

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA**

IN RE:)
SUPPLEMENT TO “PRESUMED) GENERAL ORDER 21-0003
REASONABLE” FEE IN CARES ACT)
PLAN EXTENSION CASES)
)

AMENDED ORDER

11 U.S.C. §1329(d) provides that a debtor experiencing a material financial hardship due, directly or indirectly, to the COVID-19 pandemic may request modification of a plan confirmed prior to March 27, 2021. A §1329(d) motion may include a request for an extension of time, not to exceed seven years after the first plan payment was due, within which to make plan payments.

Given the Court’s determination that the number of cases within which a debtor seeking a §1329(d) plan modification is likely to increase, resulting in requests for additional attorneys’ fees, the Court now ORDERS that, when a debtor seeks a modification of a confirmed plan to extend the term of the plan pursuant to §1329(d):

1. The “presumed reasonable” fee for debtor’s counsel set by General Order 14-005 is increased by up to \$600 per extended plan year (“the Supplemental Fee”). If the Supplemental Fee is sought, it must be provided for in the modified plan.
2. Counsel may assert the Supplemental Fee by filing an amended proof of claim upon entry of an order modifying the plan to provide for the §1329(d) extension and the Supplemental Fee.
3. The trustee shall commence the payment of any Supplemental Fee no earlier than the 61st month of the plan. If the plan modified under § 1329(d) provides for payment of post-petition arrearages owed to secured creditors, or if pre-petition arrearages provided for in the original plan have not been paid in full, then the trustee shall not pay the Supplemental Fee until those arrearage claims have been paid in full.
4. An attorney who seeks additional compensation greater than the Supplemental Fee may file a request pursuant to Local Rule B-2016-1(b)(3).
5. This Order is applicable to cases with plans confirmed as of March 27, 2021 and expires on the sooner of the (A) termination date of the national emergency

concerning the COVID-19 outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or (B) the date on which 11 U.S.C. §1329(d) is no longer effective.

Original Date: February 22, 2021
Amended Dates: April 16, 2021 and
May 10, 2021

A handwritten signature in black ink, appearing to read "Robyn L. Moberly", written over a horizontal line.

ROBYN L. MOBERLY
CHIEF BANKRUPTCY JUDGE