

December 7, 2012

Re: Advisory Committee on Bankruptcy Rules
Conference on an Official Form Chapter 13 Plan
and Related Amended Rules

Dear Judge Saltzman:

Thank you for agreeing to participate in the Conference on an Official Form Chapter 13 Plan and Related Amended Rules being held by the Advisory Committee on Bankruptcy Rules. As you know, the purpose of the conference is to provide feedback on the Committee's current drafts of an official form for chapter 13 plans and on rule amendments that would assist in implementing the form. I would like to give you some additional information about the conference and your role as a participant.

Location, date, and time of the conference

- The conference will be held on January 18, 2013 from 8:30 a.m. to 3 p.m. in Courtroom 2525 on the 25th floor of the Everett M. Dirksen U.S. Courthouse, 219 S. Dearborn St., Chicago, IL. Signs will be posted to direct you to the conference.

- In order to be present for the beginning of the conference, you should arrive at the courthouse by 8:15, to provide enough time for security clearance. The security officers will ask you to show government-issued identification.

- A continental breakfast, beginning at 7:30 a.m. and a catered lunch will be provided for all participants.

Attendees and participation

- The center of the courtroom will be set with a hollow square of tables, with places for Advisory Committee personnel and for our seventeen invited attendees. The conference will be open to the public as observers, with seating in the courtroom benches.

- Committee personnel most involved with drafting the plan form and rule amendments will be attending the conference, including, in addition to myself:

- Bankruptcy Judges Elizabeth Perris, Arthur Harris, and Judith Wizmur;
- Attorneys Christopher Kohn, John Rao, and Richardo Kilpatrick;
- Professors Elizabeth Gibson and Troy McKenzie, the Committee's reporters; and
- James Wannamaker, an attorney with the Administrative Office of the United States Courts.

Contact information for all of the members and associated personnel of the Advisory Committee is included as Attachment 1.

- The seventeen invited participants include representatives of several groups affected by the plan form and rule amendments: servicers, debtors, trustees, judges, and clerks. A complete list of the attendees, with contact information, is included as Attachment 2.

- Each of those seated around the tables will be expected to participate actively, with an opportunity to comment on any issue raised for discussion. The public observers may discuss issues during breaks, but will not engage in the discussion of issues during active sessions of the conference. The conference will be stenographically recorded.

Issues and method of presentation

- Members of the Advisory Committee have reviewed a number of issues and suggestions bearing on an official form for chapter 13 plans and related rule amendments. Reflecting this review, the committee members have developed a list of topics for discussion, divided into three areas. A list of these topics is included in the agenda for the conference, included as Attachment 3. The topics listed are not exclusive. You may raise other matters for discussion, and the final segment of the conference is designed specifically to allow open discussion. Attachment 4 is the current draft of the form and rule amendments, as well as a proposed form dealing with pre-confirmation adequate protection payments, which has not yet been discussed by members of the Committee.

- The agenda includes a list assigning each topic area to a panel of our invited attendees for initial presentation during the segment of the conference devoted to that topic area. Each segment has been given a specific time, and the panel should plan to spend no more than half of the allotted time in giving its initial presentation, with comments by the panel members. The balance of the segment will be used for discussion of the topic by all of the participants. Any time that is not needed for discussion of a given topic will be saved for the general discussion in the last segment.

- Each panel may present its assigned topic in whatever way it decides would be best. One or two panel members might lead the entire presentation, the issues may be given to each panel member for individual presentation, or the entire panel might present the issues through a conversation. The panel may determine that slides would be helpful, and a projector will be available.

- I have asked a member of the Advisory Committee to serve as a liaison to each panel, to help set up an initial conference call of the panel members in advance of the conference and to answer any questions that the panel may have about its presentation.

- The issues within each topic are not intended to reflect any judgment by the Advisory Committee as to their importance or validity. The panel is free to decide that particular listed issues do not require discussion.

- Each panel is invited to prepare brief written materials in pdf format and submit them to James Wannamaker via email no later than January 11. His email address is James.Wannamaker@ao.uscourts.gov. Mr. Wannamaker will compile all the written materials and circulate them via email to all participants. Feel free to include in your written materials discussion of issues within your topic that your panel has decided not to cover during the oral presentation because of time constraints.

If you have questions about any of these matters, please let me know.

Once again, thank you for your help. I look forward to seeing you in Chicago.

Sincerely,

A handwritten signature in black ink, appearing to read "Eugene R. Wedoff". The signature is fluid and cursive, with the first name "Eugene" written in a larger, more prominent script than the last name "Wedoff".

Eugene R. Wedoff
Chair, Advisory Committee on Bankruptcy Rules

Attachment 1
Members and Personnel of the Advisory Committee
Attending the Conference

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John Rao
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James H. Wannamaker III
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Honorable Eugene R. Wedoff
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Attachment 2
Invited Participants in the Conference

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Attachment 3
Agenda for the Conference on an Official Form Chapter 13 Plan and
Related Amended Rules:
Topics, Schedule, and Panel Assignments

8:30 - 8:45 **Welcome and Introductions**

8:45 – 10:30 **Panel 1. *The Draft Form Plan***

Panelists: Glenn Stearns, Judge Connelly, Billy Brewer, Mary Beth Ausbrooks, Kathy Huffman, Lawrence Friedman
Committee Liaison: John Rao

Questions for discussion:

- Is the plan organized in a logical manner?
- Is the length of the plan a concern?
- Does the plan omit provisions that are necessary or frequently used?
- Does the plan include provisions that are unnecessary or infrequently used?
- Does the plan give sufficient guidance as to its operation after confirmation?
- Does the plan appropriately emphasize areas that present key issues in the chapter 13 process?
- Will the plan work in both mortgage conduit and non-conduit jurisdictions?
- Should the plan specify a different treatment of home mortgages and other secured claims if relief from the automatic stay is granted?
- Does the plan appropriately treat the inclusion of non-standard provisions?
- Is it advisable to propose a form dealing with pre-confirmation adequate protection payments? Is the proposed form suitable for this purpose?

10:30 - 10:45 **Break**

10:45 – 12:00 **Panel 2. *Draft Rule Amendments I***

Panelists: Debra Miller, Judge Saltzman, Tara Twomey, Alane Beckett, Ramona Elliott
Committee Liaison: Judge Harris

Questions for discussion:

- Draft Rule 3002(a) requires a secured creditor to file a proof of claim in order to have an allowed secured claim. Does this amendment present particular concerns?
- Draft Rule 3002(c) changes the deadline for filing proofs of claim in chapter 13 cases to 60 days after the petition date so that proofs of claim are filed before the confirmation hearing date established by Code § 1324(b). Is this amendment an improvement over the current rule?

- Several interrelated rule amendments would provide that the validity, amount, and treatment of a claim under the plan will control over a proof of claim. Draft Rule 3012, together with draft Rule 3015(g), provide that the plan may make a binding determination of the amount of an allowed secured claim, as well as the amount of a claim entitled to priority treatment, subject to ultimate resolution at the confirmation hearing. Draft Rule 3007, in turn, provides an exception to the need to file a claim objection if claim allowance is resolved under Rule 3012. Similarly, draft Rule 4003(d) makes clear that a plan may provide for avoidance of liens under Code § 522(f). And draft Rule 7001 makes clear that an adversary proceeding is not necessary to determine the validity, priority, or extent of a lien resolved through a plan. Do these amendments present particular concerns?
- If any proposed amendment raises particular concerns, what alternative would you suggest, and how would the suggested alternative impact the draft plan?

12:00 – 12:45 Lunch (catered lunch will be provided)

12:45- 2:00 Panel 3. *Draft Rule Amendments II*

Panelists: Kevin Anderson, Judge Brown, John Colwell, Andrew Altenburg, Michael Bates
Committee Liaison: Judge Perris

Questions for discussion:

- Draft Rule 3015(c) requires the use of the official form plan in all chapter 13 cases. Draft Rule 9009 limits modification of official forms so designated, including the form chapter 13 plan. Are these amendments advisable?
- Draft Rule 5009 provides that a debtor may obtain an order declaring that a lien has been satisfied, and that the order will be effective as a release of the lien. This provision is intended to facilitate documentation for title purposes. Does this amendment present concerns with respect to the timing of the order? Are there other concerns raised by this amendment?
- Several draft rule amendments concern service and notice in chapter 13 cases. Draft Rule 3015(d) is intended to ensure that creditors receive a copy of the plan before confirmation. Draft Rule 3015(f) provides that objections to confirmation must be filed and served seven-days prior to the confirmation hearing. Draft Rule 3015(h) deals with notice of a modification of the plan after confirmation. Do these provisions adequately provide for notice to interested parties?
- Some of the draft amendments require enhanced service. Draft Rule 3012 provides that a request to determine the amount of secured and priority claims under a plan must be served in accordance with Rule 7004's requirements for adversary proceedings. Draft Rule 4003(d), which concerns a plan proposing lien avoidance under Code § 522(f), and draft Rule 5009 also require service in accordance with Rule 7004. Are these enhanced service provisions appropriate?

- Because draft Rule 3015(f) sets a seven-day default deadline for objections to plan confirmation, current Rule 2002(b)(2) would effectively require that notice of the confirmation hearing be given at least 35 days before the hearing. Should the Rules Committee consider amending Rule 2002(b)(2) to provide either for 21 days' notice of the deadline to file objections to confirmation or 35 days' notice of the confirmation hearing?
- If any proposed amendment raises particular concerns, what alternative would you suggest, and how would the suggested alternative impact the draft plan?

2:15 - 3:00

Open forum to raise and discuss issues not previously addressed or fully covered, including the value of a national form for chapter 13 plans

3. **Additional payments to the trustee will be made as follows:**

Check all that apply:

- Debtor(s) will turn over to the trustee:
 - any tax refunds received during the plan term
 - any tax refunds in excess of \$ _____ received during the plan term
- Other sources of funding, including the sale of property. Describe the source, amount, and date when available:

4. **The estimated total amount of plan payments is \$ _____.**

5. **The estimated term of the plan is _____ months.**

Part 2: Treatment of Secured Claims

6. **Cure of default and maintenance of payments**

The debtor(s) will cure the default and maintain the contractual installment payments on the secured claims listed below. The allowed claim for the arrearage amount, if any, will be paid under the plan, with interest if specified, at the rate stated. [For discussion: Unless otherwise ordered by the court, upon entry of an order granting relief from the automatic stay, payments under this paragraph will cease and the moving creditor's secured claim will be treated by surrender.]

Name of creditor	Collateral	Current installment payment (including escrow payment)	Amount of arrearage	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage or other payment arrangement	Total amount of arrearage
		Payment: \$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)				
		Payment: \$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)				

7. **Determination of allowed secured claims and claim modification**

The claims listed below are allowed secured claims only to the extent of the value of the creditor's interest in the collateral as provided under 11 U.S.C. § 506(a). Unless a creditor timely objects to confirmation, the value of the creditor's interest in the collateral will be the amount of the allowed secured claim listed below, and it will be paid in full under the plan with interest at the rate stated below.

The portion of any allowed claim that exceeds the amount of the allowed secured claim will be treated as an unsecured claim under Part 4 of this plan. If the amount of a creditor's allowed 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 4 of this plan.

The holder of any allowed secured claim, other than a mortgage treated in Part 2, Section 6, will retain the lien until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) discharge under 11 U.S.C. § 1328(a), at which time the lien will terminate and be released by the creditor. See Bankruptcy Rule 3015.

Name of creditor	Amount of creditor's claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim to be paid	Interest rate	Monthly plan payment	Total amount of secured claim

8. **Secured claims excluded from 11 U.S.C. § 506**

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.

Name of creditor	Collateral	Amount of claim to be paid	Interest rate	Monthly plan payment	Total amount of secured claim

9. **Judicial lien avoidance**

The judicial liens securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U. S. C. § 522(b). A judicial lien securing a claim listed below will be avoided to the extent that the lien impairs such exemptions upon entry of the order confirming the plan. The amount of the lien that is avoided will be treated as an unsecured claim in Part 4. The amount of the lien 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).

Name of creditor	Collateral	Judgment lien information (such as judgment date, date of lien recording, book and page number)	Calculation of lien avoidance	Interest rate (if applicable)	Monthly plan payment (if applicable)	Total amount of secured claim
			a. Amount of judicial lien \$ _____ b. Amount of all other liens \$ _____ c. Value of claimed exemptions \$ _____ d. Total: Lines a + b + c = line d \$ _____ e. Value of debtor's interest in property \$ _____ f. Subtract line e from line d \$ _____ Extent of exemption impairment (Check applicable box): <input type="checkbox"/> Line f is equal to or greater than line a. The entire lien is avoided. <input type="checkbox"/> Line f is less than line a. A portion of the lien is avoided. Amount of lien not avoided: Subtract line f from line a \$ _____			
			a. Amount of judicial lien \$ _____ b. Amount of all other liens \$ _____ c. Value of claimed exemptions \$ _____ d. Total: Lines a + b + c = line d \$ _____ e. Value of debtor's interest in property \$ _____ f. Subtract line e from line d \$ _____ Extent of exemption impairment (Check applicable box): <input type="checkbox"/> Line f is equal to or greater than line a. The entire lien is avoided. <input type="checkbox"/> Line f is less than line a. A portion of the lien is avoided. Amount of lien not avoided: Subtract line f from line a \$ _____			

10. **Nonpossessory, nonpurchase-money security interest avoidance**

The nonpossessory, nonpurchase-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). A security interest securing a claim listed below shall be avoided to the extent that the security interest impairs such exemptions upon entry of the order confirming the plan. The amount of the security interest that is avoided will be treated as an unsecured claim in Part 4. The amount of the 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).

Name of creditor	Collateral	Amount of security interest not avoided and paid as secured claim	Interest rate (if applicable)	Monthly plan payment (if applicable)	Total amount of secured claim
		a. Amount of security interest \$ _____ b. Amount of all other liens \$ _____ c. Value of claimed exemptions + \$ _____ d. Total: Lines a + b + c = line d \$ _____ e. Value of debtor's interest in property \$ _____ f. Subtract line e from line d \$ _____ Extent of exemption impairment (Check applicable box): <input type="checkbox"/> Line f is equal to or greater than line a. The entire security interest is avoided. <input type="checkbox"/> Line f is less than line a. A portion of the security interest is avoided. Amount of security interest not avoided: Subtract line f from line a \$ _____			
		a. Amount of security interest \$ _____ b. Amount of all other liens \$ _____ c. Value of claimed exemptions + \$ _____ d. Total: Lines a + b + c = line d \$ _____ e. Value of debtor's interest in property \$ _____ f. Subtract line e from line d \$ _____ Extent of exemption impairment (Check applicable box): <input type="checkbox"/> Line f is equal to or greater than line a. The entire security interest is avoided. <input type="checkbox"/> Line f is less than line a. A portion of the security interest is avoided. Amount of security interest not avoided: Subtract line f from line a \$ _____			

11. Surrender of collateral

The debtor(s) elect to surrender to the creditors listed below the personal or real property that is collateral for the claim. The debtor(s) consent to termination of the stay with respect to the collateral upon confirmation of the plan. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 4 below.

Name of creditor	Collateral

Part 3: Treatment of Administrative and Other Priority Claims

12. Trustee's fees

Fees of the standing trustee will be paid in full, without interest.

These fees are estimated to be _____% of plan payments; and during plan term, they are estimated to total \$_____.

13. Attorney's fees

Fees of the attorney, in the amount of \$_____, will be paid in full, without interest.

14. Other priority claims

The allowed priority claims listed below will be paid in full.

Name of creditor	Basis for priority treatment	Amount of claim to be paid	Interest rate (if applicable)	Total amount of claim

15. Domestic support obligations assigned to a governmental unit and paid less than full amount

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4).

Name of creditor	Amount of claim to be paid	Interest rate (if applicable)	Total amount of claim

Part 4: Treatment of Nonpriority Unsecured Claims

16. Cure of default and maintenance of payments

The debtor(s) will cure the default and maintain the contractual installment payments on the unsecured claims listed below on which the last payment is due after the final plan payment. The allowed claim for the arrearage amount will be paid under the plan.

Name of creditor	Current installment payment	Amount of arrearage to be paid
	Payment: \$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	

Payment: \$ _____

Disbursed by:

- Trustee
- Debtor(s)

17. Separately classified nonpriority unsecured claims

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 to be paid	Interest rate (if applicable)	Total amount of claim

18. Nonpriority unsecured claims

Nonpriority unsecured allowed claims that are not separately classified will be paid not less than:

Check the applicable box:

- The sum of \$ _____ to be distributed on a pro rata basis
- _____ % of allowed claims
- The funds remaining after disbursements have been made to all other creditors provided for in this plan, to be distributed on a pro rata basis.

19. Interest

Interest on allowed unsecured claims, other than separately classified nonpriority unsecured claims, will (check the applicable box):

- Not be paid
- Be paid at an annual percentage rate of _____ % under 11 U.S.C. § 1325(a)(4), and is estimated to total \$ _____.

Part 5: Executory Contracts and Unexpired Leases

20. All executory contracts and unexpired leases are rejected, except those listed below, which are assumed and will be treated as provided for below or under another specified provision of the plan.

Name of creditor	Property description	Treatment (Refer to other plan section if applicable)	Current installment payment	Amount of arrearage to be paid
			Payment: \$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	
			Payment: \$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	

Part 6: Order of Distribution

21. The trustee will pay allowed claims in the following order:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____
- g. _____

Part 7: Summary of Plan Disbursements by Trustee

22. From the payments received from the debtor(s), the trustee will make the following estimated disbursements on allowed claims:

a. Current installment payments on secured claims (Part 2, Section 6 total):	\$ _____
b. Arrearage payments on secured claims (Part 2, Section 6 total)	\$ _____
c. Allowed secured claims (Part 2, Section 7 total):	\$ _____
d. Secured claims not subject to 11 U.S.C. § 506 (Part 2, Section 8 total):	\$ _____
e. Judicial liens not avoided (Part 2, Section 9 total):	\$ _____
f. Security interests not avoided (Part 2, Section 10 total):	\$ _____
g. Administrative and other priority claims (Part 3 total):	\$ _____
h. Current installment payments on unsecured debts (Part 4, Section 16 total):	\$ _____
i. Arrearage payments on unsecured debts (Part 4, Section 16 total):	\$ _____
j. Separately classified unsecured claims (Part 4, Section 17 total):	\$ _____
k. Nonpriority unsecured claims (Part 4, Section 18 total):	\$ _____
l. Interest on allowed unsecured claims (Part 4, Section 19 total)	\$ _____
m. Arrearage payments on executory contracts and unexpired leases (Part 4, Section 20 total):	+
	\$ _____
Total of 22a through 22m	\$ _____

Part 8: Claims of Governmental Units

23. This plan is not binding with respect to any claim of a governmental unit that is:

- (a) timely filed after confirmation of this plan, and
- (b) inconsistent with the treatment of such claim under this plan.

Part 9: Vesting of Property of the Estate

24. Property of the estate shall revest in the debtor(s) upon

Check the applicable box:

- Plan confirmation
- Closing of case
- Other: _____

Part 10: Non-standard Plan Provisions

Under Bankruptcy Rule 3015(c), non-standard provisions are required to be set forth below.

Part 11: Signatures

Debtors (Sign only if not represented by an attorney)	x _____ Signature of debtor	Date _____ MM / DD / YYYY
	x _____ Signature of debtor	Date _____ MM / DD / YYYY
Debtors' Attorney	x _____ Signature of debtor's attorney	Date _____ MM / DD / YYYY

2. Preliminary Discussion Draft of Forms for Pre-confirmation Adequate Protection Payments

**Notice of Proposed Adequate Protection Payments,
Order for Adequate Protection Payments and Opportunity to Object**

The Debtor through Counsel, states as follows:

1. On _____, the Debtor(s) filed a petition under Title 11 commencing a Chapter 13 case.
2. The debtor proposes to make adequate protection payments, pursuant to § 1326 (a) (1) (c), beginning no later than 30 days after the order for relief, to the holders of the allowed secured claims and in the amounts specified below:

Secured Creditor	Collateral Description	Adequate Protection Payment

3. The proposed adequate protection payments shall be made, until the debtor’s plan is confirmed, in the following manner:
 - (a) The trustee will disburse the payments monthly from the plan payments received from the debtor.
 - (b) The debtor will disburse the payments monthly, and will (1) reduce the plan payments made to the Trustee and (2) provide evidence of such payment to the Trustee, such as a copy of a check or money order, that includes the date and amount of the payment.
 - (c) Other: _____.

Dated: _____

Debtor _____

Counsel

By: _____

Approved: _____

Chapter 13 Trustee

I, _____, Counsel for the Debtor, hereby certify that I have today, the ____ day of _____, _____, mailed a copy of (this) (the foregoing) Notice of Adequate Protection and Order _____ to the following Creditor(s) in the following manner: (Name and address of creditors served)

Order for Adequate Protection Payments and Opportunity to Object

This case coming before the Court on the Debtor's Notice of Proposed Adequate Protection Payments, It is hereby ordered that the Debtor or Trustee is authorized to make the Adequate Protection Payment as set forth therein.

IF A CREDITOR OR OTHER PARTY IN INTEREST HAS ANY OBJECTION TO THE ADEQUATE PROTECTION PAYMENTS DETAILED IN THIS ORDER, A WRITTEN OBJECTION MUST BE FILED WITH THE U.S. BANKRUPTCY COURT CLERK WITHIN 21 DAYS OF THE DATE THIS ORDER IS ENTERED.

Dated: _____

United States Bankruptcy Judge

1 **Rule 3007. Objections to Claims**

2
3 (a) OBJECTIONS TO CLAIMS. An objection to the allowance of a claim shall
4 be in writing and filed. ~~Except to the extent that a determination of the allowance~~
5 ~~of a claim is made under Rule 3012 in connection with plan confirmation in a~~
6 ~~chapter 12 or 13 case, a~~ A copy of the objection with notice of the hearing thereon
7 shall be mailed or otherwise delivered to the claimant, the debtor or debtor in
8 possession and the trustee at least 30 days prior to the hearing.

9 * * *

1 **Rule 3012. ~~Valuation of Security~~ Determination of the Amount of Secured**
2 **and Priority Claims**

3 ~~The court may determine the value of a claim secured by a lien on property in which the~~
4 ~~estate has an interest on motion of any party in interest and after a hearing on notice to~~
5 ~~the holder of the secured claim and any other entity as the court may direct.~~

6 On request of a party in interest and after notice—to the holder of the
7 claim and any other entity designated by the court—and a hearing, the court may
8 determine

- 9 (a) the amount of an allowed secured claim under § 506(a) of the Code,
10 (b) the amount necessary to cure any default as of the date of the petition,
11 or
12 (c) the amount of a claim entitled to priority under § 507 of the Code.

13 The request may be made by motion, in a plan filed in a chapter 12 or 13
14 case, or in a claim objection. The request shall be served on the holder of the
15 claim and any other entity designated by the court in the manner provided for
16 service of a summons and complaint by Rule 7004. Determinations under this
17 rule may be made with respect to a claim of a governmental unit only after a proof
18 of claim has been filed by the governmental unit or after the time for filing a proof
19 of claim under Rule 3002(c)(1) has expired.

1 **Rule 3015. Filing, Objection to Confirmation, **Effect of Confirmation** and**
2 **Modification of a Plan in a Chapter 12 ~~Family Farmer Debt Adjustment~~ or a**
3 **Chapter 13 ~~Individual's Debt Adjustment~~ Case**

4 (a) **FILING OF** CHAPTER 12 PLAN. The debtor may file a chapter 12 plan with
5 the petition. If a plan is not filed with the petition, it shall be filed within the time
6 prescribed by § 1221 of the Code.

7 (b) **FILING OF** CHAPTER 13 PLAN. The debtor may file a chapter 13 plan with
8 the petition. If a plan is not filed with the petition, it shall be filed within 14 days
9 thereafter, and such time may not be further extended except for cause shown and
10 on notice as the court may direct. If a case is converted to chapter 13, a plan shall
11 be filed within 14 days thereafter, and such time may not be further extended
12 except for cause shown and on notice as the court may direct.

13 (c) ~~DATING. Every proposed plan and any modification thereof shall be dated.~~
14 **FORM OF CHAPTER 13 PLAN. The plan filed in a chapter 13 case shall be**
15 **prepared as prescribed by the appropriate Official Form. Provisions not otherwise**
16 **included in the Official Form or deviating from provisions of the Official Form**
17 **shall not be effective unless they are included in a section of the Official Form**
18 **that is designated for non-standard provisions and are also identified in**
19 **accordance with any other requirements of the Official Form.**

20 (d) ~~NOTICE AND COPIES. If the plan~~ The plan or a summary of the plan shall
21 ~~be~~ **is not** included with ~~the~~ **each** notice of the hearing on confirmation mailed
22 pursuant to Rule 2002, **the debtor shall serve the plan on the trustee and all**
23 **creditors when it is filed with the court.** ~~If required by the court, the debtor shall~~
24 ~~furnish a sufficient number of copies to enable the clerk to include a copy of the~~
25 ~~plan with the notice of the hearing.~~

26 (e) TRANSMISSION TO UNITED STATES TRUSTEE. The clerk shall
27 forthwith transmit to the United States trustee a copy of the plan and any
28 modification thereof filed pursuant to subdivision (a) or (b) of this rule.

29 (f) OBJECTION TO CONFIRMATION; DETERMINATION OF GOOD FAITH
30 IN THE ABSENCE OF AN OBJECTION. An objection to confirmation of a plan
31 shall be filed and served on the debtor, the trustee, and any other entity designated

32 by the court, and shall be transmitted to the United States trustee, ~~before~~
33 ~~confirmation of the plan~~ **at least seven days before the hearing on confirmation,**
34 **unless otherwise ordered by the court.** An objection to confirmation is governed
35 by Rule 9014. If no objection is timely filed, the court may determine that the
36 plan has been proposed in good faith and not by any means forbidden by law
37 without receiving evidence on such issues.

38 **(g) EFFECT OF CONFIRMATION.** Any determination made under Rule 3012
39 **of the validity, amount and treatment of a claim filed in a chapter 12 or 13 case**
40 **shall be binding on the holder of the claim notwithstanding any contrary proof of**
41 **claim filed by the holder in accordance with Rule 3001 or any scheduling of that**
42 **claim by the debtor pursuant to § 521(a) of the Code, whether or not any objection**
43 **has been filed to the claim under Rule 3007.**

44 ~~(g)~~ **(h) MODIFICATION OF PLAN AFTER CONFIRMATION.** A request to
45 modify a plan pursuant to § 1229 or § 1329 of the Code shall identify the
46 proponent and shall be filed together with the proposed modification. The clerk,
47 or some other person as the court may direct, shall give the debtor, the trustee, and
48 all creditors not less than 21 days' notice by mail of the time fixed for filing
49 objections and, if an objection is filed, the hearing to consider the proposed
50 modification, unless the court orders otherwise with respect to creditors who are
51 not affected by the proposed modification. A copy of the notice shall be
52 transmitted to the United States trustee. A copy of the proposed modification, or a
53 summary thereof, shall be included with the notice. ~~If required by the court, the~~
54 ~~proponent shall furnish a sufficient number of copies of the proposed~~
55 ~~modification, or a summary thereof, to enable the clerk to include a copy with~~
56 ~~each notice.~~ **If a copy is not included with the notice and the proposed**
57 **modification is sought by the debtor, a copy shall be served on the trustee and all**
58 **creditors in the manner provided for service of the plan by subdivision (d) of this**
59 **rule.** Any objection to the proposed modification shall be filed and served on the
60 debtor, the trustee, and any other entity designated by the court, and shall be
61 transmitted to the United States trustee. An objection to a proposed modification
62 is governed by Rule 9014.

1 **Rule 4003. Exemptions**

2 * * *

3 (d) AVOIDANCE BY DEBTOR OF TRANSFERS OF EXEMPT PROPERTY.

4 A proceeding by the debtor to avoid a lien or other transfer of property exempt
5 under § 522(f) of the Code shall be **commenced** by motion **in the manner provided**
6 **for by** ~~in accordance with~~ Rule 9014 **or by a chapter 12 or 13 plan served in the**
7 **manner provided by Rule 7004 for service of a summons and complaint.**

8 Notwithstanding the provisions of subdivision (b), a creditor may object to a
9 motion or chapter 12 or 13 plan provision filed under § 522(f) by challenging the
10 validity of the exemption asserted to be impaired by the lien.

1 **Rule 5009. Closing Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt**
2 **Adjustment, and Chapter 13 Individual's Debt Adjustment, and Chapter 15**
3 **Ancillary and Cross-Border Cases; Order Declaring Lien Satisfied**

4 (a) **CLOSING OF CASES UNDER CHAPTERS 7, 12, AND 13.** ~~Cases under~~
5 ~~chapters 7, 12, and 13.~~ If in a chapter 7, chapter 12, or chapter 13 case the trustee
6 has filed a final report and final account and has certified that the estate has been
7 fully administered, and if within 30 days no objection has been filed by the United
8 States trustee or a party in interest, there shall be a presumption that the estate has
9 been fully administered.

10 (b) **NOTICE OF FAILURE TO FILE RULE 1007(b)(7) STATEMENT.** ~~Notice of~~
11 ~~failure to file Rule 100(b)(7) statement.~~

12 * * *

13 (c) **CASES UNDER CHAPTER 15.** ~~Cases under chapter 15.~~

14 * * *

15 (d) **ORDER DECLARING LIEN SATISFIED.** In a chapter 12 or chapter 13 case,
16 if a claim is subject to a lien under applicable nonbankruptcy law, and the debtor
17 contends that (1) any portion of the claim that is an allowed secured claim has been
18 fully paid, and (2) any other portion of the claim has been discharged, the debtor
19 may request entry of an order determining that the lien has been satisfied. The
20 request shall be made by motion and shall be served on the holder of the claim and

21 any other entity designated by the court in the manner provided by Rule 7004 for
22 service of a summons and complaint. An order entered under this subdivision
23 shall be effective as a release of the lien.

1 **Rule 7001. Scope of Rules of Part VII**

2 An adversary proceeding is governed by the rules of this Part VII. The
3 following are adversary proceedings:

4 * * *

5 (2) a proceeding to determine the validity, priority, or extent of a lien or
6 other interest in property, ~~other than~~ **not including** a proceeding under **Rule 3012**
7 **or** Rule 4003(d);

8 * * *

1 **Rule 9009. Forms**

2 **(a) OFFICIAL FORMS.** Except as otherwise provided in ~~Rule 3016(d)~~, **these**
3 **rules, or on the Official Form itself**, the Official Forms prescribed by the Judicial
4 Conference of the United States shall be ~~observed and used with alterations as may~~
5 **be appropriate as prescribed, although the filer may expand the space provided to**
6 **permit complete responses, and may condense the form as appropriate, without**
7 **changing the substance of the form.** ~~Forms may be combined and their contents~~
8 ~~rearranged to permit economies in their use.~~

9 **(b) DIRECTOR'S FORMS.** The Director of the Administrative Office of the
10 United States Courts may issue additional forms for use under the Code.

11 **(c) CONSTRUCTION.** The forms shall be construed to be consistent with these
12 rules and the Code.