THE OFFICE OF THE U.S. TRUSTEE REGION 14

SO YOU ARE GOING TO FILE A CHAPTER 13 PLAN... WHAT NEXT?

ILENE J. LASHINSKY, U.S. TRUSTEE

RUSSELL BROWN, CHAPTER 13 TRUSTEE

DIANNE C. KERNS, CHAPTER 13 TRUSTEE

EDWARD J. MANEY, CHAPTER 13 TRUSTEE



Pre-Filing Considerations

- Quality of Document = Attorney Involvement
- Less Attorney Involvement = Less Importance Debtor Ascribes to Case
- Be Thorough in the Information Gathering Process
- Be an Issue Spotter, Think about Consistency Throughout Case
- "We'll Amend It Later"
- Prepare Debtors for Document Requests by Trustee
- Clearly Set Out in Writing the Responsibilities of the Debtors in Their Case

Drafting the Chapter 13 Plan

[Attorney name, bar # Attorney address Attorney city, state zip Attorney phone number Attorney fax number Attorney email]

UNITED STATES BANKRUPTCY COURT DISTRICT OF ARIZONA

DISTRICT O	F ARIZONA
In re	Case No. [case number]
[Debtor name(s)],	CHAPTER 13 PLAN AND APPLICATION FOR PAYMENT OF ADMINISTRATIVE EXPENSES
SSN xxx-xx SSN xxx-xx [Debtor address]	□ Original □ [state if First, Second] Amended □ [state if First, Second] Modified
	□ Plan payments include post-petition mortgage payments
This Plan may affect creditor rights. If you object to the treatm objection by the deadline set forth in a Notice of Date to File Objection by the deadline set forth in a Notice of Date to File Objection "Debtor" means both Debtors. This plan does not allow claim, you must file a proof of claim with the Bankruptcy Court, eve a proof of claim were specified in the Notice of Commencement of Commencement of the proposed treatment of its debt in this Plan must timely file an object to the proposed treatment of the proposed treatment of the debt in this Plan must timely file an object to the proposed treatment of the debt in this Plan must timely file and object to the treatment of the deadline set for the deadline set for the proposed treatment of the deadline set for the deadlin	s or affect the timeliness of any claim. To receive payment on your n if this Plan provides for your debt. The applicable deadlines to file case. Except as provided in § 1323(c), a creditor who disagrees with
If this is an Amended or Modified Plan, the reasons for filing the	his Amended or Modified Plan are: [state reasons].
(A) Plan Payments and Property to be Submitted to the Plan.	
(1) Plan payments start on, 200 The De	btor shall pay the Trustee as follows:
\$each month for monththrough month \$each month for monththrough month \$each month for monththrough month	·
The proposed plan duration is months. The applicable	e commitment period is months. Section 1325(b)(4).
(2) In addition to the plan payments, Debtor will submit the fo	llowing property to the Trustee: [Describe or state none]
(B) <u>Trustee's Percentage Fee.</u> Pursuant to 28 U.S.C. § 586(e), the Treceived, not to exceed 10%.	rustee may collect the percentage fee from all payments and property
	s otherwise ordered by the Court, the Trustee will make disbursements e provided in Section (J), disbursements by the Trustee shall be pro-
by personal property. Pursuant to Local Bankruptcy Rule protection payments to the certain secured creditors withou the creditor files a secured proof of claim that includes docu or creditor sends a letter to the Trustee requesting payment apply adequate protection payments to the creditor's secuadequate protection payments will continue in the same an unless the confirmed plan or a court order specifies a different payments.	quires adequate protection payments to be made to creditors secured 2084-6, the Trustee is authorized to make preconfirmation adequate t a Court order, provided the claim is properly listed on Schedule D. mentation evidencing a perfected security agreement, and the debtor of preconfirmation adequate protection payments. The Trustee will are claim. After confirmation, unless the Court orders otherwise, mount until claims to be paid before these claimants are paid in full, intramount. If a secured creditor disagrees with the amount of the to provide for such payments, the creditor may file an objection § 362, 363, or do both.

CONDUIT PAYMENTS TUCSON

	Creditor	Prope	rty Description	Monthly Amount	
	[Creditor name or state none]	[Brief	property description]	Amount	
	☐ See Section (J), Varying Pro	ovisions.			
(2)	Administrative expenses. Section	on 507(a)(2).			
	(a) Attorney fees. Debtor's atto the Court upon application s		before filing. The balance stee. See Section (F) for any		mount approved by
	(b) Other Administrative Expen	ses. [Describe]			
	☐ See Section (J), Varying Pro	ovisions.			
(3)	Leases and Unexpired Executor unexpired executory contract. For payments with regular monthly p the creditor's allowed proof of cl	or a lease or executory c eayments to be paid dire	ontract with an arrearage to c	ure, the arrearage will	be cured in the plan
	(a) Assumed:				
	Creditor & Property Descrip	etion Estima	ated Arrearage Amount	Arrearage Throu	gh Date
	[Creditor name or state non [Brief property description]		ount]	[Date]	
	(b) Rejected:				
	Creditor	Prope	rty Description		
	[Creditor name or state non	ie] [Brief	property description]		
	☐ See Section (J), Varying Pro	evisions.			
(4)	Claims Secured Solely by Secure correspondence, notices, stateme payment or interest rate without s payments direct to the creditor a prepetition arrearage or debt unl allowed proof of claim. Except actual cure amount to be paid sha surrendering an interest in real profession of the profession of th	nts, payment coupons, e such being a violation of and prepetition arrearag less otherwise stated. I as provided in Local Ba all be adjusted by the Tr	scrow notices, and default not the automatic stay. Unless ses shall be cured through the che arrearage amount is to be inkruptcy Rule 2084-23, if a sustee pursuant to the creditor	ices concerning any ch tated below, Debtor is Trustee. No interest e adjusted to the amou creditor gets unconditi 's allowed proof of clai	ange to the monthly to pay post-petition will be paid on the ant in the creditor's ional stay relief the im. If the Debtor is
	Creditor/Servicing Agent & Property Description	Collateral Value & Valuation Method	Post-Petition Mortgage Payments	Estimated Arrearage	Arrearage Through Date
	[Creditor name or state none]	\$[Value]	\$[Amount]	Amount	[Date]
	[Brief property description]	[Valuation method]	□ Debtor will pay direct creditor; or □ Included in Plan paym Trustee will pay credit	ent.	
	☐ See Section (J), Varying Pro	ovisions.			

(:		Claims Secured by Personal Property or a Combination of Real and Personal Property. Pursuant to § 1325(a), a secured creditor listed below shall be paid the amount shown as the Amount to be Paid on Secured Claim, with such amount included in the Plan payments. However, if the creditor's proof of claim amount is less than the Amount to be Paid on Secured Claim, then only the proof of claim amount will be paid. Any adequate protection payments are as provided in Section (C)(1) above. If a creditor fails to file a secured claim or files a wholly unsecured claim, the debtor may delete the proposed payment of a secured claim in the order confirming plan.							
		Creditor and Property Des	cription	Debt Amount		Value of Collateral and Valuation Method	Amount on Secur	to be Paid ed Claim	Interest Rate
		-	me or state none] rty description]	\$[Amou	nt]	\$[Value] [Valuation method]	\$[Amoun being pa		[Interest rate, even if zero]
		☐ See Section	on (J), Varying Provision	ns.					
(6	5)	Priority Unsec	cured Claims. All allow	ed claims	entitle	d to priority treatment und	er § 507 sh	all be paid in	full pro rata.
		. ,	^ ^	-		ebtor shall remain current n date are to be cured in th			come due after filing
		Creditor			Estim	ated Arrearage Amount		Arrearage 7	Through Date
		[Credito	r name or state none]		\$[Am	ount owed]		[Petition de	ate or other date]
		(b) Other uns	ecured priority claims.						
		Creditor			Type	of Priority Debt		Estimated A	mount
		[Credito	r name or state none]		[Desc	cribe]		Amount	
		☐ See Section	on (J), Varying Provision	ns.					
(7)	Codebtor Claic	ms. The following code	btor claim	is to b	e paid per the allowed clain	m, pro rata	before other t	unsecured nonpriority
		Creditor			Cod	ebtor Name		Estimated D	ebt Amount
		[Creditor na	me or state none]		[Cod	lebtor name]		Amount	
		☐ See Section	on (J), Varying Provision	ns.					
(8		Unsecured No Plan.	onpriority Claims. Allow	ved unsec	ured n	onpriority claims shall be p	aid pro rata	the balance o	of payments under the
		☐ See Section	on (J), Varying Provision	ns.					
0	r uj	pon discharge,	whichever occurs first.	Federal ta	x liens	ntil payment of the underly shall continue to attach to ice is required to release the	property e	xcluded from	the bankruptcy estate
)	See Section (J), Varying Provisions.						
a: c: d	s of red efic	arrendered Property. Debtor surrenders the following property to the secured creditor. Upon confirmation of this Plan or except to therwise ordered by the Court, bankruptcy stays are lifted as to the collateral to be surrendered. Any secured claim filed by such editor shall receive no distribution until the creditor files an allowed unsecured claim or an amended proof of claim that reflects any efficiency balance remaining on the claim. Should the creditor fail to file an amended unsecured claim consistent with this rovision, the Trustee need not make any distributions to that creditor.							

Creditor Property Being Surrendered [Creditor name or state none] [Brief property description] (F) Attorney Application for Payment of Attorney Fees. Counsel for the Debtor has received a prepetition retainer of \$_ to be applied against fees and costs incurred. Fees and costs exceeding the retainer shall be paid from funds held by the Chapter 13 Trustee as an administrative expense. Counsel will be paid as selected in paragraph (1) or (2) below: (1) Flat Fee. Counsel for the Debtor has agreed to a total sum of \$_____ to represent the Debtor. Counsel has agreed to perform the following services through confirmation of the plan: □ All of the below, except Additional Services. Review of financial documents and information. Consultation, planning, and advice, including office visits and telephone communications. Preparation of Petition, Schedules, Statement of Financial Affairs, Master Mailing List. Preparation and filing of Chapter 13 Plan, Plan Analysis, and any necessary amendments. Attendance at the § 341 meeting of creditors. Resolution of creditor objections and Trustee recommendations, and attendance at hearings. Reviewing and analyzing creditor claims for potential objections, and attendance at hearings. Responding to motions to dismiss, and attendance at hearings. □ Responding to motions for relief from the automatic stay, and attendance at hearings. □ Drafting and mailing of any necessary correspondence. ☐ Preparation of proposed order confirming the plan. ☐ Representation in any adversary proceedings. □ Representation regarding the prefiling credit briefing and post-filing education course. Additional Services. Counsel for the Debtor has agreed to charge a flat fee for the following additional services provided to the Debtor after confirmation of the plan: ☐ Preparation and filing of Modified Plan \$ Preparation and filing of motion for moratorium \$ Responding to motion to dismiss, and attendance at hearings \$ □ Defending motion for relief from the automatic stay or adversary proceeding \$_ □ Preparation and filing of any motion to sell property \$___ □ Other All other additional services will be billed at the rate of \$ _ per hour for attorney time and \$_ paralegal time. Counsel will file and notice a separate fee application detailing the additional fees and costs requested. Counsel will include all time expended in the case in the separate fee application. ☐ See Section (J), Varying Provisions. (2) Hourly Fees. For hourly fees to be paid as an administrative expense, counsel must file and notice a separate fee application detailing the additional fees and costs requested. The application must include all time expended in the case. Counsel has agreed to represent the Debtor for all services related to the Chapter 13 bankruptcy to be billed at the rate of _ per hour for attorney time and \$_____ per hour for paralegal time. ☐ See Section (J), Varying Provisions. (G) Vesting. Property of the estate shall vest in the Debtor upon confirmation of the Plan. The following property shall not revest in the Debtor upon confirmation: [Describe or state none] ☐ See Section (J), Varying Provisions. (H) Tax Returns. While the case is pending, the Debtor shall provide to the Trustee a copy of any post-petition tax return within thirty

ending on the petition date, except: [Describe unfiled returns or state not applicable].

days after filing the return with the tax agency. The Debtor has filed all tax returns for all taxable periods during the four-year period

(I)	Funding Shortfall. Debtor will cure any funding shortfall before the Plan is deemed completed.
(J)	Varying Provisions. The Debtor submits the following provisions that vary from the Local Plan Form, Sections (A) through (H)
	(1) [State none, or state the varying provision with reference to relevant paragraph.]
	[(2) State the varying provision with reference to relevant paragraph.]
	Plan Payment Summary. If there is a discrepancy between paragraphs (A) - (J) and paragraphs (K) - (M), then the provisions of paragraphs (A) - (J) and the confirmed plan control.
	(1) Trustee's compensation (10% of plan payments). \$ (2) Ongoing post-petition mortgage payments. \$ (3) Administrative expenses and claims. \$ (4) Priority claims. \$ (5) Prepetition mortgage or lease arrears, or amount to cure defaults, including interest. \$ (6) Secured personal property claims, including interest. \$ (7) Amount to unsecured nonpriority claims. \$ (7) Total of plan payments. \$ (8)
(L)	Section 1325 Analysis.
	(1) Best Interest of Creditors Test:
	(a) Value of Debtor's interest in nonexempt property. \$ (b) Plus: Value of property recoverable under avoiding powers. \$ (c) Less: Estimated Chapter 7 administrative expenses. \$ (d) Less: Amount to unsecured priority creditors. \$ (e) Equals: Estimated amount payable to unsecured nonpriority claims if Debtor filed Chapter 7. \$
	Paragraph (2) to be completed by debtors whose current monthly income exceeds the state's median income.
	(2) Section 1325(b) Analysis:
M)	(a) Monthly disposable income under § 1325(b)(2), Form B22C, Statement of Current Monthly Income. (b) Applicable commitment period
(111)	Estimated Amount to Cusecured Nonpriority Creditors Under Find.
Date	d:, 200
 Debi	Debtor Debtor
Atto	rney for Debtor Rev. 12/0

How to Use Plan Calc 1

(www.13network.com)

- Log in to <u>www.13network.com</u>. If you do not have access credentials, see the Trustee's website for an application (www.dcktrustee.com).
- 2. Access your case.
- 3. Click on Plan Calc 1 tab (second from the right).
- 4. Review all of the claims that are listed.
- Make sure all the claims that are being paid through the plan are listed Ex: Attorney's fees, Ongoing Mortgage, Secured, Secured-Vehicle, Priority Claims, etc.
- 6. If a claim is missing, take action. If it is a secured or priority claim, you need to amend the plan to add the claim and make sure a POC is filed or an order entered. If it is a general unsecured claim check the claims register and bring any missing claims to the Trustee's attention. General unsecured creditors need not be individually listed for Plan Calc 1 purposes.
- 7. Delete any that are not being paid through the plan or that are duplicated. Ex: Mortgage claims that are in the schedules, but paid outside of the plan. You can tell which ones they are when an amount is only in the "Claimed Amount" Column. You must click on the name, type in 0.00 and hit enter to clear the field.
- 8. If you have a conduit payment (Ongoing Mortgage):
 - a. In the "Coll/Value" column there should be the total amount of the Ongoing Mortgage that will be paid in the plan. Double check your numbers to see if they match the amount listed.
 - b. Click on the Ongoing Mortgage Claim and enter in the amount that is in the "Coll/Value" column in the "Claimed Amount" column and hit enter.
 - If there isn't an amount in the "Coll/Value" Column, then you will need to add up the Ongoing Mortgage that will be paid through the plan. (ex: \$67,440/60 =\$1)
 - d. Enter in that amount in the "Claimed Amount" column and the "Coll/Value" Column and hit enter.
- 9. Secured-Vehicle
 - a. When A/P is being paid in the "Mo" field (far right) the number will be in red.
 You want that to be yellow and this is how you do it.
 - i. Click on the Creditor and tab over to the interest rate.
 - The interest rate will not be in there if adequate protection is being paid, so you will need to enter in the interest rate.
 - iii. Enter \$0.00 in the "Monthly Payment" field and hit enter.
- 10. Cramdowns

Page 1

- a. If the vehicle is being crammed down you need to make sure that the cramdown amount is in the "Coll/Value" column. If it is not you need to enter in that amount and hit enter or the final number will not be correct.
- b. The "Coll/Value" column is very important because it is the amount that will be paid through the plan.

11. Trustee's %

- a. Click on the Trustee's % (located at the bottom left hand corner) and enter in 10%
- b. Even if the Trustee's % is currently lower, you need to calculate funding at 10% because they Trustee's % changes without notice.

12. Payment Schedule

- a. Go to the Debtor 1 Pay Schedule (this is the only field you will be working with)
- b. Calculate the average monthly payment. (Plan Base divided by months of the plan) Ex: \$25000.00/60 months=\$416.67. It is not necessary to enter step payments in this section.
- c. Enter in the Average monthly payment and hit enter.
- d. Click on the \$ sign next to it. This will update that amount in the system

13. Calculate the Dividend

- a. Above the Debtor 1 Pay Schedules field, there is a blue box that says "Unsecured %". Click on the button next to the box that says "Calc"
- b. Right above the "Unsecured %" box there is a line that says "All Unsecured Creditor". Follow that line over to the Column that says "Amount Allowed" and that number will be the dividend, which is the amount that the plan is currently proposing to pay to general unsecured creditors.
- c. Compare the dividend to the numbers listed in Section (L) Paragraphs (1) and (2) of your plan (the Section 1325 analysis).
- d. If the dividend is less than the numbers in Section (L), you need to adjust your plan funding.

ADEQUATE PROTECTION

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ARIZONA

In re)	In Proceedings Under
)	Chapter Thirteen
)	150
)	Case No. 4-0*-bk-****-EWH/JMM
)	
)	NOTICE AND REQUEST
)	TO TRUSTEE TO BEGIN
)	ADEQUATE PROTECTION
)	PAYMENTS
)	
Debtor(s))	

Respectfully submitted this ** day of **** , 2009.		
day of ****, 2009.		
		/s/

		Attorney for Debtor(s)
Copy of the foregoing sent		
electronically this day		
electronically this day of ****, 2009 to:		
of ****, 2009 to: Dianne Kerns, Trustee		
of ****, 2009 to:		
of ****, 2009 to: Dianne Kerns, Trustee		
of ****, 2009 to: Dianne Kerns, Trustee mail@dcktrustee.com		

CHAPTER 7 LIQUIDATION ANALYSIS

Non-exempt Property	29,996.11				
Costs	10.2%				
Trustee's Fee			Tru	stee Fee	Costs
Up to \$5,000	25%			1,250.00	127.50
Between \$5,000 and \$50,000	10%			2,499.61	254.96
Between \$50,000 and \$1 Mil.	5%			0.00	0.00
	Sui	m	\$	3,749.61	\$ 382.46
	то	TAL	\$	4	,132.07

29,996.11 (4,132.07) 25,864.04

LIEN STRIP LANGUAGE IN CH 13 PLAN, VARYING PROVISIONS

"As a result of the avoidance of the lien of this creditor, this creditor shall not be paid through the plan as a secured creditor, or direct by the Debtor, rather any filed claim of this creditor for this debt shall be classified as a general unsecured claim and paid in accordance with Section (C)(8)."

DRAFTING THE PLAN

April 2012

- If filing an amended or modified plan, state whether amended or modified, and the applicable number (e.g. Second Amended).
- If filing an amended or modified plan, state the reasons for the changed plan.
 Give details, not a cursory statement, such as "to respond to the Trustee's recommendation."
- The model plan form has areas for indicating a variance from the typical case, called Varying Provisions. Keep the Varying Provisions area to a minimum and applicable to the specific provisions in the body of the plan. Do not put superfluous or repetitive provisions in Varying Provisions.
- The start date for the first plan payment is 30 days after filing, even if that amount is zero.
- Additional property to be submitted. If property is to be sold with excess proceeds
 for creditors, then describe the property. The distribution scheme for nonexempt
 proceeds is: First to unsecured priority claims; second, to unsecured nonpriority
 claims, then as plan payments.
- Adequate protection payments not typically paid on real property claims.
- No interest to be paid on mortgage arrears for a "cure and maintain payments" creditor.
- When stripping off or reclassifying a mortgage lien as unsecured, mark the Varying Provisions box and put language in the Varying Provisions that gives adequate notice of the intended treatment.
- Sometimes the plan is filed long after the Schedules. Sometimes the plan payment amount is not close to the amount of disposable income on Schedule J.
- Additional property to be sold or turned over to the Trustee should be accounted for in the Plan Summary ¶ (K) Total of plan payments, and ¶ (L)(1)(a).
- If the plan is to provide for payment of a claim secured by personal property, then
 presumably the creditor is to be paid adequate protection payments. Section
 1326(a)(1)(C); Local Rule 2084-6.
- If AP is stated in the plan, the Trustee is authorized to pay the creditor without a court order if certain conditions are met. Local Rule 2084-6. Otherwise, the court

has to enter an order for payment of AP.

- The plan provisions, Rule 2016(b) disclosure statement, and plan provisions regarding attorney fee amounts must be consistent.
- In a case converted from Chapter 7 and the debtor owes or will owe Chapter 7 administrative expenses, then put that amount in the section for Other Administrative Expenses.
- Treat all leases or executory contracts. The presumed "Arrearage Through Date" is the petition date, but not necessarily so.
- For a lease or executory contract, the presumption is that the debtor will continue
 making the post-petition payments with the prepetition arrearage cured by the
 plan payments.
- Real property claims. As with leases, the presumption in cases assigned to Brown and Maney is that the debtor will continue making the post-petition payments with the prepetition arrearage cured by the plan payments.
- Generally no interest is paid on prepetition arrears.
- All information must be stated. Give a brief description of the real property.
- In a "cure and maintain payments" situation, the amount of arrearage stated in the creditor's allowed proof of claim is the presumed amount to cure.
- Even if the debtor intends to strip off an unsecured mortgage lien by a separate motion or adversary proceeding, the plan should state as such in the Varying Provisions.
- Personal property or combination claims. Describe the collateral.
- The amount the Trustee is to pay is the "Amount to be Paid on Secured Claim," excluding interest.
- For a personal property creditor, the creditor must file an objection to the plan if the creditor disagrees with the plan treatment.
- Priority claims. Similar to a lease in that the debtor is presumed to make the postpetition payments and the prepetition arrearage is cured through the plan payments.
- The amount stated in an allowed claim is the presumed amount required to be paid.
- The full amount of the DSO claim must be paid unless the DSO recipient

- specifically agrees to different treatment. No confirmation of plan unless postpetition DSO payments are current.
- Codebts may be treated differently from other claims, but the Trustee might have an objection as to discriminatory treatment. Section 1322(b)(1).
- Surrendered property. Describe property surrendered post-petition or to be surrendered.
- Attorney fees. The presumption in a flat fee or no look fee case is that all boxes in (F)(1) are to be marked, except representation in adversary provisions.
- Tax returns. No plan confirmation without prepetition tax returns filed.
- The plan summary is incorrect so many times. Take care that the numbers are accurate and consistent.

Resolving Creditor & Trustee Objections

USE REQUIRED FORM OF THE SOC

1.	[Attorney information]	
2		
3		
4		
5		
6	UNITED STATES	BANKRUPTCY COURT
7	DISTRIC	T OF ARIZONA
8		1
9	In re	Chapter 13
10	DEBTOR A,	Case No. 2:09-bk-00000-RTB
11.	and	
12	0.000.00	STIPULATED ORDER CONFIRMING
13	DEBTOR B,	CHAPTER 13 PLAN
14	Debtors.	
15		oticed out to creditors and any objection to confirmation
16	having been resolved,	
17	IT IS ORDERED confirming the Plan of the	e Debtors as follows:
18	(A) INCOME SUBMITTED TO THE	PLAN. Debtors shall submit the following amounts of
19	future income to the Trustee for distri	ibution under the Plan.
20	(1) <u>Future Earnings or Income</u> . Debtors	shall make the following monthly Plan payments:
21	Months Amount	
22	1 - 60 \$1,211.00	
23		
24		neday of each month commencing, then payments are remitted late, additional interest may
25	accrue on secured debts, which may re	esult in a funding shortfall at the end of the Plan term. Any
26	funding shortfall must be cured before	e the plan is deemed completed.
27		the Trustee copies of their federal and state income tax 30 days of filing them. The purpose is to assist the Trustee
28	in determining any change in debtor's	
		In re
		Case No.

Case No.

1.		(b) Chase Bank, secured by a lien in a 2006 Toyota Camry, shall be paid \$10,000.00 with 7% interest. The creditor shall receive adequate protection payments of \$100.00 per month. The
2		balance of the claim shall be classified as an unsecured nonpriority claim.
3		
5	(4)	Unsecured Priority Claims:
6		(a) The Department of the Treasury/Internal Revenue Service has an unsecured priority claim for income taxes for 2004 and 2005. This creditor will be paid \$4,388.32, the total priority
7		claim of through the plan with no interest.
8		(b) The Arizona Department of Revenue has an unsecured priority claim for income taxes for 2004 and 2005. This creditor will be paid \$2,026.65, the total priority claim of through the plan with no interest.
10	(5)	•
11.	(5)	<u>Surrendered Property.</u> 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
12		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
13 14		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:
15		The Debtors will surrender furniture in which Wells Fargo Financial has a security interest.
16	(6)	Other Provisions: None.
17 18 19	(7)	$\underline{\text{Unsecured Nonpriority Claims}}. \label{eq:lambda} All other claims shall be classified as unsecured and nonpriority. Such claims shall be paid pro rata the balance of the payments under the Plan and any unsecured debt balance remaining unpaid at the end of the Plan may be discharged as provided in 11 U.S.C. § 1328.$
202122	(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 upon confirmation.
23		ORDER SIGNED ABOVE
24		
25	Approved	as to Form and Content By:
26		
27		
28	Edward J.	Maney, Trustee
		In re
	II .	

1.	
2	
3	John Q. Doe, Esq. Attorney for Debtors
4	Attorney for Deolors
5	The Debtors certify: All required State and Federal income tax returns have been filed. No domestic support
6	obligation is owed or, if owed, such payments are current since the filing of the Petition.
7	
8	
9	Debtor A
10	DOWN A
11.	
12	
13	Debtor B
14	
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28	
	In re

FILE NOTICE OF SUBMISSION OF SOC ON THE COURT DOCKET AND ATTACH A COPY OF THE SOC AS AN EXHIBIT

- 1		
1 2	Wayne Mortensen (#18519) FARNSWORTH LAW OFFICES 1837 S. Mesa Dr., Ste. A103	
3	Mesa, AZ 85210 (480) 820-3600	
	Fax (480) 820-4800	
4	azflo@cox.net	
5	Attorney for Debtor	
6	IN THE UNITED STA	ATES BANKRUPTCY COURT
7	FOR THE D	ISTRICT OF ARIZONA
8	To an	La Dancardia ao Unitra
9	In re) In Proceedings Under) Chapter Thirteen
10	JANET MEYER SS# ***-**-6891) Case No. 4-07-bk-01466 JMM
11) NOTICE OF SUBMITTING
12) PROPOSED STIPULATED) ORDER OF CONFIRMATION
13		}
14	Debtor.	_
15	COMES NOW the Debtor, JANET	MEYER, by and through counsel, who hereby
16	notifies the Court that the Stipulated Order	Confirming the Debtors Chapter 13 Plan is being
17	submitted to the trustee for review and appr	oval.
18	Respectfully submitted this 14th	day of November, 2007.
19		D. D. G. WOOD W. L. W. O. D. G. G. G.
20		FARNSWORTH LAW OFFICES
21		/s/ Wayne Mortensen (#18519) Wayne Mortensen
22		Attorney for Debtors
23	Copy of the foregoing sent electronically this 14th day of	
24	November, 2007 to:	
25	Dianne Kerns, Trustee	
26	man e destrusice.com	
27	/s/ Susan Krause	
28		

SAMPLE CHECKLIST FOR PREPARING SOC

SAMPLE CHECKLIST FOR PREPARING THE PSOC

Debto	r(s):		
Case Number:			
	Debtor name(s), case number and heading are correct.		
	All creditor objections are resolved.		
	SOC signed by all objecting creditors.		
	Date of latest review of Court Docket:		
	Date of latest review of Court Claims Register and actual claims:		
	Does the SOC comply with the Trustee's Recommendation?		
	Plan payment schedule, start date, and plan duration are correct.		
	Attorney fee amounts (paid and to be paid) are correct.		
	Applicable income tax return language present.		
	Applicable income tax refund language present.		
	Nonexempt property already paid to the Trustee.		
	Plan shortfall language in SOC.		
	Adequate protection language in SOC and amount is consistent with AP order.		
	Plan and SOC not an informal proof of claim language is present.		
	Plan has provision that can delete payment to secured creditor if no secured claim filed.		
	Lien stripping or reclassification of inferior mortgage language?		
	Plan funding is adequate? Attach a funding report.		
	Other:		

Common Reasons SOC's are Returned and Confirmation is Delayed

- Attorneys fees are over \$4,500 and/or all of the boxes in Paragraph (F) are not checked.
 Possible work around for SOC's already submitted is to incorporate by reference Exhibit
 A. Trustee will do this through a pen change.
- Not all issues in the Trustee Evaluation/Objection have been addressed. Submit a cover letter or list that addresses every paragraph in the Evaluation/Objection. Trustee will reject SOC without review if this is not done with future submissions.
- 3. Not all creditor objections have been resolved.
- Required/requested documentation has not been submitted. Ex: tax returns, profit and loss statements, waivers of statute of limitations, proof of charitable contributions, pay stubs or other items listed on amended Schedules I and J.
- SOC differs from the POC. Possible resolution is to (a) match the SOC to the POC; (b)
 object to the POC (prior to submitting SOC); or (c) obtain the creditor's signature on the
 SOC.
- The plan is inadequately funded or fails to satisfy the Section 1325 Analysis. See How to Use Plan Calc 1.
- 7. Making material changes in treatment in the SOC without notice. Local Rule 2084-8(b) "Service of Amended and Modified Plans. A debtor needs only to serve nonmaterial changes in an amended or a modified plan on the case trustee and those creditors affected by the changes. To be regarded as nonmaterial, the modification must not delay or reduce the dividend to be paid on any claim or other modify the claim of affected creditor's consent (sic). A material modification is considered a plan amendment or modification and must be noticed accordingly (emphasis added)."
- The conduit is not addressed.
- 9. The debtor is delinquent on plan payments.
- Outstanding court proceedings. Ex: failing to upload on order sustaining an objection to a POC.
- SOC language is vague and requires interpretation. Ex: (a) fails to state when the conduit payments start; (b) fails to address the surrender of collateral; or (c) fails to address amounts disbursed to creditors prior to surrender.
- 12. Plan proposes to pay a claim on which no POC has been filed.
- 13. There has been a substitution of counsel, but no order has been signed by the Court.

If you are not sure about something, call the Trustee's office and ask **before** you submit the SOC.

Debtor Name(s):
Exhibit A
Clarification/Amendment to Attorneys Fees Incorporated by reference into the proposed Stipulated Order on Confirmation
(1) Flat Fee. Counsel for the Debtor has agreed to a total sum of \$4,500 to represent the Debtor.
Counsel has agreed to perform the following services through confirmation of the plan: All of the below, except Additional Services. Review of financial documents and information. Consultation, planning, and advice, including office visits and telephone communications. Preparation of Petition, Schedules, Statement of Financial Affairs, Master Mailing List. Preparation and filing of Chapter 13 Plan, Plan Analysis, and any necessary amendments. Attendance at the § 341 meeting of creditors. Resolution of creditor objections and Trustee recommendations, and attendance at hearings. Reviewing and analyzing creditor claims for potential objections, and attendance at hearings. Responding to motions to dismiss, and attendance at hearings. Responding to motions for relief from the automatic stay, and attendance at hearings. Drafting and mailing of any necessary correspondence. Preparation of proposed order confirming the plan. Representation in any adversary proceedings. Representation regarding the pre-filing credit briefing and post-filing education course.
Dianne C. Kerns, Trustee
Attorney for Debtor

INCLUDE COVER LETTER WHICH PROVIDES DISCUSSION AND RESOLUTION OF ALL THE TRUSTEE RECOMMENDATION ITEMS

Amended & Modified Plans

- The Model Plan form requires a statement as to why the plan is being amended or modified. Please give detailed reasons.
- When preparing an amended or modified plan, review the court claims register and see if the plan should change treatment for other claims. Correct the principal amount for a 910 car claim, priority tax claim, priority DSO claim, amount of mortgage arrears being cured, adequate protection payments paid.

- An amended plan might not be required for minor changes for treatment of claims.
- Look at the Trustee's website for plan payment status, the amount of principal or adequate protection payments paid for collateral to be surrendered.
- Schedules I and J likely will have to be amended when changing the amount of the plan payments.

- The debtor likely would have to provide updated pay information and income tax returns to the Trustee.
- Is the self-employed debtor current on monthly business operating statements.
- Was the debtor required to pay tax refunds to the Trustee but did not?
- Always verify that plan funding is adequate.

- Sometimes attorneys prepare an amended plan with reduced funding, but forget that the plan has to meet the best interest of creditors test.
- Some attorneys change the plan provisions, but use the plan analysis/summary from the original plan.
- The claim of the a county treasurer for property taxes, goes into the real property section, not the personal property section.

In re: Debtor 1 and Debtor 2, 9 10 11 12 having been filed, 13 14 15 16 17 Months Amount 18 1-3 \$1,375.00 4-4 \$425.00* 19 \$0.00 5-8 20 9 - 60 \$1,510.00 21 22 months 5 through 8. 23 24 25 26 27

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IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In Proceedings Under Chapter 13 Case No. 2:12-BK-00000-SSC STIPULATED ORDER CONFIRMING MODIFIED CHAPTER 13 PLAN AND APPLICATION FOR PAYMENT OF ADDITIONAL ADMINISTRATIVE EXPENSE

Debtors.

The Modified Chapter 13 Plan having been properly noticed out to creditors and no objections

IT IS ORDERED Confirming the Modified Chapter 13 Plan of Debtors as follows:

- 1. INCOME SUBMITTED TO THE PLAN. Debtors shall submit the following amounts of future income to the Trustee for distribution under the Plan.
 - a. Plan payment schedule to change as follows:

* The modified plan incorporates a partial payment waiver for month 4 and a payment waiver for

The plan payments are due on or before the 28th day of each month commencing June 28, 2009.

- b. Additional attorney's fees in the amount of \$500.00 are approved as an administrative expense. The Chapter Trustee shall pay counsel said administrative expense, though the plan.
- c. In all other aspects, the terms of the confirmed plan will continue to control.

ORDER SIGNED ABOVE		
APPROVED AS TO FORM AND CO	ONTENT:	
Edward J. Maney, Trustee		
Attorney for Debtors		

5 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In Proceedings Under Chapter 13

DEBTOR 1,

and

STIPULATED ORDER CONFIRMING AMENDED CHAPTER 13 PLAN

Debtors.

The Amended Chapter 13 Plan, filed January 4, 2010 and having been properly noticed out to creditors and any objection to confirmation having been resolved,

IT IS ORDERED confirming the Amended Plan of the Debtors as follows:

- (A) INCOME SUBMITTED TO THE PLAN. Debtors shall submit the following amounts of future income to the Trustee for distribution under the Plan.
 - (1) Future Earnings or Income. Debtors shall make the following monthly Plan payments:

Months Amount

1 - 2 \$598.00
3 - 60 \$1,190.00

The payments are due on or before the 2^{nd} day of each month commencing December 2, 2009. 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.

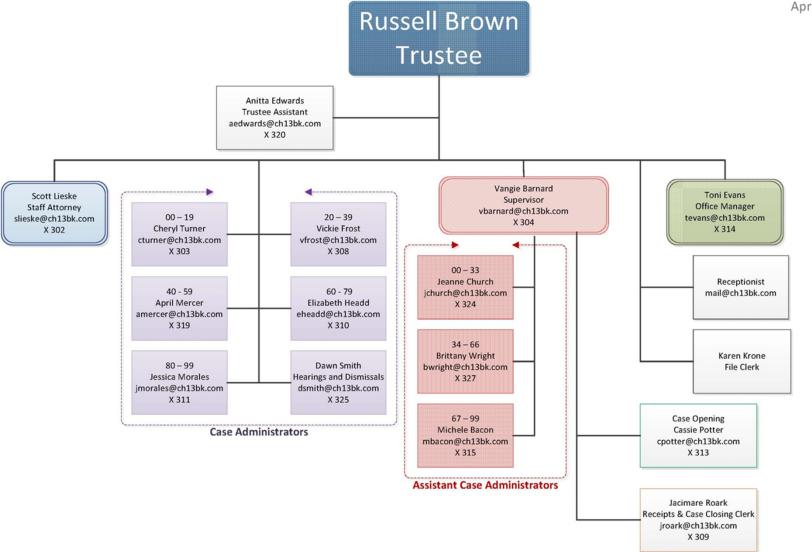
The Debtors shall provide, directly to the Trustee copies of their **federal** and **state** income tax returns for post-petition years within 30 days of filing them. The purpose is to assist the Trustee in determining any change in debtor's annual disposable income.

(2) Other Property. The Debtors shall provide, directly to the Trustee their net federal and state income tax refunds for the years 2010, 2011, 2012, and 2013, as supplements to the plan. In the event that other property is submitted, it shall be treated as supplemental payments. In no event will the term of the Plan be reduced to less than 60 months, exclusive of any property recovered by the Trustee, unless all allowed claims are paid in full.

Trustee Communication

Who Do You Call at the Trustee's Office

- Do not send all emails to the Trustee. With thousands of cases assigned to each Trustee, the Trustees should not be the conduit for all your communications.
- When sending documents, it is preferable that personal identifiable information, such as a social security numbers, be redacted before sending.
- As a general rule, when a document was prepared by a particular employee, communicate with the employee regarding that document. Usually the employee's name and email address are in the employee's digital signature.



Trustee Staff Case Assignments

520/544-9094

Pre-Confirmation/Evals

Nicole:

00-49

ext: 2108

Stefanie:

50-99

ext: 2107

Disbursement/SOCs

Andrea:

00-34 35-64

ext: 2106

Dawn: Dana:

65-99

ext: 2110 ext: 2112

Conduits:

Paulette: ext: 2105

MTD's for delinquency:

Betty:

ext 2111 ***** Please DO NOT CALL Betty to ask if a payment has been received or a delinquency cured. There are TWO FREE WEBSITES that have this data: www.13datacenter.com and www.13network.com. We do not act on MTD's until there has been sufficient time for the payment to appear on the website.

> If your debtor claims to have made a payment that does not appear on the website, obtain a copy (front and back) of the negotiated instrument BEFORE you call. We maintain copies of every instrument (including the envelope) that is received at the lockbox. Copies of money orders or cashier's checks can be altered and they do not tell you whether the payment was actually been mailed.

CONTACT INFORMATION FOR EDWARD MANEY

WWW.MANEY13TRUSTEE.COM