

2024 Bankruptcy Rules Committee

Proposed Changes to the Local
Bankruptcy Rules of the
United States Bankruptcy Court
for the
Eastern District of Pennsylvania

Proposed Revision L.B.R. 1017-1

Conversion of a Case

(a) Certain Motions of Debtor to Convert. A motion of a debtor to convert a case to a case under another chapter under § 706(a) or § 1112(a) is governed by L.B.R. 9014-2.

(b) Other Motions to Convert. A motion to convert a case to a case under another chapter, other than a motion to convert under subdivision (a), is governed by L.B.R. 9014-3, except that in a case under chapter 7, 11 or 12, in addition to serving those on the Clerk's Service List as required under L.B.R. 9014-3(g), the movant shall serve the Notice required by L.B.R. 9014-3(e) on those on the Matrix List of Creditors.

(c) Automatic Conversion to Chapter 7. By filing a notice of conversion, a Debtor may convert its case under Chapter 12 or Chapter 13 to a case under Chapter 7 pursuant to § 1208(a) or § 1307(a) without the requirement of a motion or hearing.

Proposed Revised L.B.R. 2016-4

Disclosure of Compensation

(a) Approved Disclosure Form for Attorney for the Debtor. In a chapter 7, 12 or 13 case, the statement by a debtor's attorney of compensation paid or agreed to be paid that conforms substantially to Form B 2030 satisfies the requirements of § 329(a) of the Code and Fed. R. Bankr. P. 2016(b). *In a chapter 7 case, if an attorney's compensation will be bifurcated, with a portion being waived or paid on or before the filing of the case and the balance being paid after the case is commenced, the attorney shall, unless the court orders otherwise, attach copies of the applicable retainer agreements (both pre and post filing agreements) with the Debtor to Form B 2030. In the court's discretion, upon filing of the retainer agreements, a hearing may be scheduled on request of the United States Trustee, the case Trustee or sua sponte by the Court to discuss the agreement with Debtor(s), Debtor(s)' counsel and the United States Trustee.*

(b) Disclosure of Payments by Debtor. In all cases filed by a debtor who is not represented by counsel, at the time the petition is filed, the Clerk shall require the debtor to complete a statement on L.B.F. 2016-4 setting forth all persons or business entities from whom the debtor received assistance or to whom the debtor paid or agreed to pay money in connection with the case.

Proposed Revised L.B.R. 3011-1

Unclaimed Funds in Registry of Court

(a) Withdrawal of Funds. A motion for the withdrawal of funds paid into the Court Registry ~~is governed by L.B.R. 9014-2. The motion~~ shall state:

- (1) the amount to be withdrawn;
- (2) the reason the funds were paid into the registry, if known;
- (3) the name ~~and~~ address of the ~~person or~~ entity to which funds are to be paid;
and
- (4) the basis of the proposed recipient's right to payment of the
funds.

Committee Note:

The Committee concluded motions to withdraw unclaimed funds should not be handled without a hearing under L.B.R. 9014-2, but rather should require a hearing, with the opportunity for interested parties to respond. There is a real concern of fraud. The time saved by not holding a hearing is minimal, while recovering funds improperly released will cause significant expense, hardship and potential loss of property to the rightful owner. A motion to withdraw unclaimed funds is materially different than the typical administrative matters presently listed under L.B.R. 9014-2. For this reason L.B.R. 3011-1(a) should be amended by deleting the reference to L.B.R. 9014-2.

Proposed Revision L.B.R. 5005-4

Payment of Filing Fees

- (a) CM/ECF Filing Users shall pay all applicable filing fees through the CM/ECF System. Fees shall be paid at the time of filing of the document or, in the case of multiple filings on a single day, fees incurred during that day may be accumulated and paid at one time but no later than midnight prevailing Eastern Time of the day following the day of the multiple filings.
- (b) A Chapter 11 Debtor in possession acting on behalf of the bankruptcy estate may apply for a waiver or deferral of the filing fee obligation imposed by the Bankruptcy Court Miscellaneous Fee Schedule on the filing of an adversary proceeding filed under Chapter 5 of the Bankruptcy Code or otherwise that is brought to recover property for the benefit of the bankruptcy estate. If granted, payment of the filing fee shall be waived or deferred until such time as the estate recovers sufficient property in the affected adversary proceeding to pay the filing fee. Applications for a waiver or deferral shall be accompanied by a certification attesting to the reasons why the financial condition of the estate at the time that the adversary proceeding is filed justifies the requested waiver or deferral and shall be filed contemporaneously with the filing of the adversary proceeding for which the waiver or deferral is sought.

Proposed Revised L.B.R. 6004-1
Motion to Sell Assets

- (a) *Motion*. A motion to sell assets under §363(b) or (f), other than subject to Fed. R. Bankr. P. 6004(d), is governed by L.B.R. 9014-3, **except that a response or objection to a motion to sell assets shall be filed and served no later than 21 days after the date on which the motion is served.**
- (b) *Private Sale*. A motion to sell assets by a private sale shall:
 - (1) describe the material terms of the sale;
 - (2) state whether the buyer or any person affiliated with the buyer is an insider of the debtor; and
 - (3) be accompanied by a copy of the sale documentation, if any.
- (c) *Public Sale*. A motion to sell assets by a public sale shall include the proposed sale procedures and highlight any provision relating to credit bidding.

Proposed Revision L.B.R. 9013-2

Applications that May Be Decided Immediately

(a) *Applicability.* At any time after the filing of the application and without a hearing, the court may decide an application under:

- (1) Fed. R. Bank. P. 1006(b) for payment of filing fees in installments;
- (2) L.B.R. 3017-1 for conditional approval of a disclosure statement in a small business case; or
- (3) L.B.R. 5005-4(b) for waiver or deferral of the filing fee imposed by the Bankruptcy Court Miscellaneous Fee Schedule on the filing of an adversary proceeding.

(b) *Objection.* An objection may be filed to an application governed by this rule.

Proposed Revised L.B.R. 9014-3

General Motion Practice

SUBDIVISIONS (a) – (g) omitted

- (h) *General Deadline for Filing Response or Objection to Motion.* Except as provided in L.B.R. 9014-2 and subdivision (i), a response or objection to a motion shall be filed and served on the movant, or if the movant is represented, counsel for the movant, no later than 14 days after the date on which the movant serves the motion.
- (i) *Special Deadlines for Filing Response or Objection to Motion.* A response or objection to a motion shall be filed and served in the manner and within the time provided under
- (1) an order fixing a different time to file a response or objection to a motion;
 - (2) L.B.R. 3015-4(b), motion to amend a confirmed chapter 12 or 13 plan;
 - (3) L.B.R. 3016-3(a), motion for approval of a disclosure statement;
 - (4) **L.B.R. 6004-1, motion to sell assets;**
 - (5) L.B.R. 7005-1(b), dispositive motions in adversary proceedings; ...

Local Rule 9014-4 Certification of Service

(a) **Deadline for Filing Certificate of Service.** A person who serves an application, motion, objection, notice, or other document required to be served shall file a certificate of service promptly, but no later than the earlier of (i) 3 days after filing of the document, or, (ii) if a hearing is scheduled, before the hearing.

(b) **Form of Certificate of Service.** A certificate of service shall conform to Local Bankruptcy Form 9014-4, stating (1) the subject of the notice or the title of the document served; (2) the names of all persons served and their physical or e-mail address; and (3) whether service was made through the CM/ECF system, mail, or another.

Proposed Revised L.B.R. 9076-1

Telephone and Video Conferences and Hearings

(a) *Arranging a Telephone or Video Hearing or Conference.* Unless otherwise authorized by the courtroom deputy for the judge to whom the case is assigned, hearings shall be held in person. A party requesting a telephone or video conference hearing shall first seek the agreement of opposing counsel and then contact the courtroom deputy for the judge to whom the case is assigned to request court permission. The requesting party shall discuss with the courtroom deputy the existence of the procedural or technical requirements for the proceedings.

(b) *Video.* In the event that the court decides to hold a hearing via video teleconference, the courtroom deputy will provide a link for access. If necessary, technical arrangements to use the court's video conference system shall, when practicable, be made 7 days in advance of the scheduled proceeding date in consultation with the judge's courtroom deputy.

(c) *Telephone.* In the event that the court decides to hold a hearing via (non-video) teleconference, the parties shall use the dial in instructions provided in the Chamber's Procedures page on the court's website.

(d) *Record.* A verbatim record of a telephone or video hearing shall be made in all cases.

(e) *Notice.* In the event that the court permits a hearing be held via video teleconference or by telephone pursuant to this rule, the moving party shall provide notice of the meeting venue and instructions to all parties in interest as soon as practicable and as otherwise instructed by the judge's courtroom deputy.

Local Bankruptcy Form Changes

Proposed Revision L.B.F. 9014-3A and B

L.B.F. 9014-3A

[USE THIS FORM TO GIVE NOTICE OF AN IN PERSON HEARING]

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter
	:	
	:	Bky. No.

Debtor * *

**NOTICE OF MOTION, RESPONSE DEADLINE
AND IN-PERSON HEARING DATE**

(Name of movant) has filed (name of motion) with the court for (describe the relief sought in the motion).

- 1. Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney).
- 2. If you do not want the court to grant the relief sought in the Motion** or if you want the court to consider your views on the Motion, then on or before **XX/XX/XX** **you or your attorney must file a response to the Motion.** (*see Instructions on next page*).

- 3.** A hearing on the Motion is scheduled to be held on XX/XX/XX, at _____.m. in Courtroom ___, United States Bankruptcy Court, (address of Bankruptcy Court). Unless the court orders otherwise, the hearing on this contested matter will be an evidentiary hearing. Requests for participation other than in person must be made pursuant to Local Bankruptcy Rule 9076-1.
- 4.** If you do not file a response to the Motion, the court may cancel the hearing and enter an order granting the relief requested in the Motion.
- 5.** You may contact the Bankruptcy Clerk's office for Philadelphia cases at (215) 408-2800 and for Reading cases at 610-208-5040 to find out whether the hearing has been canceled because no one filed a response.
- 6.** If a copy of the motion is not enclosed, a copy of the Motion will be provided to you if you request a copy from the attorney whose name and address is listed on the next page of this Notice.

Filing Instructions

- 7.** If you are required to file documents electronically by Local Bankruptcy Rule 5005-1, you must file your response electronically.
- 8.** If you are not required to file electronically, you must file your response at
.....
(address of bankruptcy clerk's office)
- 9.** If you mail your response to the bankruptcy clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated in Paragraph 2 on the previous page of this Notice.
- 10.** On the same day that you file or mail your Response to the Motion, you must mail or deliver a copy of the Response to the movant's attorney:

[Attorney's name]

[Firm name].....

[Address]

[Phone No.]

[Fax No.]

[E-mail address]

[If applicable, name and address of others to be served.]

Date:

[USE THIS FORM TO GIVE NOTICE OF TELEPHONIC OR VIDEO HEARING]

In re:	:	Chapter
	:	
	:	Bky. No.

P. 14

6. If a copy of the motion is not enclosed, a copy of the Motion will be provided to you if you request a copy from the attorney whose name and address is listed on the next page of this Notice.

Filing Instructions

7. If you are required to file documents electronically by Local Bankruptcy Rule 5005-1, you must file your response electronically.

8. If you are not required to file electronically, you must file your response at

(address of bankruptcy clerk's office)

9. If you mail your response to the bankruptcy clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated in Paragraph 2 on the previous page of this Notice.

10. On the same day that you file or mail your Response to the Motion, you must mail or deliver a copy of the Response to the movant's attorney:

[Attorney's name]

[Firm name]

[Address]

[Phone No.]

[Fax No.]

[E-mail address]

[If applicable, name and address of others to be served.]

Date:

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: _____ :
_____ : Case No. _____ ()
_____ :
_____ :
Debtor. : Chapter ____
_____ :
_____ :

CERTIFICATION OF SERVICE

I, _____, certify that on _____, I did cause a true and correct copy of the documents described below to be served on the parties listed on the mailing list exhibit, a copy of which is attached and incorporated as if fully set forth herein, by the means indicated and to all parties registered with the Clerk to receive electronic notice via the CM/ECF system:

- Document 1
- Document 2
- Document 3

I certify under penalty of perjury that the above document(s) was sent using the mode of service indicated.

Date

Signature

Name and Attorney ID (if applicable)

Firm Name

Address

City, State, Zip

Phone Number

Email

Mailing List Exhibit: (Check all that apply. If via e-mail, include e-mail address.)

Name

Address

Relationship of Party

Via: ☐ CM/ECF ☐ 1st Class Mail ☐ Certified Mail ☐ Other:

Name

Address

Relationship of Party

Via: ☐ CM/ECF ☐ 1st Class Mail ☐ Certified Mail ☐ Other:

Name

Address

Relationship of Party

Via: ☐ CM/ECF ☐ 1st Class Mail ☐ Certified Mail ☐ Other:

The following are proposed changes to the Chapter 13 Plan, as well as a draft form of Chapter 13 Plan.

Proposed Changes to Chapter 13 Plan

1. Total Base Amount

In Section 2A inserting some blank space between the line listing

“Total Base Amount” and the payment schedule - to make it clear that the “Total Base Amount” should be listed regardless of which payment method is chosen.

2. Clarify Disclosure of Post petition Attorney Fees

Remove words “unpaid” in Section 2(e) and replace with “**post petition**”. The reason to remove the words “unpaid” is that it causes confusion when Modified Plans are filed. Often Debtors’ counsel may not include the entire amount of their post-petition fees if there already was a disbursement. Removing the words “unpaid” makes it clear that the Debtors shall list the post petition counsel fees and costs paid to the attorney – not just what is unpaid as of the moment the latest plan is filed. Also, add an additional line for “**Supplemental Fees and Costs:** to easily track original post petition fees from supplemental requests.

3. Clarify Proof of Claim Number

Change “Claim Number” to “Proof of Claim Number.” Often Debtors’ counsel include actual account numbers instead of proof of claim numbers – this clarification hopefully will reduce that confusion.

4. Debtor Must Amend Plan if Timely Unsecured Claims Renders Plan Unfeasible

Add in Section 7(a)(2), “ Debtor shall amend the plan or file an objection should a timely filed unsecured claim render the Plan unfeasible.”

Fed. R. Bankr. P. 3002(c) provides that a proof of claim is timely if filed within 90 days after the first date set for the § 341 meeting of creditors but that governmental entities are allowed up to 180 days from the date of the order for relief. Fed. R. Bankr. P. 9006(c)(2) provides that the court may not reduce the time for taking action under Rule .. 3002(c) " This provision makes clear that a creditor should not be prejudiced if a plan is confirmed prior to the proof of claim deadline.

5. Untimely Claims.

11 U.S.C. §502(b)(9) disallows untimely general unsecured claims. Our current form plan ignores that prohibition and actually allows untimely general unsecured claims to be paid on a *pro rata* basis as a level 9th priority in distribution. See Form Plan, Section 8.

Level 1: Trustee Commissions*

Level 2: Domestic Support Obligations

Level 3: Adequate Protection Payments

Level 4: Debtor's attorney's fees

Level 5: Priority claims, pro rata

Level 6: Secured claims, pro rata

Level 7: Specially classified unsecured claims

Level 8: General unsecured claims

Level 9: Untimely filed general unsecured non-priority claims to which debtor has not objected

We propose removing Level 9 disbursements as it contradicts the plain language of the Bankruptcy Code. We propose adding the following language:

“No distribution will be made by the Trustee to untimely filed general unsecured claims unless otherwise ordered by the Court”.

6. Underfunding Cases by Increase in Trustee Commission

Since the Trustee commission is determined by the United States Trustee at least annually, and may change during the life of a plan, we recommend the following language be :

“If the Trustee’s compensation rate increases during the term of the Plan resulting in the Plan becoming underfunded, the Debtor shall move to modify the Plan to pay the difference.”

7. Transparency When Debtors Modify Interest Rates of Secured Claims

There is some confusion whether a Debtor must check the second Box in Part 1 that “Plan limits the amount of secured claim(s) based on value of the collateral – See Part 4” – when the Debtor is only modifying the interest rate of a secured claim to be paid in full. We believe the language should make clear that any modification, including a reduction in the interest rate should require heightened notice to the creditor requiring the box to be checked and the language would be amended to provide, “Plan limits the amount of secured claim(s) based on value of the collateral **and/or changed interest rate**– See Part 4” (Added language bolded) added at the bottom of Section 8 to address cases where a Debtor’s plan becomes underfunded because of a Trustee Fee increase:

L.B.F. 3015.1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re: Chapter 13
Case No. _____

Debtor(s)

Chapter 13 Plan

☐

Original

☐ _____ Amended

Date: _____

**THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE**

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. **ANYONE WHO WISHES TO OPPOSE ANY PROVISION OF THIS PLAN MUST FILE A WRITTEN OBJECTION** in accordance with Bankruptcy Rule 3015 and Local Rule 3015-4. This Plan may be confirmed and become binding, unless a written objection is filed.

**IN ORDER TO RECEIVE A DISTRIBUTION UNDER THE PLAN, YOU
MUST FILE A PROOF OF CLAIM BY THE DEADLINE STATED IN THE
NOTICE OF MEETING OF CREDITORS.**

Part 1: Bankruptcy Rule 3015.1(c) Disclosures

- ☐ Plan contains non-standard or additional provisions – see Part 9
- ☐ Plan limits the amount of secured claim(s) based on value of collateral **and/or changed interest rate** – see Part 4
- ☐ Plan avoids a security interest or lien – see Part 4 and/or Part 9

Part 2: Plan Payment, Length and Distribution – PARTS 2(c) & 2(e) MUST BE COMPLETED IN EVERY CASE

☐

☐

§ 2(a) Plan payments (For Initial and Amended Plans):

Total Length of Plan:_____months.

Total Base Amount to be paid to the Chapter 13 Trustee ("Trustee") \$ _____

Debtor shall pay the Trustee \$_____per month for_____months and then
Debtor shall pay the Trustee \$_____per month for the remaining_____months;

or

Debtor shall have already paid the Trustee \$_____through month number_____and
then shall pay the Trustee \$_____per month for the remaining_____months.

Other changes in the scheduled plan payment are set forth in § 2(d)

§ 2(b) Debtor shall make plan payments to the Trustee from the following sources in addition to future wages (Describe source, amount and date when funds are available, if known):

§ 2(c) Alternative treatment of secured claims:

None. If "None" is checked, the rest of § 2(c) need not be completed.

Sale of real property

See § 7(c) below for detailed description

Loan modification with respect to mortgage encumbering property:

See § 4(f) below for detailed description

§ 2(d) Other information that may be important relating to the payment and length of Plan:

§ 2(e) Estimated Distribution:

- | | | |
|--|----------|----------|
| A. Total Administrative Fees (Part 3) | | |
| 1. Postpetition attorney's fees and costs | | \$ _____ |
| 2. Postconfirmation Supplemental attorney's fees and costs | | \$ _____ |
| | Subtotal | \$ _____ |
| B. Other Priority Claims (Part 3) | | \$ _____ |
| C. Total distribution to cure defaults (§ 4(b)) | | \$ _____ |
| D. Total distribution on secured claims (§§ 4(c) &(d)) | | \$ _____ |
| E. Total distribution on general unsecured claims(Part 5) | | \$ _____ |
| | Subtotal | \$ _____ |
| F. Estimated Trustee's Commission. | | \$ _____ |
| G. Base Amount | | \$ _____ |

§2 (f) Allowance of Compensation Pursuant to L.B.R. 2016-3(a)(2)

☐ By checking this box, Debtor's counsel certifies that the information contained in Counsel's Disclosure of Compensation [Form B2030] is accurate, qualifies counsel to receive compensation pursuant to L.B.R. 2016-3(a)(2), and requests this Court approve counsel's compensation in the total amount of \$ _____, with the Trustee distributing to counsel the amount stated in §2(e)A.1. of the Plan. Confirmation of the plan shall constitute allowance of the requested compensation.

Part 3: Priority Claims

§ 3(a) Except as provided in § 3(b) below, all allowed priority claims will be paid in full unless the creditor agrees otherwise.

Creditor	Proof of Claim Number	Type of Priority	Amount to be Paid by Trustee

§ 3(b) Domestic Support obligations assigned or owed to a governmental unit and paid less than full amount.

☐ **None.** If "None" is checked, the rest of § 3(b) need not be completed.

☐ 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. *This plan provision requires that payments in § 2(a) be for a term of 60 months; see 11 U.S.C. § 1322(a)(4).*

Name of Creditor	Proof of Claim Number	Amount to be Paid by Trustee

Part 4: Secured Claims

§ 4(a) Secured Claims Receiving No Distribution from the Trustee:

☐ **None.** If "None" is checked, the rest of § 4(a) need not be completed.

Creditor	Proof of Claim Number	Secured Property
<input type="checkbox"/> If checked, the creditor(s) listed below will receive no distribution from the trustee and the parties' rights will be governed by agreement of the parties and applicable nonbankruptcy law.		
<input type="checkbox"/> If checked, the creditor(s) listed below will receive no distribution from the trustee and the parties' rights will be governed by agreement of the parties and applicable nonbankruptcy law.		

§ 4(b) Curing default and maintaining payments

☐ **None.** If "None" is checked, the rest of § 4(b) need not be completed.

The Trustee shall distribute an amount sufficient to pay allowed claims for prepetition arrearages; and, Debtor shall pay directly to creditor monthly obligations falling due after the bankruptcy filing in accordance with the parties' contract.

Creditor	Proof of Claim Number	Description of Secured Property and Address, if real property	Amount to be Paid by Trustee

§ 4(c) Allowed secured claims to be paid in full: based on proof of claim or pre-confirmation determination of the amount, extent or validity of the claim

☐ **None.** If "None" is checked, the rest of § 4(c) need not be completed.

(1) Allowed secured claims listed below shall be paid in full and their liens retained until completion of payments under the plan.

(2) If necessary, a motion, objection and/or adversary proceeding, as appropriate, will be filed to determine the amount, extent or validity of the allowed secured claim and the court will make its determination prior to the confirmation hearing.

(3) Any amounts determined to be allowed unsecured claims will be treated either: (A) as a general unsecured claim under Part 5 of the Plan or (B) as a priority claim under Part 3, as determined by the court.

(4) In addition to payment of the allowed secured claim, "present value" interest pursuant to 11 U.S.C. § 1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below. *If the claimant included a different interest rate or amount for "present value" interest in its proof of claim or otherwise disputes the amount provided for "present value" interest, the claimant must file an objection to confirmation.*

(5) Upon completion of the Plan, payments made under this section satisfy the allowed secured claim and release the corresponding lien.

Name of Creditor	Proof of Claim Number	Description of Secured Property	Allowed Secured Claim	Present Value Interest Rate	Dollar Amount of Present Value Interest	Amount to be Paid by Trustee

§ 4(d) Allowed secured claims to be paid in full that are excluded from 11 U.S.C. § 506

☐ **None.** If "None" is checked, the rest of § 4(d) need not be completed.

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

(1) The allowed secured claims listed below shall be paid in full and their liens retained until completion of payments under the plan.

(2) In addition to payment of the allowed secured claim, "present value" interest pursuant to 11 U.S.C. § 1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below. If the claimant included a different interest rate or amount for "present value" interest in its proof of claim, the court will determine the present value interest rate and amount at the confirmation hearing.

Name of Creditor	Proof of Claim Number	Description of Secured Property	Allowed Secured Claim	Present Value Interest Rate	Dollar Amount of Present Value Interest	Amount to be Paid by Trustee

§ 4(e) Surrender

☐ **None.** If "None" is checked, the rest of § 4(e) need not be completed.

- (1) Debtor elects to surrender the secured property listed below that secures the creditor's claim.
- (2) The automatic stay under 11 U.S.C. § 362(a) and 1301(a) with respect to the secured property terminates upon confirmation of the Plan.
- (3) The Trustee shall make no payments to the creditors listed below on their secured claims.

Creditor	Proof of Claim Number	Secured Property

§ 4(f) Loan Modification

☐ **None.** If "None" is checked, the rest of § 4(f) need not be completed.

(1) Debtor shall pursue a loan modification directly with _____ or its successor in interest or its current servicer ("Mortgage Lender"), in an effort to bring the loan current and resolve the secured arrearage claim.

(2) During the modification application process, Debtor shall make adequate protection payments directly to Mortgage Lender in the amount of \$ _____ per month, which represents _____ (**describe basis of adequate protection payment**). Debtor shall remit the adequate protection payments directly to the Mortgage Lender.

(3) If the modification is not approved by _____ (date), Debtor shall either (A) file an amended Plan to otherwise provide for the allowed claim of the Mortgage Lender; or (B) Mortgage Lender may seek relief from the automatic stay with regard to the collateral and Debtor will not oppose it.

Part 5: General Unsecured Claims

§ 5(a) Separately classified allowed unsecured non-priority claims

☐ **None.** If "None" is checked, the rest of § 5(a) need not be completed.

Creditor	Proof of Claim Number	Basis for Separate Classification	Treatment	Amount to be Paid by Trustee

§ 5(b) Timely filed unsecured non-priority claims

(1) Liquidation Test (*check one box*)

- ☐ All Debtor(s) property is claimed as exempt.
- ☐ Debtor(s) has non-exempt property valued at \$ _____ for purposes of § 1325(a)(4) and plan provides for distribution of \$ _____ to allowed priority and unsecured general creditors.

(2) Funding: § 5(b) claims to be paid as follows (*check one box*):

- ☐ Pro rata
- ☐ 100%
- ☐ Other (Describe)

Part 6: Executory Contracts & Unexpired Leases

☐ **None.** If "None" is checked, the rest of § 6 need not be completed.

Creditor	Proof of Claim Number	Nature of Contract or Lease	Treatment by Debtor Pursuant to §365(b)

Part 7: Other Provisions

§ 7(a) General principles applicable to the Plan

(1) Vesting of Property of the Estate (*check one box*)

- ☐ Upon confirmation
☐ Upon discharge

(2) Subject to Bankruptcy Rule 3012 and 11 U.S.C. §1322(a)(4), the amount of a creditor's claim listed in its proof of claim controls over any contrary amounts listed in Parts 3, 4 or 5 of the Plan. **Debtor shall amend the plan or file an objection should a timely filed unsecured claim render the Plan unfeasible.**

(3) Post-petition contractual payments under § 1322(b)(5) and adequate protection payments under § 1326(a)(1)(B),(C) shall be disbursed to the creditors by the debtor directly. All other disbursements to creditors shall be made by the Trustee.

(4) If Debtor is successful in obtaining a recovery in a personal injury or other litigation in which Debtor is the plaintiff, before the completion of plan payments, any such recovery in excess of any applicable exemption will be paid to the Trustee as a special Plan payment to the extent necessary to pay priority and general unsecured creditors, or as agreed by the Debtor and the Trustee and approved by the court.

§ 7(b) Affirmative duties on holders of claims secured by a security interest in debtor's principal residence

(1) Apply the payments received from the Trustee on the pre-petition arrearage, if any, only to such arrearage.

(2) Apply the post-petition monthly mortgage payments made by the Debtor to the post-petition mortgage obligations as provided for by the terms of the underlying mortgage note.

(3) Treat the pre-petition arrearage as contractually current upon confirmation for the Plan for the sole purpose of precluding the imposition of late payment charges or other default-related fees and services based on the pre-petition default or default(s). Late charges may be assessed on post-petition payments as provided by the terms of the mortgage and note.

(4) If a secured creditor with a security interest in the Debtor's property sent regular statements to the Debtor pre-petition, and the Debtor provides for payments of that claim directly to the creditor in the Plan, the holder of the claims shall resume sending customary monthly statements.

(5) If a secured creditor with a security interest in the Debtor's property provided the Debtor with coupon books for payments prior to the filing of the petition, upon request, the creditor shall forward post-petition coupon book(s) to the Debtor after this case has been filed.

(6) Debtor waives any violation of stay claim arising from the sending of statements and coupon books as set forth above.

§ 7(c) Sale of Real Property

None. If "None" is checked, the rest of § 7(c) need not be completed.

(1) Closing for the sale of _____ (the "Real Property") shall be completed within _____ months of the commencement of this bankruptcy case (the "Sale Deadline"). Unless otherwise agreed by the parties or provided by the Court, each allowed claim secured by the Real Property will be paid in full under §4(b)(1) of the Plan at the closing ("Closing Date").

(2) The Real Property will be marketed for sale in the following manner and on the following terms:

(3) Confirmation of this Plan shall constitute an order authorizing the Debtor to pay at settlement all customary closing expenses and all liens and encumbrances, including all § 4(b) claims, as may be necessary to convey good and marketable title to the purchaser. However, nothing in this Plan shall preclude the Debtor from seeking court approval of the sale pursuant to 11 U.S.C. §363, either prior to or after confirmation of the Plan, if, in the Debtor's judgment, such approval is necessary or in order to convey insurable title or is otherwise reasonably necessary under the circumstances to implement this Plan.

(4) At the Closing, it is estimated that the amount of no less than \$ _____ shall be made payable to the Trustee.

(5) Debtor shall provide the Trustee with a copy of the closing settlement sheet within 24 hours of the Closing Date.

(6) In the event that a sale of the Real Property has not been consummated by the expiration of the Sale Deadline: _.

Part 8: Order of Distribution

The order of distribution of Plan payments will be as follows:

- Level 1: Trustee Commissions*
- Level 2: Domestic Support Obligations
- Level 3: Adequate Protection Payments
- Level 4: Debtor's attorney's fees
- Level 5: Priority claims, pro rata
- Level 6: Secured claims, pro rata
- Level 7: Specially classified unsecured claims
- Level 8: General unsecured claims

No distribution will be made by the Trustee to untimely filed general unsecured claims unless otherwise ordered by the Court.

****Percentage fees payable to the standing trustee will be paid at the rate fixed by the United States Trustee not to exceed ten (10) percent. If the Trustee's compensation rate increases resulting in the Plan becoming underfunded, the debtor shall move to modify the Plan to pay the difference.***

Part 9: Non Standard or Additional Plan Provisions

Under Bankruptcy Rule 3015.1(e), Plan provisions set forth below in Part 9 are effective only if the applicable box in Part 1 of this Plan is checked. Nonstandard or additional plan provisions placed elsewhere in the Plan are void.

☐ **None.** If "None" is checked, the rest of Part 9 need not be completed.

Part 10: Signatures

By signing below, attorney for Debtor(s) or unrepresented Debtor(s) certifies that this Plan contains no nonstandard or additional provisions other than those in Part 9 of the Plan, and that the Debtor(s) are aware of, and consent to the terms of this Plan.

Date: _____ Attorney for
Debtor(s)

If Debtor(s) are unrepresented, they must sign below.

Date: _____ Debtor

Date: _____ Joint Debtor