

Local Bankruptcy Form 315.1, 13 Plan

[Caption as in Bankruptcy Official Form No. 16B]

**[DO NOT DELETE ANY PROVISION OF THIS FORM
MARK PROVISIONS THAT DO NOT APPLY AS N/A
ANY ADDITIONAL PROVISIONS MUST BE RECITED IN PART IV. G]**

Chapter 13 Plan

(Date of Plan)

I. PLAN ANALYSIS

A. TOTAL DEBT PROVIDED FOR UNDER THE PLAN AND ADMINISTRATIVE EXPENSES

1. Total Priority Claims (Class One)
 - a. Unpaid attorney's fees \$ _____
Total attorney's fees are estimated to be \$ _____ of which \$ _____ has been prepaid.
 - b. Unpaid attorney's costs (estimated) \$ _____
 - c. Total Taxes \$ _____
Federal: _____ ; State: _____
 - d. Other \$ _____
2. Total of payments to cure defaults (Class Two) \$ _____
3. Total payment on secured claims (Class Three) \$ _____
4. Total of payments on unsecured claims (Class Four) \$ _____
5. Sub-total \$ _____
6. Total trustee's compensation (10% of debtor's payments) \$ _____
7. Total debt and administrative expenses \$ _____

B. RECONCILIATION WITH CHAPTER 7

1. Assets available to Class Four unsecured creditors if Chapter 7 filed
 - a. Value of debtor's interest in non-exempt property \$ _____

Property _____	FMV	less <u>Costs</u> of <u>Sale</u>	less <u>Liens</u>	X Debtor's <u>Interest</u>	less <u>Exemptions</u>	= <u>Net Value</u> -

- b. Plus: value of property recoverable under avoiding powers \$ _____
 - c. Less: estimated Chapter 7 administrative expenses \$ _____
 - d. Less: amounts payable to priority creditors other than costs of administration \$ _____
 - e. Equals: estimated amount payable to Class Four creditors if Chapter 7 filed (if negative, enter zero) \$ _____
2. Estimated payment to Class Four unsecured creditors under the Chapter 13 Plan \$ _____
plus any funds recovered from "other property" described in Section II.A.3 below.

II. PROPERTIES AND FUTURE EARNINGS SUBJECT TO THE SUPERVISION AND CONTROL OF THE TRUSTEE

A. The debtor submits to the supervision and control of the Trustee all or such portion of the debtor's future earnings or other future income as is necessary for the execution of the Plan, including:

1. Future earnings of \$ _____ per month which shall be paid to the trustee for a period of approximately _____ months, beginning _____, 20____.
2. Amounts necessary for the payment of Class Five post-petition claims: \$ _____.
3. Other property (specify): _____.

B. Debtor agrees to make payments under the Plan as follows:

VOLUNTARY WAGE ASSIGNMENT TO EMPLOYER:
(Employer's Name, address, telephone number)

DIRECT PAYMENT: From Debtor to Trustee

() _____

Paid in the following manner: _____

\$ _____ to be deducted _____ (weekly, monthly, per pay period, etc.)

III. CLASSIFICATION AND TREATMENT OF CLAIMS

A. Class One -- Claims entitled to priority under § 507, Title 11, United States Code. Unless other provision is made in paragraph III(C), each creditor in Class One shall be paid in full in deferred cash payments prior to the commencement of distributions to any other class (except that the payments to the Trustee shall be made by deduction from each payment made by the debtor to the Trustee) as follows:

- 1. Allowed administrative expenses
 - (a) Trustee's compensation (10% of amounts paid by debtor under this Plan) \$ _____
 - (b) Attorney's Fees (estimated and subject to allowance) \$ _____
 - (c) Attorney's Costs (estimated and subject to allowance) \$ _____
- 2. Federal Taxes \$ _____
- 3. State Taxes \$ _____
- 4. Other Taxes (describe) \$ _____
- 5. Other Class One Claims (if any) \$ _____

[] None

[] Priority support arrearage: Debtor owes past due support to _____ in the total amount of \$ _____ that will be paid as follows:

[] Distributed by the Trustee pursuant to the terms of the Plan; or

[] Debtor is making monthly payments via a wage order [] or directly [] (reflected on Schedule I or J) in the amount of \$ _____ to _____. Of that monthly amount, \$ _____ is for current support payments and \$ _____ is to pay the arrearage.

[] Other: _____

B. Class Two -- Defaults

1. **Class Two A (if none, indicate) -- Claims set forth below are secured only by an interest in real property that is the debtor's principal residence.** Defaults shall be cured and regular payments shall be made.

[] None

Creditor	Total Default Amount to be Cured ¹	Interest Rate	Total Amount to Cure Arrearage	No. of Months to Cure	Regular Payment per ____ (i.e. month, week, etc.) to be Made Directly to Creditor and Date of First Payment

2. **Class Two B (if none, indicate) -- Pursuant to 11 U.S.C. §1322(b)(5), secured (other than claims secured only by an interest in real property that is the debtor's principal residence) or unsecured claims set forth below on which the last payment is due after the date on which the final payment under the Plan is**

¹ The lesser of this amount or the amount specified in the Proof of Claim.

due. Defaults shall be cured and regular payments shall be made:

[] None

Creditor	Collateral	Total Default Amount to be Cured ¹	Interest Rate	Total Amount to Cure Arrearage	No. of Months to Cure	Regular Payment per ___ (i.e. month, week, etc.) to be Made Directly to Creditor and Date of First Payment

3. **Class Two C – Executory contracts and unexpired leases.** Executory contracts and unexpired leases are rejected, except the following which are assumed:

Other Party to Lease or Contract	Property, if any, Subject to the Contract or Lease	Total Amount to Cure, if any	No. of Months to Cure	Regular Monthly Payment Made Directly to Creditor and Date of First Payment

In the event that debtor rejects the lease or contract, creditor shall file a proof of claim or amended proof of claim reflecting the rejection of the lease or contract within 30 days of the entry of the order confirming this plan, failing which the claim may be barred.

C. Class Three -- All other allowed secured claims (other than those designated in Classes 2A and 2B above) shall be divided into separate classes and provided for as follows:

1. The following creditors shall retain the liens securing their claims, and they shall be paid the amount specified which represents the lesser of:
 - (A) the value of their collateral or
 - (B) the remaining balance payable on the debt over the period required to pay the sum in full.

Creditor	Specify Treatment (select A or B above)	Description of Collateral	Fair Market Value of Collateral	Amount of Debt as Scheduled	Interest Rate	Total Amount Payable

If debtor is proposing to modify the rights of a secured creditor, debtor must specifically serve such creditor in the manner specified in Fed.R.Bankr.P. 9014 and 7004.

2. The debtor surrenders the following property securing an allowed secured claim to the holder of such claim:

Creditor	Property	Anticipated Date of Surrender

Relief from the automatic stay to permit enforcement of the liens encumbering surrendered property shall be deemed granted by the Court at the time of confirmation of this Plan. With respect to property surrendered, no distribution on the creditor's claim shall be made unless that creditor shall file a proof of claim or an amended proof of claim to take into account the surrender of the property.

3. **Adequate Protection:** The following creditor(s) shall receive payments in the nature of adequate protection as follows:

Creditor	Collateral	Adequate Protection Payment Paid Through the Trustee	Adequate Protection Payment Paid By the Debtor(s)	Number of Months Until Regular Payments Under Plan

None

D. Class Four -- Allowed unsecured claims not otherwise referred to in the Plan. Class Four Claims are provided for as follows (check one):

- Class Four claims are of one class and shall be paid pro rata _____% of such claims (or shall share pro rata the sum of \$_____) and shall be paid all funds remaining after payment by the Trustee of all prior classes; or
- Class Four claims are divided into more than one class as follows:

E. Class Five -- Post-petition claims allowed under § 1305, Title 11, United States Code. Post-petition claims allowed under § 1305 shall be paid as follows: _____.

None

IV. OTHER PROVISIONS

A. Payment will be made directly to the creditor by the Debtor(s) on the following claims:

Creditor	Collateral, if any	Monthly Payment Amount	No. of Months to Payoff

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B. The effective date of this Plan shall be the date of entry of the Order of Confirmation.

C. ORDER OF DISTRIBUTION:

1. The amounts to be paid to the Class One creditors shall be paid in full, except that the Chapter 13 Trustee's fee shall be paid up to, but not more than, the amount accrued on actual payments made to date. After payment of the Class One creditors, the amounts to be paid to cure the defaults of the Class Two A, Class Two B and Class Two C creditors shall be paid in full before distributions to creditors in classes Three, Four, and Five (strike any portion of this sentence which is not applicable). The amounts to be paid to the Class Three creditors shall be paid in full before distributions to creditors in classes Four and Five. Distributions under the plan to unsecured creditors will only be made to creditors whose claims are allowed and are timely filed pursuant to Fed.R.Bankr.P. 3002 and 3004 and after payments are made to Classes One, Two A, Two B, Two C and Three above in the manner specified in Section III.
2. Distributions to classes of creditors shall be in accordance with the order set forth above, except:

D. MOTIONS TO VOID LIENS UNDER 11 U.S.C. § 522(f). In accordance with Fed.R.Bankr.P. 4003(d), Debtors intend to file, or have filed, *by separate motion served in accordance with Fed.R.Bankr.P. 7004*, a motion to void lien pursuant to 11 U.S.C. § 522(f) as to the secured creditors listed below:

Creditor	Collateral	Date Motion to Void Lien Filed	Date of Order Granting Motion or Pending

E. STUDENT LOANS:

- No student loans
- Student loans are to be treated as follows: _____

F. RESTITUTION

- No restitution owed
- Debtor owes restitution in the total amount of \$_____ which is paid directly to _____ in the amount of \$_____ per month for a period of _____ months.
- Debtor owes restitution to be paid as follows:

G. OTHER (List all additional provisions here.)

V. REVESTMENT OF PROPERTY IN DEBTOR

All Property of the estate shall vest in the debtor at the time of confirmation of this Plan.

VI. INSURANCE

Insurance in an amount to protect liens of creditors holding secured claims is currently in effect and will will not (check one) be obtained and kept in force throughout the period of the Plan.

Creditor to Whom This Applies	Collateral Covered	Coverage Amount	Insurance Company, Policy No. and Agent Name, Address and Telephone No.

Applicable policies will be endorsed to provide a clause making the applicable creditor a loss payee of the policy.

Dated: _____

Signature of Attorney for Debtor

Attorney's Address

City, State, and Zip Code

Telephone Number

Signature of Debtor

Signature of Co-Debtor Spouse