

1 *[Attorney Information]*

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IN THE UNITED STATES BANKRUPTCY COURT

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FOR THE DISTRICT OF ARIZONA

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9 In re

Chapter 13

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*DEBTOR A,*

Case No. *[case number]*

11

and

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*DEBTOR B,*

**STIPULATED ORDER CONFIRMING *[FIRST, SECOND] [AMENDED, MODIFIED] CHAPTER 13 PLAN***

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Debtors.

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The Chapter 13 *[First, Second] [Amended, Modified]* Plan having been properly noticed out to creditors and any objection to confirmation having been resolved,

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**IT IS ORDERED** confirming the *[First, Second] [Amended, Modified]* Plan ("Plan") of the Debtors as follows:

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(A) **INCOME SUBMITTED TO THE PLAN.** Debtors shall submit the following amounts of future income to the Trustee for distribution under the Plan.

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(1) Future Earnings or Income. Debtors shall make the following monthly Plan payments:

22

Months

Amount

23

1-60

*[\$[monthly amount]*

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The payments are due on or before the \_\_\_\_\_ day of each month commencing \_\_\_\_\_, 201\_\_\_\_. Debtors are advised that when payments are remitted late, additional interest may accrue on secured debts which may result in a funding shortfall at the end of the Plan term. Any funding shortfall must be cured before the plan is deemed completed.

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The Debtors shall provide to the Trustee copies of their **federal** and **state** income tax returns for post-petition years \_\_\_\_\_ - \_\_\_\_\_ within 30 days of filing them. The purpose is to assist the Trustee in determining any change in Debtors' annual disposable income.

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2 (2) Other Property. [State "None" or as applicable] The Debtors shall provide, directly to the  
3 Trustee their net federal and state income tax refunds for the years [YYYY] through [YYYY], as  
4 supplements to the plan. In the event that other property is submitted, it shall be treated as  
5 supplemental payments.

6 (B) **DURATION.** This Plan shall continue for \_\_\_\_ months from the first regular monthly  
7 payment described in Paragraph (A)(1) above. If at any time before the end of the Plan period all  
8 claims are paid, then the Plan shall terminate. In no event will the term of the Plan be reduced to  
9 less than [36, 60] months, exclusive of any property recovered by the Trustee, unless all allowed  
10 claims are paid in full.

11 (C) **CLASSIFICATION AND TREATMENT OF CLAIMS.** Claims shall be classified as listed below.  
12 The Plan and this Order shall not constitute an informal proof of claim for any creditor. This Order  
13 does not allow claims. Claims allowance is determined by § 502 and the Federal Rules of  
14 Bankruptcy Procedure. The Trustee shall receive the percentage fee on the Plan payments pursuant  
15 to 28 U.S.C. § 586(e), then the Trustee will pay secured creditors or allowed claims in the following  
16 order:

17 (1) Administrative expenses:

18 Attorney Fees. [Attorney name], shall be allowed total compensation of \$[total  
19 amount]. Counsel received \$[retainer amount] prior to filing this case and will be paid  
20 \$[balance to be paid] by the Chapter 13 Trustee.

21 (2) Claims Secured by Real Property:

22 (a) [First mortgage creditor], secured by a first deed of trust in the Debtors' residence,  
23 shall be paid the prepetition arrearage of \$[amount] with 0% interest. Regular post-  
24 petition payments will be made directly by the Debtors to the secured creditor.

25 (b) [Mortgage creditor], secured by a second deed of trust in the Debtors' residence,  
26 shall be paid the prepetition arrearage of \$[amount] with 0% interest. Regular  
27 postpetition payments will be made by the Debtors to the secured creditor.

28 [Option: [Mortgage creditor], secured by a second deed of trust in the Debtors'  
residence, shall have its entire debt classified as an unsecured debt. Upon  
completion of the Plan, [second mortgage creditor] shall release its lien in the real  
property.

[Option: [Mortgage creditor], secured by a second deed of trust in the Debtors'  
residence, shall have its entire debt classified as an unsecured debt. Debtors will file  
an adversary proceeding to avoid the lien in the property.

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(c) [County treasurer, HOA], secured by a statutory lien in the Debtors' residence for [describe], shall be paid the prepetition arrearage of \$[amount] with [interest rate]% interest. All post-petition property taxes shall be paid directly by the Debtors to [County treasurer, HOA].

(3) Claims Secured by Personal Property:

(a) [Secured creditor], secured by a lien in a [collateral], shall be paid a secured claim of \$[amount to be paid] with [interest rate]% interest. The creditor will receive adequate protection payments of \$[AP amount] per month. The balance of the debt shall be classified as unsecured.

(b) [Secured creditor], secured by a lien in a [collateral], shall be paid a secured claim of \$[amount to be paid] with [interest rate]% interest. The creditor will receive adequate protection payments of \$[AP amount] per month. The balance of the debt shall be classified as unsecured.

(4) Unsecured Priority Claims:

(a) [Creditor] shall be paid an unsecured priority claim of \$[amount] with no interest for [describe type].

(b) [Creditor] shall be paid an unsecured priority claim of \$[amount] with no interest for [describe type].

(5) Surrendered Property.

Upon confirmation of this plan or except as otherwise ordered by the Court, bankruptcy stays are lifted as to collateral to be surrendered. Such creditor shall receive no distribution until the creditor timely files a claim or an amended proof of claim that reflects any deficiency balance remaining on the claim. Assuming the creditor has an allowed proof of claim, should the creditor fail to file an amended claim consistent with this provision, the Trustee need not make any distributions to that creditor. Debtors surrender the following property:

The Debtors will surrender [describe property] in which [secured creditor] has a security interest.

(6) Other Provisions:[State "None" or as applicable].

(7) Unsecured Nonpriority Claims. Claims allowance is determined by § 502 and the Federal Rules of Bankruptcy Procedure. Allowed unsecured claims shall be paid pro rata the

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balance of the payments under the Plan and any unsecured debt balance remaining unpaid upon completion of the Plan may be discharged as provided in 11 U.S.C. § 1328.

(D) **EFFECTIVE DATE AND VESTING.** The effective date of the Plan shall be the date of this Order. Property of the estate vests in Debtors *[remains property of the bankruptcy estate]* upon confirmation, subject to the rights of the Trustee to assert a claim to any additional property of the estate pursuant to 11 U.S.C. § 1306.

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**ORDER SIGNED ABOVE**

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Approved as to Form and Content By:

\_\_\_\_\_  
*[Trustee name]*, Trustee

\_\_\_\_\_  
*[Attorney name]*  
Attorney for Debtors

The Debtors certify: All required State and Federal income tax returns have been filed. No domestic support obligation is owed or, if owed, such payments are current since the filing of the Petition.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Debtor