

1 UNITED STATES BANKRUPTCY COURT  
2 FOR THE WESTERN DISTRICT OF WASHINGTON

3 In Re:

4 1) AMENDMENTS TO LOCAL RULE 3015-1:  
5 CHAPTER 13 PLAN & INFORMATION SHEET,  
6 and

7 2) PRE-CONFIRMATION ADEQUATE  
8 PROTECTION PAYMENTS

GENERAL ORDER NO. BAPCPA-3  
(Adopting Amendments to Local Rules  
Applicable to Ch. 13 Cases)

9 WHEREAS, on April 20, 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act  
10 of 2005 (the "Act") was enacted into law; and

11 WHEREAS, most provisions of the Act are effective on October 17, 2005; and

12 WHEREAS, amendments to Local Rule 3015-1: Chapter 13 Plan & Information Sheet, are  
13 required for implementation of the Act by Chapter 13 Trustees in the Western District of Washington on  
14 the date it takes effect; and

15 WHEREAS, for all cases commenced on or after October 17, 2005, the Act requires debtors to  
16 make direct adequate protection payments to a creditor holding an allowed secured claim unless the court  
17 orders otherwise; and

18 WHEREAS, the Court has considered the administrative burden imposed upon the various parties  
19 and the Court that would result from debtors making such payments directly;

20 NOW THEREFORE, Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil  
21 Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedures, it is ORDERED:

- 22 1. Local Rule 3015-1 is amended as set out in Exhibit A, attached hereto.
- 23 2. Local Bankruptcy Form 13-3 (Chapter 13 Plan for cases commencing on or after  
24 October 17, 2005), attached hereto as Exhibit B, is adopted.
- 25 3. Local Bankruptcy Form 13-2 (Chapter 13 Information Sheet) is amended as set  
out in Exhibit C, attached hereto.

GENERAL ORDER BAPCPA-3



## EXHIBIT A

### RULE 3015-1. CHAPTER 13 PLAN, INFORMATION SHEET, DISCHARGE

**(a) Chapter 13 Plan.** Chapter 13 Plan. All chapter 13 plans (original and amended), filed in cases commencing on or after October 17, 2005 shall conform to Local Bankruptcy Form 13 -3. Any plan or amended plan filed in a chapter 13 case commenced before October 17, 2005 shall conform to Local Bankruptcy Form 13-1. All appropriate blanks on the form shall be complete including any additional provisions which shall be set forth in paragraph 10 of the plan. Debtors shall provide the last four digits of their social security numbers where indicated and, if the plan provides for or affects traffic or criminal fines, forfeitures, or sanctions, their dates of birth. Debtors and their attorneys (if represented by counsel) shall sign and date where indicated.

**(b) Other Plan Provisions.** Any additional provisions included in paragraph 10 of the plan, which modify any of the provisions contained in paragraphs 1 through 10, shall begin by specifically referencing the paragraph(s) modified, such as "Paragraph 5 is modified as follows..."

**(c) Notice of the Plan.**

(1) Upon filing of a petition and a master mailing list as required by Local Bankruptcy Rule 1007-2, the clerk of court shall mail notice of the section 341 meeting of creditors.

(2) If the plan is filed at the same time as the petition, the clerk of court shall also mail a copy of the plan to all creditors.

(3) If the plan is filed after the petition, the debtor shall be required to mail copies of the plan to all creditors not less than fourteen calendar days prior to the originally scheduled meeting of creditors. Nothing in this subsection excuses compliance with Rule 3015(b) Fed.R. Bankr.P.

**(d) Objections to Confirmation.** Objections to confirmation must be filed and served on the debtor's counsel (or the debtor if unrepresented), chapter 13 trustee, United States trustee, and any other entity designated by the court, not less than seven (7) calendar days prior to the originally scheduled confirmation hearing date. In the event the objection to confirmation is going to be argued, the party making the objection shall confirm the hearing no later than noon three (3) court days prior to the hearing (e.g., by noon on the Friday preceding a Wednesday hearing). A reply to the objection may be filed by the plan proponent no later than three (3) court days prior to the hearing.

**(e) Chapter 13 Information Sheet.** Debtor shall at the time the petition is filed submit to the trustee a complete Chapter 13 Information Sheet (Local Bankruptcy Form 13-2, amended).

**(f) Domestic Support Obligations.** The chapter 13 trustee shall commence payment on filed claims for current domestic support obligations as soon as unencumbered funds become available, unless otherwise directed by the terms of the proposed plan.

**(g) Discharge - ALL DEBTORS.** In all cases filed on or after October 17, 2005, upon completion of all plan payments, debtors must file certifications stating either that (i) they are not liable for any domestic support obligation; or (ii) all domestic support obligations payable by them that became due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) under any judicial or administrative order, or by statute, have been paid. Failure to file the certification will result in the case being closed without a discharge.

**EXHIBIT A-1**

**RULE 3015-1. CHAPTER 13 PLAN & INFORMATION SHEET**

~~(a) Chapter 13 Plan. All [All Cases]~~

(a) Chapter 13 Plan. Chapter 13 Plan. All chapter 13 plans (original and amended) filed in cases commencing on or after October 17, 2005 shall conform to Local Bankruptcy Form ~~13-1 (Form)~~ 13-3. Any plan or amended plan filed in a chapter 13 case commenced before October 17, 2005 shall conform to Local Bankruptcy Form 13-1. All appropriate blanks on the Form shall be completed, including any additional provisions which shall be set forth in paragraph 10 of the plan. Debtors shall provide the last four digits of their social security numbers where indicated and, if the plan provides for or affects traffic or criminal fines, forfeitures, or sanctions, their dates of birth. ~~Debtors and their attorneys (if represented by counsel) shall sign and date where indicated.~~

**(b) Other Plan Provisions.** Any additional provisions included in paragraph 10 of the plan, which modify any of the provisions contained in paragraphs 1 through 9~~10~~, shall begin by specifically referencing the paragraph(s) modified, such as: ~~"Paragraph 5 is modified as follows...."~~ "Paragraph 5 is modified as follows..."

**(c) Notice of the Plan and Possible Administrative Claim.** ~~The chapter 13 trustee shall mail a copy of the plan, if timely filed (see Rule 3015(b), Fed.R.Bankr.P.), with the~~

(1) Upon filing of a petition and a master mailing list as required by Local Bankruptcy Rule 1007-2, the clerk of court shall mail notice of the section 341 meeting of creditors. ~~If not timely filed, the trustee shall mail the notice of the section 341 meeting of creditors, but~~

(2) If the plan is filed at the same time as the petition, the clerk of court shall also mail a copy of the plan to all creditors.

(3) If the plan is filed after the petition, the debtor shall be required to mail copies of the plan to ~~the chapter 13 trustee and~~ all creditors not less than fourteen calendar days prior to the originally scheduled meeting of creditors. ~~Nothing in this subsection excuses compliance with Rule 3015(b), Fed.R.Bankr.P.~~

~~(1) If the plan is timely filed in Seattle but exceeds four separate, one-sided pages or two duplexed pages, the chapter 13 trustee shall be allowed an administrative claim of fifty cents (\$.50) per each additional page multiplied by the number of section 341 notices mailed out by the trustee. This administrative claim shall be collected from the first available funds after the filing fee has been paid.~~

~~(2) If the plan is timely filed in Tacoma but exceeds two separate, one-sided pages, the chapter 13 trustee shall be allowed an administrative claim of fifty cents (\$.50) per each additional page multiplied by the number of section 341 notices mailed out by the trustee. This administrative claim shall be collected from the first available funds after the filing fee has been paid.~~

~~(d) Repealed. Local Bankruptcy Rule 2002-1(a)(1)(E) is repealed.~~

~~(e) Fed.R. Bankr.P.~~

**(d) Objections to Confirmation.** Objections to confirmation must be filed and served on the debtor's counsel (or the debtor if unrepresented), chapter 13 trustee, United States trustee, and any other entity designated by the court, not less than four court seven (7) calendar days prior to the originally scheduled confirmation hearing date, or on the court day preceding the day so computed in the event it falls on a Saturday, Sunday or legal holiday. If not so filed, and served, the objection may be continued for hearing to the next available chapter 13 motion calendar. In the event the objection to confirmation is going to be argued, the party making the objection shall confirm the hearing by noon two no later than noon three (3) court days prior to the hearing (e.g., by

noon on the Friday preceding a Wednesday hearing). A reply to the objection may be filed by the plan proponent no later than three (3) court days prior to the hearing.

**(fe)** **Chapter 13 Information Sheet.** Debtor shall, ~~not later than~~ at the ~~date~~time the ~~plan~~petition is ~~due~~ (see Rule 3015(b), Fed.R.Bankr.P.) filed submit to the trustee a complete Chapter 13 Information Sheet (Local Bankruptcy Form 13-2) ~~together with copies of the two most recent pay statements and/or other verification of income.~~

~~(g)~~ ~~Child~~13-2,  
amended).

**(f)** **Domestic Support Obligations.** The chapter 13 trustee shall commence payment on filed claims for current ~~child~~domestic support obligations as soon as unencumbered funds become available, unless otherwise directed by the terms of the proposed plan. ~~Payment of current child~~

**(g)** **Discharge - ALL DEBTORS.** In all cases filed on or after October 17, 2005, upon completion of all plan payments, debtors must file certifications stating either that (i) they are not liable for any domestic support obligation; or (ii) all domestic support obligations pursuant to this subsection shall be deferred until the chapter 13 trustee has received full payment of any payable by them that became due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) under any judicial or administrative claim allowed pursuant to subsection (c) herein.

order, or by statute, have been paid. Failure to file the certification will result in the case being closed without a discharge.

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**secured claims not specified below shall not receive payment from the Trustee.** If the interest rate is left blank, the applicable interest rate shall be 12%.

1. Payments That Will Continue Beyond The Term Of The Plan (Interest included in payments at contract rate, if applicable):

<u>Rank</u>	<u>Creditor</u>	<u>Nature of Debt</u>	<u>Property</u>	<u>Monthly Payment</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

2. Mortgage Arrearage /Property Tax Arrearage Payments:

<u>Rank</u>	<u>Periodic Payment</u>	<u>Creditor</u>	<u>Property</u>	<u>Arrears to be Cured</u>	<u>Interest Rate</u>
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%

3. Other Claims Secured by Personal Property:

(a). Unless written consent to the alternative treatment as set forth below is filed with the court, the trustee shall pay the contract balance as stated in the Proof of Claim for a purchase-money security interest in any motor vehicle acquired for the personal use of the debtor(s) **within 910 days** preceding the filing date of the Petition or in other personal property acquired within **one year** preceding the filing date of the Petition as follows. Debtor(s) stipulate that pre-confirmation adequate protection payments shall be paid by the Trustee as specified. If no amount is specified, the Trustee shall pay the amount stated as the "Equal Periodic Payment".

(i). Payment of contractual balance

<u>Rank</u>	<u>Equal Periodic Payment</u>	<u>Creditor</u>	<u>Description of Collateral</u>	<u>Pre-Confirmation Adequate Protection Payment</u>	<u>Interest Rate</u>
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%

(ii). Proposed Alternative Treatment, which shall not be binding upon the creditor without written consent filed with the court.

<u>Rank</u>	<u>Equal Periodic Payment</u>	<u>Creditor</u>	<u>Debtor(s) Value of Collateral</u>	<u>Description of Collateral</u>	<u>Pre-Confirmation Adeq. Protection Payment</u>	<u>Interest Rate</u>
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%

(b). The following secured claims are **not** for a motor vehicle acquired for the personal use of the Debtor(s) within 910 days preceding the filing date of the Petition and are **not** for other personal property acquired within one year preceding the filing date of the Petition. Debtor(s) stipulate that pre-confirmation adequate protection payments shall be paid by the Trustee as specified. If no amount is specified, the Trustee shall pay the amount stated as the "Equal Periodic Payment".

<u>Rank</u>	<u>Equal Periodic Payment</u>	<u>Creditor</u>	<u>Debtor(s) Value of Collateral</u>	<u>Description of Collateral</u>	<u>Pre-Confirmation Adeq. Protection Payment</u>	<u>Interest Rate</u>
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%

_____	\$ _____	_____	\$ _____	_____	\$ _____	_____	%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____	%

D. **PRIORITY CLAIMS:** Payment in full, on a pro rata basis, of filed and allowed claims entitled to priority in the order stated in 11 USC § 507(a).

E. **NONPRIORITY UNSECURED CLAIMS:** From the balance remaining after the above payments, the Trustee shall pay filed and allowed nonpriority unsecured claims as follows:

1. **Specially Classified Unsecured Claims.** The Trustee shall pay prior to other nonpriority unsecured claims as follows:

<u>Rank</u>	<u>Creditor</u>	<u>Amount of Claim</u>	<u>Percentage To be Paid</u>	<u>Reason for Special Classification</u>
_____	_____	\$ _____	_____%	_____
_____	_____	\$ _____	_____%	_____

2. **Other Unsecured Claims.** The Debtor(s) will pay 100% to claimants in this class, or pay projected disposable income for no less than the Applicable Commitment Period of either 36 or 60 months as stated below (**choose a. or b., but not both**):

(a). % paid to unsecureds: 100% \_\_\_\_\_ **OR**

(b). Pursuant to 11 USC § 1325(b), debtor(s) projected disposable income during the applicable commitment period of no fewer than \_\_\_\_\_ months totals \$ \_\_\_\_\_, and not less than that total amount shall be distributed to allowed nonpriority unsecured claims. Plan would thus yield approximately \_\_\_\_\_% to nonpriority unsecureds. Percentage may vary depending upon funds available after payments required under Paragraphs 3A-3E1 and upon total of claims filed.

**4. Secured Property Surrendered:**

The secured property described below will be surrendered to the following named creditors on confirmation. Upon confirmation, all creditors to which the debtor is surrendering property pursuant to this paragraph are granted relief from the automatic stay to enforce their security interest against the property including taking possession and sale.

Creditor

Property to be Surrendered

**5. Executory Contracts and Leases:**

The Debtor(s) will assume or reject executory nonresidential contracts or unexpired leases as noted below. Assumption will be by separate motion and order, and any cure and/or continuing payments will be paid directly by the Debtor(s) under Paragraph 6, unless otherwise specified in Paragraph 10 with language designating that payments will be made by the Trustee, the amount and frequency of the payments, the ranking level for such payments with regard to other creditors, the length of the term for continuing payments and the interest rate, if any, for cure payments. Any executory contract or unexpired lease not assumed pursuant to 11 USC § 365(d) is rejected. If rejected, the Debtor(s) shall surrender any collateral or leased property and any duly filed and allowed unsecured claim for damages shall be paid under Paragraph 3E2.

Contract/Lease

Assumed or Rejected

**6. Payments Made by Debtor(s) and not by the Trustee:**

The following creditors shall be paid directly by the Debtor(s) according to the terms of the contract or support or withholding order, and shall receive no payments from the Trustee. (Payment stated shall not bind any party)

A. **DOMESTIC SUPPORT OBLIGATIONS:** The claims of the following creditors owed domestic support obligations shall be paid directly by the Debtor(s) as follows:

<u>Creditor</u>	<u>Current Monthly Support Obligation</u>	<u>Monthly Arrearage Payment</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

B. OTHER DIRECT PAYMENTS:

<u>Creditor</u>	<u>Nature of Debt</u>	<u>Amount of Claim</u>	<u>Monthly Payment</u>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

**7. Revestment of Property**

Unless otherwise provided in Paragraph 10, during the pendency of the plan all property of the estate as defined by 11 USC § 1306(a) shall remain vested in the Debtors, except that earnings and income necessary to complete the terms of the Plan shall remain vested in the Trustee until discharge. The Debtor(s) shall not, without approval of the Court, sell or otherwise dispose of or transfer real property other than in accordance with the terms of the confirmed Plan.

**8. Liquidation Analysis Pursuant to 11 USC § 1325(a)(4)**

No less than \$ \_\_\_\_\_ shall be distributed to priority and nonpriority unsecured claims. Under 11 USC §§ 1325(a)(4) and 726(a)(5), interest on allowed unsecured claims under Paragraphs 3D and 3E shall be paid at the rate of \_\_\_\_\_% per annum from the Petition filing date (no interest shall be paid if left blank).

**9. Certification:**

- A. The Debtor(s) certifies that all post-petition Domestic Support Obligations have been paid in full on the date of this Plan and will be paid in full at the time of the confirmation hearing. Debtor acknowledges that timely payment of such post-petition Domestic Support Obligations is a condition of Plan confirmation pursuant to 11 USC § 1325(a)(8).
- B. The Debtor(s) or their attorney certifies that this Plan does not alter the provisions of Local Bankruptcy Form 13-3 except as follows:

**10. Other Plan Provisions:** (must be separately numbered)

_____	_____	_____	_____
Attorney for Debtor(s)	DEBTOR	Last 4 digits SS#	Date
_____	_____	_____	_____
Date	DEBTOR	Last 4 digits SS#	Date

EXHIBIT B-1

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re: Debtor(s). Case No. CHAPTER 13 PLAN
Original Amended
Date:

1. Plan Payments:

No later than Within 30 days after of the filing of the Plan or the order for relief, whichever date is earlier, the Debtor(s) will commence making payments to the Trustee as follows:

- A. AMOUNT: \$; FREQUENCY: Monthly; Semi-Monthly; Bi-Weekly; Weekly
B. TAX REFUNDS: Debtor(s) COMMITS; DOES NOT COMMIT; all tax refunds to funding the Plan. Committed refunds shall be paid in addition to the plan payment stated above.
C. PAYMENTS: Plan payments shall be deducted from the Debtor(s) wages unless otherwise agreed to by the Trustee or ordered by the Court.
D. OTHER:

2. Plan Duration:

The length of the Plan is set forth in paragraph 3E2 below. The Plan will run a minimum of 36 months, unless all timely filed claims are sooner paid in full, plus appropriate interest. At the Trustee's discretion, and without notice or hearing, the Plan may be extended up to 60 months after confirmation in order to pay, in full, administrative expenses, secured claims, priority claims and any creditors placed in a special class for full payment.

Debtor(s) estimate the Plan will run approximately months. Plan may be extended up to 60 months after the first payment is due if necessary to complete the Plan.

3. Distribution of Plan Payments:

From the payments so received, The Trustee shall make disbursements disburse funds received in the following order:

- A. ADMINISTRATIVE EXPENSES:
1. Trustee. The percentage set pursuant to 28 USC §586(e).
2. Other administrative expenses. As allowed pursuant to 11 USC §§ 507(a)(2) or 707(b).
3. Attorney's Fees: Original attorney's fees of \$, of which \$ remains unpaid. Fees are to be paid Select applicable option: a. Prior to all creditors; b. Minimum Monthly payments of \$; c. All remaining funds available after designated monthly payments to the following creditors: d. Other:
If no selection is made, fees will be paid after monthly payments specified in Paragraphs 3B and 3C.

- B. CURRENT CHILD DOMESTIC SUPPORT/MAINTENANCE OBLIGATION: \$ per month unless stated otherwise in paragraph 6 below Payments to creditors whose claims are filed and allowed pursuant to 11 USC § 502(a) or court order as follows (if left blank, no payments shall be made by the Trustee):

Table with 2 columns: Creditor, Monthly amount. Includes blank lines for entry.

- C. SECURED CLAIMS/LEASES: Payments to creditors whose claims are filed, as follows, unless ranked otherwise. Interest rates are stated as per annum, un compounded.

Rank Current 1st mortgage of \$, payments of \$ monthly at % interest per annum,

\_\_\_\_\_ Current 2nd mortgage of \$ \_\_\_\_\_, payments of \$ \_\_\_\_\_ monthly at \_\_\_\_\_ % interest per annum,  
 \_\_\_\_\_ 1st mortgage arrears of \$ \_\_\_\_\_, payments of \$ \_\_\_\_\_ monthly at \_\_\_\_\_ % interest per annum,  
 \_\_\_\_\_ 2nd mortgage arrears of \$ \_\_\_\_\_, payments of \$ \_\_\_\_\_ monthly at \_\_\_\_\_ % interest per annum,  
 \_\_\_\_\_ Lease payment to \_\_\_\_\_, of \$ \_\_\_\_\_ monthly.

Debtor(s)	Value of Collateral	Description of Collateral	Interest Rate
_____ \$ _____ monthly to _____	\$ _____	_____	_____ %
_____ \$ _____ monthly to _____	\$ _____	_____	_____ %
_____ \$ _____ monthly to _____	\$ _____	_____	_____ %
_____ \$ _____ monthly to _____	\$ _____	_____	_____ %
_____ \$ _____ monthly to _____	\$ _____	_____	_____ %

\_\_\_\_\_ Secured creditors, except as provided in 26 USC 6621(a)(2) and 11 USC 1322(b)(2), will be paid the amount of their claim or the value of their collateral, whichever is less, plus interest as stated above. Interest rate and monthly payment in the Plan controls unless creditors timely file an objection to confirmation. Value of collateral stated in the Proof of Claim controls unless otherwise ordered following timely objection to claim. The unsecured portion of any claim shall be paid as a general unsecured claim unless entitled to priority by law. For creditors holding secured claims not listed above, the interest rate shall be \_\_\_\_\_. Interest rate is 15% if left blank.

**C. SECURED CLAIMS:** Payments to creditors whose claims are filed and allowed pursuant to 11 USC § 502(a) or court order, as stated below. Unless ranked otherwise, payments to creditors will be disbursed at the same level. Secured creditors shall retain their liens until the payment of the underlying debt, determined under nonbankruptcy law, or discharge under 11 USC § 1328, as appropriate. Secured creditors, other than current mortgage payments and continuing payments and except as provided in 26 USC § 6621(a)(2) and 11 USC § 1322(b)(2) as limited by 11 USC § 1325(a), will be paid the amount of their claim or the value of their collateral, whichever is less, plus per annum uncompounded interest from the Petition filing date. Interest rate and monthly payment in the Plan control unless a creditor timely files an objection to confirmation. Value of collateral stated in the Proof of Claim controls unless otherwise ordered following timely objection to claim. The unsecured portion of any claim shall be paid as a nonpriority unsecured claim unless entitled to priority by law. **Any creditors holding allowed secured claims not specified below shall not receive payment from the Trustee.** If the interest rate is left blank, the applicable interest rate shall be 12%.

1. Continuing Payments That Will Continue Beyond The Term Of The Plan (Interest included in payments at contract rate, if applicable):

Rank	Creditor	Nature of Debt	Property	Monthly Payment
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

2. Mortgage Arrearage /Property Tax Arrearage Payments:

Rank	Periodic Payment	Creditor	Property	Arrears to be Cured	Interest Rate
_____	\$ _____	_____	_____	\$ _____	_____ %
_____	\$ _____	_____	_____	\$ _____	_____ %
_____	\$ _____	_____	_____	\$ _____	_____ %
_____	\$ _____	_____	_____	\$ _____	_____ %

3. Other Claims Secured by Personal Property:

(a). Unless written consent to the alternative treatment as set forth below is filed with the court, the trustee shall pay the contract balance as stated in the Proof of Claim for a purchase-money security interest in any motor vehicle acquired for the personal use of the debtor(s) **within 910 days** preceding the filing date of the Petition or in other personal property acquired within **one year** preceding the filing date of the Petition as follows. Debtor(s) stipulate that pre-confirmation adequate protection payments shall be paid by the Trustee

as specified. If no amount is specified, the Trustee shall pay the amount stated as the "Equal Periodic Payment".

(i). Payment of contractual balance

<u>Rank</u>	<u>Equal Periodic Payment</u>	<u>Creditor</u>	<u>Description of Collateral</u>	<u>Pre-Confirmation Adequate Protection Payment</u>	<u>Interest Rate</u>
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%

(ii). Proposed Alternative Treatment, which shall not be binding upon the creditor without written consent filed with the court.

<u>Rank</u>	<u>Equal Periodic Payment</u>	<u>Creditor</u>	<u>Debtor(s) Value of Collateral</u>	<u>Description of Collateral</u>	<u>Pre-Confirmation Adeq. Protection Payment</u>	<u>Interest Rate</u>
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%

(b). The following secured claims are **not** for a motor vehicle acquired for the personal use of the Debtor(s) within 910 days preceding the filing date of the Petition and are **not** for other personal property acquired within one year preceding the filing date of the Petition. Debtor(s) stipulate that pre-confirmation adequate protection payments shall be paid by the Trustee as specified. If no amount is specified, the Trustee shall pay the amount stated as the "Equal Periodic Payment".

<u>Rank</u>	<u>Equal Periodic Payment</u>	<u>Creditor</u>	<u>Debtor(s) Value of Collateral</u>	<u>Description of Collateral</u>	<u>Pre-Confirmation Adeq. Protection Payment</u>	<u>Interest Rate</u>
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%

D. **PRIORITY CLAIMS:** ~~Debts~~ Payment in full, on a pro rata basis, of filed and allowed claims entitled to priority under and in the order prescribed by stated in 11 USC § 507(a). ~~of the Bankruptcy Code as follows:~~

<u>Rank</u>	<u>Name</u>	<u>Amount of Claim</u>	<u>Basis for Priority</u>
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____

E. **NONPRIORITY UNSECURED CLAIMS:** From the balance remaining after the above payments, ~~dividends to unsecured creditors whose claims are allowed~~ the Trustee shall pay filed and allowed nonpriority unsecured claims as follows:

1. **Specially Classified Unsecured Claims.** ~~The following unsecured claims will receive a higher distribution than general unsecured claims.~~ The Trustee shall pay prior to other nonpriority unsecured claims as follows:

<u>Rank</u>	<u>Name</u>	<u>Creditor</u>	<u>Amount of Claim</u>	<u>Percentage To be Paid</u>	<u>Reason for Special Classification</u>
_____	_____	_____	\$ _____	_____%	_____
_____	_____	_____	\$ _____	_____%	_____

2. **General Other Unsecured Claims.** The Debtor(s) will pay 100% to claimants in this class, or ~~make a minimum of 36 monthly payments~~ pay projected disposable income for no less than the Applicable Commitment Period of either 36 or 60 months as stated below **(choose a. or b., but not both):**

(a). % paid to unsecureds: 100% \_\_\_\_\_ 70% \_\_\_\_\_ Other \_\_\_\_\_% **OR**

or (b). Best Efforts: 60 months \_\_\_; 36 months \_\_\_; Other \_\_\_; yielding approximately \_\_\_% to general unsecureds

Pursuant to 11 USC § 1325(b), debtor(s) projected disposable income during the applicable commitment period of no fewer than \_\_\_ months totals \$\_\_\_\_\_, and not less than that total amount shall be distributed to allowed nonpriority unsecured claims. Plan would thus yield approximately \_\_\_% to nonpriority unsecureds. Percentage may vary depending upon funds available after payments required under Paragraphs 3A-3E1 and upon total of claims filed.

**4. Secured Property Surrendered:**

The secured property described below will be surrendered to the following named creditors on confirmation. Upon confirmation, all creditors to which the debtor is surrendering property pursuant to this paragraph are granted relief from the automatic stay to enforce their security interest against the property including taking possession and sale.

Creditor Property to be Surrendered

**5. Executory Contracts and Leases:**

The Debtor(s) will assume or reject executory nonresidential contracts or unexpired leases as noted below. Assumption will be by separate motion and order, and all any cure and/or continuing payments shall will be paid pursuant to paragraph 3C or 6 directly by the Debtor(s) under Paragraph 6, unless otherwise specified in Paragraph 10 with language designating that payments will be made by the Trustee, the amount and frequency of the payments, the ranking level for such payments with regard to other creditors, the length of the term for continuing payments and the interest rate, if any, for cure payments. Any executory contract or unexpired lease not assumed pursuant to 11 USC § 365(d) is rejected. If rejected, the Debtor(s) shall surrender any collateral or leased property and any duly filed and allowed unsecured claim for damages shall be paid under Paragraph 3E2.

Contract/Lease Assumed or Rejected

**6. Direct Payments Made by Debtor(s) Outside of the Plan and not by the Trustee:**

The following creditors shall be paid directly by the Debtor(s) according to the terms of the contract or support or withholding order, and shall receive no payments from the Trustee. (Payment stated shall not be binding on any party)

A. DOMESTIC SUPPORT OBLIGATIONS: The claims of the following creditors owed domestic support obligations shall be paid directly by the Debtor(s) as follows:

<u>Creditor</u>	<u>Current Monthly Support Obligation</u>	<u>Monthly Arrearage Payment</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

**B. OTHER DIRECT PAYMENTS:**

<u>Name</u> <b>Creditor</b>	<b>Nature of Debt</b>	<b>Amount of Claim</b>	<b>Monthly Payment</b>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

**7. Revestment of Property**

Unless otherwise provided in Paragraph 10, during the pendency of the plan all property of the estate as defined by 11 USC § 1306(a) shall ~~revest~~ remain vested in the Debtors upon: ~~Confirmation of the Plan, Dismissal or discharge only.~~ If no selection is made, property of the estate shall revest in the Debtor(s) upon ~~confirmation~~, except that earnings and income necessary to complete the terms of the Plan shall remain vested in the Trustee until discharge. The Debtor(s) shall not, without approval of the Court, sell or otherwise dispose of or transfer real property other than in accordance with the terms of the confirmed Plan.

**8. Liquidation Analysis Pursuant to 11 USC § 1325(a)(4)**

The Debtor(s) estimates that there would be \$ \_\_\_\_\_ available to pay general unsecured creditors in a Chapter 7 liquidation. The Debtor(s) propose to pay at least this amount to unsecured creditors in this Plan. No less than \$ \_\_\_\_\_ shall be distributed to priority and nonpriority unsecured claims. Under 11 USC §§ 1325(a)(4) and 726(a)(5), interest on allowed unsecured claims under Paragraphs 3D and 3E shall be paid at the rate of \_\_\_\_\_ % per annum from the Petition filing date (no interest shall be paid if left blank).

**9. Certification:**

- A. The Debtor(s) certifies that all post-petition Domestic Support Obligations have been paid in full on the date of this Plan and will be paid in full at the time of the confirmation hearing. Debtor acknowledges that timely payment of such post-petition Domestic Support Obligations is a condition of Plan confirmation pursuant to 11 USC § 1325(a)(8).
- B. The Debtor(s) or their attorney ~~certify~~ certifies that this Plan ~~conforms with Local Bankruptcy Rule 3015-1,~~ does not alter the provisions of Local Bankruptcy Form 13-3 except as set forth below follows:

**10. Other Plan Provisions: (must be separately numbered)**

_____ Attorney for Debtor(s)	_____ DEBTOR	_____ Last 4 digits SS#	_____ Date
_____ Date	_____ DEBTOR	_____ Last 4 digits SS#	_____ Date

**EXHIBIT C**

CHAPTER 13 TRUSTEE INFORMATION SHEET

Debtors are required to complete and file this information sheet with the Chapter 13 Trustee at the time a Chapter 13 case is filed. The trustee will send a payroll directive, if appropriate, to the employer at the address listed on this sheet. Failure to list the proper payroll address may result in payment delinquency and a motion to dismiss by the trustee. If the plan provides for preconfirmation adequate protection payments or payments on a current obligation such as a mortgage, it is imperative for debtors to make the first plan payment to the trustee immediately rather than waiting for a payroll deduction to take effect, so that the trustee can disburse funds as soon as is practicable after the claim is filed. Payments must be made by cashier's check or money order with the case number listed, sent to the trustee's regular payment address.

Case # \_\_\_\_\_

DEBTOR 1

DEBTOR 2

NAME: \_\_\_\_\_

NAME: \_\_\_\_\_

Address is the same as Debtor 1

HOME ADDRESS:

HOME ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MAILING ADDRESS:

MAILING ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E-MAIL: \_\_\_\_\_

E-MAIL : \_\_\_\_\_

HOME PHONE: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_

**Employer addresses and phone numbers.**

Issue Wage Deduction on Debtor 1 or 2 (please check)

DEBTOR 1 [ ]

DEBTOR 2 [ ]

EMPLOYER NAME: \_\_\_\_\_

EMPLOYER NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

FAX: \_\_\_\_\_

PAID: WEEKLY [ ] BIWEEKLY [ ]

PAID: WEEKLY [ ] BIWEEKLY [ ]

MONTHLY [ ] SEMI-MONTHLY [ ]

MONTHLY [ ] SEMI-MONTHLY [ ]

OTHER \_\_\_\_\_

OTHER \_\_\_\_\_

DEBTOR 1 OTHER SOURCE OF INCOME: \_\_\_\_\_

DEBTOR 2: OTHER SOURCE OF INCOME: \_\_\_\_\_

**Tax returns:**

Before a plan can be confirmed, debtors must file with the appropriate tax authorities all applicable Federal, State and local tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition. Check the blanks below to indicate returns that have been filed; if a return has not been filed, do not check the blank. Write "NR" if you were not required to file. Write "EXT" if you have applied for an extension.

	<u>Federal</u>	<u>State</u>	<u>Local</u>
Most recent year	_____	_____	_____
2 <sup>nd</sup> year past	_____	_____	_____
3 <sup>rd</sup> year past	_____	_____	_____
4th year past	_____	_____	_____

**If operating as a business, please attach additional sheet listing the status of each required business return for the past 4 tax years.**

**Domestic Support Obligations:**

The trustee must have this information to send required notice to all holders of domestic support obligation claims pursuant to 11 USC §1302 (d)(1). If there are multiple claim holders, attach an additional sheet listing the name of the claim holder, and the claim holder's address and telephone number.

Debtor(s) have a domestic support obligation (please check below):

DEBTOR 1

DEBTOR 2

YES \_\_\_\_\_ NO \_\_\_\_\_

YES \_\_\_\_\_ NO \_\_\_\_\_

Name of claim holder: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

-----  
Name of claim holder: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

-----  
-----  
**Debtor(s) certify that the information listed above, including tax return status, is accurate.**

Debtor 1: \_\_\_\_\_

Debtor 2: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

[Local Bankruptcy Form 13-2, amended]

EXHIBIT C-1

CHAPTER 13 TRUSTEE INFORMATION SHEET

The Debtor-(s) are required to complete and file this information sheet with the Chapter 13 Trustee at the time a Chapter 13 case is filed ~~within 15 days of the filing of the Chapter 13 Case.~~ The trustee will send a payroll directive, if appropriate, to the employer at the address listed on this sheet. Failure to list the proper payroll address may result in payment delinquency and a motion to dismiss by the trustee. If the plan provides for preconfirmation adequate protection payments or payments on a current obligation such as a mortgage, it is imperative for debtors to make the first plan payment to the trustee immediately rather than waiting for a payroll deduction to take effect, so that the trustee can disburse funds as soon as is practicable after the claim is filed. Payments must be made by cashier's check or money order with the case number listed, sent to the trustee's regular payment address.

Case # \_\_\_\_\_

DEBTOR 1

DEBTOR 2

NAME: \_\_\_\_\_

NAME: \_\_\_\_\_

Address is the same as Debtor 1

HOME ADDRESS:

HOME ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MAILING ADDRESS:

MAILING ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E-MAIL : \_\_\_\_\_

E-MAIL : \_\_\_\_\_

HOME PHONE: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_

**Employer addresses and phone numbers:**

Issue Wage Deduction on Debtor 1 or 2 (please check)

DEBTOR 1 [ ]

DEBTOR 2 [ ]

EMPLOYER NAME: \_\_\_\_\_

EMPLOYER NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

FAX: \_\_\_\_\_

PAID: WEEKLY [ ] BIWEEKLY [ ]

PAID: WEEKLY [ ] BIWEEKLY [ ]

MONTHLY [ ] SEMI-MONTHLY [ ]

MONTHLY [ ] SEMI-MONTHLY [ ]

OTHER \_\_\_\_\_

OTHER \_\_\_\_\_

DEBTOR 1 OTHER SOURCE OF INCOME: \_\_\_\_\_

DEBTOR 2: OTHER SOURCE OF INCOME: \_\_\_\_\_

~~[The debtor(s) and their attorney, if any, certifies that attached hereto are the two most recent pay stubs or other income verification for each debtor.~~

~~All required tax returns have been filed. YES [ ] NO [ ]~~

~~If no, the following years are unfiled:~~

~~Tax refunds received for the last 2 years: YR \_\_\_\_\_ \$ \_\_\_\_\_ YR \_\_\_\_\_ \$ \_\_\_\_\_ ]~~

Tax returns:

Before a plan can be confirmed, debtor(s) must file with the appropriate tax authorities all applicable Federal, State and local tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition. Check the blanks below to indicate returns that have been filed; if a return has not been filed, do not check the blank. Write "NR" if you were not required to file. Write "EXT" if you have applied for an extension.

Federal

State

Local

Most recent year \_\_\_\_\_

2<sup>nd</sup> year past \_\_\_\_\_

3<sup>rd</sup> year past \_\_\_\_\_

4th year past \_\_\_\_\_

**If operating as a business, please attach additional sheet listing the status of each required business return for the past 4 tax years.**

**Domestic Support Obligations:**

The trustee must have this information to send required notice to all holders of domestic support obligation claims pursuant to 11 USC 1302(d)(1). If there are multiple claim holders, attach an additional sheet listing the name of the claim holder, and the claim holder's address and telephone number.

Debtor(s) have a domestic support obligation as defined under 11 USC §101 (14A) (please check below):

<u>DEBTOR 1</u>		<u>DEBTOR 2</u>	
<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>

Name of claim holder: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_  
\_\_\_\_\_

Name of claim holder: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Debtor(s) certify that the information listed above, including tax return status, is accurate.

Debtor 1: \_\_\_\_\_ Debtor 2: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
~~Pro Se Debtor~~

\_\_\_\_\_  
~~Date~~ \_\_\_\_\_ ~~Debtor's attorney~~

\_\_\_\_\_  
~~Pro Se Debtor~~

\_\_\_\_\_

[Local Bankruptcy Form 13-2, amended]