refund would be the prorated amount from January 1st to September 1st. Your portion of the refund would be the prorated amount from September 2nd to December 31st. A tax refund calculator is located on my website at aztrustee.com that can be used to approximate the amount of the refund you may be entitled to receive. Note that Microsoft Excel or the Excel viewer must be installed on your computer in order to use the refund calculator.

How long does it take for me to receive my portion of the refund?

That depends on how long it takes my office to receive the tax refund check(s). In general it takes the IRS 8 weeks to release a refund check to me. Once the refund check is received and the deposit has cleared, I will return your portion of the refund to you within two weeks so long as copies of your tax returns have already been provided to me and both refund checks were turned over to me. It is very important that you make sure your address is current with the Bankruptcy Court. I may not notice if your tax returns show a different address than what is on file with the Court, in which case your portion of the refund will be mailed to the address on file with the Court.

Should I contact you if I haven't received my portion of the refund yet?

Only if it's been more than three months since you filed your tax returns. The best way to contact me regarding tax refund issues is to email my assistant directly at michelle.duron@aztrustee.com.

How will the refund(s) be treated if my spouse didn't file bankruptcy?

Arizona is a community property state. Therefore, both your and your spouse's refunds are property of the bankruptcy estate that must be turned over to me whether or not you file the tax returns together or separately. If you filed your bankruptcy case before the end of the year, the portion of the refunds that you and your spouse will be entitled to receive will be calculated in the same manner as indicated above.

What should I do if I receive an offset notice?

Provide me with a copy of the notice as soon as it is received.

Does the receipt of my discharge affect the obligation to turn over tax refunds?

No. The discharge does not have any effect on your obligation to turn over tax refunds.