



AMERICAN
BANKRUPTCY
INSTITUTE

2018 Northeast Bankruptcy Conference and Consumer Forum

Chapter 13 Plan and Rule Changes

Jan Michael Sensenich, Moderator

Chapter 13 Standing Trustee; Norwich, Vt.

Hon. Colleen A. Brown

U.S. Bankruptcy Court (D. Vt.); Burlington

Janet J. Goldman

Law Office of Janet J. Goldman; Warwick, R.I.

Peter V. Guaetta

Guaetta & Benson, LLC; North Chelmsford, Mass.

**ABI NORTHEAST CONFERENCE
STOWE, VT ~ JULY 12-14, 2018**

CONSUMER TRACK PROGRAM RE CH 13 PRACTICE ~ 7/13/18, 11:15 AM - 12:30 PM

PROGRAM OUTLINE

1. **THE NEW CHAPTER 13 PLAN: Gripes, Challenges, and Suggestions**

- Materials include a survey of the Northeast bankruptcy courts: It shows
 - which Northeast districts are using the National Model Plan form (Official Form 113) and which are using their own Local Plan Form,
 - how each Local Plan Form varies from the National Form,
 - whether the trustee in each district makes ongoing mortgage payments, and under what circumstances, and
 - whether confirmation hearings are held, and under what circumstances.
- “Embedded motions” from Part 3 of the Plan: motions to avoid liens, strip mortgages, value collateral / set amount of secured claims & interest rates thereon
 - Best practices?
 - How to meet service / due process requirements, make sure the motions are conspicuous to recipient creditors who are the target of the embedded motion
 - Need to keep docket clear and make sure motion / order for such relief is evident.
- Technical Issues:
 - what difficulties attorneys are experiencing with the software providers / plan form?
 - which software glitches that seem particularly pernicious and pervasive
 - Calculation problems - Do any of the commercially available plans consistently do the math correctly?
- Other Challenges:
 - Adequate protection payments – no provision for them in most of the plan forms
 - Form 113 – no breakout as to what the priority claims are- hard to match with POCs
 - Where to put different types of secured claims in sections 3.1, 3.2 and 3.3?

We want to hear from the attendees – especially those who represent debtors – about their experiences with the new plan, treatment of embedded motions, and about any workarounds they have found.

**2. THE NEW BANKRUPTCY RULE 3002 REQUIREMENTS FOR FILING A CHAPTER 13 PROOF OF CLAIM:
The Who, When, and How of Getting it Filed**

- 3002(c)(1): PoC must be filed within 70 days of the petition filing date (a/k/a the order for relief)
- 3002(c)(6): ext of time for filing PoC available by motion filed either before or after expiration of 70-day period BUT is limited to an add'l 60 days and Rule authorizes extensions if
 - Notice to the C movant was insufficient because D failed to timely file list of creditors, **or** Notice was insufficient “under the circumstances” to C reasonable time to file a PoC.
AND the notice was mailed to C at a foreign address
 - Not likely to be present all that often, so, Cs are not likely to obtain extensions of time to file a PoC easily
 - Query: Does Rule limit extensions to just these 2 scenarios? It does not say the motion may be granted *only* if the court finds 1 of these 2 criteria has been met.
 - What happens if the C misses the PoC deadline?
 - How much time does the C have to file a motion to extend their time?
 - If the C fails to file a timely PoC, should the Debtor (or Trustee) file one for it?
- PRACTICE POINTER: Who should sign a PoC? The C’s attorney or a creditor employee?
 - What is the liability on an attorney who signs a PoC?
 - If the C attorney signs or reviews a PoC, can the attorney bill the debtor for that work?
 - Is this a cost of collection covered by the typical promissory note?

We want to hear from the attendees – especially those who represent creditors – about their experience to date with this new PoC deadline, and whether / how their clients are meeting this new deadline.

3. NEW CONFIRMATION ORDERS: Is One Needed Post-Dec 1, 2017?

- Materials include a survey of the Northeast bankruptcy courts that shows whether each District is using a new version of a confirmation order as of Dec 1, 2017 and if so, whether it is a long or short version
- The pros and cons of having separate orders for the embedded motions
 - What are the substantive issues to be addressed?
 - The procedural requirements to be met?
 - Are these essential to convey adequate notice / make treatment of claims clear?

We want to hear from all attendees who represent parties in chapter 13 cases about their experience with the new form confirmation orders ... what do they find helpful and what is most important to make conspicuous in light of the new plan forms.

MATERIALS:

- This outline
- A copy of the plan & confirmation order being used in each bankruptcy court in the Northeast, post 12/1/17
- A matrix comparing the practices in bankruptcy courts of the Northeast with respect to which plan they use, what type of confirmation order they use, how they treat embedded motions, whether the trustee distributes post-petition ongoing mortgage payments, and the circumstances under which they hold confirmation hearings in chapter 13 cases
- New Plan Tips – from the District of Massachusetts

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

CHAPTER 13 IN THE NORTHEAST

A COMPARISON OF APPROACHES TO CHAPTER 13 PLANS, CONFIRMATION ORDERS AND PROCEEDURES

DISTRICT	PLAN FORM	CONFIRMATION ORDER TYPE ¹	EMBEDDED MOTIONS	CONFIRMATION HEARINGS	INSTALLMENT MORTG PAYMTS BY TRUSTEE	MANDATORY ⁴ WAGE ORDERS	§ 341 MEETINGS w/ CONF. HEARINGS
CONNECTICUT	LOCAL FORM PLAN	SHORT FORM	ACTUAL MOTIONS REQUIRED	ALL CASES	NO PROVISION IN PLAN	YES	NO
MAINE	LOCAL FORM 2	SHORT FORM	PLAN SERVED PER RULE 4	ALL CASES	OPTIONAL	NO	NO
MASSACHUSETTS	LOCAL FORM 3	MEDIUM FORM	PLAN SERVED PER RULE 4	IF OBJECTION	REQ. FOR MODIF. MTGS	PROHIBITED ³	NO
NEW HAMPSHIRE	LOCAL FORM PLAN	MEDIUM FORM	ACTUAL MOTIONS REQUIRED	ALL CASES	OPTIONAL	NO	NO
NY (NORTHERN D.)	LOCAL FORM PLAN	LONG FORM	PLAN SERVED PER RULE 4	IF OBJECTION	OPTIONAL	NO	NO
NY (WESTERN D.)	NATIONAL FORM 113	LONG FORM	ACTUAL MOTIONS REQUIRED	ALL CASES	OPTIONAL	NO	YES
NY (EASTERN D.)	LOCAL FORM PLAN	SHORT FORM	ACTUAL MOTIONS REQUIRED	ALL CASES	NO PROVISION IN PLAN	NO	NO
NY (SOUTHERN D.)	LOCAL FORM PLAN	SHORT FORM	PLAN SERVED PER RULE 4	ALL CASES	NO PROVISION IN PLAN	NO	NO
RHODE ISLAND	LOCAL FORM PLAN	LONG FORM	PLAN SERVED PER RULE 4	IF OBJECTION	NO PROVISION IN PLAN	YES	NO
VERMONT	NATIONAL FORM 113	LONG FORM	PLAN SERVED PER RULE 4	ALL CASES	REQ. IF PRE-PET. ARREARS ²	YES	YES

¹ KEY TO CONFIRMATION ORDER TYPE:

SHORT FORMS- state that the plan is confirmed with little or no numeric or financial data, but refer to that in the plan

MEDIUM FORMS- state some but not all of the metrics of the plan

LONG FORMS- incorporate substantially all of the information in the plan

² Paying monthly mortgage payment through plan is required per local rule if the mortgage is in arrears on the date of the filing of the petition.

³ Massachusetts Local Chapter 13 rule 13-19 (e) actually prohibits wage orders

⁴ Subject to waiver upon request or motion of debtor

**THE NEW FORM PLAN
TIPS FOR SUCCESS AND TRAPS FOR THE UNWARY**
(Carolyn A. Bankowski, Chapter 13 Trustee)

Now that the Form Plan has been in effect for almost two (2) months we are starting to uncover the good, the bad and the ugly of using the new form. This goal of this summary is to review some common issues that are arising and to provide tips to properly complete the Form and avoid objections.

1. Plan Payments and the interplay between Part 2 of the Plan and Exhibit 1

The payments proposed in Part 2.B. and Exhibit 1, which is the calculation of the plan payment, must be the same. Below is an example of a properly completed Exhibit 1 where the plan payment is changing:

Exhibit 1

CALCULATION OF PLAN PAYMENT

a)	Secured claims (Part 3.A and Part 3.B.1-3 Total):	\$199,437.25
b)	Priority claims (Part 4.A and Part 4.B Total):	\$49,703.03
c)	Administrative expenses (Part 4.C.1 and 4.C.2 Total):	\$0.00
d)	Nonpriority unsecured claims (Part 5.E Total):	\$17.52
e)	Separately classified unsecured claims (Part 5.F Total):	\$0.00
f)	Executory contract/lease arrears claims (Part 6 Total):	\$0.00
g)	Total of (a) + (b) + (c) + (d) + (e) + (f):	\$249,157.80
h)	Divide (g) by .90 for total Cost of Plan including the Trustee's fee:	\$276,842.00
i)	Divide (h), Cost of Plan, by term of Plan, <u> </u> months:	
j)	Round up to the nearest dollar amount for Plan payment:	

If this is either an amended Plan and the Plan payment has changed, or if this is a postconfirmation amended Plan, complete(a) through (h) only and the following:

k)	Enter total amount of payments the Debtor(s) has paid to the Trustee:	\$6968.00
l)	Subtract line (k) from line (h) and enter amount here:	\$269,874.00
m)	Divide line (l) by the number of months remaining (58 months):	\$4,653.00
n)	Round up to the nearest dollar amount for amended Plan payment:	\$4,653.00

Date the amended Plan payment shall begin: 1/01/2018

Based upon this Exhibit 1, Part 2.B. should state as follows:

B. PROPOSED MONTHLY PAYMENTS:

	Monthly Payment Amount	Number of Months
+ -	\$3,484.00	2
+ -	\$4,653.00	58

COMMON PROBLEMS: When the plan payment has changed and the Debtor is subtracting out the amount paid in Exhibit 1, Part 2.B. is incorrectly stating the plan payments and Exhibit 1 is being incorrectly completed.

A. As instructed on Exhibit 1, lines i) – j) should not be completed if the Plan payment is changing.

B. If Exhibit 1 shows that the Debtor has paid \$6,968.00 to date and is paying \$4,653.00 for the remaining 58 months, then Part 2.B. needs to list that the Debtor paid \$3,484.00 per month for 2 months and will pay \$4,653.00 for 58 months. If the payments varied over the months that have already elapsed in the Plan, it is not necessary to breakdown each month the payment has changed. It is sufficient to divide the amount paid to date by the number of months that have elapsed. In this example, \$6,968.00 divided by 2 = \$3,484.00 per month for 2 months. It is NOT sufficient to just list the payments to be made over the remaining 58 months in Part 2.B. or to list a monthly payment amount that differs from Exhibit 1.

C. The only payments that should be listed in Part 2.C. are payments OTHER than the monthly plan payments. For example, lump sum payments to be made from sales/refinancings, non exempt proceeds recovered from litigation, tax refunds etc. are the types of payments that should be included in this section. Regular monthly plan payments should NOT be listed in Part 2.C.

2. Treatment Of Secured Claims

A. The only secured claims that should be included in Part 3.A. of the Plan are claims for which the Debtor is proposing a cure of the default under the existing contract with the creditor and/or maintenance of payments under the existing contract. If the Debtor is proposing a loan modification, a sale of the property, a modification of any term of the contract, or any treatment other than making payments pursuant to the terms of the existing contract, it should NOT be included in Part 3.A.

B. Any prepetition arrears being cured with respect to the principal residence MUST be listed in Part 3.A.(1)(a) of the Plan. That section requires that the Debtor list the address of the Principal Residence and the value. Any prepetition arrears being cured with respect to any other type of property must be listed in Part 3.A.(1)(b).

C. The type of claim needs to be listed in the Plan. The type of claim is mortgage, automobile loan, judicial lien, etc.

D. If the Debtor is modifying a secured claim in Part 3.B.(1) of the Plan, the Secured Claim Amount column is the amount of the claim that is secured. For example, if the Debtor owns an automobile that is worth \$10,000 and owes \$15,000 on the automobile, the Secured Claim Amount column should be \$10,000.00. The Total Claim column needs to list the amount the secured creditor will be paid through the Plan including interest. Therefore, if the Secured Claim Amount is \$10,000.00 and the Debtor is proposing to pay 3% interest, the Total Claim should be \$10,781.21. This is the amount the creditor will be paid through the Plan. The unsecured portion of the claim is \$5,000.00 and that needs to be treated in Part 5.B. of the Plan.

Part 3.B.(1) would be completed as follows:

	Name of Creditor	Description and Value of Collateral	Secured Claim Amount	Amount of Senior liens	Interest Rate	Total Claim
+ -	Auto Financing	2012 Ford Explorer Value \$10,000	\$10,000	0	3%	\$10,781.21

Total Claim(s) under Part 3.B.1 to be paid through this Plan: \$ \$10,781.21

AMERICAN BANKRUPTCY INSTITUTE

Part 5.B. would be completed as follows:

B. UNSECURED OR UNDERSECURED CLAIMS AFTER MODIFICATION IN PART 3.B OR 3.C:

	Name of Creditor	Description of Claim	Amount of Claim
+ -	Auto Financing	Unsecured Portion of auto loan	\$5,000.00

E. If the Debtor is seeking to strip a wholly unsecured junior mortgage, it should be treated in Part 3.B.(1) of the Plan. For example, if the real estate is worth \$280,000 and the first mortgagee is owed \$300,000, the second mortgage in the sum of \$50,000 is wholly unsecured. The Secured Claim Amount should be listed as No Value or 0. There is no property securing the creditor's claim. The Total Claim column should be 0. The unsecured portion of the claim should be set forth in Part 5.B.

Part 3.B.(1) would be completed as follows:

	Name of Creditor	Description and Value of Collateral	Secured Claim Amount	Amount of Senior Liens	Interest Rate	Total Claim
+ -	Home Equity Loans	1 Main Street, Boston, MA Value \$280,000 Suffolk County Registry of Deeds Book 0001, page 01	No Value	\$300,000	0	0

Part 5.B. would be completed as follows:

B. UNSECURED OR UNDERSECURED CLAIMS AFTER MODIFICATION IN PART 3.B OR 3.C:

	Name of Creditor	Description of Claim	Amount of Claim
+ -	Home Equity Loans	Wholly unsecured second mortgage	\$50,000.00

F. There are very limited types of claims that may be treated in Part 3.B.(2) of the Plan which is secured claims excluded from 11 U.S.C. sec. 506. This section includes automobile claims that were incurred within 910 days before the Petition Date which may not be bifurcated into secured and unsecured portions under Section 506. If the automobile is a 910 car claim, it cannot be modified in Part 3.B.(1) and must be treated in Part 3.B.(2) if the Debtor is seeking a modification of the existing contract. If the Debtor is curing and maintaining payments on the automobile loan, it should only be treated in Part 3.A. of the Plan. Claims that may be modified under 11 U.S.C. sec. 506 or avoided under sec. 522(f) should not be treated in Part 3.B.(2).

G. Part 3.B.(3) allows a Debtor to avoid a judicial lien or certain nonpossessory, nonpurchase-money security interests to the extent the lien impairs the Debtor's exemption. A judicial lien is defined in the Bankruptcy Code as a lien obtained by judgment, levy, sequestration, or other legal or equitable process or proceeding. Mortgages are NOT judicial liens and may NOT be avoided in Part 3.B.(3) of the Plan.

H. There should only be one treatment for a claim. If you are modifying a claim in Part 3.B., then you cannot be curing and maintaining payments in Part 3.A. Please make sure the treatment of claims in the plan are consistent.

3. Administrative Claims

Administrative claims are a type of priority claim. If you are including an attorneys' fee to be paid through the Plan, the "None" Box SHOULD NOT be checked in Part 4. You need to check the Box that states the following priority claims will be paid

4. General Unsecured Claims

The Debtor needs to pick one "Box" The Debtor may pick the "Pot Plan" option or the fixed percentage option. Do not check both boxes. If you are picking the "Pot Plan" option, make sure that the amount listed is the "pot" and not the total of unsecured claims where the Plan says "each creditor with an allowed claim shall receive a pro rata share of \$_____." If the "pot" is \$5,000.00 and the unsecured claims total \$33,000, the \$5,000 should be listed when stating the pro rata share. Also, the "Pot Plan" option should NOT be selected if the Plan must be a 100% plan. The "Pot Plan" does not guarantee a 100% repayment and therefore, does not satisfy the best efforts and/or best interests of creditors test if either of those tests show that the Debtor can afford to pay more than the "pot"proposes.

5. NonStandard Provisions

This section includes plan provisions, the Debtor wants to add that are not already covered in the Plan. For example, loan modification and sale treatment of claims would be included in Part 8. The treatment of secured claims in Part 3 does not provide for those types of treatments. Therefore, they are non-standard and need to be included in Part 8.

You should not include provisions in Part 8 that are already covered in the Plan. For example, if you chose the "pot plan" option in Part 5, you do not need to add "pot plan" language in Part 8.

Also, provisions that have no relevance to the existing case should not be in Part 8. Some Counsel have pages of nonstandard plan provisions that have no relevance to the existing case. Please only include provisions that are necessary to the existing case.

6. Signatures

In Part 9, the attorney for the Debtor is certifying that the wording and order of the provisions in the Plan are identical to those contained in Official Local Form 3, including the Exhibits, other than the Nonstandard Plan Provisions in Part 8. Do NOT change any wording in the Plan or any Exhibits. The Plan allows for Parts of the Plan to be collapsed if the "None" box is checked but the wording in the Plan and Exhibits may not modified.

7. Miscellaneous

Review the Plan before filing it. Double check the dates on the first page of the Plan. Make sure the correct dates are included. Double check that all appropriate boxes are checked in the Plan. The Plan is expensive to serve on creditors. Reviewing the Plan and making sure it is correctly completed before filing will save you time and money.

AMERICAN BANKRUPTCY INSTITUTE

Connecticut Local Form Chapter 13 Plan

01/2018

UNITED STATES BANKRUPTCY COURT DISTRICT OF CONNECTICUT

Fill in this information to identify your case:

Debtor 1*
 First Name Middle Name Last Name
 Social Security Number: XXX - XX -
 (Enter only last 4 digits)

Debtor 2*
 Spouse, if filing First Name Middle Name Last Name
 Social Security Number: XXX - XX -
 (Enter only last 4 digits)

Case number
 (If known)

*For purposes of this Chapter 13 Plan, "Debtor" means "Debtors" where applicable.

CHAPTER 13 PLAN

☒ 3rd Amended Plan (Indicate 1st, 2nd, etc.) ECF No. of prior plan

Amended Plan: Only complete this section if this is an amended plan before confirmation.

Sections of the Plan that have been amended (list):

Plan Section(s)	Amendment(s) (Describe)
	Moves the creditors having filed proof of claims from the secured section in the prior plan (old format) to the unsecured non-priority section (5.1) after the 506 motion is granted.

If your plan amendment affects all creditors of a certain class (secured, priority or unsecured non-priority) check each class of creditors affected. If the changes above affect only individual creditors, list each below.

All Creditors (check all that apply):

- ☒ secured
☐ priority
☒ unsecured, non-priority
☐ The amendment affects individual creditors. List each below.

I. NOTICES

To Debtors: Plans that do not comply with local rules and judicial rulings may not be confirmable. All plans, amended plans and modified plans shall be served upon all creditors by the Debtor and a certificate of service shall be filed with the Clerk.

"Collateral" as used in this Chapter 13 Plan means the property securing a claim.

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Debtor: Christine A. Nunes

Case number: 17-20189

If the Debtor intends to determine the secured status of a claim pursuant to 11 U.S.C. § 506, or if the Debtor intends to avoid the fixing of a lien that impairs the Debtor's exemption pursuant to 11 U.S.C. § 522(f), then the Debtor must do two things: (1) indicate the Debtor's intention in this Chapter 13 Plan in the space below; and (2) file a separate motion pursuant to 11 U.S.C. § 506 or 11 U.S.C. § 522(f) following the Contested Matter Procedure or local rules adopted after December 1, 2017. If a separate motion is not filed then the Debtor will not be entitled to relief pursuant to 11 U.S.C. § 506 or 11 U.S.C. § 522(f).

The Debtor must check the appropriate box (Included or Not Included) in the chart below. If an item is checked as "Not Included," or if both boxes are checked, the provision will be ineffective if later set out in this Chapter 13 Plan.

The valuation of a secured claim pursuant to 11 U.S.C. § 506, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest pursuant to 11 U.S.C. § 522(f), set out in Section 3.3.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
Assumption or rejection of executory contracts or unexpired leases pursuant to 11 U.S.C. § 365, set out in Section VI.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

To Creditors: Your rights may be affected by this Chapter 13 Plan. **You must file a timely proof of claim in order to be paid.** See Fed.R.Bankr.P. 3002. Your claim may be modified or eliminated. You should read this Chapter 13 Plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the Chapter 13 Plan's treatment of your claim or any provision of this Chapter 13 Plan, you or your attorney must file an objection to confirmation **no later than 7 days before the date set for confirmation of the Chapter 13 Plan**, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this Chapter 13 Plan without further notice if no objection to confirmation is filed. See Fed.R.Bankr.P. 3015.

This Chapter 13 Plan does not allow claims. The fact that your claim is classified in this Chapter 13 Plan does not mean that you will receive payment.

To All Parties: The Chapter 13 Plan contains no non-standard provisions other than those set out in Section VII. The Debtor must check one box in the chart below indicating whether any non-standard provision is Included or Not Included in Section VII of this Chapter 13 Plan.

Non-standard provisions, set out in Section VII.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
--	-----------------------------------	--

II. PLAN PAYMENTS AND LENGTH OF PLAN

AMERICAN BANKRUPTCY INSTITUTE

Debtor: Christine A. Nunes

Case number: 17-20189

The Debtor shall submit all or such portion of future earnings or other future income of the Debtor to the supervision and control of the Chapter 13 Standing Trustee as is necessary for the execution of this Chapter 13 Plan as required by 11 U.S.C. § 1322(a)(1). Payments by the Debtor will be made as set forth in this Section II.

2.1 Payments to Chapter 13 Standing Trustee.

The Debtor will make payments to the Chapter 13 Standing Trustee as follows:

\$	929.00	per	Month	for	60	months.
If fewer than 60 months of payments are specified, additional monthly payments may be made to the extent necessary to make the payments to creditors specified in this Chapter 13 Plan.						

2.2 Source of Payments to the Chapter 13 Standing Trustee.

Check all that apply.

☒ The Debtor will make payments pursuant to a payroll deduction order.

Fill in employer information for payroll deduction:

Employer Name:	State of Connecticut
Employer Address:	55 Elm St
	Hartford, CT 06106
Employee Identification No:	463237

(Note: Redact SSN so only last 4 digits appear)

☐ The Debtor will make payments directly to the Chapter 13 Standing Trustee at the following address (include case number on payment):

Roberta Napolitano, Chapter 13 Standing Trustee
PO Box 610
Memphis, TN 38101-0610

2.3 Income Tax Refunds.

Check one.

☒ The Debtor will retain any income tax refunds received during the plan term. Note the Chapter 13 Standing Trustee may reduce the Debtor's deduction for payment of taxes in calculating disposable income if this option is selected.

☐ The Debtor will supply the Chapter 13 Standing Trustee with a copy of each income tax return filed during the plan term within 14 days after filing the return and will turn over to the Chapter 13 Standing Trustee all income tax refunds received during the Chapter 13 Plan term.

☐ The Debtor will treat income tax refunds as follows:

2.4 Additional Payments.

Check one.

☐ **None.** If "None" is checked, the rest of this subpart need not be completed or reproduced.

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Debtor: Christine A. Nunes

Case number: 17-20189

- ☒ The Debtor will make additional payment(s) to the Chapter 13 Standing Trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

Source:	Preconfirmation Payments to Trustee	Est. Amount \$:	7,572.00	Date:	Upon Confirmation
---------	---	--------------------	----------	-------	-------------------

2.5 Estimated Total Payments.

The estimated total payments to be made by the Debtor under this Chapter 13 Plan to the Chapter 13 Standing Trustee is:

\$ 63,312.00

2.6 Order of Payments to Creditors by the Chapter 13 Standing Trustee

Payments by the Chapter 13 Standing Trustee to classes of claims shall be made in the following order:

1st - ADMINISTRATIVE: Attorney Fees
2nd - SECURED CLAIMS: Concurrent with Priority creditors, if any, Secured creditors whose claims are duly proved and allowed, together with interest if applicable.
3rd - GENERAL UNSECURED CLAIMS: Subsequent to payment to Priority and Secured creditors, dividends to general unsecured creditors whose claims are duly proven and allowed.

The Chapter 13 Standing Trustee shall make payments from the funds received from the Debtor pursuant to this Chapter 13 Plan until satisfaction of all costs of administration, all claims entitled to priority under 11 U.S.C. § 507, the present value of all allowed secured claims, and payments to unsecured creditors as provided in this Chapter 13 Plan.

III. TREATMENT OF SECURED CLAIMS

3.1 Secured Claims That Will Not Be Modified.

Secured claims that will not be subject to a valuation motion pursuant to 11 U.S.C. § 506, or to avoidance pursuant to 11 U.S.C. § 522(f), shall be described in this section.

- ☐ **None.** If "None" is checked, the rest of this subpart need not be completed or reproduced.
- ☐ There are secured claims treated in this Chapter 13 Plan that are not going to be modified.
- ☐ Arrears payments (Cure) will be disbursed by the Chapter 13 Standing Trustee and regular payments (Maintain) will be disbursed by the Debtor, as specified below.

1. Creditor:	JPMorgan Chase Ban		
Last 4 Digits of Account No.:	<input type="text"/>	Arrearage / Payoff on Petition Date:	\$42,184.60
	<input type="text"/>	Interest Rate on Arrearage:	0.00%
	<input type="text"/>	Regular Payment (Maintain) by Debtor:*	\$1,008.00 /month
<input checked="" type="checkbox"/> Real Property			

AMERICAN BANKRUPTCY INSTITUTE

Debtor: Christine A. Nunes

Case number: 17-20189

<div style="margin-bottom: 10px;"><input checked="" type="checkbox"/> Principal Residence <input type="checkbox"/> Other (describe) Address of Collateral: <div style="border: 1px solid black; padding: 2px;">184 Hollister Street Manchester, CT 06040</div></div> <div><input type="checkbox"/> Personal Property/Vehicle Description of Collateral (include first digit and last four digits of VIN# for any vehicle): <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div></div>	<div>Check below regarding real property taxes and insurance: <input checked="" type="checkbox"/> Mortgage payments include escrow for: <div style="margin-left: 20px;"><input checked="" type="checkbox"/> Real estate taxes <input checked="" type="checkbox"/> Homeowners Insurance</div><input type="checkbox"/> Debtor pays directly for: <div style="margin-left: 20px;"><input type="checkbox"/> Real estate taxes <input type="checkbox"/> Homeowners Insurance</div></div>
<small>*Note: Amounts set forth in this section are estimates subject to reasonable adjustment.</small>	
<div>2. Creditor: <div style="border: 1px solid black; padding: 2px; display: inline-block;">Town of Manchester - Water Department</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div style="width: 30%;">Last 4 Digits of Account No.: <div style="display: flex; gap: 5px;"><div style="border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div><div style="border: 1px solid black; width: 20px; height: 20px;"></div></div></div><div style="width: 30%;">Arrearage / Payoff on Petition Date: <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$699.58</div></div><div style="width: 30%;">Interest Rate on Arrearage: <div style="border: 1px solid black; padding: 2px; display: inline-block;">18.00%</div></div><div style="width: 30%;">Regular Payment (Maintain) by Debtor: * <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$0.00</div> /month</div></div> <div style="margin-top: 10px;"><div style="margin-bottom: 10px;"><input checked="" type="checkbox"/> Real Property <div style="margin-left: 20px;"><input checked="" type="checkbox"/> Principal Residence <input type="checkbox"/> Other (describe) Address of Collateral: <div style="border: 1px solid black; padding: 2px;">184 Hollister Street Manchester, CT 06040</div></div></div><div><input type="checkbox"/> Personal Property/Vehicle Description of Collateral (include first digit and last four digits of VIN# for any vehicle): <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div></div></div>	
<small>*Note: Amounts set forth in this section are estimates subject to reasonable adjustment.</small>	

Debtor: Christine A. Nunes

Case number: 17-20189

Unless otherwise ordered by the Court, the amounts listed on a proof of claim filed before the filing deadline under Fed.R.Bankr.P. 3002(c) control over any contrary amounts listed above as to the current installment payment and arrearage. In the absence of a contrary, timely filed proof of claim, the amounts stated above are controlling. If relief from the automatic stay is ordered as to any item of Collateral listed in this Section, then, unless otherwise ordered by the Court, all payments under this paragraph by the Chapter 13 Standing Trustee as to that Collateral will cease, and all secured claims based on that Collateral will no longer be treated by this Chapter 13 Plan.

The Debtor shall pay current real property taxes, personal property taxes, and insurance for property (Collateral) to be retained prior to and after confirmation of any Chapter 13 Plan.

3.2. Secured Claims Subject to Valuation Motion.

- ☐ None. If "None" is checked, the rest of this subpart need not be completed or reproduced.
- ☒ The Debtor intends to seek an order of the Bankruptcy Court valuing a claim pursuant to 11 U.S.C. § 506.

Secured Claims that are Subject to a Separate Motion or Adversary Proceeding Based on Valuation.

Valuations under 11 U.S.C. § 506 may be sought to determine how a secured creditor's claim will be treated in a chapter 13 plan. This Chapter 13 Plan does not value claims. To value a claim pursuant 11 U.S.C. § 506, the Debtor must file and serve a separate motion pursuant to Fed.R.Bankr.P. 3012, 7004 and 9014(b). Any other form of relief sought by a debtor, including a determination of the extent, validity, and/or priority of a secured creditor's lien, must be determined in an adversary proceeding pursuant to Fed.R.Bankr.P. 7001.

The information provided below is for information purposes only, and the Debtor's valuation stated herein is subject to change, without the need to modify this Chapter 13 Plan, based on the resolution of any motion or adversary proceeding on valuation. The amount of the creditor's claim in excess of the valuation determined by the Court for the Collateral shall be treated with other general unsecured claims and paid *pro rata* provided that the creditor timely files a proof of claim.

The Debtor intends to file a motion requesting that the Court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the Debtor states that the value of the secured claim should be as set out below. For secured claims of governmental units, unless otherwise ordered by the Court, the value of a secured claim listed in a proof of claim controls over any contrary amount listed below. For each listed claim, the value of the secured claim as determined by the Court will be paid in full with interest at the rate stated below, upon an order of the Court on the Debtor's Motion.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Section V of this Chapter 13 Plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Section V of this Chapter 13 Plan. Unless otherwise ordered by the Court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below will retain the lien on the Collateral of the Debtor or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or

AMERICAN BANKRUPTCY INSTITUTE

Debtor: Christine A. Nunes

Case number: 17-20189

(b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate.

1. Real Property: ☐ NONE

<p>1. Creditor:</p> <div style="border: 1px solid black; padding: 2px;">Conseco Financial Servicing Corp</div> <p>Last 4 Digits of Account No.: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Real Property</p> <p><input checked="" type="checkbox"/> Principal Residence</p> <p><input type="checkbox"/> Other (describe)</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <p>Address of Collateral:</p> <div style="border: 1px solid black; padding: 2px;">184 Hollister Street Manchester, CT 06040</div>	<p>Creditor's Total Claim Amount:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$15,210.70</div> <p>Value of Collateral:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$123,000.00</div> <p>Secured Portion of Creditor's Lien:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div> <p>Unsecured Portion of Creditor's claim*:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$15,210.70</div> <p>Interest Rate: <div style="border: 1px solid black; padding: 2px;">0.00%</div></p> <p>Check below regarding real property taxes and insurance:</p> <p><input type="checkbox"/> Mortgage payments include escrow for:</p> <p style="margin-left: 20px;"><input type="checkbox"/> Real estate taxes</p> <p style="margin-left: 20px;"><input type="checkbox"/> Homeowners Insurance</p> <p><input type="checkbox"/> Debtor pays directly for:</p> <p style="margin-left: 20px;"><input type="checkbox"/> Real estate taxes</p> <p style="margin-left: 20px;"><input type="checkbox"/> Homeowners Insurance</p> <p><small>*Unsecured portion will be treated in Section IV or V, as appropriate.</small></p>	<p style="text-align: center;"><u>Proposed Secured Claim Amount</u></p> <p>Total Secured Claim to be treated in this Chapter 13 Plan:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div> <p>If claim is for taxes, list principal amount of tax:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div>
<p>2. Creditor:</p> <div style="border: 1px solid black; padding: 2px;">Conseco Financial Servicing Corp</div> <p>Last 4 Digits of Account No.: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Real Property</p> <p><input checked="" type="checkbox"/> Principal Residence</p> <p><input type="checkbox"/> Other (describe)</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <p>Address of Collateral:</p> <div style="border: 1px solid black; padding: 2px;">184 Hollister Street Manchester, CT 06040</div>	<p>Creditor's Total Claim Amount:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$27,784.98</div> <p>Value of Collateral:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$123,000.00</div> <p>Secured Portion of Creditor's Lien:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div> <p>Unsecured Portion of Creditor's claim*:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$27,784.98</div> <p>Interest Rate: <div style="border: 1px solid black; padding: 2px;">0.00%</div></p>	<p style="text-align: center;"><u>Proposed Secured Claim Amount</u></p> <p>Total Secured Claim to be treated in this Chapter 13 Plan:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div> <p>If claim is for taxes, list principal amount of tax:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div>

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Debtor: Christine A. Nunes

Case number: 17-20189

	<p>Check below regarding real property taxes and insurance:</p> <p><input type="checkbox"/> Mortgage payments include escrow for:</p> <p><input type="checkbox"/> Real estate taxes</p> <p><input type="checkbox"/> Homeowners Insurance</p> <p><input type="checkbox"/> Debtor pays directly for:</p> <p><input type="checkbox"/> Real estate taxes</p> <p><input type="checkbox"/> Homeowners Insurance</p> <p>*Unsecured portion will be treated in Section IV or V, as appropriate.</p>	
<p>3. Creditor:</p> <p>Beneficial Financial Inc.</p> <p>Last 4 Digits of Account No.: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Real Property</p> <p><input checked="" type="checkbox"/> Principal Residence</p> <p><input type="checkbox"/> Other (describe)</p> <p><input type="text"/></p> <p>Address of Collateral:</p> <p>184 Hollister Street Manchester, CT 06040</p>	<p>Creditor's Total Claim Amount:</p> <p><input type="text" value="\$15,000.00"/></p> <p>Value of Collateral:</p> <p><input type="text" value="\$123,000.00"/></p> <p>Secured Portion of Creditor's Lien:</p> <p><input type="text" value="\$0.00"/></p> <p>Unsecured Portion of Creditor's claim*:</p> <p><input type="text" value="\$15,000.00"/></p> <p>Interest Rate: <input type="text" value="0.00%"/></p> <p>Check below regarding real property taxes and insurance:</p> <p><input type="checkbox"/> Mortgage payments include escrow for:</p> <p><input type="checkbox"/> Real estate taxes</p> <p><input type="checkbox"/> Homeowners Insurance</p> <p><input type="checkbox"/> Debtor pays directly for:</p> <p><input type="checkbox"/> Real estate taxes</p> <p><input type="checkbox"/> Homeowners Insurance</p> <p>*Unsecured portion will be treated in Section IV or V, as appropriate.</p>	<p><u>Proposed Secured Claim Amount</u></p> <p>Total Secured Claim to be treated in this Chapter 13 Plan:</p> <p><input type="text" value="\$0.00"/></p> <p>If claim is for taxes, list principal amount of tax:</p> <p><input type="text" value="\$0.00"/></p>
<p>4. Creditor:</p> <p>Capital One Bank</p> <p>Last 4 Digits of Account No.: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Real Property</p>	<p>Creditor's Total Claim Amount:</p> <p><input type="text" value="\$1,713.70"/></p> <p>Value of Collateral:</p> <p><input type="text" value="\$123,000.00"/></p>	<p><u>Proposed Secured Claim Amount</u></p> <p>Total Secured Claim to be treated in this Chapter 13 Plan:</p> <p><input type="text" value="\$0.00"/></p>

AMERICAN BANKRUPTCY INSTITUTE

Debtor: Christine A. Nunes

Case number: 17-20189

<input checked="" type="checkbox"/> Principal Residence <input type="checkbox"/> Other (describe) <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> Address of Collateral: <div style="border: 1px solid black; padding: 2px;">184 Hollister Street Manchester, CT 06040</div>	Secured Portion of Creditor's Lien: <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div> Unsecured Portion of Creditor's claim*: <div style="border: 1px solid black; text-align: right; padding: 2px;">\$1,713.70</div> Interest Rate: <div style="border: 1px solid black; padding: 2px; display: inline-block;">0.00%</div> Check below regarding real property taxes and insurance: <input type="checkbox"/> Mortgage payments include escrow for: <input type="checkbox"/> Real estate taxes <input type="checkbox"/> Homeowners Insurance <input type="checkbox"/> Debtor pays directly for: <input type="checkbox"/> Real estate taxes <input type="checkbox"/> Homeowners Insurance *Unsecured portion will be treated in Section IV or V, as appropriate.	If claim is for taxes, list principal amount of tax: <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div>
5. Creditor: <div style="border: 1px solid black; padding: 2px;">Beneficial Financial Inc.</div> Last 4 Digits of Account No.: <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin: 0 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin: 0 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin: 0 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black;"></div> Real Property <input checked="" type="checkbox"/> Principal Residence <input type="checkbox"/> Other (describe) <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> Address of Collateral: <div style="border: 1px solid black; padding: 2px;">184 Hollister Street Manchester, CT 06040</div>	Creditor's Total Claim Amount: <div style="border: 1px solid black; text-align: right; padding: 2px;">\$17,728.44</div> Value of Collateral: <div style="border: 1px solid black; text-align: right; padding: 2px;">\$123,000.00</div> Secured Portion of Creditor's Lien: <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div> Unsecured Portion of Creditor's claim*: <div style="border: 1px solid black; text-align: right; padding: 2px;">\$17,728.44</div> Interest Rate: <div style="border: 1px solid black; padding: 2px; display: inline-block;">0.00%</div> Check below regarding real property taxes and insurance: <input type="checkbox"/> Mortgage payments include escrow for: <input type="checkbox"/> Real estate taxes <input type="checkbox"/> Homeowners Insurance <input type="checkbox"/> Debtor pays directly for: <input type="checkbox"/> Real estate taxes	<u>Proposed Secured Claim Amount</u> Total Secured Claim to be treated in this Chapter 13 Plan: <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div> If claim is for taxes, list principal amount of tax: <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div>

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Debtor: Christine A. Nunes

Case number: 17-20189

	<input type="checkbox"/> Homeowners Insurance *Unsecured portion will be treated in Section IV or V, as appropriate.	
6. Creditor: RAB Performance Recoveries, LLC Last 4 Digits of Account No.: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Real Property <input checked="" type="checkbox"/> Principal Residence <input type="checkbox"/> Other (describe) <input type="text"/> Address of Collateral: 184 Hollister Street Manchester, CT 06040	Creditor's Total Claim Amount: <input type="text" value="\$1,166.00"/> Value of Collateral: <input type="text" value="\$123,000.00"/> Secured Portion of Creditor's Lien: <input type="text" value="\$0.00"/> Unsecured Portion of Creditor's claim*: <input type="text" value="\$1,166.00"/> Interest Rate: <input type="text" value="0.00%"/> Check below regarding real property taxes and insurance: <input type="checkbox"/> Mortgage payments include escrow for: <input type="checkbox"/> Real estate taxes <input type="checkbox"/> Homeowners Insurance <input type="checkbox"/> Debtor pays directly for: <input type="checkbox"/> Real estate taxes <input type="checkbox"/> Homeowners Insurance *Unsecured portion will be treated in Section IV or V, as appropriate.	<u>Proposed Secured Claim Amount</u> Total Secured Claim to be treated in this Chapter 13 Plan: <input type="text" value="\$0.00"/> If claim is for taxes, list principal amount of tax: <input type="text" value="\$0.00"/>
7. Creditor: Unifund CCR Partners Last 4 Digits of Account No.: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Real Property <input checked="" type="checkbox"/> Principal Residence <input type="checkbox"/> Other (describe) <input type="text"/> Address of Collateral: 184 Hollister Street Manchester, CT 06040	Creditor's Total Claim Amount: <input type="text" value="\$4,571.93"/> Value of Collateral: <input type="text" value="\$123,000.00"/> Secured Portion of Creditor's Lien: <input type="text" value="\$0.00"/> Unsecured Portion of Creditor's claim*: <input type="text" value="\$4,571.93"/> Interest Rate: <input type="text" value="0.00%"/>	<u>Proposed Secured Claim Amount</u> Total Secured Claim to be treated in this Chapter 13 Plan: <input type="text" value="\$0.00"/> If claim is for taxes, list principal amount of tax: <input type="text" value="\$0.00"/>

AMERICAN BANKRUPTCY INSTITUTE

Debtor: Christine A. Nunes

Case number: 17-20189

	<p>Check below regarding real property taxes and insurance:</p> <p><input type="checkbox"/> Mortgage payments include escrow for:</p> <p style="padding-left: 20px;"><input type="checkbox"/> Real estate taxes</p> <p style="padding-left: 20px;"><input type="checkbox"/> Homeowners Insurance</p> <p><input type="checkbox"/> Debtor pays directly for:</p> <p style="padding-left: 20px;"><input type="checkbox"/> Real estate taxes</p> <p style="padding-left: 20px;"><input type="checkbox"/> Homeowners Insurance</p> <p>*Unsecured portion will be treated in Section IV or V, as appropriate.</p>	
<p>8. Creditor:</p> <p><u>Liberty Point Corporation</u></p> <p>Last 4 Digits of Account No.: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Real Property</p> <p><input checked="" type="checkbox"/> Principal Residence</p> <p><input type="checkbox"/> Other (describe)</p> <p><u></u></p> <p>Address of Collateral:</p> <p><u>184 Hollister Street Manchester, CT 06040</u></p>	<p>Creditor's Total Claim Amount:</p> <p style="text-align: right;"><u>\$1,800.19</u></p> <p>Value of Collateral:</p> <p style="text-align: right;"><u>\$123,000.00</u></p> <p>Secured Portion of Creditor's Lien:</p> <p style="text-align: right;"><u>\$0.00</u></p> <p>Unsecured Portion of Creditor's claim*:</p> <p style="text-align: right;"><u>\$1,800.19</u></p> <p>Interest Rate: <u>0.00%</u></p> <p>Check below regarding real property taxes and insurance:</p> <p><input type="checkbox"/> Mortgage payments include escrow for:</p> <p style="padding-left: 20px;"><input type="checkbox"/> Real estate taxes</p> <p style="padding-left: 20px;"><input type="checkbox"/> Homeowners Insurance</p> <p><input type="checkbox"/> Debtor pays directly for:</p> <p style="padding-left: 20px;"><input type="checkbox"/> Real estate taxes</p> <p style="padding-left: 20px;"><input type="checkbox"/> Homeowners Insurance</p> <p>*Unsecured portion will be treated in Section IV or V, as appropriate.</p>	<p style="text-align: center;"><u>Proposed Secured Claim Amount</u></p> <p>Total Secured Claim to be treated in this Chapter 13 Plan:</p> <p style="text-align: right;"><u>\$0.00</u></p> <p>If claim is for taxes, list principal amount of tax:</p> <p style="text-align: right;"><u>\$0.00</u></p>
<p>9. Creditor:</p> <p><u>Secretary of Housing and Urban Development</u></p> <p>Last 4 Digits of Account No.: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>	<p>Creditor's Total Claim Amount:</p> <p style="text-align: right;"><u>\$8,896.86</u></p> <p>Value of Collateral:</p> <p style="text-align: right;"><u>\$123,000.00</u></p>	<p style="text-align: center;"><u>Proposed Secured Claim Amount</u></p> <p>Total Secured Claim to be treated in this Chapter 13 Plan:</p> <p style="text-align: right;"><u>\$0.00</u></p>

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Debtor: Christine A. Nunes

Case number: 17-20189

<p>Real Property</p> <p><input checked="" type="checkbox"/> Principal Residence</p> <p><input type="checkbox"/> Other (describe)</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>Address of Collateral:</p> <div style="border: 1px solid black; padding: 2px;">184 Hollister Street Manchester, CT 06040</div>	<p>Secured Portion of Creditor's Lien:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div> <p>Unsecured Portion of Creditor's claim*:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$8,896.86</div> <p>Interest Rate: <div style="border: 1px solid black; padding: 2px; display: inline-block;">0.00%</div></p> <p>Check below regarding real property taxes and insurance:</p> <p><input type="checkbox"/> Mortgage payments include escrow for:</p> <p style="padding-left: 20px;"><input type="checkbox"/> Real estate taxes</p> <p style="padding-left: 20px;"><input type="checkbox"/> Homeowners Insurance</p> <p><input type="checkbox"/> Debtor pays directly for:</p> <p style="padding-left: 20px;"><input type="checkbox"/> Real estate taxes</p> <p style="padding-left: 20px;"><input type="checkbox"/> Homeowners Insurance</p> <p><small>*Unsecured portion will be treated in Section IV or V, as appropriate.</small></p>	<p>If claim is for taxes, list principal amount of tax:</p> <div style="border: 1px solid black; text-align: right; padding: 2px;">\$0.00</div>
--	--	--

2. Vehicles: ☒ NONE

3. Personal Property: ☒ NONE

3.3 Secured Claims Subject To Avoidance (11 U.S.C. § 522(f)).

☒ **None.** *If "None" is checked, the rest of this subpart need not be completed or reproduced.*

3.4 Surrender of Collateral.

☒ **None.** *If "None" is checked, the rest of this subpart need not be completed or reproduced.*

IV. TREATMENT OF FEES AND PRIORITY CLAIMS [as defined in 11 U.S.C. § 507 and 11 U.S.C. § 1322(a)(4)]

4.1 Applicability Of Post-Petition Interest.

The Chapter 13 Standing Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in Section 4.4, will be paid in full without post-petition interest. If the court determines the Debtor is solvent or is to be treated as solvent under this Chapter 13 Plan, the Court may order post-petition interest be paid on claims.

If this Chapter 13 Plan proposes to pay post-petition interest on priority claims because the Debtor is being treated as if he or she were solvent, then interest shall be paid, if applicable, as follows: 18% interest per annum to creditors holding priority and general unsecured, municipal tax claims; 12% interest per annum to the State of Connecticut Department of Revenue Service's priority and general unsecured state tax claims; and, _____% interest per annum to the Internal Revenue Service's priority and general unsecured federal tax claims.

4.2 Trustee's Fees.

AMERICAN BANKRUPTCY INSTITUTE

Debtor: Christine A. Nunes

Case number: 17-20189

The Chapter 13 Standing Trustee's fees are governed by statute and may change during the course of the case but are estimated to be 10% of plan payments.

4.3 Administrative Attorney's Fees. ☐ PRO BONO

Total Fees:	Total Expenses:	Paid Prior to Confirmation:	Balance Due:
\$3,500.00	\$350.00	\$1,550.00	\$2,300.00

Total Allowance Sought: \$3,850.00 (Fees and Expenses)

Payable [Check one] ☒ Through this Chapter 13 Plan
☐ Outside of this Chapter 13 Plan
\$0.00

Attorneys shall file applications for allowance of compensation and reimbursement of expenses pursuant to 11 U.S.C. § 330 if the total allowance sought exceeds \$4,000.00 before confirmation of this Chapter 13 Plan. The Court will consider allowance of compensation and reimbursement of expenses without such an application if the total allowance sought equals or is less than \$4,000.00.

4.4 Domestic Support Obligation(s).

☒ None. If "None" is checked, the rest of this subpart need not be completed or reproduced.

4.5 Priority Claims.

☒ None. If "None" is checked, the rest of this subpart need not be completed or reproduced.

V. TREATMENT OF UNSECURED NON-PRIORITY CREDITORS

5.1. Unsecured Non-Priority Claims, Dividend To Be Paid.

☐ None. If "None" is checked, the rest of this subpart need not be completed or reproduced.

Through this Chapter 13 Plan the Debtor proposes to pay the general unsecured creditors holding claims totaling:

\$11,186.99

a dividend of not less than 100.00% over a period of 60 months

VI. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

☐ None. If "None" is checked, the rest of this section need not be completed or reproduced.

☐ The Debtor is seeking to assume or reject executory contracts or unexpired leases pursuant to 11 U.S.C. § 365. A separate motion must be filed and served pursuant to Fed.R.Bankr.P. 7004, 9014(b) and applicable local rules. The details below are provided for informational purposes only, and are subject to change, without need to modify this Chapter 13 Plan, based on resolution of the Debtor's motion to assume or reject.

☐ Assumed Contracts or Leases. The Debtor shall make current installment payments or lease payments as specified below, subject to any contrary Court order or rule. Arrearage payments will be disbursed by the Chapter 13 Standing Trustee pursuant to the confirmation order.

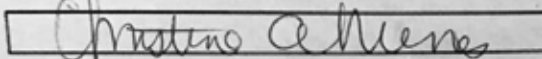
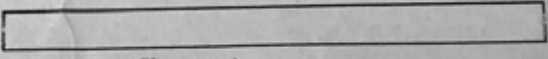
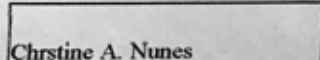
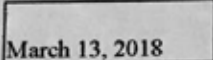
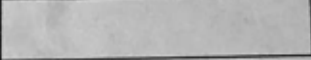
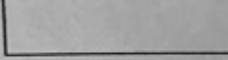
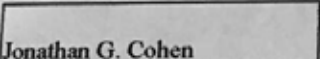
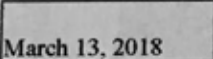
☐ Rejected Contracts or Leases

Debtor: Christine A. NunesCase number: 17-20189**VII****NON-STANDARD PLAN PROVISIONS**

☒ **None.** If "None" is checked, the rest of this section need not be completed or reproduced

**PURSUANT TO 11 U.S.C. § 1327(b), PROPERTY OF THE ESTATE WILL VEST
IN THE DEBTOR UPON ENTRY OF AN ORDER CONFIRMING THIS CHAPTER 13 PLAN.**

I declare that the information set forth in the foregoing Chapter 13 Plan is true and correct and is sworn to under penalty of perjury. By signing and filing this document each Debtor certifies that the wording and order of the provisions in this Chapter 13 Plan are identical to those contained in the Connecticut Local Form Chapter 13 Plan and that this Chapter 13 Plan contains no non-standard provisions other than those set out in Section VII.

			
(Debtor Signature)		(Joint Debtor Signature)	
			
Christine A. Nunes	March 13, 2018		
Debtor (Type Name)	Date	Joint Debtor (Type Name)	Date
			
Jonathan G. Cohen		March 13, 2018	
Attorney with permission to sign on Debtor's behalf		Date	

[Note: Each attorney signature on this document is subject to Fed.R.Bankr.P. 9011.]

Note: An original document with the Debtor's inked signature must be maintained by Debtor's attorney.

AMERICAN BANKRUPTCY INSTITUTE

**United States Bankruptcy Court
District of Connecticut**



In re: Fred Decasperis

Case Number: 17-20681

Chapter: 13

Debtor*

ORDER CONFIRMING THIRD AMENDED CHAPTER 13 PLAN

The above-named Debtor filed a Second Amended Chapter 13 Plan, on February 5, 2018 (ECF No. 49), which was recently modified on March 28, 2018, (the "Third Amended Plan") (ECF No. 57). The Third Amended Plan was transmitted to the creditors pursuant to Federal Rule of Bankruptcy Procedure 3015(d). The Court finds that the Third Amended Plan meets the requirements of 11 U.S.C. § 1325. Accordingly, it is hereby

ORDERED: The Debtor's Third Amended Plan is **CONFIRMED** with the following provisions:

Payments shall be made to the Chapter 13 Standing Trustee (the "Trustee"), in the amount of \$948.75 monthly beginning on April 28, 2018, for a period of 60 months, and until a 0% dividend is paid to creditors holding allowed unsecured claims; and it is further

ORDERED: The Debtor is to obtain bank or certified checks or money orders drawn in the name of the Trustee and mail payments to the Trustee at the address below on or before each due date until further order of this Court.

Mail Checks Payable to the Trustee to this Address

Roberta Napolitano, Chapter 13 Standing Trustee
PO Box 610
Memphis, TN 38101-0610

ORDERED: The Debtor's attorney is awarded attorney's fees in the total amount of \$4950.00, of which \$3950.00, has been paid, leaving \$1000.00 due and payable through the Debtor's confirmed Third Amended Plan..

After entry of an order allowing said fees pursuant to 11 U.S.C. § 330, the Trustee, or the Debtor, may pay any unpaid, allowed fees.

IT IS SO ORDERED at Hartford, Connecticut this 3rd day of April 2018.

James J. Tancredi
United States Bankruptcy Judge
District of Connecticut

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

OLF3 (Official Local Form 3)
Effective December 1, 2017

UNITED STATES BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS

In re

Case No.
Chapter 13

Debtor(s)

CHAPTER 13 PLAN

Check one. This Plan is:

☐ Original

☐ Amended (Identify First, Second, Third, etc.)

☐ Postconfirmation (Date Order Confirming Plan Was Entered:)

Date this Plan was filed:

PART 1: NOTICES

TO ALL INTERESTED PARTIES:

You should review carefully the provisions of this Plan as your rights may be affected. In the event the Court enters an order confirming this Plan, its provisions may be binding upon you. The provisions of this Plan are governed by statutes and rules of procedure, including Title 11 of the United States Code (the "Bankruptcy Code"), the Federal Rules of Bankruptcy Procedure ("Fed. R. Bankr. P."), the Massachusetts Local Bankruptcy Rules ("MLBR"), and, in particular, the Chapter 13 rules set forth in Appendix 1 of MLBR, all of which you should consult.

TO CREDITORS:

Your rights may be affected by this Plan. Your claim may be reduced, modified, or eliminated. Read this Plan carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult with one. If you oppose this Plan's treatment of your claim or any other provision of this Plan, you or your attorney **must** file with the Court an objection to confirmation on or before the later of (i) thirty (30) days after the date on which the first Meeting of Creditors pursuant to 11 U.S.C. § 341 is held or (ii) thirty (30) days after service of an amended or modified Plan, unless the Court orders otherwise. A copy of your objection must be served on the Debtor(s), the attorney for the Debtor(s), and the Chapter 13 Trustee (the "Trustee"). The Bankruptcy Court may confirm this Plan if no objection to confirmation is filed or if it overrules an objection to confirmation. You have received or will receive a Notice of Chapter 13 Bankruptcy Case from the Bankruptcy Court which sets forth certain deadlines, including the bar date for filing a Proof of Claim. **To receive a distribution, you must file a Proof of Claim.**

TO DEBTOR(S):

You (or your attorney) are required to serve a copy of this Plan on all creditors in the manner required under the Bankruptcy Code, the Fed. R. Bankr. P., and MLBR. Unless the Court orders otherwise, you must commence making payments not later than the earlier of (i) thirty (30) days after the date of the filing of this Plan or (ii) thirty (30) days after the order for relief. **You must check a box on each line below to state whether or not this Plan includes one or more of the following provisions. If you check the provision "Not Included," if you check both boxes, or if you do not check a box, any of the following provisions will be void if set forth later in this Plan. Failure to properly complete this section may result in denial of confirmation of this Plan.**

FOR EACH LINE BELOW, DO NOT CHECK BOTH BOXES; DO NOT LEAVE BOTH BOXES BLANK.

1.1	A limit on the amount of a secured claim, set out in Part 3.B.1, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Part 3.B(3).	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included

Page 1 of 14

PART 2: PLAN LENGTH AND PAYMENTS

A. LENGTH OF PLAN:

- ☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i)
- ☐ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii)
- ☐ _____ Months pursuant to 11 U.S.C. § 1322(d)(2). The Debtor(s) states the following cause:

--

B. PROPOSED MONTHLY PAYMENTS:

	Monthly Payment Amount	Number of Months
<div style="display: flex; align-items: center; gap: 10px;"> <div style="border: 1px solid black; padding: 2px 5px;">+</div> <div style="border: 1px solid black; padding: 2px 5px;">-</div> </div>		

C. ADDITIONAL PAYMENTS:

Check one.

- ☐ None. If "None" is checked, the rest of Part 2.C need not be completed and may be deleted from this Plan.
- ☐ The Debtor(s) will make additional payment(s) to the Trustee, as specified below. Set forth the amount, source (e.g., lump sums from sales/refinances, tax refunds), and date of each payment.

	Additional Payment Amount	Source	Date of Payment
<div style="display: flex; align-items: center; gap: 10px;"> <div style="border: 1px solid black; padding: 2px 5px;">+</div> <div style="border: 1px solid black; padding: 2px 5px;">-</div> </div>			

Total amount of Payments to the Trustee [B+C]: \$

This amount must be sufficient to pay the total cost of this Plan in Exhibit 1, Line h.

PART 3: SECURED CLAIMS

- ☐ None. If "None" is checked, the rest of Part 3 need not be completed and may be deleted from this Plan.

A. CURE OF DEFAULT AND MAINTENANCE OF PAYMENTS:

Check one.

- ☐ None. If "None" is checked, the rest of Part 3.A need not be completed and may be deleted from this Plan.
- ☐ Any Secured Claim(s) in default shall be cured and payments maintained as set forth in 1 and/or 2 below.

Complete 1 and/or 2.

(1) PREPETITION ARREARS TO BE PAID THROUGH THIS PLAN

Prepetition arrearage amounts are to be paid through this Plan and disbursed by the Trustee. Unless the Court orders otherwise, the amount(s) of prepetition arrears listed in an allowed Proof of Claim controls over any contrary amount(s) listed below. Unless the Court orders otherwise, if relief from the automatic stay is granted as to any collateral listed in

Page 2 of 14

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

this paragraph, all payments paid through this Plan as to that collateral will cease upon entry of the order granting relief from stay.

(a) Secured Claim(s) (Principal Residence)

Address of the Principal Residence:

The Debtor(s) estimates that the fair market value of the Principal Residence is: \$

	Name of Creditor	Type of Claim (e.g., mortgage, lien)	Amount of Arrears
<input type="checkbox"/> + <input type="checkbox"/> -			

Total of prepetition arrears on Secured Claim(s) (Principal Residence): \$

(b) Secured Claim(s) (Other)

	Name of Creditor	Type of Claim	Description of Collateral (or address of real property)	Amount of Arrears
<input type="checkbox"/> + <input type="checkbox"/> -				

Total prepetition arrears on Secured Claim(s) (Other): \$

Total prepetition arrears to be paid through this Plan [(a) + (b)]: \$

(2) MAINTENANCE OF CONTRACTUAL INSTALLMENT PAYMENTS (TO BE PAID DIRECTLY TO CREDITORS):

Contractual installment payments are to be paid directly by the Debtor(s) to the creditor(s). The Debtor(s) will maintain the contractual installment payments as they arise postpetition on the secured claims listed below with any changes required by the applicable contract and noticed in conformity with any applicable rules.

	Name of Creditor	Type of Claim	Description of Collateral
<input type="checkbox"/> + <input type="checkbox"/> -			

B. MODIFICATION OF SECURED CLAIMS:

Check one.

- ☐ **None.** If "None" is checked, the rest of Part 3.B need not be completed and may be deleted from this Plan.
- ☐ **Secured Claim(s) are modified as set forth in 1, 2, and/or 3 below.** Complete 1, 2, and/or 3 below.

AMERICAN BANKRUPTCY INSTITUTE

(1) REQUEST FOR VALUATION OF SECURITY, PAYMENT OF FULLY SECURED CLAIMS, AND MODIFICATION OF UNDERSECURED CLAIMS UNDER 11 U.S.C. § 506:

☐ **None.** If "None" is checked, the rest of Part 3.B.1 need not be completed and may be deleted from this Plan.

The following Plan provisions of Part 3.B.1 are effective only if the box "Included" in Part 1, Line 1.1 is checked.

The Debtor(s) requests that the Court determine the value of the lien of the following secured claim(s). For each secured claim listed below, the Debtor(s) states that the amount of the secured claim is as set out in the column headed "Secured Claim Amount." For each listed claim, the allowed amount of the secured claim will be paid in full with interest at the rate stated below, and the creditor will retain its lien to the extent of the value of the lien securing the creditor's allowed secured claim.

Unless the Court orders otherwise, the amount of a modified secured claim held by a nongovernmental creditor, as described in this Plan and treated below, is binding on the creditor and the Debtor(s) upon confirmation of this Plan, even if the creditor has filed a Proof of Claim setting forth a different amount.

Unless the Court orders otherwise, the amount of a secured claim of a governmental unit listed in an allowed Proof of Claim controls over any contrary amount listed below. The amount of a secured claim of a governmental unit may NOT be determined through this Plan.

An allowed claim of a creditor whose claim is secured by a lien on property in which the estate has an interest is a secured claim to the extent of the value of the creditor's interest, and is an unsecured claim to the extent that the value of such creditor's interest is less than the amount of the allowed claim. The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim in Part 5 of this Plan. If the secured claim amount is listed below as having NO value, the creditor's allowed claim will be treated in its entirety as an unsecured claim in Part 5 of this Plan.

In the description of collateral, include the registry of deeds/land court recording information for any real property for which you are modifying a secured claim.

	Name of Creditor	Description and Value of Collateral	Secured Claim Amount	Amount of Senior Liens	Interest Rate	Total Claim
<div><div>+</div><div>-</div></div>						

Total Claim(s) under Part 3.B.1 to be paid through this Plan: \$

(2) SECURED CLAIMS EXCLUDED FROM 11 U.S.C. § 506:

☐ **None.** If "None" is checked, the rest of Part 3.B.2 need not be completed and may be deleted from this Plan.

This section includes any claim(s) that was either (i) incurred within 910 days before the petition date and secured by a purchase-money security interest in a motor vehicle acquired for the personal use of the Debtor(s) or (ii) incurred within one year of the petition date and secured by a purchase-money security interest in any other thing of value. Such claim(s) will be paid in full through this Plan with interest at the rate stated below. Unless the Court orders otherwise, the claim amount stated on an allowed Proof of Claim controls over any contrary amount listed below.

If you are treating the claim in Part 3.B.1 or 3.B.3, you should not include the claim in this section.

	Name of Creditor	Description of Collateral	Secured Claim Amount	Interest Rate	Total Claim
<div><div>+</div><div>-</div></div>					

Total Claim(s) under Part 3.B.2 to be paid through this Plan: \$

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

(3) LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f):

☐ **None.** If "None" is checked, the rest of Part 3.B.3 and Exhibits 3 and 4 need not be completed and may be deleted from this Plan.

The following Plan provisions of Part 3.B.3 are effective only if the box "Included" in Part 1, Line 1.2 is checked.

The judicial lien(s) and/or nonpossessory, nonpurchase-money security interest(s) securing the claim(s) listed below impairs exemptions to which the Debtor(s) would have been entitled under 11 U.S.C. § 522(b).

Subject to 11 U.S.C. § 349(b), a judicial lien or nonpossessory, nonpurchase-money security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the Order confirming this Plan. The amount of the judicial lien or nonpossessory, nonpurchase-money security interest that is avoided will be treated as a nonpriority unsecured claim in Part 5 if a Proof of Claim has been filed and allowed. The amount, if any, of the judicial lien or nonpossessory, nonpurchase-money security interest that is not avoided will be paid in full as a secured claim under this Plan provided a Proof of Claim is filed and allowed.

For each judicial lien that the Debtor(s) seeks to avoid, the Debtor(s) shall include the information below. The Debtor(s) also shall complete the chart set forth in Exhibit 3 to this Plan and shall attach to Exhibit 3 a true and accurate copy of the document evidencing such judicial lien as filed or recorded with filing or recording information included. The Debtor(s) shall include the evidentiary basis for the valuation asserted. For each judicial lien that the Debtor(s) seeks to avoid, the Debtor(s) shall provide a proposed form(s) of order as Exhibit 4 conforming to Official Local Form 21A. If the Debtor(s) is avoiding more than one lien, the Debtor(s) shall provide the information in a separate table in Exhibit 3 for each lien, and identify the tables as Exhibit 3.1, 3.2, etc.

The claim(s) identified below must also be set forth in Exhibit 3.

	Name of Creditor	Exhibit Table (e.g., 3.1, 3.2, 3.3)
<input type="checkbox"/> + <input type="checkbox"/> -		

Total Claim(s) under Part 3.B.3 to be paid through this Plan: \$

C. SURRENDER OF COLLATERAL:

Check one.

☐ **None.** If "None" is checked, the rest of Part 3.C need not be completed and may be deleted from this Plan.

☐ **The Debtor(s) elects to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor(s) requests that, upon confirmation of this Plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under 11 U.S.C. § 1301 be terminated in all respects. Any allowed unsecured claim(s) resulting from the disposition of the collateral will be treated in Part 5 of this Plan.**

	Name of Creditor	Type of Claim	Description of Collateral
<input type="checkbox"/> + <input type="checkbox"/> -			

PART 4: PRIORITY CLAIMS

AMERICAN BANKRUPTCY INSTITUTE

Check one.

- ☐ **None.** If "None" is checked, the rest of Part 4 need not be completed and may be deleted from this Plan.
- ☐ **The following priority claim(s) will be paid in full without postpetition interest. Unless the Court orders otherwise, the amount of the priority portion of a filed and allowed Proof of Claim controls over any contrary amount listed below.**

A. DOMESTIC SUPPORT OBLIGATIONS:

	Name of Creditor	Description of Claim	Amount of Claim
<input type="checkbox"/> + <input type="checkbox"/> -			

B. OTHER PRIORITY CLAIMS (Except Administrative Expenses):

	Name of Creditor	Description of Claim	Amount of Claim
<input type="checkbox"/> + <input type="checkbox"/> -			

Total Priority Claim(s) (except Administrative Expenses) to be paid through this Plan [A + B]: \$

C. ADMINISTRATIVE EXPENSES:

(1) ATTORNEY'S FEES:

	Name of Attorney	Attorney's Fees
<input type="checkbox"/> + <input type="checkbox"/> -		

If the attorney's fees exceed the amount set forth in MLBR, Appendix 1, Rule 13-7, the Trustee may not pay any amount exceeding that sum until such time as the Court approves a fee application. If no fee application is approved, any plan payments allocated to attorney's fees in excess of MLBR Appendix 1, Rule 13-7 will be disbursed to other creditors up to a 100% dividend.

(2) OTHER (Describe):

--

Total Administrative Expenses (excluding the Trustee's Commission) to be paid through this Plan [(1) + (2)]: \$

(3) TRUSTEE'S COMMISSION:

The Debtor shall pay the Trustee's commission as calculated in Exhibit 1.

The Chapter 13 Trustee's fee is determined by the United States Attorney General. The calculation of the Plan payment set forth in Exhibit 1, Line (h) utilizes a 10% Trustee's commission. In the event the Trustee's commission is less than 10%, the additional funds collected by the Trustee, after payment of any allowed secured and priority claim(s), and administrative expense(s) as provided for in this Plan, shall be disbursed to nonpriority unsecured creditors up to 100% of the allowed claims.

PART 5: NONPRIORITY UNSECURED CLAIMS

Check one.

- ☐ **None.** If "None" is checked, the rest of Part 5 need not be completed and may be deleted from this Plan.
- ☐ **Any allowed nonpriority unsecured claim(s) other than those set forth in Part 5.F will be paid as stated below. Only a creditor holding an allowed claim is entitled to a distribution.**
- ☐ Fixed Amount ("Pot Plan"): each creditor with an allowed claim shall receive a pro rata share of \$ _____, which the Debtor(s) estimates will provide a dividend of _____ %.
- ☐ Fixed Percentage: each creditor with an allowed claim shall receive no less than _____ % of its allowed claim.

A. GENERAL UNSECURED CLAIMS: \$ _____

B. UNSECURED OR UNDERSECURED CLAIMS AFTER MODIFICATION IN PART 3.B OR 3.C:

	Name of Creditor	Description of Claim	Amount of Claim
<input type="checkbox"/> + <input type="checkbox"/> -			

C. NONDISCHARGEABLE UNSECURED CLAIMS (e.g., student loans):

	Name of Creditor	Description of Claim	Amount of Claim
<input type="checkbox"/> + <input type="checkbox"/> -			

D. CLAIMS ARISING FROM REJECTION OF EXECUTORY CONTRACTS OR LEASES:

	Name of Creditor	Description of Claim	Amount of Claim
<input type="checkbox"/> + <input type="checkbox"/> -			

E. TOTAL TO BE PAID TO NONPRIORITY UNSECURED CREDITORS THROUGH THIS PLAN:

The amount paid to any nonpriority unsecured creditor(s) is not less than that required under the Liquidation Analysis set forth in Exhibit 2.

Total Nonpriority Unsecured Claims [A + B + C + D]: \$ _____

Enter Fixed Amount (Pot Plan) or multiply total nonpriority unsecured claim(s) by Fixed Percentage and enter that amount: \$ _____

AMERICAN BANKRUPTCY INSTITUTE

F. SEPARATELY CLASSIFIED UNSECURED CLAIMS (e.g., co-borrower):

	Name of Creditor	Description of Claim	Amount of Claim	Treatment of Claim	Basics of Separate Classification
<div><div>+</div><div>-</div></div>					

Total of separately classified unsecured claim(s) to be paid through this Plan: \$

PART 6: EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Check one.

- ☐ **None.** If "None" is checked, the rest of Part 6 need not be completed and may be deleted from this Plan.
- ☐ **The executory contract(s) and unexpired leases listed are assumed and will be treated as specified below.**
Any other executory contract(s) and/or unexpired lease(s) is rejected. Postpetition contractual payments will be made directly by the Debtor(s). Arrearage payments will be disbursed by the Trustee.

A. REAL PROPERTY LEASES:

	Name of Creditor	Lease Description	Arrears
<div><div>+</div><div>-</div></div>			

B. MOTOR VEHICLE LEASES:

	Name of Creditor	Lease Description	Arrears
<div><div>+</div><div>-</div></div>			

C. OTHER CONTRACTS OR LEASES:

	Name of Creditor	Lease Description	Arrears
<div><div>+</div><div>-</div></div>			

Total amount of arrears to be paid through this Plan: \$

PART 7: POSTCONFIRMATION VESTING OF PROPERTY OF THE ESTATE

If the Debtor(s) receives a discharge, property of the estate will vest in the Debtor(s) upon entry of the discharge. If the Debtor(s) does not receive a discharge, property of the estate will vest upon the earlier of (i) the filing of the Chapter 13 Standing Trustee's Final Report and Account and the closing of the case or (ii) dismissal of the case.

PART 8: NONSTANDARD PLAN PROVISIONS

Check one.

- ☐ **None.** If "None" is checked, the rest of Part 8 need not be completed and may be deleted from this Plan.
- ☐ **This Plan includes the following nonstandard provisions.** Under Fed. R. Bankr. P. 3015(c), each nonstandard provision must be set forth below in a separately numbered sentence or paragraph. A nonstandard provision is a provision not otherwise included in Official Local Form 3, or which deviates from Official Local Form 3. Nonstandard provisions set forth elsewhere in this Plan are ineffective. To the extent the provisions in Part 8 are inconsistent with other provisions of this Plan, the provisions of Part 8 shall control if the box "Included" is checked in Part 1, Line 1.3.

The following Plan provisions are effective only if the box "Included" in Part 1, Line 1.3 is checked.

PART 9: SIGNATURES

By signing this document, the Debtor(s) acknowledges reviewing and understanding the provisions of this Plan and the Exhibits filed as identified below.

By signing this document, the Debtor(s) and, if represented by an attorney, the attorney for the Debtor(s), certifies that the wording and order of the provisions in this Plan are identical to those contained in Official Local Form 3, including the Exhibits identified below, other than any Nonstandard Plan Provisions in Part 8.

Debtor

Date

Joint Debtor

Date

Signature of attorney for Debtor(s)

Date

Print name:
BBO Number (if applicable):
Firm Name (if applicable):
Address:
Address (line 2):
Telephone:
E-mail Address:

The following Exhibits are filed with this Plan:

- ☐ **Exhibit 1: Calculation of Plan Payment***
- ☐ **Exhibit 2: Liquidation Analysis***
- ☐ **Exhibit 3: Table for Lien Avoidance under 11 U.S.C. § 522(f)****
- ☐ **Exhibit 4: [Proposed] Order Avoiding Lien Impairing Exemption****

AMERICAN BANKRUPTCY INSTITUTE

	List additional exhibits if applicable.
<div style="display: flex; align-items: center; gap: 10px;"> <div style="border: 1px solid black; padding: 2px 5px;">+</div> <div style="border: 1px solid black; padding: 2px 5px;">-</div> </div>	

**Denotes a required Exhibit in every plan*

***Denotes a required Exhibit if the box "Included" is checked in Part 1, Line 1.2.*

Total number of Plan pages, including Exhibits:

EXHIBIT 1 CALCULATION OF PLAN PAYMENT

a)	Secured claims (Part 3.A and Part 3.B.1-3 Total):	\$
b)	Priority claims (Part 4.A and Part 4.B Total):	\$
c)	Administrative expenses (Part 4.C.1 and Part 4.C.2 Total):	\$
d)	Nonpriority unsecured claims (Part 5.E Total):	\$
e)	Separately classified unsecured claims (Part 5.F Total):	\$
f)	Executory contract/lease arrears claims (Part 6 Total):	\$
g)	Total of (a) +(b) + (c) + (d) + (e) + (f):	\$
h)	Divide (g) by .90 for total Cost of Plan including the Trustee's fee:	\$
i)	Divide (h), Cost of Plan, by term of Plan, months:	\$
j)	Round up to the nearest dollar amount for Plan payment:	\$

If this is either an amended Plan and the Plan payment has changed, or if this is a postconfirmation amended Plan, complete (a) through (h) only and the following:

k)	Enter total amount of payments the Debtor(s) has paid to the Trustee:	\$
l)	Subtract line (k) from line (h) and enter amount here:	\$
m)	Divide line (l) by the number of months remaining (months):	\$
n)	Round up to the nearest dollar amount for amended Plan payment:	\$

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Date the amended Plan payment shall begin:

EXHIBIT 2 LIQUIDATION ANALYSIS

A. REAL PROPERTY

	Address (Sch. A/B, Part 1)	Value (Sch. A/B, Part 1)	Lien (Sch. D, Part 1)	Exemption (Sch. C)
<input type="checkbox"/> + <input type="checkbox"/> -				

Total Value of Real Property (Sch. A/B, line 55):	\$
Total Net Equity for Real Property (Value Less Liens):	\$
Less Total Exemptions for Real Property (Sch. C):	\$
Amount Real Property Available in Chapter 7:	\$

B. MOTOR VEHICLES

	Make, Model and Year (Sch. A/B, Part 2)	Value (Sch. A/B, Part 2)	Lien (Sch. D, Part 1)	Exemption (Sch. C)
<input type="checkbox"/> + <input type="checkbox"/> -				

Total Value of Motor Vehicles (Sch. A/B, line 55):	\$
Total Net Equity for Motor Vehicles (Value Less Liens):	\$
Less Total Exemptions for Motor Vehicles (Sch. C):	\$
Amount Motor Vehicle Available in Chapter 7:	\$

C. ALL OTHER ASSETS (Sch. A/B Part 2, no. 4; Part 3 through Part 7. Itemize.)

	Asset	Value	Lien (Sch. D, Part 1)	Exemption (Sch. C)
<input type="checkbox"/> + <input type="checkbox"/> -				

AMERICAN BANKRUPTCY INSTITUTE

Total Value of All Other Assets:	\$
Total Net Equity for All Other Assets (<i>Value Less Liens</i>):	\$
Less Total Exemptions for All Other Assets:	\$
Amount of All Other Assets Available in Chapter 7:	\$

D. SUMMARY OF LIQUIDATION ANALYSIS

Amount available in Chapter 7	Amount
A. Amount of Real Property Available in Chapter 7 (<i>Exhibit 2, A</i>)	\$
B. Amount of Motor Vehicles Available in Chapter 7 (<i>Exhibit 2, B</i>)	\$
C. Amount of All Other Assets Available in Chapter 7 (<i>Exhibit 2, C</i>)	\$

TOTAL AVAILABLE IN CHAPTER 7: \$

E. ADDITIONAL COMMENTS REGARDING LIQUIDATION ANALYSIS:

--

EXHIBIT 3 TABLE FOR LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f)

If the Debtor(s) is avoiding more than one lien, the Debtor(s) shall provide the information in a separate table for each lien and identify the table as Exhibit 3.1, 3.2, etc. to correspond with the list of liens in Part 3.B.3.

Information Regarding Judicial Lien or Security Interest		
Name of Debtor(s):*		
Name of Creditor:		
Collateral:		
Lien Identification:** (Such as judgment date, date of lien recording, book and page number.)		

Page 12 of 14

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Calculation of Lien Avoidance		
(a) Amount of lien:	\$	
(b) Amount of all other liens (exclusive of liens previously avoided or avoided pursuant to this Plan):	\$	
(c) Value of claimed exemptions:	\$	
(d) Total (a), (b), and (c):	\$	
(e) Value of interest in property of the Debtor(s):***	\$	
(f) Subtract (e) from line (d): Extent of exemption impairment: <i>(Check applicable box below)</i>	\$	
<input type="checkbox"/> The entire lien is avoided as (f) is equal to or greater than (a). The entire lien is avoided.). <i>(Do not complete the next section.)</i>		
<input type="checkbox"/> A portion of the lien is avoided as (f) is less than (a). <i>(Complete the next section.)</i>		
Treatment of Remaining Secured Claim		
Amount of secured claim after avoidance <i>(subtract (f) from (a))</i> :	\$	
Interest Rate (if applicable):	%	
Monthly payment on secured claim	\$	
Estimated total payment on secured claim	\$	
*In a joint case, specify whether the lien to be avoided is on an interest of an individual debtor or the joint debtors.	<input type="checkbox"/> Individual Debtor	<input type="checkbox"/> Joint Debtors
	Name:	
**Attach a true and accurate copy of the document or the instrument evidencing such lien as filed or recorded with filing or recording information included.		
***Describe the evidentiary basis for the value of the interest in property of the Debtor(s):		

AMERICAN BANKRUPTCY INSTITUTE

OLF21A (Official Local Form 21A)

EXHIBIT 4

UNITED STATES BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS

In re:

Case No.

Chapter 13

Debtor(s)

ORDER AVOIDING LIEN IMPAIRING EXEMPTION*

Upon consideration of 1) the Chapter 13 Plan (the "Plan"), through which the Debtor(s) made a request to avoid the lien of [name of creditor] pursuant to 11 U.S.C. § 522(f) as impairing the exemption of the Debtor(s); 2) the calculation of impairment set forth in Exhibit 3 to the Plan; 3) the Schedule of Exemptions filed by the Debtor(s); 4) the absence of an objection to the avoidance of the lien or the Court having overruled any and all objections to the request for lien avoidance in the Plan; 5) the entire record of proceedings in this case; 6) the Confirmation Order; and 7) the provisions of 11 U.S.C. § 522(f)(1) and (2), Fed. R. Bankr. P. 4003 and MLBR 4003-1,

The Court hereby orders and decrees that the lien of [name of creditor] recorded on [date] at [registry or recording authority, as applicable] at [book, page, certificate number, or filing number reference] impairs the Debtor(s)' exemption in [address of property or other description] (the "Exempt Property") and declares that the lien covering the interest in exempt property of the Debtor(s) is avoided in its entirety [or avoided in part].

Pursuant to 11 U.S.C. § 349(b)(1)(B), the avoided lien shall be reinstated if the case is dismissed unless the Court, for cause, orders otherwise.

By the Court,

United States Bankruptcy Judge

**This Exhibit may be modified to address each lien listed in Table*

OLF4 (Official Local Form 4)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re

Case No.
Chapter 13

Debtor(s)

ORDER CONFIRMING CHAPTER 13 PLAN

The Debtor(s) filed a Chapter 13 Plan on _____ (the "Plan"). The Debtor(s) filed a Certificate of Service on _____ reflecting that the Plan was served on all creditors and parties in interest. No objections to the confirmation of the Plan were filed, or all objections were overruled by the Court or resolved by the parties. Upon consideration of the foregoing, the Court hereby orders the following:

1. The Plan is confirmed. The term of the Plan is ____ months.
2. The Plan payments are:
\$_____ per month for ____ months;
\$_____ per month for ____ months;
\$_____ additional payments.
3. Payments shall be made electronically through TFS/ePay, by Money Order, or Bank Treasurer's check (personal checks will not be accepted) and made payable to and forwarded to:

[TRUSTEE NAME AND ADDRESS]
4. The effective date of confirmation of the Plan is _____. The disbursements to be made by the Chapter 13 Trustee pursuant to the confirmed Plan are set forth on the attached Summary of Disbursements To Be Made Under the Plan (the "Summary") which is incorporated by reference. Interested parties should consult the Plan for treatment of their particular claims and other significant provisions of the Plan.
5. Unless the Court orders otherwise, all property of the estate as defined in 11 U.S.C. §§ 541 and 1306, including, but not limited to, any appreciation in the value of real property owned by the Debtor(s) as of the commencement of the case, shall remain property of the estate during the term of the Plan and shall vest

in the Debtor(s) as set forth in section 9 of the Summary. All property of the estate shall remain within the exclusive jurisdiction of this Court. The Debtor(s) shall not transfer, sell, or otherwise alienate property of the estate other than in accordance with the confirmed Plan or other order of the Court. The Debtor(s) shall be responsible for preserving and protecting property of the estate.

6. The Debtor(s) shall promptly inform the Trustee of any material increase in income and/or any acquisition of assets during the case. The Trustee shall file a motion to modify the Plan pursuant to 11 U.S.C. § 1329 if the Trustee determines that any change in income or assets may be available to increase the dividend to creditors. The foregoing provision is in addition to any obligation of the Debtor(s) to file amended schedules in the event of any such increase.

By the Court,

Dated:

United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re

Case No.
Chapter 13

Debtor(s)

SUMMARY OF DISBURSEMENTS TO BE MADE UNDER THE PLAN

1. Unmodified Secured Claims

2. Modified Secured Claims

3. Liens Avoided under 11 U.S.C. § 522(f)

4. Surrender of Collateral

5. Priority Claims

6. Administrative Expenses

7. Unsecured Claims

8. Executory Contracts

9. Vesting of Property of the Estate

If the Debtor(s) receives a discharge, property of the estate will vest in the Debtor(s) upon the entry of the discharge. If the Debtor(s) does not receive a discharge, property of the estate will vest in the Debtor(s) upon the earlier of (i) the filing of the Chapter 13 Standing Trustee's Final Report and Account and the closing of the case or (ii) the dismissal of the case.

10. Nonstandard Provisions

If the Plan includes nonstandard provisions, the terms of Part 8 of the Plan are incorporated herein.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re

Case No.
Chapter 13

Debtor(s)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the proposed Order Confirming Chapter 13 Plan was served upon the Debtor(s), counsel of record for the Debtor(s), and all parties and attorneys who have filed notices of appearance by first class mail, postage prepaid, or by electronic notice.

Dated:

Respectfully submitted.

By: _____
BBO #
Standing Chapter 13 Trustee
PO Box
_____, MA [zip code]
() _____
[Email Address]

SERVICE LIST

Fill in this information to identify your case:

Debtor 1

(Spouse, if filing)

Debtor 2

United States Bankruptcy Court for the District of Maine

Case No.

(If known)

☐ Check if this is a modified Plan

Modified Plan
 (e.g., 1st, 2nd)

All modified plan sections must be identified here:

+

Maine Bankruptcy Form 2

Chapter 13 Plan

12/17

Part 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the table below, you must check each box that applies.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation within the time specified in the notice of hearing to consider confirmation (which may be sent to you separately). The Bankruptcy Court may confirm this plan without further notice if no timely objection to confirmation is filed.

The table below may be of particular importance to creditors. Debtor(s) must check only one box on each line. If an item is checked as "Not Included" or if both boxes for an item are checked or if no boxes for an item are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in § 3.2, which may result in a partial payment or no payment at all to the secured creditor.	<input type="radio"/> Included	<input type="radio"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 3.4.	<input type="radio"/> Included	<input type="radio"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input type="radio"/> Included	<input type="radio"/> Not Included

Part 2: Plan Payments and Length of Plan

2.1 Petition Date.

This chapter 13 case started on [redacted]. Insert the date on which the chapter 13 petition was filed or the date on which the case was converted to a chapter 13 case.

2.2 Applicable Commitment Period.

The applicable commitment period in this case is [redacted] months. The applicable commitment period is either 36 months or 60 months. The applicable commitment period for this case can be found on Official Form 122C-1 and should be restated here.

2.3 Debtor(s) will make regular payments to the trustee as follows:

	Monthly payment amount	Number of months	Beginning date
+			
-			

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the distributions specified in this plan.

2.4 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply.

- ☐ Debtor(s) will make payments directly to the trustee.
- ☐ Debtor(s) will make payments to the trustee pursuant to a payroll deduction order. Prior to the entry of a payroll deduction order, the Debtor(s) will make payments directly to the trustee.
- ☐ Other (specify method of payment):

2.5 Income Tax Refunds.

Check one.

- ☐ Debtor(s) will also pay to the trustee, as additional plan contributions, all state and federal income tax refunds (in the aggregate) in excess of \$1,500 per year per debtor. All such excess tax refunds must be paid to the trustee within 14 days after receipt.
- ☐ Debtor(s) will treat income tax refunds as follows:

2.6 Additional Payments.

Check one.

- ☐ None. If "None" is checked, the rest of § 2.6 need not be completed.
- ☐ Debtor(s) will make additional payments to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

	Source	Estimated amount	Date of additional payment
+			
-			

2.7 The total amount of estimated payments to the trustee provided for in §§ 2.3 and 2.6 is [redacted]

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any, under 11 U.S.C. § 1322(b)(5).

Check one.

☐ None. If "None" is checked, the rest of § 3.1 need not be completed.

☐ The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or by the debtor(s) directly, as specified below. If the debtor(s) will disburse the current contractual installment payments directly, then all such payments will be made beginning with the first such payment due after the petition date, and the debtor(s) will make the current contractual installment payments prior to the filing of a proof of claim by the creditor.

☐ Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling as to the current installment payment and arrearage. Unless otherwise ordered by the Court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage.

	Name and address of creditor	Collateral	Current installment payment (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Total amount of interest (if any)	Monthly plan payment on arrearage	Estimated total payments by trustee (if any)
+			Disbursed by:					
-			<input type="radio"/> Trustee					
			<input type="radio"/> Debtor(s)					
			Clear					

Insert additional claims as needed.

3.2 Request for valuation of security, payment of certain secured claims, and bifurcation of claims under 11 U.S.C. § 506(a).

Check one.

☐ None. If "None" is checked, the rest of § 3.2 need not be completed.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

☐ The debtor(s) request, under 11 U.S.C. § 506(a) and Fed. R. Bankr. P. 3012(b), that the Court determine that the amount(s) of the secured claim(s) listed below correspond to the amount(s) in the column titled "Amount of secured claim". A request to determine the amount of a secured claim held by a governmental unit may be made only by motion or in a claim objection.

☐ If this plan is confirmed as filed and the foregoing request is granted, (i) the amount of each secured claim listed below will be paid in full with interest at the rate stated below; and (ii) to the extent that the total amount of each claim listed below exceeds the amount of the secured claim, such claim shall be treated as unsecured under Part 5 of this plan.

Despite the foregoing request under 11 U.S.C. § 506(a) and Fed. R. Bankr. P. 3012(b), the total amount of each claim listed below will be controlled by any timely filed proof of claim and the disposition of any objections thereto.

	Name and address of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Total amount of interest (if any)	Monthly payment to creditors	Estimated total of monthly payments
+										
-										

Insert additional claims as needed.

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.3 need not be completed.

☐ The claims listed below were either:

- (a) incurred within 910 days before the petition date and secured by a purchase-money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (b) incurred within 1 year of the petition date and secured by a purchase-money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or by the debtor(s) directly, as specified below. Unless otherwise ordered by the Court, the claim amount stated on a timely-filed proof of claim controls over any contrary amount listed below. In the absence of a contrary, timely-filed proof of claim, the amounts stated below are controlling.

	Name and address of creditor	Collateral	Amount of claim	Interest rate	Total amount of interest (if any)	Monthly plan payment	Estimated total payments by trustee (if any)
+ -						Disbursed by: <input type="radio"/> Trustee <input type="radio"/> Debtor(s) <input type="button" value="Clear"/>	

Insert additional claims as needed.

3.4 Lien avoidance.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.4 need not be completed.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

☐ The judicial liens or nonpossessory, non purchase-money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the Court, the judicial lien or security interest securing the claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d).

If more than one lien is to be avoided, provide the information separately for each lien.

AMERICAN BANKRUPTCY INSTITUTE

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
<div> <div>+</div> <div>-</div> </div> 1. Creditor: <input type="text"/> Address: <input type="text"/> Collateral: <input type="text"/> Lien identification (such as judgment date, date of lien recording, book and page number): <input type="text"/>	a. Amount of lien <input type="text" value="\$0.00"/> b. Amount of all other liens <input type="text" value="\$0.00"/> c. Value of claimed exemptions <input type="text" value="\$0.00"/> d. Total of lines a, b and c <input type="text" value="\$0.00"/> e. Value of debtors(s)' interest in property <input type="text"/> f. Subtract line e from line d <input type="text" value="\$0.00"/> Extent of exemption impairment. (Check applicable box): <input type="radio"/> Line f is equal to or greater than line a The entire lien is avoided. (Do not complete the next column.) <input type="radio"/> Line f is less than line a A portion of the lien is avoided. (Complete the next column.) For each exemption asserted in the calculation above, set forth the statutory basis here: <input type="text"/>	Amount of secured claim after avoidance (line a minus line f) <input type="text" value="\$0.00"/> Interest rate (if applicable) <input type="text" value="0.00%"/> Total amount of interest (if any) <input type="text" value="\$0.00"/> Monthly payment of secured claim <input type="text" value="\$0.00"/> Estimated total payments on secured claim <input type="text" value="\$0.00"/>

Insert additional claims as needed.

3.5 Surrender of Collateral.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed.

☐ The debtor(s) elect to surrender the collateral identified below. The debtor(s) request that the stays under 11 U.S.C. § 362(a) and 11 U.S.C. § 1301 be terminated as to that collateral, with the termination of such stays being effective immediately upon confirmation of the plan. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

	Name and address of creditor	Collateral
<div> <div>+</div> <div>-</div> </div>	<input type="text"/>	<input type="text"/>

Insert additional claims as needed.

3.6 Relief from Stay.

If relief from the automatic stay imposed by 11 U.S.C. § 362(a) is ordered as to any item of collateral listed in §§ 3.1, 3.2, 3.3, or 3.4 then, unless otherwise ordered by the Court, when the relief from the automatic stay becomes effective, all payments under this plan as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan.

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

3.7 Lien Retention.

The holder of any allowed secured claim provided for by the plan in §§ 3.2, 3.3, or 3.4 will retain the holder's lien(s) on all property interest(s) of the debtor(s) or the estate(s) until the earlier of:

- (a) payment in full of the underlying debt determined under non-bankruptcy law, or
- (b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

In addition, if this chapter 13 case is dismissed or converted without the completion of the plan, all such liens will be retained by the holders of such liens to the extent recognized by applicable nonbankruptcy law.

Part 4: Treatment of Fees and Priority Claims

4.1 General.

Trustee's fees and all allowed expenses and allowed claims having priority under 11 U.S.C. § 507(a), including domestic support obligations other than those treated in § 4.5, will be paid by the trustee in full without post-petition interest.

4.2 Trustee's Fees.

Trustee's fees may change during the course of the case but are estimated to be _____ of plan payments. During the plan term, they are estimated to total _____.

4.3 Attorney Fees.

The estimate of the total attorney fees and expenses for the debtor(s) for the chapter 13 case is _____. Before the beginning of the chapter 13 case, the attorney received payments or retainers in the total amount of _____. The difference between the estimate and the payments and/or the retainers is _____. The last amount specified in this § 4.3 should be included in the Exhibit to this plan.

4.4 Priority claims other than attorney fees and those in § 4.5.

Check one.

☐ None. If "None" is checked, the rest of § 4.4 need not be completed.

☐ The debtor(s) estimate the total amount of priority claims (exclusive of attorney fees and expenses and domestic support obligations treated in § 4.5) to be _____.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

☐ None. If "None" is checked, the rest of § 4.5 need not be completed.

☐ The priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). This plan provision requires that payments in § 2.3 be for a term of 60 months. See 11 U.S.C. § 1322(a)(4).

	Name and address of creditor	Amount of claim to be paid
+		
-		

Insert additional claims as needed.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

If the estate(s) of the debtor(s) were liquidated under chapter 7 on the effective date of this plan, the value of property that would be distributed to the holders of allowed nonpriority unsecured claims would be approximately _____.

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata shares of the sum of (a) _____ and (b) any funds remaining after all other disbursements provided by this plan have been made.

Notwithstanding the foregoing, the holder of a "small claim" may be paid promptly at the discretion of trustee. The term "small claim" means (i) any allowed nonpriority unsecured claim that is \$50.00 or less; or (ii) any allowed nonpriority unsecured claim greater than \$50.00 for which the pro rata dividend under this § 5.1 would be less than \$50.00. With respect to (i), the trustee may pay all such small claims in full. With respect to (ii), the trustee is authorized to pay a dividend of \$50.00 to each such small claim.

AMERICAN BANKRUPTCY INSTITUTE

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

☐ **None.** If "None" is checked, the rest of § 5.2 need not be completed.

☐ The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed either by the trustee or by the debtor(s) directly, as specified below. The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

	Name and address of creditor	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee (if any)
<div>+</div> <div>-</div>		Disbursed by:		
		<input type="radio"/> Trustee <input type="radio"/> Debtor(s)		
		Clear		

Insert additional claims as needed.

5.3 Other separately classified nonpriority unsecured claims.

Check one.

☐ **None.** If "None" is checked, the rest of § 5.3 need not be completed.

☐ The nonpriority unsecured claims listed below are also separately classified and will be treated as follows:

	Name and address of creditor	Basis for separate classification and treatment	Amount to be paid on the claim	Interest rate (if applicable)	Total amount of interest (if applicable)	Estimated total amount of payments
<div>+</div> <div>-</div>						

Insert additional claims as needed.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check One

☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed.

☐ **Assumed items.** Current installment payments will be disbursed either by the trustee or by the debtor(s) directly, as specified below, subject to any contrary Court order or rule. Arrearage payments will be disbursed by the trustee.

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

	Name and address of creditor	Description of leased property or executory contracts	Current installment payments	Amount of arrearage to be paid	Treatment of arrearage (refer to other plan section if applicable)	Estimated total payments by trustee (if any)
+			Disbursed by: <input type="radio"/> Trustee <input type="radio"/> Debtor(s) <input type="button" value="Clear"/>			
-						

Insert additional contracts or leases as needed.

Part 7: Section 1326 Payments, Vesting, and Post-Confirmation Borrowing

7.1 Payments under 11 U.S.C. § 1326(a)(1)(B) and (C).

☐ **None.** If "None" is checked, the rest of § 7.1 need not be completed.

☐ The estimated payments described in § 2.7 include amounts intended by the debtor(s) to serve as either post-petition lease payments under 11 U.S.C. § 1326(a)(1)(B), adequate protection payments under 11 U.S.C. § 1326(a)(1)(C), or both. To the extent authorized by local rule or other order of the Court, the trustee will, prior to confirmation of this plan, disburse post-petition lease payments or adequate protection payments to the following creditors:

	Plan section	Name and address of creditor	Amount of lease or adequate protection payment
+			
-			

Insert additional provisions as needed.

7.2 Vesting of Property of the Estate.

Property of the estate will vest in the debtor(s) upon entry of a discharge under 11 U.S.C. § 1328, unless otherwise specified in Part 8 below.

7.3 Post-Confirmation Borrowing by Debtor(s).

After confirmation of the plan, the debtor(s) may incur debt to purchase a motor vehicle for personal, family, or household use with the prior written consent of the trustee. If the prior written consent of the trustee is obtained for the debt, no order of the Court with respect to the borrowing is necessary. Nothing in this § 7.3 prohibits the debtor(s) from seeking an order of the Court authorizing post-confirmation borrowing.

Part 8: Nonstandard Plan Provisions

8.1 Nonstandard Plan Provisions.

☐ **None.** If "None" is checked, the rest of § 8.1 need not be completed.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision deviating from or not otherwise included in Maine Bankruptcy Form 2. Nonstandard provisions set out elsewhere in this plan are void and ineffective.

The following plan provisions will be effective only if the applicable box in Part 1 of this plan is checked.

+	
-	
+	
-	
+	
-	

Part 9: Signature(s)

9.1 Signatures of Debtor(s) and Attorney.

The signatures of the debtor(s) and the attorney, if any, must appear below.



[Redacted signature area for Debtor 1]

Signature of Debtor 1

Date:

[Redacted date area for Debtor 1]

[Redacted signature area for Debtor 2]

Signature of Debtor 2

Date:

[Redacted date area for Debtor 2]



[Redacted signature area for Attorney]

Signature of Attorney for Debtor(s)

Date:

[Redacted date area for Attorney]

By filing this document, the debtor(s), if not represented by an attorney, or the attorney for debtor(s) certify, or certifies, that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Maine Bankruptcy Form 2, other than any nonstandard provisions included in Part 8.

EXHIBIT: Estimated Payments by Debtor(s) and Estimated Disbursements by Trustee

The sum of the estimated payments by the debtor(s) under this plan to the trustee, excluding tax refunds, is:
 Insert the total of the estimated payments in Part 2, § 2.7.

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a.	Maintenance and cure payments on secured claims (Part 3, § 3.1 total)	<input type="text"/>
b.	Modified secured claims (Part 3, § 3.2 total)	<input type="text"/>
c.	Secured claims excluded from 11 U.S.C. § 506 (Part 3, § 3.3 total)	<input type="text"/>
d.	Judicial liens or security interests partially avoided (Part 3, § 3.4 total)	<input type="text"/>
e.	Trustee's fees (Part 4, § 4.2 total)	<input type="text"/>
f.	Attorney fees (Part 4, § 4.3 last amount specified)	<input type="text"/>
g.	Priority claims (Part 4, § 4.4 total)	<input type="text"/>
h.	Domestic support obligations owed or assigned to government (Part 4, § 4.5 total)	<input type="text"/>
i.	Nonpriority unsecured claims (Part 5, § 5.1, amount of payments)	<input type="text"/>
j.	Maintenance and cure payments on unsecured claims (Part 5, § 5.2 total)	<input type="text"/>
k.	Separately classified unsecured claims (Part 5, § 5.3 total)	<input type="text"/>
l.	Executory contracts and unexpired leases (Part 6, § 6.1 total)	<input type="text"/>
m.	Nonstandard plan provisions (Part 8)	<input type="text"/>
Total of Lines a - m		<input type="text"/>

Print to PDF

In order to upload to CM/ECF you must print this document to PDF.

AMERICAN BANKRUPTCY INSTITUTE

ME Bk Form 2B (12/17)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

[DEBTOR NAME(S)],

Debtor(s)

Chapter 13

Case No. []

ORDER CONFIRMING CHAPTER 13 PLAN

The debtor(s) filed a chapter 13 plan [Dkt. No.] dated [date of plan]. The chapter 13 plan and notice of the hearing on confirmation were transmitted to creditors and other parties in accordance with the applicable provisions of the Federal Rules of Bankruptcy Procedure and this Court's Local Rules.

At or before the hearing on confirmation, the debtors(s) modified the plan under 11 U.S.C. § 1323 as follows:

[describe modifications, if any, here. If none, indicate "None."]

After notice and opportunity for hearing, the Court concludes that the plan (as modified, if applicable) meets the requirements of 11 U.S.C. § 1325. It is therefore ORDERED that the plan is confirmed under section 1325.

Dated:

[Judge's Name]

United States Bankruptcy Judge
District of Maine

Case: 18-10266-BAH Doc #: 2 Filed: 03/02/18 Desc: Main Document Page 1 of 6

UNITED STATES BANKRUPTCY COURT
District of New Hampshire

In re	<u>Morgan M. Smith</u>	Bk. No.	-	BAH
	Debtor	Chapter	13	

CHAPTER 13 PLAN DATED March 2, 2018

- ☐ If this box is checked, this plan contains certain nonstandard provisions set out in paragraph 13 below. Any nonstandard provisions stated elsewhere in this plan are void.
- ☐ If this box is checked, this plan seeks to limit the amount of a secured claim based on a valuation of the collateral for the claim pursuant Federal Rule of Bankruptcy Procedure 3012. Details are set out in paragraph 7 below.
- ☐ If this box is checked, the debtor(s) will seek to avoid a judicial lien or non-possessory, nonpurchase-money security interest by separate motion to be filed in due course pursuant to Federal Rule of Bankruptcy Procedure 4003. Details are set out in paragraph 13 below.

Debtor:	<u>Morgan M. Smith</u>	SS#	<u>xxx-xx-2518</u>
Joint Debtor:		SS#	

1. PLAN PAYMENTS

The applicable commitment period pursuant to 11 U.S.C. § 1325(b)(4) is not less than 5 years. This is a 60 month plan.

Debtor(s) will make regular payments to the Trustee as follows:

\$500 per month for **60** months

Total of monthly plan payments: **\$30,000.00**

Debtor(s) will make additional payments(s) to the Trustee from other sources as specified below. Describe the source, estimated amount, and date of each anticipated payment.

In addition, for each year during the term of the plan, all tax refunds in excess of \$ 1200.00 will be remitted within fourteen (14) days of receipt to the trustee as additional disposable income to fund the plan. Deviation from this requirement in a given year will be considered by the court only upon the filing of a motion asserting extenuating circumstances; any such motion must be filed within thirty (30) days of the date of the filing of the tax return at issue.

2. ADMINISTRATIVE CLAIMS

Trustee's fee pursuant to 11 U.S.C. § 1302 and debtor's attorney's fees:

- | | | |
|----|---|--------------------|
| A. | Trustee's estimated fees and expense
(10% of the total to be paid): | \$ 3,000.00 |
| B. | Attorney's fee and expenses requested to be paid through the plan,
payable pursuant to AO 2016-1, notwithstanding
11 U.S.C. § 1325(a)(5)(B)(iii): | \$ 1,810.00 |
| C. | Other: | \$ 0.00 |

3. DOMESTIC SUPPORT OBLIGATIONS

The following DSO claims will be paid in full through the plan:

<u>Creditor</u>	<u>Estimated Total</u>
	<u>Prepetition</u>
	<u>Arrearage Claim</u>
<u>-NONE-</u>	

4. PRIORITY CLAIMS

LBF 3015-1A (Eff. 12/1/17)

Software Copyright (c) 1996-2018 Best Case, LLC - www.bestcase.com

1

Best Case Bankruptcy

AMERICAN BANKRUPTCY INSTITUTE

Case: 18-10266-BAH Doc #: 2 Filed: 03/02/18 Desc: Main Document Page 2 of 6

<u>Creditor</u>	<u>Interest Rate</u>	<u>Estimated Total Prepetition Claim</u>
-NONE-		

5. SECURED CLAIMS (PRIMARY RESIDENCE)

Residence located at: **125 Rowell Hill Road North Sutton, NH 03260 Merrimack County**

Debtor(s) estimates of the fair market value of such primary residence to be: \$ **315,800.00**.

Since the debtor(s) seeks to retain the collateral, and for the lien to remain in full force and effect, the claim will be treated in one of the following two manners:

- OR
- ☐ Outside the plan. The mortgage is current and will continue to be directly payable by the debtor(s).
- ☒ The mortgage is not current. Regular postpetition payments will be made directly by the debtor(s) and the prepetition arrearage only is to be paid through the plan, as follows:

<u>Mortgagee</u>	<u>Estimated Total Prepetition Arrearage</u>
1st New Hampshire Housing Finance Authority	\$ 24,000.00

- OR
- ☐ As set forth in paragraph 13 below.

6. SECURED CLAIMS (OTHER)

Current regular payments are to be made directly by the debtor(s). Prepetition arrearage amounts, if any, are to be paid through the plan:

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Estimated Total Prepetition Arrearage</u>

The claims listed below were either (a) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or (b) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below and the payments will be disbursed either by the Trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the Court, the claim amount stated on a proof of claim filed before the filing deadline under Federal Rule of Bankruptcy Procedure 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling.

<u>Name of Creditor</u>	<u>Collateral</u>	<u>Claim Amount</u>	<u>Interest Rate</u>	<u>Monthly Plan Payment</u>
-------------------------	-------------------	---------------------	----------------------	-----------------------------

7. SECURED CLAIMS TO BE MODIFIED

The following claims are modifiable under the provisions of the Bankruptcy Code and shall be paid through the plan as indicated. For purposes of Federal Rule of Bankruptcy Procedure 3015(g)(1), by confirming this plan, the Court is not making any determination under Federal Rule of Bankruptcy Procedure 3012 about the amount of a secured claim. Rather, the debtor(s) must file a separate motion consistent with Federal Rule of Bankruptcy Procedure 3012(b) and LBR 3012-1.

<u>Name of Creditor:</u>	-NONE-
<u>Collateral:</u>	
<u>Valuation:</u>	
<u>Proposed Treatment</u>	

8. SECURED CLAIMS WHERE COLLATERAL TO BE SURRENDERED

Upon confirmation, the automatic stay under 11 U.S.C. §§ 362(a) and 1301(a) is lifted as to any collateral treated as

Case: 18-10266-BAH Doc #: 2 Filed: 03/02/18 Desc: Main Document Page 3 of 6

surrendered or abandoned and such collateral shall be deemed abandoned from the estate.

Name of Creditor: -NONE-

Collateral: _____

9. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Executory contracts and unexpired leases are assumed or rejected as follows:

<u>Creditor/Lessor Property Description</u>	<u>Assumed/ Rejected</u>	<u>Proposed Cure Amount/Period</u>
<u>-NONE-</u>		

10. UNSECURED CLAIMS

Unsecured creditors' claims total \$ 30,144.69 (including, if applicable, the unsecured portion of claims modified under paragraph 7) The percentage to be paid toward these claims will be determined after the bar date for filing claims has passed and will be specified in a motion for authorization to pay certain claims. Unsecured creditors will begin receiving payment on a *pro rata* basis with any secured arrearage and priority claims after the issuance of such an order. If all scheduled claims are allowed, the percentage distribution to creditors is estimated at 4.00 %.

11. GENERAL PLAN PROVISIONS

- A. **Duty to Provide Tax Returns and Income Information:** For the entire term of the plan, the debtor(s) must provide a copy of each federal income tax return or each request for an extension to file such return, directly to the trustee within seven (7) days of the filing of such return or extension request with the taxing authority. If a debtor is not required to file a federal income tax return for a particular tax year because of a lack of taxable income, then the debtor must notify the trustee, in writing, that no tax return will be filed. The trustee must receive this written notification no later than April 15 of the calendar year in which the tax return would ordinarily have been due.
- B. **Allowance of Claims:** In the event that a proof of claim is filed in an amount different from the amount listed in this plan, the proof of claim amount shall be deemed to be the correct amount unless the debtor(s) or another party in interest successfully object to the proof of claim.
- C. **Property of the Estate and Insurance:** All property shall remain property of the estate until discharge. Pursuant to 11 U.S.C. § 1306(b), the debtor(s) will remain in possession of all property of the estate unless a provision of this plan, or an order of this court, specifically states otherwise. The debtor(s) shall maintain all insurance required by law and contract upon property of the estate and the debtor(s)' property.
- D. **Retention of Lien:** All secured creditors shall retain the liens securing their claims unless otherwise stated.
- E. **Application of Payments Under This Plan:**
- Pursuant to 11 U.S.C. § 524(i), payments received by holders and/or servicers of mortgage claims for ongoing postpetition installment payments shall be applied and credited to the debtor(s)' mortgage account as if the account were current and no prepetition default existed on the petition date, in the order of priority specified in the note and security agreement and applicable non-bankruptcy law. Postpetition installment payments made in a timely manner under the terms of the note shall be applied and credited without penalty.
 - If a creditor applies payments in a manner not consistent with the terms of this plan, or applies trustee payments to postpetition costs and fees without prior approval of this court, such actions may be a violation of 11 U.S.C. § 524(i).**
- F. **Duty of Mortgage Servicer to Provide Loan Information:**
- Upon written request of the debtor(s), any mortgage servicer or its successor shall provide to the debtor(s) and/or the debtor(s)' attorney all information with respect to the debtor(s)' mortgage loan as it would provide absent a bankruptcy proceeding, including contractual monthly payment changes. The term "information" as used herein shall include, but is not limited to: (a) a coupon book or monthly statements to help the debtor(s) properly make monthly payments, (b) addresses to which to send payments and to direct

Case: 18-10266-BAH Doc #: 2 Filed: 03/02/18 Desc: Main Document Page 4 of 6

inquiries, (c) balance and payoff information if requested, and (d) if applicable, escrow analyses, notices of rate adjustments and the like. The debtor(s) shall not make any claim against the mortgage servicer, the secured creditor or their successors for any violation of the automatic stay or any discharge injunction resulting from its compliance with this section.

2. Upon written request of the debtor(s)' counsel, any of the information requested to be provided to the debtor(s) in paragraph F(1) above shall also be provided to the debtor(s)' counsel.

G. Release of Certificate of Title Upon Satisfaction of Secured Claim:

1. Upon satisfaction or other discharge of a security interest in a motor vehicle, mobile home, or in any other property of the bankruptcy estate for which the certificate of title is in the possession of a secured creditor, such creditor shall within fourteen (14) days after demand and, in any event, within thirty (30) days of receipt of the notice of the entry of the discharge order, execute a release of its security interest on said title or certificate, in the space provided therefore on the certificate or as the Division of Motor Vehicles prescribes, and mail or deliver the certificate and release to the debtor(s) or to the attorney for the debtor(s).
2. Confirmation of this plan shall impose an affirmative and direct duty on each such secured creditor to comply with this paragraph. This provision shall be enforced in a proceeding filed before this court and each such creditor consents to such jurisdiction by failure to file any timely objection to this plan. Such an enforcement proceeding may be filed by the debtor(s) in this case either before or after the entry of the discharge order and either before or after the closing of this case. The debtor(s) specifically reserve the right to file a motion to reopen this case under 11 U.S.C. § 350 to pursue the rights and claims provided for therein.

12. LIQUIDATION ANALYSIS

In the event of a liquidation under chapter 7, I/we would claim the state/federal exemptions, based on which unsecured creditors would receive 0.00 %.

A. REAL ESTATE: Residential, located at: _____

<u>Description</u>	<u>Fair Mkt. Value</u>	<u>Liens</u>	<u>Exemption Amount and Cite</u>	<u>Avail. Ch. 7</u>
125 Rowell Hill Road North Sutton, NH 03260 Merrimack County	\$315,800.00	\$295,352.00	\$20,448.00 N.H. Rev. Stat. Ann. § 480:1	\$0.00
Total non-exempt value \$ <u>0.00</u>				

REAL ESTATE: Non-residential, located at: _____

<u>Description</u>	<u>Fair Mkt. Value</u>	<u>Liens</u>	<u>Exemption Amount and Cite</u>	<u>Avail. Ch. 7</u>
-NONE-				
Total non-exempt value \$ <u>0.00</u>				

B. NON-EXEMPT TANGIBLE ASSETS:

<u>Description</u>	<u>Fair Mkt. Value</u>	<u>Liens</u>	<u>Exemption Amount and Cite</u>	<u>Avail. Ch. 7</u>
2012 Dodge Caravan 90000 miles Location: 125 Rowell Hill Road, North Sutton NH 03260	\$4,858.00	\$0.00	\$4,858.00 N.H. Rev. Stat. Ann. § 511:2(XVI) N.H. Rev. Stat. Ann. § 511:2(XVIII)	\$0.00
Miscellaneous household furniture Location: 125 Rowell Hill Road, North Sutton NH 03260	\$3,500.00	\$0.00	\$3,500.00 N.H. Rev. Stat. Ann. § 511:2(III)	\$0.00

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Case: 18-10266-BAH Doc #: 2 Filed: 03/02/18 Desc: Main Document Page 5 of 6

Description	Fair Mkt. Value	Liens	Exemption Amount and Cite	Avail. Ch. 7
Miscellaneous household appliances Location: 125 Rowell Hill Road, North Sutton NH 03260	\$1,000.00	\$0.00	\$1,000.00 N.H. Rev. Stat. Ann. § 511:2(IV)	\$0.00
Beds and bedding Location: 125 Rowell Hill Road, North Sutton NH 03260	\$600.00	\$0.00	\$600.00 N.H. Rev. Stat. Ann. § 511:2(II)	\$0.00
Miscellaneous household electronics Location: 125 Rowell Hill Road, North Sutton NH 03260	\$1,500.00	\$0.00	\$1,500.00 N.H. Rev. Stat. Ann. § 511:2(XVIII)	\$0.00
Total non-exempt value \$ <u>0.00</u>				

C. NON-EXEMPT INTANGIBLE ASSETS:

Description	Fair Mkt. Value	Liens	Exemption Amount and Cite	Avail. Ch. 7
Miscellaneous sports and hobby equipment Location: 125 Rowell Hill Road, North Sutton NH 03260	\$100.00	\$0.00	\$100.00 N.H. Rev. Stat. Ann. § 511:2(XVIII)	\$0.00
Miscellaneous clothing Location: 125 Rowell Hill Road, North Sutton NH 03260	\$500.00	\$0.00	\$500.00 N.H. Rev. Stat. Ann. § 511:2(I)	\$0.00
Miscellaneous jewelry Location: 125 Rowell Hill Road, North Sutton NH 03260	\$500.00	\$0.00	\$500.00 N.H. Rev. Stat. Ann. § 511:2(XVII)	\$0.00
Twenty chickens Location: 125 Rowell Hill Road, North Sutton NH 03260	\$300.00	\$0.00	\$300.00 N.H. Rev. Stat. Ann. § 511:2(XIII)	\$0.00
Two dogs Location: 125 Rowell Hill Road, North Sutton NH 03260	\$50.00	\$0.00	\$50.00 N.H. Rev. Stat. Ann. § 511:2(XVIII)	\$0.00
Checking: Bank of America	\$50.00	\$0.00	\$50.00 N.H. Rev. Stat. Ann. § 511:2(XVIII)	\$0.00
Checking: Mascoma Savings Bank	\$4,445.00	\$0.00	\$4,445.00 N.H. Rev. Stat. Ann. § 511:2(XVIII)	\$0.00
401k: Merrill Lynch	\$17,932.76	\$0.00	\$17,932.76 N.H. Rev. Stat. Ann. § 511:2(XIX)	\$0.00
Total non-exempt value \$ <u>0.00</u>				

13. SPECIFIC NONSTANDARD PLAN PROVISIONS

Under Federal Rule of Bankruptcy Procedure 3015(c), nonstandard provisions must be set forth below. "Nonstandard provision" means a provision deviating from or not otherwise included in LBF 3015-1A. Nonstandard provisions not set forth below are void.

- ☐ If this box is checked, the debtor(s) propose to enter into a consensual loan modification with _____. To the extent that the treatment of the secured creditor within the plan relies on the existence of such a loan modification, the debtor(s) may not oppose a motion for relief from the automatic stay filed by the secured creditor, based solely on the proposed loan modification.

I/We declare under penalty of perjury that the foregoing is true and correct.

AMERICAN BANKRUPTCY INSTITUTE

Case: 18-10266-BAH Doc #: 2 Filed: 03/02/18 Desc: Main Document Page 6 of 6

Date March 2, 2018

Signature /s/ Morgan M. Smith

Morgan M. Smith

Debtor

By filing this plan, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s), certify that this plan contains no nonstandard provisions other than those set out above in paragraph 13. "Nonstandard provision" means a provision deviating from or not otherwise included in LBF 3015-1A.

Case: 18-10266-BAH Doc #: 12 Filed: 04/10/18 Desc: Main Document Page 1 of 2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

IN RE: Morgan Smith,
Debtor.

Case #18-10266-BAH
Chapter 13

ORDER CONFIRMING CHAPTER 13 PLAN
AND
ORDER SETTING DEADLINES FOR CERTAIN ACTIONS

After notice and due consideration regarding the confirmation of the debtor's Chapter 13 Plan, the Court finds that the Plan complies with all provisions of the United States Bankruptcy Code and that it is in the best interests of all creditors, the Debtors and the estate.

It is hereby ORDERED that the debtor's Chapter 13 Plan dated March 2, 2018 is confirmed as filed or as modified at the plan confirmation hearing, subject to (i) resolution of actions to determine the avoidability, priority, or extent of liens, (ii) resolution of all disputes over the amount and allowance of claims entitled to priority, (iii) resolution of actions to determine the allowed amount of secured claims, and (iv) resolution of all objections to claims. Terms of the debtor's Plan not expressly modified by this order are incorporated in this order and made a part hereof by reference.

I. The Court retains jurisdiction to make such other and further orders as may be necessary or appropriate to effectuate the plan and this order.

A. The debtor shall make payments in the amount of \$500.00 per month for 60 months, commencing April 2, 2018. The total of all Plan payments will be \$30,000.00. In addition, any annual tax refunds received in excess of \$1,200.00 shall be remitted to the Chapter 13 Trustee as additional Plan payments.

B. The Plan is confirmed on an interim basis, and in due course an Objection to Certain Claims and Motion for Authorization to Pay Certain Claims will be filed which will authorize payments to creditors. The amount available for allowed unsecured claimants will be determined following notice and hearing after the bar date for filing claims has passed.

AMERICAN BANKRUPTCY INSTITUTE

Case: 18-10266-BAH Doc #: 12 Filed: 04/10/18 Desc: Main Document Page 2 of 2

C. The priority, secured, and administrative claims as of the date of this Order are as follows:

- | | |
|---|-----------|
| 1. Attorney Michael Fisher (priority attorney fee claim; subject to approval of the Court) | 1,810.00 |
| 2. New Hampshire Housing Finance Authority (secured residential first mortgage arrearage claim per Plan; subject to Proof of Claim being filed) | 24,000.00 |
| 3. Chapter 13 Trustee fees and expenses | 3,000.00 |

D. Secured claims with regularly scheduled payments to be made directly by the debtor:

New Hampshire Housing Finance Authority; residential first mortgage re:

125 Rowell Hill Road
North Sutton, New Hampshire

II. Special Provisions:

N/A

III. It is FURTHER ORDERED as follows:

A. If the Plan contemplates litigation or the sale of assets as a source of funding, the debtor shall file application(s) to employ the necessary professionals within 30 days of the date of this order.

B. As soon as practicable after the claims bar date, but no later than 90 days thereafter, the Trustee shall file an Objection to Certain Claims and Motion for Authorization to Pay Certain Claims and, if warranted, a Motion to Avoid Judicial Liens. Upon entry of an Order on such motion(s), the Plan shall be deemed amended to conform to the Order. Failure to file a motion seeking avoidance of judicial liens within the time provided by this paragraph does not bar such a motion at a later time.

C. Except as otherwise addressed in the Objection to Certain Claims and Motion for Authorization to Pay Certain Claims, all objections to claims, all actions to determine the avoidability, priority or extent of liens, all actions concerning the allowance or amount of claims entitled to priority under Sec. 507, and all actions to determine value of collateral pursuant to Sec. 506, shall be filed no later than 30 days after the Objection to Certain Claims and Motion for Authorization to Pay Certain Claims is filed.

ORDER:

After due consideration, the debtor's Plan dated March 2, 2018 is hereby confirmed.

Date: _____

Bruce A. Harwood
Chief Bankruptcy Judge

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

IN RE:

CHAPTER 13

CASE NO.:

DEBTOR(S).

-----X

CHAPTER 13 PLAN

Revised 12/19/17

- ☐ Check this box if this is an amended plan. List below the sections of the plan which have been changed:

PART 1: NOTICES

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstance or that it is permissible in your judicial district. Plans that do not comply with the local rules for the Eastern District of New York may not be confirmable. If you do not have an attorney, you may wish to consult one.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one. If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

1.1: The following matters may be of particular importance. *Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both or neither boxes are checked, the provision will be ineffective if set out later in the plan.*

a.	A limit on the amount of a secured claim, set out in Section 3.4, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
b.	Avoidance of a judicial lien or nonpossessory, non-purchase-money security interest, set out in Section 3.6	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
c.	Nonstandard provisions, set out in Part 9	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included

1.2: The following matters are for informational purposes.

a.	The debtor(s) is seeking to modify a mortgage secured by the debtor(s)'s principal residence, set out in Section 3.3	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
b.	Unsecured Creditors, set out in Part 5, will receive 100% distribution of their timely filed claim	<input type="checkbox"/> Included	<input type="checkbox"/> Not included

PART 2: PLAN PAYMENTS AND LENGTH OF PLAN

2.1: The post-petition earnings of the debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall pay to the Trustee for a period of _____ months as follows:

\$_____ per month commencing _____ through and including _____ for a period of _____ months; and

\$_____ per month commencing _____ through and including _____ for a period of _____ months.

☐ Continued on attached separate page(s).

2.2: Income tax refunds.

If general unsecured creditors are paid less than 100%, in addition to the regular monthly payments, during the pendency of this case, the Debtor(s) will provide the Trustee with signed copies of filed federal and state tax returns for each year commencing with the tax year _____, no later than April 15th of the year following the tax period. Indicated tax refunds are to be paid to the Trustee upon receipt, however, no later than June 15th of the year in which the tax returns are filed.

2.3: Additional payments.

Check one.

- ☐ **None.** *If "None" is checked, the rest of §2.3 need not be completed.*
- ☐ Debtor(s) will make additional payment(s) to the Trustee from other sources, as specified below.
Describe the source, estimated amount, and date of each anticipated payment.

PART 3: TREATMENT OF SECURED CLAIMS

3.1: Maintenance of payments (including the debtor(s)'s principal residence).

Check one.

- ☐ **None.** *If "None" is checked, the rest of §3.1 need not be completed.*
- ☐ Debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed directly by the debtor(s).

Name of Creditor	Last 4 Digits of Account Number	Principal Residence (check box)	Description of Collateral	Current Installment Payment (including escrow)
		<input type="checkbox"/>		
		<input type="checkbox"/>		

☐ Continued on attached separate page(s).

3.2: Cure of default (including the debtor(s)'s principal residence).

Check one.

- ☐ **None.** *If "None" is checked, the rest of §3.2 need not be completed.*
- ☐ Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. In the absence of a contrary timely filed proof of claim, the amounts listed below are controlling.

Name of Creditor	Last 4 Digits of Acct No.	Principal Residence (check box)	Description of Collateral	Amount of Arrearage	Interest Rate (if any)
		<input type="checkbox"/>			
		<input type="checkbox"/>			

☐ Continued on attached separate page(s).

3.3: Modification of a mortgage secured by the debtor(s)'s principal residence.

Check one.

- ☐ **The debtor(s) is not seeking to modify a mortgage secured by the debtor's principal residence.**
- ☐ **The debtor(s) is seeking to modify a mortgage secured by the debtor(s)'s principal residence.**

Complete paragraph below.

- ☐ If applicable, the debtor(s) will be requesting loss mitigation pursuant to General Order #582.

The mortgage due to _____ (creditor name) on the property known as _____ under account number ending _____ (last four digits of account number) is in default. All arrears, including all past due payments, late charges, escrow deficiency, legal fees and other expenses due to the mortgagee totaling \$_____, may be capitalized pursuant to a loan modification. The new principal balance, including capitalized arrears will be \$_____, and will be paid at ____% interest amortized over _____ years with an estimated monthly payment of \$_____ including interest and escrow of \$_____. The estimated monthly payment shall be paid directly to the trustee while loss mitigation is pending and until such time as the debtor(s) has commenced payment under a trial loan modification. Contemporaneous with the commencement of a trial loan modification, the debtor(s) will amend the Chapter 13 Plan and Schedule J to reflect the terms of the trial agreement, including the direct payment to the secured creditor going forward by the debtor(s).

3.4: Request for valuation of security, payment of fully secured claims, and modification of under-secured claims.

Check one.

- ☐ **None.** *If "None" is checked, the rest of §3.4 need not be completed.*

The remainder of this paragraph is only effective if the applicable box in Part 1 of this plan is checked.

- ☐ The debtor(s) shall file a motion to determine the value of the secured claims listed below. Such claim shall be paid pursuant to order of the court upon determination of such motion.

Name of Creditor	Last 4 Digits of Acct No.	Description of Collateral	Value of Collateral	Total Amount of Claim	Estimated Amount of Creditor's Secured Claim	Estimated Amount of Creditor's Unsecured Claim

- ☐ Continued on attached separate page(s).

3.5: Secured claims on personal property excluded from 11 U.S.C. §506.

Check one.

- ☐ **None.** *If "None" is checked, the rest of §3.5 need not be completed.*

- ☐ The claims listed below were either:
- Incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s); or
 - incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid pursuant to §3.1 and/or §3.2. (The claims must be referenced in those sections as well.) Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling.

Name of Creditor	Last 4 Digits of Acct No.	Collateral	Amount of Claim	Interest Rate

- ☐ Continued on attached separate page(s).

3.6: Lien avoidance.

Check one.

- ☐ **None.** *If "None" is checked, the rest of §3.6 need not be completed.*

The remainder of this paragraph is only effective if the applicable box in Part 1 of this plan is checked.

- ☐ The debtor(s) shall file a motion to avoid the following judicial liens or nonpossessory, non-purchase money security interests as the claims listed below impair exemptions to which the debtor(s) are entitled under 11 U.S.C. §522(b) or applicable state law. See 11 U.S.C. §522(f) and Bankruptcy Rule 4003(d). Such claim shall be paid pursuant to order of the court upon determination of such motion.

Name of Creditor	Attorney for Creditor	Lien Identification	Description of Collateral	Estimated Amount of Secured Claim	Interest Rate on Secured Portion, if any	Estimated Amount of Unsecured Claim

- ☐ Continued on attached separate page(s).

3.7: Surrender of collateral.

Check one.

- ☐ **None.** *If "None" is checked, the rest of §3.7 need not be completed.*
- ☐ The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. §362(a) be terminated as to the collateral only and that the stay under 11 U.S.C. §1301 be terminated. Any timely filed allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of Creditor	Last 4 Digits of Acct No.	Description of Collateral

- ☐ Continued on attached separate page(s).

PART 4: TREATMENT OF FEES AND PRIORITY CLAIMS

4.1: General.

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in §4.5, will be paid in full without post-petition interest.

4.2: Trustee's fees.

Trustee's fees are governed by statute and may change during the course of the case.

4.3: Attorney's fees.

The balance of the fees owed to the attorney for the debtor(s) is \$_____.

4.4: Priority claims other than attorney's fees and those treated in §4.5.

Check One.

- ☐ **None.** *If "None" is checked, the rest of §4.4 need not be completed.*
- ☐ The debtor(s) intend to pay the following priority claims through the plan:

Name of Creditor	Estimated Claim Amount

- ☐ Continued on attached separate page(s).

4.5: Domestic support obligations.

Check One.

- ☐ **None.** *If "None" is checked, the rest of §4.5 need not be completed.*
- ☐ The debtor(s) has a domestic support obligation and is current with this obligation. *Complete table below; do not fill in arrears amount.*
- ☐ The debtor(s) has a domestic support obligation that is not current and will be paying arrears through the Plan. *Complete table below.*

Name of Recipient	Date of Order	Name of Court	Monthly DSO Payment	Amount of Arrears to be Paid through Plan, If Any

PART 5: TREATMENT OF NONPRIORITY UNSECURED CLAIMS

Allowed nonpriority unsecured claims will be paid pro rata:

- ☐ Not less than the sum of \$_____.
- ☐ Not less than _____% of the total amount of these claims.
- ☐ From the funds remaining after disbursement have been made to all other creditors provided for in this plan.

If more than one option is checked, the option providing the largest payment will be effective.

PART 6: EXECUTORY CONTRACTS AND UNEXPIRED LEASES

6.1: The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

- ☐ **None.** *If "None" is checked, the rest of §6.1 need not be completed.*
- ☐ **Assumed items.** Current installment payments will be paid directly by the debtor(s) as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee.

Name of Creditor	Description of Leased Property or Executory Contract	Current Installment Payment by Debtor	Amount of Arrearage to be Paid by Trustee

PART 7: VESTING OF PROPERTY OF THE ESTATE

Unless otherwise provided in the Order of Confirmation, property of the estate will vest in the debtor(s) upon completion of the plan.

PART 8: POST-PETITION OBLIGATIONS

8.1: Post-petition mortgage payments, vehicle payments, real estate taxes, and domestic support obligations are to be made directly by the debtor(s) unless otherwise provided for in the plan.

8.2: Throughout the term of this Plan, the debtor(s) will not incur post-petition debt over \$2,500.00 without written consent of the Trustee or by order of the Court.

PART 9: NONSTANDARD PLAN PROVISIONS

9.1: Check “None” or list nonstandard plan provisions.

☐ **None.** *If “None” is checked, the rest of §9.1 need not be completed.*

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the form plan or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if there is a check in the box “included” in §1.1(c).

PART 10: CERTIFICATION AND SIGNATURE(S):

10.1: I/we do hereby certify that this plan does not contain any nonstandard provisions other than those set out in the final paragraph.

Signature of Debtor 1

Dated: _____

Signature of Debtor 2

Dated: _____

Signature of Attorney for Debtor(s)

Dated: _____

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Case 8-17-77398-reg Doc 21 Filed 03/12/18 Entered 03/12/18 11:45:19

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re: _____ X

Maria Monche

tmm1634
CHAPTER 13
CASE NO. 8-17-77398-736

Debtor(s). _____ X

ORDER CONFIRMING PLAN

The Debtor's plan filed with the Court having been transmitted to all creditors; and the deposit required by the plan having been made; and it having been determined after notice and a hearing that the requirements of Section 1325(a)(1) through (6) have been complied with;
IT IS ORDERED THAT:

The Debtors plan be and it hereby is confirmed and that 30 days after the filing of the petition and each month thereafter until further Order, the Debtor shall pay to MICHAEL J. MACCO, TRUSTEE, 2950 Express Drive South, Suite 109, Islandia, NY, 11749, the monthly sum set forth in the plan.

That the percentage stated in the plan for payments to unsecured creditors will be the minimum paid to all unsecured creditors. If all Proofs of Claim are not filed as scheduled, the unsecured creditors shall be paid pro rata, but in no event shall they receive more than 100% of their claim as filed, nor shall the amount to be distributed be less than all sums due under the terms of the plan.

In the event the Plan is silent to the Trustee's distribution to unsecured creditors, the Trustee retains the option to pay unsecured creditors either subsequent to the payment of secured creditors or concurrently with secured creditors. Further, reference made in the Plan to the avoidance of lien(s), if any is explicitly not approved by the Court and the plan is null and void, in part, concerning the avoidance of any liens.

That pursuant to 11 U.S.C. Section 1327, the Debtor's real property shall remain property of the estate, title to which is vested in the Trustee until dismissal or closing of the case or until further order of this Court. By virtue thereof, the debtor shall not sell, encumber or assign or otherwise transfer said real property without prior Court approval upon proper application.

All property of the estate, including any income, earnings, or, or other property which may become a part of the estate during the administration of the case which property is not proposed, or reasonably contemplated, to be distributable to claimants under the Plan shall revest in the Debtor(s); provided however, that no property received by the Trustee for the purpose of distribution under the Plan shall revest in the Debtor(s) except to the extent that such property may be in excess of the amount needed to pay in full all allowed claims as provided in the Plan. Such property as may revest in the Debtor(s) shall so revest upon the approval by the Court of the Trustee's Final Report and Account.

**Dated: Central Islip, New York
March 12, 2018**



A handwritten signature in black ink, appearing to read "Robert E. Grossman".

**Robert E. Grossman
United States Bankruptcy Judge**

AMERICAN BANKRUPTCY INSTITUTE

UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF NEW YORK

In Re:

Debtor(s).

Case No. _____

CHAPTER 13 PLAN

☐ Original ☐ Amended

Date: _____

IF THIS IS AN AMENDED PLAN, the reason for filing the Amended Plan is _____

Part 1: Notices

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose your plan's treatment of your claim or any provision of this plan, you **MUST** file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. *See* Federal Rule of Bankruptcy Procedure ("Fed. R. Bankr. P.") 3015.

Under 11 U.S.C. § 1325(b)(1)(B), if an unsecured creditor objects to this plan, the Bankruptcy Court may not approve this plan unless the plan provides that all of the Debtor's¹ projected disposable income will be applied to make payments to unsecured creditors under the plan. Absent an objection, distribution of payments under this plan will be made pursuant to the order of distribution set forth in Section 2.6 below. This distribution scheme may result in the secured and priority claims being paid prior to your unsecured claim. To avoid this result, you **MUST file an objection.**

The following matters may be of particular importance. Debtor must check one box on each line to state whether or not the plan includes any of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of secured claim, set out in Sections 3.2 and/or 3.3, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 8	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.4	Assumes and/or Rejects Unexpired Leases and Executory Contracts, set out in Part 6	<input type="checkbox"/> Included	<input type="checkbox"/> Not included

Debtor is eligible for a discharge pursuant to 11 U.S.C. § 1328(f). Check One.

☐ **Yes.**

☐ **No.** If this box is checked, the Debtor acknowledges that he/she is NOT eligible for a discharge because the Debtor received a discharge in a prior (check one)

☐ Chapter 7, 11 or 12 case filed within four years of the date of the filing of the petition in this case; or

☐ Chapter 13 case filed within two years of the date of the filing of the petition in this case.

¹ In a joint case, any reference to "Debtor" shall mean "Debtors."

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

To Domestic Support Obligation Claimants: The Debtor will make payments for postpetition domestic support obligations, as that term is defined under 11 U.S.C. § 101(14A), commencing on the date of filing and continuing during the term of the plan. Pre-petition domestic support obligation arrears, if any, are addressed in Part 4. Below are the names of each individual entitled to receive domestic support obligation payments and the amount of such payments:

☐ None

	Name of Payee	Current Payment Amount
+		\$ _____ per _____
-		

Part 2: Plan Payments, Length of Plan and Order of Distribution

2.1 Debtor will make regular payments to the chapter 13 trustee ("Trustee") as follows:

+
-

 \$ _____ per _____ for _____ months;

2.2 Regular payments to the Trustee will be made from future income in the following manner: *Check all that apply.*

☐ Debtor will make payments pursuant to a payroll deduction order.

☐ Debtor will make payments directly to the Trustee.

☐ Other (specify method of payment): _____

2.3 Income tax returns and refunds.

Debtor will provide the Trustee (1) with a copy of each income tax return filed during the plan term within 14 days of filing the return, and (2) will turn over to the Trustee all income tax refunds in excess of \$1,500.00 received during the plan term. Debtor understands that failure to file tax returns during the term of the plan may constitute grounds for the dismissal or conversion of the case.

2.4 Additional payments. *Check one.*

☐ None.

☐ Debtor will make additional payment(s) to the Trustee from other sources, as specified below. Describe the source, anticipated amount, and date of each anticipated payment:

2.5 The total amount of estimated payments to the Trustee provided for in Sections 2.1, 2.3 and 2.4 is \$ _____.

2.6 Order of Distribution of Plan Payments by the Trustee. Subject to any alternate provision in Part 8, funds received by the Trustee for distribution to creditors under the plan, absent objection, shall be applied, after payment of applicable Trustee's fees, in the following order of distribution:

First: To pay any and all equal monthly payments required on allowed secured claims under Sections 3.2 and 3.3.

Second: To pay allowed administrative expenses, including attorney's fees under Section 4.3, *pro rata*, until paid in full.

Third: To pay allowed secured claims *pro rata* until paid in full under Section 3.1.

Fourth: To pay allowed priority claims *pro rata* until paid in full under Sections 4.4 and 4.5.

Fifth: To pay allowed unsecured claims *pro rata* under Part 5.

However, in the event the Debtor will make ongoing mortgage or lease installment payments through the plan under Section 3.1 or 6.1, those payments shall be made prior to payment to any other creditor and after payment of applicable Trustee's fees.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any, for claims secured by real or personal property. *Check one.*

☐ **None.**

☐ The Debtor will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the Trustee or directly by the Debtor, as specified below. Creditors being paid directly by the Debtor under the plan shall continue to send customary payment coupons, statements, and notices to the Debtor. Such actions by the creditor shall not constitute or form the basis for finding a violation of the automatic stay. Any existing arrearage on a listed claim will be paid in full through disbursements by the Trustee, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claims filed before the filing deadline under Fed R. Bankr. P. 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below shall control. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan.

Name of Creditor	Collateral	Current installment payment	Amount of arrearage	Interest rate on arrearage (if applicable)
		\$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor	\$ _____	_____ %

Insert additional claims as needed.

3.2 Request for valuation of security, payment of fully secured claims and modification of undersecured claims. *Check one.*

☐ **None.**

The remainder of this paragraph will be effective only if box 1.1 in Part 1 of this plan is checked "Included."

☐ The Debtor requests that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the Debtor states that the value of the secured claim should be paid as set forth below in the column headed *Amount of secured claim (net value)*. For claims of governmental units, the value of a secured claim listed in a proof of claim filed in accordance with the Fed. R. Bankr. P. 3002(c) controls over any contrary amount listed below unless otherwise ordered by the court. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. *If the collateral is the Debtor's principal residence and the Debtor seeks to void a wholly unsecured junior mortgage lien, a separate affidavit providing evidence of value of the property and the amount of each senior lien against the property is to be filed and served upon the affected creditor. Upon confirmation of the plan, Debtor shall submit an order voiding the mortgage lien.*

Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph. The holder of any claim listed below as having value in the column headed *Amount of secured claim (net value)* will retain the lien on the property interest of the Debtor or the estate until the earlier of:

(a) payment of the underlying debt determined under nonbankruptcy law, or

(b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

	Name of creditor	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim (net value)	Interest rate	Equal monthly payment to creditor	Pre-confirmation adequate protection payment
+			\$ _____	\$ _____	\$ _____	_____ %	\$ _____	\$ _____
-								

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 506. *Check one.*

☐ None.

If the interest rate stated below is not the contract rate, the remainder of this paragraph will be effective only if box 1.1 in Part 1 of this plan is check "Included."

☐ The claims listed below were either:

(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor, or

(2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Fed. R. Bankr. P. 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below shall control.

	Name of creditor	Collateral	Amount of claim	Interest rate	Equal monthly payment to creditor	Pre-confirmation adequate protection payment
+			\$ _____	_____ %	\$ _____	\$ _____
-						

Insert additional claims as needed.

3.4 Lien avoidance. *Check one.*

☐ None.

The remainder of this paragraph will be effective only if box 1.2 in Part 1 of this plan is checked "Included."

☐ The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the Debtor would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon confirmation of the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. *See 11 U.S.C. § 522(f) and Fed. Rule Bankr. P. 4003(d).* If more than one lien is to be avoided, provide the information separately for each lien. *A separate affidavit providing evidence of value of the property and the amount of each additional lien against the property is to be filed and served upon the affected creditor(s). Upon confirmation of the plan, Debtor shall submit an order avoiding the lien(s).*

AMERICAN BANKRUPTCY INSTITUTE

Information regarding judicial lien or security interest	Calculation of lien avoidance		Treatment of remaining secured claim
Name of creditor <hr/>	a. Amount of lien	\$ <hr/>	Amount of secured claim after avoidance (line a minus line f) \$ <hr/> Interest rate (if applicable) _____ %
Collateral Description/Property Address <hr/>	b. Amount of all other liens	\$ <hr/>	
Lien identification (such as judgement date, date of lien recording, book and page number) <hr/>	c. Value of claimed exemptions on Schedule C	+\$ <hr/>	
Collateral owned <input type="checkbox"/> solely <input type="checkbox"/> jointly	d. Total of adding lines a, b, and c	\$ <hr/>	
Date collateral acquired <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px; text-align: center; line-height: 20px;">+</div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px; text-align: center; line-height: 20px;">-</div> </div>	e. Value of debtor(s)' interest in property	\$ <hr/>	
<hr/>	f. Subtract line e from line d	\$ <hr/>	
Extent of exemption impaired <i>(Check applicable box):</i> <input type="checkbox"/> Line f is equal to or greater than line a The entire line is avoided. <i>(Do not complete the next column.)</i> <input type="checkbox"/> Line f is less than line a. A portion of the lien is avoided <i>(Complete the next column.)</i>			

If more than one lien is to be avoided, insert additional table(s) to provide the information separately for each lien.

3.5 Surrender of collateral. *Check one.*

- ☐ **None.**
- ☐ Debtor surrenders his or her interest in the following collateral in satisfaction of the secured portion of the creditor's allowed claim. Debtor requests that upon confirmation of this plan the stay under 11 U.S.C. §§ 362(a) and 1301(a) be terminated as to the collateral. After the plan is confirmed, on request of a party in interest, the court shall promptly enter an order confirming that the stay under 11 U.S.C. §§ 362(a) and 1301(a) is terminated as to the collateral. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of Creditor	Collateral

Insert additional claims as needed.

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims under § 507, including domestic support obligations other than those treated in Section 4.5, will be paid in full based upon a creditor's timely filed proof of claim.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case but will be no more than 10% of plan payments.

4.3 Attorney's fee for services rendered in connection with this bankruptcy case.

Debtor's attorney shall be paid \$ _____, of which \$ _____ was paid pre-petition and \$ _____ shall be paid as an

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

allowed administrative claim as part of the plan.

4.4 Priority claims other than attorney's fees and those treated in Section 4.5. *Check one.*

- ☐ **None.**
- ☐ The creditors listed below hold priority claims other than attorney's fees and those treated in Section 4.5

	Name of creditor	Amount of claim	Basis for priority treatment
+		\$ _____	
-			

Insert additional claims as needed.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount. *Check one.*

- ☐ **None.**
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). This plan provision requires that payments in Section 2.1 be for a term of 60 months. *See* 11 U.S.C. § 1322(a)(4).

	Name of creditor	Amount of claim to be paid
+		\$ _____
-		

Insert additional claims as needed.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. The minimum amount to be paid to allowed nonpriority unsecured creditors under the plan shall be the greater of:

Liquidation: \$ _____

Disposable Income (Line 45 x 60 months): \$ _____

Percentage Repayment: _____ %

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. *Check one.*

- ☐ **None.**
- ☐ The Debtor will maintain the current contractual installment payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed either by the Trustee or directly by the Debtor, as specified below. Any existing arrearage amount will be paid in full through disbursements by the Trustee.

	Name of creditor	Current monthly installment payment	Amount of arrearage
+		\$ _____	\$ _____
-		Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor	\$ _____ \$ _____ \$ _____

AMERICAN BANKRUPTCY INSTITUTE

Insert additional claims as needed.

5.3 Other separately classified nonpriority unsecured claims. Check one.

- ☐ None
- ☐ The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows

	Name of creditor	Basis for separate classification and treatment	Amount of claim	Percentage of claim to be paid
+			\$ _____	_____ %
-				

Insert additional claims as needed.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

- ☐ None.

The remainder of this paragraph will be effective only if box 1.4 in Part 1 of this plan is checked "Included."

- ☐ Assumed items. Current installment payments will be disbursed either by the Trustee or directly by the Debtor, as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the Trustee.

	Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage
+			\$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor	\$ _____
-				

Insert additional contracts and leases as needed.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the Debtor upon completion of the plan.

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

- ☐ None.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Local Form Plan or deviating from it. Nonstandard provisions set out elsewhere in this plan are void.

The following plan provisions will be effective only if box 1.3 in Part 1 of this plan is checked "Included."

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Part 9:

Signature(s):

9.1 Signatures of Debtor and Debtor's Attorney

The Debtor and attorney for the Debtor, if any, must sign below.

<hr/> Signature of Debtor 1	<hr/> Signature of Debtor 2
Executed on _____ MM/DD/YYYY	Executed on _____ MM/DD/YYYY
<hr/> Signature of Attorney for Debtor	Date _____ MM/DD/YYYY

By filing this document, the Debtor, if not represented by an attorney, or the attorney for Debtor certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the Local Form Plan, other than any nonstandard provisions included in Part 8.

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

In Re:

Debtor(s).

Case No.

Chapter 13

ORDER CONFIRMING CHAPTER 13 PLAN

Part 1: Findings

In connection with the chapter 13 plan filed at docket no. 2 (“Plan”) before this court for confirmation, the court finds that:

- (1) Debtor¹ has complied with the filing requirements under 11 U.S.C. § 521(a)(1) (mandatory documents) and 11 U.S.C. § 521(b) (credit counseling certificate);
- (2) Under penalty of perjury, Debtor has represented to the chapter 13 trustee (“Trustee”) and this court that, to the extent applicable, all domestic support obligations owed by Debtor, as defined in 11 U.S.C. § 101(14A), that have become due since the filing of the petition have been paid and that all such obligations coming due during the Plan will be paid in a timely fashion;
- (3) Debtor has completed the Certification Pursuant to Local Bankruptcy Rule 3015-1 as to compliance with the requirements of the Federal Rules of Bankruptcy Procedure (“Fed. R. Bankr. P.”) and Local Bankruptcy Rules (“LBR”) by providing creditor addresses that enabled proper notice upon all creditors and parties in interest of the Plan and has made service pursuant to Fed. R. Bankr. P. 7004 and LBR 3015-1(c) upon any creditor affected by an Allowed Contested Matter² contained within the Plan as set forth in the certificate of service filed by Debtor; and
- (4) The Trustee has reviewed and recommends the Plan for confirmation to the court, all timely objections, if any, have been resolved, and the Plan meets the requirements of 11 U.S.C. § 1325.

Accordingly, IT IS ORDERED that

The Plan is confirmed, with the following provisions set forth in Parts 2-9 below.

Part 2: Plan Payments, Length of Plan and Order of Distribution

2.1 Plan Payments and Length of Plan

¹ In a joint case, any reference to “Debtor” shall mean “Debtors.”

² Allowed Contested Matter shall have the same meaning as ascribed in LBR 3015-1(c)(1).

(12-01-2017)

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

Amount of each Monthly Payment: \$ _____
Additional Funding Requirements: \$ _____ (Source: _____)
Additional Funding Requirements: \$ _____ (Source: _____)
Term of Plan: _____ months
Minimum Amount to be paid into the Plan: \$ _____

Minimum Amounts to be paid to nonpriority unsecured creditors under the Plan shall be the greater of:

Liquidation: \$ _____
Disposable Income (Form 122C-2,
line 45 x 60 months): \$ _____
Percentage Repayment: % _____

2.2 Income Tax Refunds

Debtor will turn over to the Trustee all income tax refunds in excess of \$1,500.00 received during the Plan term.

2.3 Order of Distribution of Plan Payments by the Trustee

Subject to any alternate provision in Part 8, funds received by the Trustee for distribution to creditors under the Plan shall be disbursed to pay claims as set forth in this Order and shall be applied, after payment of applicable Trustee's fees, in the following order of distribution:

First: To pay any and all equal monthly payments required on allowed secured claims under Sections 3.2 and 3.3;
Second: To pay allowed administrative expenses, including attorney's fees under Section 4.3, pro rata, until paid in full;
Third: To pay allowed secured claims pro rata until paid in full under Section 3.1;
Fourth: To pay allowed priority claims pro rata until paid in full under Sections 4.4 and 4.5; and
Fifth: To pay allowed unsecured claims pro rata under Part 5.

In the event Debtor will make ongoing mortgage or lease installment payments through the Plan under Section 3.1 or 6.1, those payments shall be made prior to payment to any other creditor and after payment of applicable Trustee's fees.

Part 3: Secured Claims

All secured creditors shall retain the liens securing their claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge of the underlying debt under 11 U.S.C. § 1328.

If relief from the automatic stay is ordered as to any item of collateral listed in this Part, then all payments under this Part as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the Plan.

3.1 Maintenance of Payments and Cure of Default

☐ None.

(a) Prepetition Arrears

Prepetition arrears owed to the creditors listed below will be paid in full by the Trustee in accordance with a timely filed proof of claim. In the absence of a contrary timely filed proof of claim, the amount stated below shall control.

Creditor	Collateral	Amount of arrearage	Interest rate on arrearage (if applicable)
----------	------------	---------------------	---

AMERICAN BANKRUPTCY INSTITUTE

(b) Maintenance of Payments

Ongoing postpetition payments will be disbursed directly to the creditor as indicated below.

Creditor	Collateral	Current installment payment	Installment payment to be disbursed by
			<input type="checkbox"/> Trustee <input type="checkbox"/> Debtor
			<input type="checkbox"/> Trustee <input type="checkbox"/> Debtor

3.2 Payment of Secured Claim Based on Collateral Value

■ None.

(a) Bifurcated claims

The creditors listed below will be paid the value of their collateral pursuant to 11 U.S.C. § 506 with present value interest pursuant to 11 U.S.C. § 1325(a)(5).

(i) Non-governmental creditor

Any timely filed claim by a non-governmental unit requesting payment of a higher secured claim shall be deemed to be an unsecured claim to the extent that the amount of the filed claim exceeds the value stated below. Further, any timely filed proof of claim will be disallowed to the extent the interest rate sought exceeds the rate listed below. A filed claim seeking a lower secured claim amount or lower rate of interest on its secured claim shall be deemed to be the creditor's consent to accept payment of said lower amount(s) and will control.

(ii) Governmental creditor

For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a timely filed proof of claim controls over any contrary amount listed below.

Creditor	Collateral	Value of collateral	Interest rate	Monthly payment to creditor

(b) Wholly unsecured mortgage claims modified pursuant to 11 U.S.C. § 506

The lien(s) of the creditor(s) listed below are deemed wholly unsecured and the claim(s) listed below shall be treated as unsecured under Section 5.1.

Creditor	Amount of claim

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

3.3 Payment in Full of Secured Claim with Present Value Interest

■ None.

The creditor(s) listed below will be paid principal owed in full, with present value interest pursuant to 11 U.S.C. § 1325(a)(5). The amount of the claim shall be determined in accordance with a timely filed proof of claim. Any timely filed proof of claim will be disallowed to the extent the interest rate sought exceeds the rate listed below. A filed claim seeking a lower secured claim amount or lower rate of interest on its secured claim shall be deemed to be the creditor's consent to accept payment of said lower amount(s) and will control. In the absence of a contrary timely filed proof of claim, the amount stated below shall control.

Creditor	Collateral	Amount of claim	Interest Rate	Monthly payment to creditor

3.4 Judicial Liens Avoided Pursuant to 11 U.S.C. § 522(f)

■ None.

The judicial lien(s) or security interest(s) held by the creditor(s) listed below are avoided in part, or in full. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim under Section 5.1 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim.

Creditor	Amount of secured claim after avoidance	Interest rate (if applicable)

3.5 Surrender of Collateral

■ None.

The collateral listed below is deemed surrendered to the creditor(s) in satisfaction of the secured portion of the creditor's allowed claim. The stay under 11 U.S.C. §§ 362(a) and 1301(a) is terminated as to the collateral. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Section 5.1.

Creditor	Collateral

Part 4: Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in Section 4.5, will be paid in full without postpetition interest.

4.2 Trustee's Fees

Trustee's fees are governed by statute and may change during the course of the case but will be no more than 10% of payments received by the Trustee under the Plan.

4.3 Attorney's Fees

Debtor's attorney shall be as paid set forth below.

Total Fee Approved	\$
Amount Paid Directly by Debtor	\$
Allowed Administrative Claim to be paid by Trustee	\$

4.4 Priority Claims Other Than Attorney's Fees and Those Treated in Section 4.5

☐ None.

Claims entitled to priority under 11 U.S.C. § 507 shall be paid in full based upon a timely filed proof of claim.

Creditor	Amount of claim to be paid

4.5 Domestic Support Obligations Assigned or Owed to a Governmental Unit and Paid in Accordance with 11 U.S.C. § 1322(a)(4)

☒ None.

The domestic support obligations assigned to or owed to the governmental units listed below will be paid a pro rata distribution in accordance with 11 U.S.C. § 1322(a)(4).

Creditor	Amount of claim to be paid

Part 5: Nonpriority Unsecured Claims

5.1 Nonpriority Unsecured Claims Not Separately Classified

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata, until paid in accordance with the minimum amount set forth in Section 2.1.

5.2 Maintenance of Payments and Cure of any Default on Nonpriority Unsecured Claims

☒ None.

Ongoing postpetition contractual payments will be disbursed to the creditors listed below as indicated. Prepetition arrears owed to the creditors will be paid in full by the Trustee in accordance with a timely filed proof of claim.

Creditor	Current installment payment	Arrearage
	\$ _____ Disbursed by <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor	
	\$ _____ Disbursed by <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor	

5.3 Other Separately Classified Nonpriority Unsecured Claims

☒ None.

2018 NORTHEAST BANKRUPTCY CONFERENCE AND CONSUMER FORUM

The nonpriority unsecured claims listed below are separately classified pursuant to 11 U.S.C. § 1322(b)(1) and will be paid in full in accordance with a timely filed proof of claim.

Creditor	Amount of claim

Part 6: Executory Contracts and Unexpired Leases

6.1 Executory Contracts and Unexpired Leases

■ **None.**

The executory contracts and unexpired leases listed below are ASSUMED and will be treated as specified. All other executory contracts and unexpired leases are REJECTED. The arrearage will be paid in full in accordance with a timely filed proof of claim unless otherwise ordered by the court. The arrearage will be disbursed by the Trustee on a pro rata basis with secured claims.

Creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage
		\$ _____ Disbursed by <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor	
		\$ _____ Disbursed by <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor	

Part 7: Vesting of Property of the Estate

7.1 Revesting

Property of the estate shall not revest in Debtor until completion of the Plan.

Part 8: Non-Standard Plan Provision(s)

■ **None.**

(If applicable, insert the non-standard plan provision(s) included in the Plan at Part 8 pursuant to Fed. R. Bankr. P. 3015(c).)

Part 9:	Miscellaneous Provisions
----------------	---------------------------------

IT IS FURTHER ORDERED that

9.1 Dischargeability

Any provision in the Plan purporting to discharge a claim under 11 U.S.C. § 523 shall be unenforceable and void until such time as Debtor obtains a separate order that discharges such claim.

9.2 Default on Direct Payments to Secured Creditors

Upon Debtor's post-confirmation default to a secured creditor listed in Sections 3.1(b) for a period of more than 60 days on claims secured by real property which is NOT the Debtor's principal residence, or 30 days on claims secured by personal property ("Post-Confirmation Default"), the secured creditor may give notice of said Post-Confirmation Default ("Default Notice"). The Default Notice shall be filed with the court and served upon Debtor by first class mail and upon Debtor's attorney and the Trustee by notice of electronic filing via the CM/ECF system. The secured creditor must file an affidavit of service of the Default Notice with the court. The Default Notice shall provide that within 15 days the Post-Confirmation Default must be: (1) cured; (2) settled by written agreement between the parties; or (3) resolved by the court based on appropriate pleadings filed by Debtor establishing sufficient equity or other facts sufficient to justify continuance of the automatic stay. If the Post-Confirmation Default is not resolved in accordance with the terms of the Default Notice, said creditor may submit an application and ex parte order providing relief from the automatic stay and directing that (i) the Trustee be added as a necessary party to receive notice of the report of sale and surplus money proceedings; and (ii) closure of the case shall not constitute an abandonment of the Trustee's interest, if any, in any surplus proceeds.

9.3 Requirements Regarding Postpetition Tax Returns

During the term of the confirmed Plan, Debtor shall timely file with the taxing authorities all required federal and state tax returns and pay all applicable taxes when due. Upon Debtor's default in the timely filing of required federal and/or state tax returns and/or in the payment of applicable federal and/or state taxes for any postpetition period, the appropriate taxing authority may give written notice of said delinquency ("Delinquency Notice") to Debtor by regular mail, and Debtor's attorney and the Trustee by electronic notice, based upon the filing of the Delinquency Notice with the court. The taxing authority must file an affidavit of service of the Delinquency Notice with the court. The Delinquency Notice shall specify which tax returns have not been filed and/or which taxes have not been paid and give notice that the taxing authority may apply ex parte for an order dismissing the case within 180 days from the date the Delinquency Notice is given if the delinquency is not: (1) cured; (2) settled by written agreement between the parties; or (3) resolved by appropriate pleading submitted to the court evidencing the filing of said returns and/or payment of said tax. If the delinquency is not addressed as per the terms of the Delinquency Notice, the taxing authority may submit an ex parte application and order dismissing the chapter 13 case without further notice.

9.4 Obligation to Report Inheritances, Settlements, Awards, Bonuses or Any Other Asset or Monies Received During the Term of the Plan

Debtor shall report to the Trustee any receipt or notice of entitlement to funds in excess of \$1,500.00 during the term of the Plan (other than the regular monthly income reflected in Schedule I filed with the court).

9.5 Payroll Deductions

If Debtor defaults on payments required by the Plan, the Trustee may submit and implement an ex parte order for payroll deduction payments without further notice to Debtor or Debtor's attorney.

9.6 Trustee's Duties Regarding Business Cases

The Trustee is not to perform the duties specified in 11 U.S.C. § 1302(c) absent further order of this court. Debtor shall perform the duties as specified in 11 U.S.C. § 704(a)(8) and file with the Trustee such periodic reports as to the operation of Debtor's business as required by the Trustee or court pursuant to 11 U.S.C. § 1304(c).

9.7 Prohibition on Postpetition Debt

Debtor is prohibited from incurring any debt in excess of \$1,500.00 without prior approval of the Trustee or the court, except such debt as may be necessary for emergency medical or hospital care of the Debtor or Debtor's dependents.

9.8 Sales or Transfers of Property During the Plan Term

No property may be sold or transferred without the approval of the court or the Trustee. Notwithstanding any provision of the Plan or this Order, no article of property, real or personal, with any value of less than \$2,500.00 may be sold, transferred or otherwise disposed of, without the prior consent of the Trustee, and no article of property, real or personal, with any value of more than \$2,500.00 may be sold, transferred or otherwise disposed of, without prior order of this court.

9.9 Ongoing Notices

Creditors being paid directly by Debtor under the Plan shall continue to send customary payment coupons, statements, and notices to the parties making ongoing payments during the term of the Plan. Such actions shall not constitute or form the basis for finding a violation of the automatic stay.

9.10 Inconsistent Provisions

In the event of an inconsistent provision contained in the Plan and this Order, this Order shall control.

9.11 Loss Mitigation

If loss mitigation is pending between Debtor and a Mortgagee Creditor, the following terms and conditions shall govern the rights of Debtor and Mortgagee Creditor under the confirmed Plan:

- a. The success of the Plan is dependent upon the success of the pending loss mitigation and modification of the mortgage terms. Thus, Mortgagee Creditor's right to seek dismissal of the case based upon Debtor's inability to successfully complete the Plan and Debtor's right to seek to modify the Plan terms are preserved in all respects.
- b. While loss mitigation is pending, the Trustee shall reserve all funds which would otherwise be disbursed on any claim timely filed by the Mortgagee Creditor. Reserved funds may be disbursed by the Trustee only with the consent of the Mortgagee Creditor or upon entry of an order after notice and a hearing.
- c. If the confirmed Plan provides that Debtor will remit to the Trustee a sum certain every month as an ongoing postpetition mortgage payment for the Mortgagee Creditor, then the Trustee shall reserve and shall not disburse said funds while loss mitigation is pending absent consent of the Mortgagee Creditor or entry of an order authorizing disbursement after notice and a hearing.

ALL OPPOSITION HAVING BEEN OVERRULED OR SETTLED, THE STANDING TRUSTEE RECOMMENDS THE PLAN AS SATISFYING THE REQUIREMENTS OF 11 U.S.C. § 1325(a).

Date: Initials: s/MWS

###