

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

IN RE: )  
)  
ORDER AMENDING ) GENERAL ORDER 25-0003  
LOCAL BANKRUPTCY RULES )  
AND CHAPTER 13 PLAN FORM )  
)

**ORDER**

Notice of proposed amendments to the local rules and Chapter 13 plan form of this Court was given to the bar and the public on October 22, 2025. The last date for submitting comments relating to the proposed amendments was November 12, 2025. A total of eight public comments were submitted: six of the comments raised legitimate issues with most of the proposed additions to paragraph 7 of the Chapter 13 plan form ("Plan"); three commenters flagged issues with the proposed companion changes to rule B-3015-1(e); one observer questioned whether the proposed addition of paragraph 2(b)(4) of the Plan abolished the need to file lien avoidance actions; and one practitioner recommended the addition of a new paragraph 8(e) to the Plan to address judgment liens.

As the concerns regarding the proposed amendments to Plan paragraph 7 and rule B-3015-1 are well taken, those provisions will be enacted as follows:

**Plan paragraph 7(c)**

**Conduit Mortgage:** As required by Local Rule B-3015-1(e), if there is the pre-petition arrearage includes more than one monthly mortgage payment claim on a mortgage secured by the Debtor's principal residence, exclusive of projected escrow shortages and fees, then ~~both the pre-petition arrearage and the post-petition mortgage installments shall be made through the Trustee conduit. Initial post-petition payment arrears shall be paid with secured creditors. If there are no arrears, the Debtor may pay the secured creditor directly.~~

**Plan paragraph 7(d)**

**Treatment:** The trustee will not distribute payments to the mortgage creditor until after confirmation of the plan and an allowed claim for the mortgage creditor is on file, unless the Court orders otherwise. ~~Before confirmation, the payment to the mortgage lender shall be the regularly monthly mortgage payment unless ordered by the Court or modified pursuant to an agreement with the mortgage lender. After confirmation, payment shall be as set forth below. Equal Monthly~~

Amount and Estimated Arrears listed below shall be adjusted based on the filed claim and/or notice.

| Creditor | Residential Address | Estimated Arrears | Equal Monthly Amount | Mortgage Treatment        |
|----------|---------------------|-------------------|----------------------|---------------------------|
|          |                     |                   |                      | Trustee pay<br>Direct pay |

**No late charges, fees or other monetary amounts shall be assessed based on the timing of any payments made by the Trustee under the provisions of the Plan, unless such creditor has filed a notice pursuant to FRBP 3002.1 or allowed by Order of the Court orders otherwise.**

#### **B-3015-1(e)**

#### **Payment of Pre-Petition Arrearage and Mortgage Conduit Payments through the Trustee**

If, on the petition date, a pre-petition arrearage of more than one monthly mortgage payment exists, less any amount asserted as a projected escrow shortage and fees, on a mortgage secured by the Debtor's principal residential real estate, then the Debtor shall make all payments on the mortgage through the Chapter 13 Trustee, creating a mortgage conduit. Such payments made by the Trustee to the mortgage creditor shall include on-going post-petition mortgage installments, pre-petition arrearage, and any uncontested or allowed post-petition costs, fees, and charges asserted by the mortgage creditor. The Trustee shall notify the Debtor 30 days before the Debtor is obligated to resume direct mortgage payments.

#### **Plan paragraph 2(b)(4)**

As set forth in the Court's October 22, 2025 notice titled "Proposed Amendments to Local Rules: Public Comment Period", the addition of Plan paragraph 2(b)(4) is intended "to address the conflict between a creditor-filed unsecured claim and a debtor's proposed treatment of the claim as secured." The language brings clarity and consistency to how each of the Chapter 13 trustees will address the situation without impairing the ability of a Debtor (or counsel) to respond with specific Plan language if such treatment is unwarranted. Likewise, the language does not prohibit a Debtor (or counsel) from objecting to the creditor's unsecured claim when appropriate. Accordingly, the proposed language of Plan paragraph 2(b)(4) will be enacted as drafted.

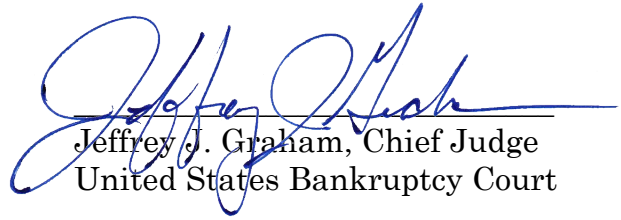
**Proposed Plan paragraph 8(e)**

The Court shall refer the proposal to add a new Plan paragraph 8(e) to the Local Rules Committee for deliberation during its 2026 session.

**Summary**

All other proposed changes to the local rules shall become effective on December 1, 2025, as shown in the attachment to this order. The amended Chapter 13 plan form shall become effective on January 1, 2026.

November 19, 2025

  
Jeffrey J. Graham, Chief Judge  
United States Bankruptcy Court

## **B-1007-2. NOTICING, BALLOTING, AND CLAIMS AGENTS**

### **(a) Noticing, Balloting, and Claims in Chapter 11 Cases with More than 300 Creditors**

#### **(1) Requirement**

If the number of scheduled creditors in a single, consolidated, or jointly administered Chapter 11 case exceeds 300, the Debtor or trustee shall, unless the Court orders otherwise, propose the retention under 28 U.S.C. §156(c) of an entity to handle noticing (the “Noticing Agent”), an entity to receive and process claims (the “Claims Agent”), and an entity to process plan ballots (the “Balloting Agent”). One entity may serve in all three capacities (the “Agent”).

#### **(2) Motion**

A motion to retain a Noticing, Claims, or Balloting Agent, a motion to be excused from compliance with this rule, or a motion for extension of time shall be filed within 28 days after the filing of a schedule or creditor list that results in more than 300 creditors in a single, consolidated, or jointly administered case.

#### **(3) Contact with Clerk**

The proposed Agent shall meet with the Clerk or the Clerk’s designee, prior to employment, to agree on terms establishing the interactions between the proposed Agent and the Clerk. Those terms shall be incorporated in the order authorizing the employment of the Agent (the “Employment Order”) or in a written agreement between the Clerk and the Agent (the “Agreement”) that shall be made part of the record.

#### **(4) Other Chapters**

After notice and a hearing, on its own motion or the motion of the Debtor or a party in interest, the Court may authorize the retention of a Noticing and/or Claims Agent in a case filed under any chapter other than Chapter 7 or 12 11 if the number of creditors warrant such retention and sufficient funds to pay the Agent are, or will be, available.

### **(b) Noticing Agent**

A Noticing Agent shall distribute notices as directed by the Court and provide to the Debtor proof of service that shall be filed as established by the Agreement or the Employment Order.

(c) Claims Agent

If a Claims Agent is to be employed, the Agreement or Employment Order shall:

- (1) establish procedures for handling of claims filed with the Clerk prior to and after the employment of the Claims Agent;
- (2) require the Claims Agent to mail a notice of bar date that reflects the scheduled amount of the creditor's claim, instructs claimants to send claims to the Claims Agent and not the Court, and which notice complies substantially with Official Forms 410, 410A, 410S1, and 410S2 – unless alterations are approved by the Court, after notice to a committee and the UST;
- (3) provide that, upon receipt of a claim, the Claims Agent shall promptly date-stamp it, assign a claim number, scan the original, file the claim electronically with the Court (with all claims received by the Claims Agent to be filed no less frequently than every 180 days starting from the date of the entry of the Employment Order), retain originals in a fire-proof safe or vault, and return a date-stamped copy to the claimant (if a self-addressed, postage paid envelope was provided);
- (4) provide that the Claims Agent shall ~~process~~ upload all filed claims ~~filed~~ using the File Claims event (found under the Bankruptcy Events>Claims>File Claims CM/ECF headings) Court's electronic proof of claim option ("ePOC/eWOC");
- (5) require the Claims Agent to maintain the Claims Register, and that the Claims Agent shall list the claim on the register within three days of receipt, in alphabetical order, according to the name of the claimant (last name for individuals) and include the claimant's address, claim number assigned, date received, dollar amount claimed, and classification of claim;
- (6) allow the periodic audit of claims information by the Clerk, a representative of the creditors' committee, or some other committee or entity;
- (7) provide the mechanism and timing for delivery of a final Claims Register to the Clerk;
- (8) require the Claims Agent to maintain, in addition to the Claims Register, a separate mailing list including the claimants' addresses, edited to reflect a notice of change of address;

- (9) establish responsibility and method for processing transfers of claims, including requiring the Claims Agent to review the Court's docket periodically, identify notices transferring claims, and issue the notices required by Fed.R.Bankr.P. 3001(e);
- (10) provide for the retention or destruction of documents received by the Claims Agent; and
- (11) provide for treatment and disposition of Proofs of Claim if the case is converted to Chapter 7.

(d) Balloting Agent

The Balloting Agent shall receive, record, and tabulate ballots. The Agreement or Employment Order shall provide for filing of a declaration showing the results of balloting and provide for the retention or destruction of original ballots.

## **B-1015-1. CONSOLIDATION OR JOINT ADMINISTRATION OF CASES PENDING IN SAME COURT**

### **(a) Joint Cases**

A joint case commenced under 11 U.S.C. §302(a) shall be jointly administered, unless the Court orders otherwise. The separate estates of the Debtors in a joint case will only be consolidated upon motion, after notice.

### **(b) Joint Administration**

Except for joint cases commenced under 11 U.S.C. § 302(a), jointly administered cases shall be administered as follows, unless the Court orders otherwise:

#### **(1) Designation of Lead Case**

The case with the lowest number shall be designated as the “Lead Case.” The other jointly administered cases are known as “Member Cases.”

#### **(2) Caption**

All papers, except those filed in a Member Case under subparagraphs (b)(4) and (5) of this rule, shall have the caption with the name and case number of the Lead Case followed by the words “Jointly Administered,” except that if one of the Member Cases is for an individual Debtor, the caption shall include the Lead Case name and case number and the case name for an individual Debtor. The caption for a jointly administered case shall not include the word “Consolidated.”

#### **(3) Docket**

Except for the documents listed in subparagraphs (b)(4) and (5) of this rule, a pleading or document filed in a jointly administered case after the entry of the order for joint administration shall be docketed under the case number of the Lead Case. If joint administration is terminated, documents filed after the order terminating joint administration shall be filed and docketed in the separate cases.

#### **(4) Claims and Related Pleadings**

Claims shall be filed only in the name and case number of the Debtor against which the claim is asserted. A separate claims register shall be maintained for each case. A separate claim shall be filed in each jointly administered case in which a claim is asserted. A pleading related to a claim filed in a Member Case shall also be filed in that Member Case, and its caption shall have the name and case number of the Member Case.

(5) Documents to Be Filed in Member Cases Separately

The following documents shall be filed on the dockets of the Lead or Member Cases as to which the document applies, even if filed after the entry of the order for joint administration, and the caption of these documents shall have the name and case number of the Member Case:

(A) All Chapters

- (i) amended petitions;
- (ii) schedules, statements of financial affairs, and amendments thereto;
- (iii) proofs of claim and objections thereto;
- (iv) Motions to Dismiss;
- (v) Motions to Continue Hearing (if notice of hearing issued in Member Case);
- (vi) UST's Notice of Revocation of Appointment of Trustee;
- (vii) 341 Meeting Adjourned/Continued;
- (viii) trustee final reports and accounts and related notices;
- (ix) adversary proceedings filed under Fed.R.Bankr.P. 7001(d) or (f);
- (x) a notice of appeal and related documents concerning an order entered only in the member case;
- (xi) corporate ownership statements;
- (xii) Verifications of Creditor List; and
- (xiii) documents related to the foregoing.

(B) Chapter 11 & 12 Cases

- (i) plans, disclosure statements, ballot reports, and objections or other documents related thereto;
- (ii) debtor monthly operating reports;



(iii) Motions to Extend Time to File Chapter 11/12 Plan, Obtain Confirmation, and/or Extend Exclusivity;

(iv) Applications for Final Decree;

(v) in addition to documents required by this subparagraph (B) of this rule, in Sub V Cases:

(a) Notices of Completion of 1192 Payments;

(b) Notices of Substantial Consummation of Subchapter V Plan;

(c) Objections to Small Business/Subchapter V Designation/Request for Determination;

(d) Statements of Small Business/Subchapter V Designation; and

(e) Subchapter V Status Reports Pursuant to 1188(c); and

(vi) documents related to the foregoing.

(C) Chapter 13 Cases

(i) plans, objections or other documents related thereto; and

(ii) Motions for Entry of Chapter 13 Discharge and Certification of Eligibility for Chapter 13 Discharge.

(6) Ballots

Ballots shall have the caption of the name and case number of the Member Case for which the plan being voted on was filed.

(c) Substantive Consolidation

Substantively consolidated cases shall be administered as follows, unless the Court orders otherwise:

(1) Designation of Lead Case

The case with the lowest number shall be designated as the “Lead Case.”

(2) Caption

All documents in substantively consolidated cases shall have the caption of the Lead Case, unless one of those cases is for an individual Debtor; then the caption shall include the Lead Case and the case name for an individual Debtor.

(3) Docket

A single case docket shall be maintained after the entry of the order for consolidation. If consolidation is later terminated, documents filed after the order terminating consolidation shall be filed in the separate cases.

(4) Claims

After consolidation all claims shall be filed in the Lead Case. Claims filed and docketed prior to consolidation shall be considered as filed in the substantively consolidated cases but shall remain on the claims register where originally filed.

## **B-1019-1. CONVERSION TO CHAPTER 7 CASE**

(a) Schedule of Post-Petition Debts

The schedule of post-petition debts required by Fed.R.Bankr.P. 1019(e) shall comply with the requirements of S.D.Ind. B-1007-1(a).

(b) Distribution of Notice of Bar Dates and Meeting of Creditors; Certificate of Service

The Debtor shall distribute to added creditors the following, and shall file a Certificate of Service:

- (1) a notice providing 21 days for the filing of a motion for payment of an administrative expense and, unless a notice of insufficient assets to pay a dividend has been mailed under Fed.R.Bankr.P. 2002(e), the time for filing a claim of a kind specified in 11 U.S.C. §348(d). A form notice is available on the Court's website; and
- (2) a copy of the notice of the Meeting of Creditors under the new chapter with the Debtor's full SSN or ITIN, unless the schedule of post-petition debts was filed and creditors were added before issuance of the notice of the Meeting of Creditors under the new chapter.

(c) No Delay of First Meeting

Failure of the trustee or the Debtor to comply with Fed.R.Bankr.P. 1019 shall not delay the issuance of the notice of the Meeting of Creditors.

~~Waiver of Conversion Fee for Chapter 13 Trustees~~  
~~The conversion fee is waived for a motion to convert filed by a Chapter 13 Trustee.~~

(d) Termination of Pending Wage Assignment Orders

If the Chapter 13 Trustee has not done so, the Debtor shall submit a proposed order terminating all pending Wage Assignment Orders within 14 days of the filing of a Notice of Conversion to Chapter 7 or the entry of an Order Converting Chapter 13 Case to Chapter 7.

## **B-2002-1. NOTICES TO CREDITORS, EQUITY SECURITY HOLDERS, AND UNITED STATES TRUSTEE**

### **(a) Obtaining Service of Pleadings and/or Notices**

Parties or their counsel who wish to receive copies of pleadings and documents – other than proofs of claim – shall file with the Clerk and serve the Debtor with an appearance in compliance with S.D. Ind. B-9010-1. A “Request for Notice” or similar pleading will be considered a request under Fed.R.Bankr.P. 2002(g) and will not entitle the filer to service of pleadings or of notices other than those to which the filer is already entitled.

### **(b) Notices Prepared and Distributed by Parties**

A notice prepared and distributed by a party shall:

- (1) be signed by the party, not the Clerk or the Judge, unless its form has been approved by the Court;
- (2) instruct recipients to file pleadings with the Bankruptcy Clerk and provide the correct address of the division of the Bankruptcy Clerk’s Office where pleadings should be delivered; and
- (3) be docketed separately unless included in another pleading.

### **(c) Notices in Chapter 11 Cases in Which A Committee Has Been Appointed**

Under Fed.R.Bankr.P. 2002(i) and unless otherwise ordered by the Court, the notices required by Fed.R.Bankr.P. 2002(a)(2)(excluding those related to the sale of substantially all of a debtor’s assets), (3), and (6) may be served only on the Service List.

### **(d) Limited Notice in a Voluntary Case**

In a voluntary Chapter 7, 12 or 13 case, 70 days following entry of the order for relief or the date of the order converting the case to Chapter 12 or 13, all notices required by Fed.R.Bankr.P. 2002(a), except the notice of the final report and of dismissal or denial of discharge, shall be mailed only to the Debtor, the trustee, the UST, creditors who have filed claims, and creditors who are still permitted to file claims by reason of an extension granted under Fed.R.Bankr.P. 3002(c). In a Chapter 7 case where notice of insufficient assets to pay a dividend was given, notice can be limited pursuant to this subparagraph 90 days following the mailing of the notice setting a claims bar date.

(e) Limited Notice in an Involuntary Case

In an involuntary Chapter 7 case, after 90 days following entry of the order for relief, all notices required by Fed.R.Bankr.P. 2002(a) shall be mailed only to the Debtor, the trustee, the UST, creditors who have filed claims, and creditors who are still permitted to file claims by reason of an extension granted under Fed.R.Bankr.P. 3002(c).

(f) Authorization for Chapter 13 Trustee to Recover Noticing Costs from Estate

If the Chapter 13 Trustee uses an independent contractor for noticing, the trustee may recover the actual costs of noticing charged by that contractor from each estate. If noticing is performed by the trustee, the trustee may recover from each estate the actual costs of postage plus \$.18 for each notice or as otherwise ordered by the Court. These noticing fees can be recovered from the first and any subsequent funds received from the Debtor, whether before or after confirmation. The Chapter 13 Trustee shall list expenses charged for noticing in each case and separately identify the notices sent in the final report.

(g) Notice of Final Report with Notice of Applications for Compensation

In Chapter 7 cases in which the amount of net proceeds realized exceeds the amount set forth in Fed.R.Bankr.P. 2002(f)(1)(I), or the amount of an application for compensation exceeds the amount set forth in Fed.R.Bankr.P. 2002(a)(6), the Chapter 7 Trustee shall send a 21-day Objection Notice of the trustee's final report and of the applications for compensation and reimbursement of expenses. Trustee shall file a copy of the notice and Certificate of Service.

(h) Returned and Undeliverable Mail

(1) Designation of the Debtor as Return Addressee

The Debtor is designated as the return addressee for orders and notices distributed by the Bankruptcy Noticing Center ("BNC").

(2) Debtor Duty to Provide Accurate Address

Unless a creditor, indenture trustee, or equity security holder has filed a proof of claim or interest designating a mailing address or a preferred address request under 11 U.S.C. § 342(f), tThe Debtor shall file a notice of change of address for a creditor or party in interest whose address may not be accurate based either on the Debtor's receipt of returned mail or information received from the BNC. In addition, the Debtor shall distribute the documents required by S.D.Ind. B-1009-1(b)(2) to a creditor with a revised address. If the Debtor is unable to determine a correct address for a creditor or party in interest, the Debtor may file a Notice of

Address Unavailability specifying the creditor's name and reporting that a correct address cannot be located.

(3) Creditor, Indenture Trustee, and Equity Security Holder Duty to Provide Accurate Address

If a creditor, indenture trustee, or equity security holder has filed a proof of claim or interest designating a mailing address or a preferred address request under 11 U.S.C. § 342(f), such party shall timely file a notice of change of address when the party's mailing address has changed. If such a party fails to file a timely notice of address change, the Debtor may do so.

(4) Returned Mail Received by the Clerk, Inaccurate Addresses Identified by Clerk's Noticing Agent, and Duty to Correct

The Clerk shall docket a returned notice of the Meeting of Creditors, unless the Court orders otherwise. The Debtor shall file a notice of change of address for such a creditor, if the correct address can be identified, shall distribute the documents required by S.D.Ind. B-1009-1(b) to a creditor with a revised address, and shall file a Certificate of Service. All other returned mail received by the Clerk shall be discarded.

(5) Notice of Change of Address Permitted

A creditor or party in interest whose address has changed shall file a notice of change of address. Until such time, all notices shall be mailed as such entity directed in its last request filed in the case or if no request has been filed, to the address shown on the list of creditors or schedule of liabilities, whichever is filed later, or the list of equity security holders (if applicable).

(6) Change of Address or Notice of Address Unavailability Filed by Trustee

If a Trustee becomes aware that the address for a creditor or party in interest is inaccurate, the Trustee may file a notice of change of address. If the Trustee is unable to determine a correct address for a creditor or party in interest, the Trustee may file a Notice of Address Unavailability specifying the name of the creditor or party in interest and reporting that a correct address cannot be located.

## **B-2003-1. NOTICE OF CONTINUED MEETING OF CREDITORS**

(a) Notice when Meeting of Creditors Continued at the Debtor's Request

A Debtor's request to continue the Meeting of Creditors shall be directed to the trustee in a Chapter 7, 12, or 13 case, and to the UST in a Chapter 11 case. The request shall not be filed with the Court. If the request is granted, the trustee shall file notice of the continued meeting date. The Debtor shall distribute notice of the continued meeting to all creditors, parties in interest, the trustee, and the UST, and file a Certificate of Service.

(b) Notice when Meeting of Creditors Continued by Trustee

If a trustee, without request of the Debtor, continues a meeting before it has been convened, the trustee shall file notice of the continued meeting date, distribute notice of the continued meeting to all creditors, parties in interest, and the UST, and file a Certificate of Service.

(c) Notice when Meeting of Creditors Continued After Convened

When a meeting is continued after it has been convened, the trustee or UST shall provide oral notice of the continued date, time, and location of the meeting, and file notice of the continued meeting date, time, and location with the Court. If the Debtor is not represented by counsel and did not appear at the convened meeting, the trustee shall distribute notice of the continued meeting date to the Debtor by mail and file a Certificate of Service.

## **B-2014-1. EMPLOYMENT OF PROFESSIONALS AND TREATMENT OF RETAINERS IN CHAPTER 11 AND 12 CASES**

### **(a) Employment Applications Generally**

A person (the “Applicant”) seeking Court approval of the employment of a Professional shall file an application and a supporting affidavit or verified statement of the Professional that complies with Fed.R.Bankr.P. 2014 (an “Employment Application”) and submit a proposed order. The Employment Application shall state the proposed terms of employment and set forth the amounts, dates paid, and sources, including the names of any guarantors, of any retainer received by the Professional for the period starting one year prior to the petition date through the filing date of the Employment Application. If employment is at an hourly rate, the proposed hourly rates of all Professionals who will work on the case shall be provided. If employment is on a contingent fee basis, the percentages and triggering events shall be disclosed. After discovering any additional material information relating to the employment, the Applicant shall file and serve a supplemental affidavit disclosing the additional information.

### **(b) Employment Applications in Chapter 11 and 12 Cases**

#### **(1) Time to File**

An Employment Application for the Debtor’s counsel in a Chapter 11 and 12 case shall be filed within 14 days after the commencement of the case or conversion of the case to Chapter 11 or 12.

#### **(2) Service of Notice and Hearing**

##### **(A) Service and Notice of Employment Application**

The Applicant shall serve the Employment Application, including the supporting affidavit or verified statement, and a 21-day Objection Notice on the Service List and other parties as directed by the Court. Along with the Employment Application, the Applicant shall file a Certificate of Service. The application, notice, and Certificate of Service may be combined into one document, a sample of which is available on the Court’s website.



(B) Objections, Court Review, and Effective Date

An objection shall be filed and served upon the Applicant, the Professional, the Service List, and other parties as directed by the Court. If no objection is filed, the Court may grant the Employment Application and approve the proposed employment and a periodic payment procedure without a hearing or further notice. If the Employment Application is granted, the employment shall be effective as of the date the Employment Application was filed unless the Court orders otherwise.

(3) Conflicts

If a Professional seeks to resolve a potential conflict of interest, the Professional shall comply with applicable Rules of Professional Conduct. All consents or waivers of conflicts of interest shall be in writing. The Professional shall serve copies of all waivers upon the Applicant and the Service List with the Employment Application or following receipt by the Professional.

(4) Periodic Compensation Other Than Pursuant to 11 U.S.C. § 331

A proposed Professional shall obtain Court approval of the terms for applying a retainer to the payment of the Professional's fees and expenses or any other procedure for receiving compensation before a final fee application that does not comply with 11 U.S.C. § 331. Such request may be included in the Employment Application or made separately. If requested separately, the Applicant shall provide notice in the same manner as required by subparagraph (b)(2)(A) of this rule. Any proposed procedure shall include the following terms:

- (A) a limit on payment without a fee application to 80% of the fees requested, but the procedure may provide for payment of 100% of expenses;
- (B) the proposed schedule for filing a Notice of Draw on Retainer/Payment of Fees and Expenses Pursuant to B-2014-1 ("Notice of Draw") and for making available the documents that support the requested payment;
- (C) the proposed distribution of the Notice of Draw and supporting documents; and
- (A) suspension of the proposed procedure as to any Professional who does not comply with the periodic filing requirements of S.D.Ind. B-2016(b)(2)(i).

(5) Effect of Court's Approval of Procedure for Interim Payments

Court approval of an interim payment procedure is not allowance of fees and expenses that are subject to the interim payment procedure. All fees and expenses are paid subject to court approval of the Professional's final fee application. Failure of a party to object to a Professional's Notice of Draw does not affect the party's right to object to an interim or final fee application.

## **B-2016-1. APPLICATIONS FOR COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES**

### **(a) Generally**

Applications for compensation and reimbursement of expenses shall comply with the fee guidelines of the UST under 28 U.S.C. §586(a)(3)(A)(i) and the Policy of the United States Trustee for Region 10 for Implementation of Fee Guidelines. Applications for compensation and reimbursement of expenses shall be filed separately for the trustee and each Professional.

### **(b) Chapter 11 and 12 Cases**

#### **(1) Cases Under Traditional Fee Award Process**

If the Professional is not subject to a procedure allowing periodic payments under S.D.Ind. B-2014-1(b)(4), then the Professional shall file a final fee application under 11 U.S.C. § 330 no later than 14 days after entry of a dismissal order or the filing of an application for final decree or other pleading that will result in the closing of the case, except a motion under S.D.Ind. B-3022-2(c), unless the Court orders otherwise. If no application is filed by the deadline the Professional shall return to the Debtor any portion of the retainer the application of which has not been approved by the Court and the Professional is prohibited from seeking any further compensation related to the bankruptcy case.

#### **(2) Cases with Periodic Payment Process**

(A) If the Professional has obtained Court approval of a periodic payment procedure under S.D.Ind. B-2014-1(b)(4), then the Professional shall file an application for interim fees and expenses under 11 U.S.C. § 331 no less frequently than 180 days after the order for relief and no later than every 180 days thereafter. The authorization for periodic payment procedures is suspended if the required applications are not filed.

(B) The Professional shall file a final fee application under 11 U.S.C. § 330 no later than 14 days after entry of a dismissal order or the filing of an application for final decree or other pleading that will result in the closing of the case, except a motion under S.D.Ind. B-3022-2(c). If no application is filed by the deadline the Professional shall return to the Debtor any portion of the retainer the application of which has not been approved by the Court and the Professional is prohibited from seeking any further compensation related to the bankruptcy case.

(c) Chapter 13 Cases

(1) Traditional Fee Award Process

Compensation to an attorney representing a Chapter 13 Debtor (“Counsel”) shall be disclosed, reviewed, and approved under applicable authority including, without limitation, 11 U.S.C. §§329 and 330 and Fed.R.Bankr.P. 2002, 2016, and 2017, unless Counsel opts for the alternative award process in subparagraph (b)(2) of this rule.

(2) Streamlined or “Presumed Reasonable” Fee Award Process in Confirmed Cases

Counsel may have fees deemed awarded upon confirmation, without filing a separate application, if:

- (A) Counsel has filed an executed copy of the “Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys,” available on the Court’s website;
- (B) Counsel has filed a proof of claim and served that claim upon the trustee;
- (C) Counsel seeks no more than the maximum fee set by general order (the “Presumed Reasonable Fee”); and
- (D) No other counsel in the case has been awarded and paid any amount using the award process in this subparagraph.

(3) Fee Award Process in Unconfirmed Cases

A request for compensation in an unconfirmed case must be filed using the Application for Final Compensation and/or Reimbursement of Expenses Pursuant to Sec. 330 ECF event and be accompanied by time records supporting the total fees sought by Counsel in the case. The Clerk shall provide notice of the total fees requested. Allowance of the requested compensation and expenses does not, in itself, provide the Chapter 13 Trustee with authority to distribute such funds.

~~(3)~~(4) Supplemental Fees

(A) Lead Bankruptcy Case

Counsel may apply for additional fees if Counsel opted for the fee award process set out in subparagraph (c)(2) of this rule, but later determines that the Presumed Reasonable Fee is not sufficient.

The application shall request only the amount in excess of the Presumed Reasonable Fee and be accompanied by time records supporting the total fees sought by Counsel in the case or by an affidavit explaining why the Presumed Reasonable Fee is inadequate and describing the services rendered in the case. The Clerk shall provide notice of the total fees requested.

(B) Adversary Proceedings Seeking to Avoid an Unsecured Mortgage

Counsel who files an adversary proceeding seeking to avoid an unsecured mortgage pursuant to S.D.Ind. B-4003-3 is entitled to an additional \$500 above the Presumed Reasonable Fee per adversary proceeding, provided that counsel

- (i) discloses the additional fee in the original or an amended Disclosure of Compensation of Attorney for Debtor (Form 2030); and
- (ii) includes the additional fee within counsel's original or amended proof of claim.

~~(4)~~(5) Source of Fee Payment

Except for pre-petition retainers, all fees shall be paid through the plan and Counsel may not receive fees directly from the Debtor, unless the Court orders otherwise.

~~(5)~~(6) Review of Fees

On its own motion or the motion of a party in interest prior to entry of a final decree, the Court may order a hearing to review a fee paid or to be paid.

~~(6)~~(7) Debtor's Non-Bankruptcy Professionals and Distribution of Settlements

As to any Professional whose employment was disclosed under S.D.Ind. B-2014-2, the proposed compensation to the Professional shall be disclosed in any Motion to Approve Settlement Distribution filed under S.D.Ind. B-9019-1(b), unless the information is provided in a Motion to Modify Plan.

## **B-3002.1-1. ADDITIONAL NOTICE REQUIREMENTS FOR MORTGAGE LENDERS IN CHAPTER 13**

(a) Notice of **Mortgage** Payment Change and of Fees, Expenses, and Charges

A creditor with a claim secured by real estate shall comply with Fed.R.Bankr.P. 3002.1(b) and (c), even if the real estate is not the Debtor's principal residence.

(b) Motion to Determine Validity of **Mortgage** Payment Change

A party in interest who objects to the payment change may file a Motion to Determine Validity of **Mortgage** Payment Change. If no motion is filed by the day before the new amount is due, the change goes into effect, unless the Court orders otherwise.

(c) Notice of Change in Servicer

If the mortgage servicer changes while the bankruptcy is pending, the mortgage holder shall file with the Court and serve upon the Debtor and the trustee a notice providing the name of the servicer, the payment address, a contact phone number, and a contact email address.

**~~B-3002.1-2. NOTICE OF EXCEPTION TO FILING NOTICES OF  
PAYMENT CHANGE UNDER FED.R.BANKR.P. 3002.1(b)~~**

~~(a) — Eligibility for Use of Notice of Exception to Filing a Notice of Payment Change~~

~~A creditor may use the procedure in subparagraph (b) of this rule if:~~

- ~~(1) — the creditor asserts a claim secured by a security interest in the Debtor's real estate;~~
- ~~(2) the plan provides for the claim under §1322(b)(5); and~~
- ~~(3) the monthly amount due on the claim changes more than once every 60 days because the creditor's agreement with the Debtor provides for a variable interest rate and/or a variable payment amount, or the creditor is eligible for the exception in subparagraph (e) of this rule.~~

~~(b) — Filing and Effect of Filing Notice of Exception to Filing a Notice of Payment Change~~

~~A creditor eligible under subparagraph (a) of this rule shall be excused from filing a notice of payment change 21 days prior to the change, if the creditor files a Notice of Exception to Filing a Notice of Payment Change ("Notice of Exception") and serves that Notice of Exception on the trustee, the Debtor, and the UST. If no objection to the Notice of Exception is filed under subparagraph (c) of this rule, or if the Court determines after objection that the exception should apply, the creditor is excused from filing a Notice of Payment Change other than a change resulting from a change in the interest rate.~~

~~(c) — Duty to Provide Information~~

~~A creditor subject to the exception shall provide to the Debtor and the trustee each month a statement that clearly identifies the payment amount due on the claim. The creditor shall provide to the trustee or the Debtor, upon request, an updated total amount due.~~

~~(d) — Objection~~

~~A party in interest may object to the Notice of Exception or the monthly statement provided under subsection (c) of this rule within 21 days after the Notice of Exception is filed or the monthly statement is served.~~

(e) ~~—— Limited Exception During Loan Modification Process~~

~~—— If the Debtor files a Motion to Approve Loss Mitigation Agreement, a Motion to Approve a Trial Modification Agreement, or a Motion to Modify Secured Debt (collectively, a “Modification Motion”), the creditor is excused from filing a Notice of Payment Change while that Modification Motion is pending. No later than 21 days after the date of an order approving the Modification Motion, a creditor shall file and serve on the trustee, the Debtor, and the UST a Notice of Payment Change.~~



### **~~B-3002.1-3. NOTICE OF AND RESPONSE TO FINAL CURE PAYMENT~~**

~~If the trustee or the Debtor files a Notice of Final Cure Payment under Fed.R.Bankr.P. 3002.1(f), a creditor shall file a Response to a Notice of Final Cure Payment that substantially complies with Directors' Bankruptcy Form 4100R. A Response to a Notice of Final Cure Payment shall include a copy of the payoff statement as defined by 12 C.F.R. § 1026.36(e)(3) and provide, as an attachment, the following information, as of the date of the response:~~

- ~~—— (a) —— date last payment received on the mortgage;~~
- ~~—— (b) —— date next post-petition payment;~~
- ~~—— (c) —— amount of the next post-petition payment;~~
- ~~—— (d) —— unpaid principal of the loan;~~
- ~~—— (e) —— additional amounts due for any deferred or accrued interest;~~
- ~~—— (f) —— balance of the escrow account; and~~
- ~~—— (g) —— balance of unapplied funds or funds held in a suspense account.~~

**~~B-3002.1-4. MOTION FOR DETERMINATION OF FINAL CURE AND  
PAYMENT: HEARING DEEMED WAIVED~~**

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~~If the trustee or the Debtor files a Motion for Determination of Final Cure and Payment under Fed.R.Bankr.P. 3002.1(h), and the holder of the claim has filed a response that agrees with the Notice of Final Cure Payment or that concurs in the Motion for Determination, the holder of the claim is deemed to have waived further notice and the Court may enter an order on the motion without hearing.~~

## **~~B-3002.1-5. MOTIONS TO DEEM MORTGAGE CURRENT~~**

~~If the trustee is not required to file a Notice of Final Cure Payment, a Chapter 13 Debtor may file a Motion to Deem Mortgage Current after all payments have been made under the plan. The Chapter 13 Debtor shall provide the mortgage lender with a 21-day Objection Notice. Along with the motion, the Chapter 13 Debtor shall file the notice and a Certificate of Service.~~

## **B-3006-1. WITHDRAWAL OF PROOF OF CLAIM**

### **(a) Notice of Withdrawal**

Use of the Notice of Withdrawal of Claim ECF event serves as the filer's certification that the claim may be withdrawn as of right under Fed.R.Bankr.P. 3006(a) and without a Court order. A party in interest may challenge the filing of the Notice of Withdrawal of Claim by filing a Motion to Strike. A Notice of Withdrawal of Claim factually unsupported by the record is effective upon filing unless the Court orders otherwise.

### **(b) Motion to Withdraw**

A ~~claimant-party who~~ that files a motion to withdraw a proof of claim that it previously filed shall provide the Debtor, a trustee, a creditors' committee, the UST, ~~and the affected creditor, and~~ an entity that objected to the claim, if applicable, a 21-day Objection Notice. Along with the motion, the claimant shall file the notice and a Certificate of Service. The motion, notice, and Certificate of Service may be combined into one document, a sample of which is available on the Court's website.

## **B-3015-1. FILING AND DISTRIBUTION OF CHAPTER 13 PLANS AND NOTICE OF CONFIRMATION**

### **(a) Form of Plan**

The Court has adopted a Local Form for the Chapter 13 plan (the “Local Form Plan”) which replaces Official Form 113 as permitted by Fed.R.Bankr.P. 3015.1. The Debtor shall use the Local Form Plan, which is available on the Court’s website or from the Bankruptcy Clerk.

### **(b) Extension of Time to File Plan**

A motion to extend the time to file a Chapter 13 plan shall be filed within 14 days after the commencement of the case.

### **(c) Pre-confirmation Payments as Adequate Protection**

Unless the Court orders otherwise for claims secured by personal property, “adequate protection” under 11 U.S.C. §1326(a)(1)(C) shall be paid by the Debtor to the trustee, as a portion of the payment made under 11 U.S.C. §1326(a)(1), in an amount equal to 1% of the allowed secured claim. Such amount shall be presumed to constitute adequate protection although that presumption may be rebutted. The trustee shall disburse adequate protection payments to creditors with claims secured by personal property as soon as practicable.

### **(d) Definition of Pre-Petition Arrearage**

For the purposes of subparagraph (e), a “pre-petition arrearage” is defined as the amount asserted in Part 3 of Official Form 410A attached to the proof of claim if filed by a mortgage creditor, ~~less any amount asserted as a projected escrow shortage and late fees.~~

### **(e) Payment of Pre-Petition Arrearage and Mortgage Conduit Payments through the Trustee**

If, on the petition date, a pre-petition arrearage of more than one monthly mortgage payment exists, ~~less any amount asserted as a projected escrow shortage and fees,~~ on a mortgage secured by the Debtor’s principal residential real estate, then the Debtor shall make all payments on the mortgage through the Chapter 13 ~~trustee~~ Trustee, creating a mortgage conduit. Such payments made by the Trustee to the mortgage creditor shall include on-going post-petition mortgage installments, pre-petition arrearage, and any uncontested or allowed post-petition costs, fees, and charges asserted by the mortgage creditor. The Trustee shall notify the Debtor 30 days before the Debtor is obligated to resume direct mortgage payments.

### **(f) Distribution of Plans and Amended Plans**

The Chapter 13 Trustee shall distribute the original plan, the first and second amended plans and related notice, and file a Certificate of Service. If service of

the plan other than by first-class mail is required by Fed.R.Bankr.P. 3012 or 4003, the trustee may require the Debtor to distribute the plan to that entity and provide proof of service to the trustee. The Debtor shall distribute a third amended or subsequent plan and related notice, and file a Certificate of Service.

(g) Distribution of Notice of Confirmation

After the Court has entered an order confirming a plan, the Chapter 13 Trustee shall distribute notice of confirmation as required by Fed.R.Bankr.P. 2002(f)(1)(H) and file a Certificate of Service.

## **B-3070-1. WAGE ASSIGNMENT ORDERS IN CHAPTER 13 CASES**

### **(a) Trustee's Authority to Require Wage Assignment Order**

The Chapter 13 Trustee may at any time request an order directing the Debtor's employer to remit plan payments.

### **(b) Procedure**

The trustee may:

- (1) submit ~~an~~ a proposed order to pay (the "Wage Assignment Order" ~~or~~ "Order to Pay") directing a Debtor's employer to remit to the trustee the payment stated in the Debtor's plan – including amended plans and motions for post-confirmation modification — ~~or~~ or in a confirmation order; or
- (2) require the Debtor to submit the Wage Assignment Order within seven days.

### **(c) Service of Orders**

The party who tendered the order shall serve a copy of the signed order on the entity to which the order is directed, the trustee, and the Debtor.

### **(d) ~~Amended~~ Required Orders Required**

~~If the Debtor was required to submit a All Wage Assignment Order, the order shall remain effective, unless terminated, throughout the pendency of the Chapter 13 case, unless rescinded. The Debtor must submit a new order whenever the Debtor's employer or the plan payment changes, until plan payments have been completed. After plan payments have been completed, an order terminating wage assignment shall be submitted.~~

Unless filed by Chapter 13 Trustee, within 14 days of the event requiring the amendment or termination of a Wage Assignment Order, the Debtor shall submit:

- (1) a proposed amended Wage Assignment Order when the plan payment is modified;
- (2) a new proposed Wage Assignment Order when the Debtor changes employer; and/or
- (3) a proposed Order Terminating Wage Assignment for Debtor when the Debtor changes employer, upon the filing of the Chapter 13 Trustee's

Notice of Plan Completion, when the case is dismissed, or upon conversion as required by S.D.Ind. B-1019-1(e).



## **B-6004-1. SALE OF ASSETS OUTSIDE THE ORDINARY COURSE UNDER 11 U.S.C. §363: GENERALLY**

### **(a) Applicability of Local Rule**

This rule applies to any motion to approve the sale of assets, outside the ordinary course of business, under 11 U.S.C. §363 (the “Motion to Sell”). This rule, and S.D.Ind. B-6004-2 through B-6004-4, do not apply to sales proposed as part of a Chapter 11 or 12 plan.

### **(b) Employment and Compensation of Professionals**

Unless S.D. Ind. B-2012-2 applies, the movant shall file a separate application to employ, and a separate application to compensate, any broker, auctioneer, or other professional to be retained to assist with any sale. The retention of liquidators, auctioneers, and appraisers is also governed by S.D.Ind. B-6005-1. No payment shall be made to any professional before the Court has entered an order approving compensation and reimbursement of expenses.

### **(c) Sale of Co-Owned Property**

A party proposing to sell co-owned property shall satisfy the requirements of S.D.Ind. B-7001-2.

### **(d) Procedure; Contents of Motion; Notice**

A Motion to Sell shall comply with S.D.Ind. B-6004-2 through B-6004-4, depending on the type of sale, unless the Court orders otherwise and shall state whether the movant seeks a waiver of the 14-day stay of the sale order’s effective date under Fed.R.Bankr.P. 6004(h).

## **B-6004-2. PRIVATE SALE**

### **(a) “Private Sale” Defined**

A “private sale” is the sale to a specific entity on terms that are fixed at the time the Motion to Sell is filed, with no consideration of competing bids.

### **(b) Contents of Motion: All Chapters**

A Motion to Sell by private sale shall have attached a copy of the agreement and identify:

- (1) the property to be sold;
- (2) the amount of a claimed exemption in the property;
- (3) the prospective purchaser (“Prospective Purchaser”);
- (4) the sales price and an estimate of the net proceeds to be received by the estate, including a deduction for any exemption;
- (5) a brief summary of all material contingencies to the sale;
- (6) a description of the manner in which the property was marketed for sale, and a description of any other offer to purchase;
- (7) a description of any relationship between the Prospective Purchaser and its insiders and the Debtor and its insiders or the trustee;
- (8) a statement setting forth any relationship or connection the trustee or the Debtor or its insiders will have with the Prospective Purchaser or its insiders after sale consummation;
- (9) a disclosure if the property to be sold contains personally identifiable information and, if so, the measures that will be taken to comply with 11 U.S.C. §363(b)(1); ~~and~~
- (10) if the proposed sale seeks to sell property free and clear of liens or other interests under 11 U.S.C. §363(f), the names of the lien or interest holders; and
- (11) whether the movant seeks a waiver of the 14-day stay of the sale order’s effective date under Fed.R.Bankr.P. 6004(h).

(c) Contents of Motion: Additional Requirements in Chapter 11 Cases

A Motion to Sell by private sale in a Chapter 11 case that proposes the sale of all or substantially all of the Debtor's assets shall include, in addition to the requirements in subparagraph (b) of this rule, a summary of the Debtor's debt structure, including the amount of the Debtor's secured debt, priority claims, and general unsecured claims.

(d) Notice

(1) Distribution; Contents; Certificate of Service Generally

The movant shall distribute notice of any hearing or deadline to object to a Motion to Sell, as determined by subparagraphs (d)(2) and (3) of this rule, unless the Court orders otherwise. The notice shall contain all of the information required by subparagraphs (b) and (c) of this rule. The movant shall file a Certificate of Service. The motion, notice, and Certificate of Service may be combined into one document, a sample of which is available on the Court's website.

(2) Chapter 7, 12, and 13 Cases

In a Chapter 7, Chapter 12, or Chapter 13 case, the movant shall provide a 21-day Objection Notice of the Motion to Sell, unless the Court orders otherwise.

(3) Chapter 11 Case

In a Chapter 11 case, the movant shall contact the courtroom deputy to obtain direction as to whether the Court desires a notice with opportunity to object to the Motion to Sell or a hearing notice. The movant shall distribute the notice and file a Certificate of Service.

(e) Report of Sale

The movant shall file a report of sale under Fed.R.Bankr.P. 6004(f)(1) within 14 days of the later of the completion of sale under this rule or the last scheduled sale date, should the transaction fail to close.

### **B-6004-3. SALE BY AUCTION**

(a) “Sale by Auction” Defined

A “sale by auction” is a sale by public auction, with no previously identified initial bidder.

(b) Contents of Motion

A Motion to Sell by auction shall identify:

- (1) the property to be sold;
- (2) the amount of a claimed exemption in the property;
- (3) the name of and contact information for the entity conducting the auction;
- (4) the date, time, and place of the sale, if known, or instructions on how that information can be obtained;
- (5) any bid procedures proposed for the sale;
- (6) a disclosure if the property to be sold contains personally identifiable information and, if so, the measures that will be taken to comply with 11 U.S.C. §363(b)(1); ~~and~~
- (7) if the proposed sale seeks to sell property free and clear of liens or other interests under 11 U.S.C. §363(f), the names of the lien or interest holders; and-
- ~~(7)~~ (8) whether the movant seeks a waiver of the 14-day stay of the sale order’s effective date under Fed.R.Bankr.P. 6004(h).

(c) Notice

The movant shall provide a 21-day Objection Notice of the Motion to Sell, unless the Court orders otherwise. The notice shall provide the information required by subparagraph (b) of this rule. The movant shall also file a Certificate of Service. The motion, notice, and Certificate of Service may be combined into one document, a sample of which is available on the Court’s website.

(d) Report of Sale

The auctioneer or the party that filed the application to employ the auctioneer shall file a report of sale under Fed.R.Bankr.P. 6004(f)(1) within 14 days of the later of the completion of a sale under this rule or the last scheduled sale date, should the transaction fail to close, unless the Court orders otherwise.

UNITED STATES BANKRUPTCY COURT

Southern District of Indiana

In re: \_\_\_\_\_ )  
Debtor(s) ) Case No. \_\_\_\_\_ )  
(xx-xxxxx)

**CHAPTER 13 PLAN**

☐ Original

Amended Plan # \_\_\_\_\_ (e.g. 1<sup>st</sup>, 2<sup>nd</sup>)

**\*\* MUST BE DESIGNATED \*\***

**1. NOTICE TO INTERESTED PARTIES:**

The Debtor must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included", if neither box is checked, or if both boxes are checked, the provision will be ineffective if set out later in the plan.

**1.1 A limit on the amount of a secured claim, pursuant to paragraph 8(c), which may result in a partial payment or no payment at all to the secured creditor.**

☐ Included

☐ Not Included

**1.2 Avoidance of a judicial lien or nonpossessory, non-purchase money security interest. Any lien avoidance shall occur by separate motion or proceeding, pursuant to paragraph 12.**

☐ Included

☐ Not Included

**1.3 Nonstandard provisions, set out in paragraph 15.**

☐ Included

☐ Not Included

**2. GENERAL PROVISIONS:**

**(a) Your Rights May be Affected:** Read these papers carefully and discuss them with your attorney. If you oppose any provision of this plan, you must file a timely written objection. This plan may be confirmed without further notice or hearing unless a written objection is filed before the deadline stated on the separate Notice you received from the Court.

**(b) Proofs of Claim:**

(1) You must file a proof of claim to receive distributions under the plan.

(2) Absent a Court order determining the amount of the secured claim, the filed proof of claim shall control as to the determination of pre-petition arrearages, secured and priority tax liabilities, other priority claims, and the amount required to satisfy an offer of payment in full.

(3) All claims that are secured by a security interest in real estate shall comply with the requirements of Federal Rule of Bankruptcy Procedure ("FRBP") 3001(c)(2)(C).

(4) If the plan proposes to pay a claim as secured and the creditor files an unsecured claim, the claim shall be paid as unsecured, and consistent with 11 U.S.C. § 506(d), shall render the creditor's lien or security interest void upon entry of a discharge order under 11 U.S.C. § 1328.

**(c) Notices Relating to Mortgages:** As required by Local Rule B-3002.1-1, all creditors with claims secured by a security interest in real estate shall comply with the requirements of FRBP 3002.1 (b) and (c) without regard to whether the real estate is the Debtor's principal residence. If there is a change in the mortgage servicer while the bankruptcy is pending, the mortgage holder shall file with the Court and serve upon the Debtor, Debtor's counsel and the Chapter 13 Trustee ("Trustee") a Notice setting forth the change and providing the name of the new servicer, the payment address, a contact phone number and a contact e-mail address.

**(d) Notices (Other than those Relating to Mortgages):** Non-mortgage creditors in Section 8(c) (whose rights are not being modified) or in Section 11 (whose executory contracts/unexpired leases are being assumed) may continue to mail customary notices or coupons to the Debtor or the Trustee notwithstanding the automatic stay.

**(e) Equal Monthly Payments:** As to payments required by paragraphs 7 and 8, the Trustee may increase the amount of any “Equal Monthly Amount” offered to appropriately amortize the claim. The Trustee shall be permitted to accelerate payments to any class of creditor for efficient administration of the case.

**(f) Payments Following Entry of Orders Lifting Stay:** Upon entry of an order lifting the stay, no distributions shall be made on any secured claim relating to the subject collateral until such time as a timely amended deficiency claim is filed by such creditor and deemed allowed, or the automatic stay is re-imposed by further order of the Court.

### **3. SUBMISSION OF INCOME:**

Debtor submits to the supervision and control of the Trustee all or such portion of future earnings or other future income or specified property of the Debtor as is necessary for the execution of this plan.

#### 4. PLAN TERMS:

**(a) Payment and Length of Plan:** Debtor shall pay \$\_\_\_\_\_ to the Trustee, starting not later than 30 days after the order for relief, for \_\_\_\_\_ months, for a total amount of \$\_\_\_\_\_.

Additional payments to Trustee and/or future changes to the periodic amount proposed are:

|  |
|--|
|  |
|--|

**(b) Increased Funding:** If additional property comes into the estate pursuant to 11 U.S.C. §1306(a)(1) or if the Trustee discovers undisclosed property of the estate, then the Trustee may obtain such property or its proceeds to increase the total amount to be paid under the plan. However, if the Trustee elects to take less than 100% of the property to which the estate may be entitled OR less than the amount necessary to pay all allowed claims in full, then a motion will be filed, and appropriate notice given.

**(c) Curing Defaults:** If Debtor falls behind on plan payments or if changes to the payments owed to secured lenders require additional funds from the Debtor's income, the Debtor and the Trustee may agree that the Debtor will increase the periodic payment amount or that the time period for making payments will be extended, not to exceed 60 months. Creditors will not receive notice of any such agreement unless the total amount that the Debtor will pay to the Trustee decreases. Any party may request in writing, addressed to the Trustee at the address shown on the notice of the meeting of creditors, that the Trustee give that party notice of any such agreement. Agreements under this section cannot extend the term of the plan more than 6 additional months.

**(d) Other Plan Changes:** Any other modification of the plan shall be proposed by motion pursuant to 11 U.S.C. §1329. Service of any motion to modify this plan shall be made by the moving party as required by FRBP 2002(a)(5) and 3015(h), unless otherwise ordered by the Court.

**5. PAYMENT OF ADMINISTRATIVE CLAIMS (INCLUSIVE OF DEBTOR'S ATTORNEY FEES):**

☐ None

All allowed administrative claims will be paid in full by the Trustee unless the creditor agrees otherwise.

| Creditor | Type of Claim | Scheduled Amount |
|----------|---------------|------------------|
|          |               |                  |
|          |               |                  |
|          |               |                  |

**6. PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS:**

**(a) Ongoing Domestic Support Obligations:**

☐ None

Debtor shall make any Domestic Support Obligation payments that are due after the filing of the case under a Domestic Support Order directly to the following payee:

| Creditor | Type of Claim | Payment Amount |
|----------|---------------|----------------|
|          |               |                |
|          |               |                |
|          |               |                |

**(b) Domestic Support Obligation Arrears:**

☐ None

The following arrearages on Domestic Support Obligations will be paid in the manner specified.

| Creditor | Type of Claim | Estimated Arrears | Treatment |
|----------|---------------|-------------------|-----------|
|          |               |                   |           |
|          |               |                   |           |
|          |               |                   |           |

**7. PAYMENT OF MORTGAGES RELATING SOLELY TO THE DEBTOR'S PRINCIPAL RESIDENCE:**

☐ None

**(a) Claims Covered:** Only consensual mortgages on the principal residence are treated under this paragraph. All other secured claims should be treated under paragraph 8.



**(b) Pre-Petition Arrearage and Post-Petition Fees:** Any allowed “pre-petition arrearage” indicated in Part 3 of Official Form 410A and any allowed post-petition costs, fees, and charges asserted by the mortgage creditor under FRBP 3002.1 shall be paid by the Trustee.

**(c) Conduit Mortgage:** As required by Local Rule B-3015-1(e), if there is a the pre-petition arrearage includes more than one monthly mortgage payment claim on a mortgage secured by the Debtor's principal residence, exclusive of projected escrow shortages and fees, then ~~both the pre-petition arrearage and the post-petition mortgage installments shall be made through the Trustee-~~ conduit. ~~Initial post-petition payment arrears shall be paid with secured creditors. If there are no arrears, the Debtor may pay the secured creditor directly.~~

**(d) Treatment:** The trustee will not distribute payments to the mortgage creditor until after confirmation of the plan and an allowed claim for the mortgage creditor is on file, unless the Court orders otherwise. ~~Before confirmation, the payment to the mortgage lender shall be the regular monthly mortgage payment unless otherwise ordered by the Court or modified pursuant to an agreement with the mortgage lender. After confirmation, payment shall be as set forth below. Equal Monthly Amount and Estimated Arrears listed below shall be adjusted based on the filed claim and/or notice.~~

| Creditor | Residential Address | Estimated Arrears | Equal Monthly Amount | Mortgage Treatment                                                          |
|----------|---------------------|-------------------|----------------------|-----------------------------------------------------------------------------|
|          |                     |                   |                      | <input type="checkbox"/> Trustee pay<br><input type="checkbox"/> Direct pay |
|          |                     |                   |                      | <input type="checkbox"/> Trustee pay<br><input type="checkbox"/> Direct pay |

No late charges, fees or other monetary amounts shall be assessed based on the timing of any payments made by the Trustee under the provisions of the Plan, unless such creditor has filed a notice pursuant to FRBP 3002.1 or allowed by Order of the Court orders otherwise.

**(e) Escrow Surplus:** An escrow surplus arising as to a mortgage paid by the Trustee shall be returned to the Trustee by the mortgage lender or servicer within 30 days of the completion of an annual escrow analysis or other review that determines a surplus. The Trustee shall file and serve on the Debtor and claimants a Notice of Proposed Distribution of the escrow surplus, provide a 30-day Objection Notice and file a Certificate of Service. If no response is timely filed, the Trustee may treat the escrow surplus as set forth in the Notice of Proposed Distribution.

## **8. PAYMENT OF SECURED CLAIMS OTHER THAN CLAIMS TREATED UNDER PARAGRAPH 7:**

**(a) Claims Covered:** Secured claims not treated under paragraph 7 are treated under this paragraph, including but not limited to delinquent real estate taxes; homeowners' association or similar dues with secured status; sewer liens, and judgment liens that are not being fully avoided under paragraph 12. Claims secured by personal property are treated in subparagraphs (b) and (c). Treatment of other secured claims is provided for in subparagraph (d). Interest that accrues from the petition date through plan confirmation will not be paid on secured claims, unless the Court orders otherwise.

**(b) Claims Secured by Personal Property as to Which 11 U.S.C. § 506 Valuation Is Not Applicable:**

☐ None

Pursuant to Local Rule B-3015-1(c), and unless otherwise ordered by the Court, prior to plan confirmation, allowed claims secured by personal property as to which valuation under 11 U.S.C. § 506 is not applicable, the Trustee shall pay monthly adequate protection payments equal to 1% of a ~~filed~~ the allowed secured claim. The Trustee shall disburse such adequate protection payments to the holders of allowed claims secured by personal property as soon as practicable after receiving plan payments from the Debtor, and the secured claim will be reduced accordingly. After confirmation of the plan, unless otherwise provided in paragraph 15, the Trustee will pay to the holder of each allowed secured claim the filed claim amount with interest at the rate stated below.

| Creditor | Collateral | Purchase Date | Estimated Claims Amount | Interest Rate | Equal Monthly Amount |
|----------|------------|---------------|-------------------------|---------------|----------------------|
|          |            |               |                         |               |                      |
|          |            |               |                         |               |                      |
|          |            |               |                         |               |                      |

**(c) Claims Secured by Personal Property as to Which 11 U.S.C. § 506 Valuation Is Applicable:**

☐ None

Pursuant to Local Rule B-3015-1(c), and unless otherwise ordered by the Court, prior to plan confirmation as to allowed claims secured by personal property not treated under subparagraph (d) but as to which 11 U.S.C. § 506 valuation is applicable, the Trustee shall pay monthly adequate protection payments equal to 1% of the ~~value of the collateral stated below~~ allowed secured claim. The Trustee shall disburse such adequate protection payments to the secured creditor as soon as practicable after receiving plan payments from the Debtor, and the secured claim will be reduced accordingly. After confirmation of the plan, unless otherwise provided in paragraph 15, the Trustee will pay to the holder of each allowed secured claim in the manner set forth below.

| Creditor | Collateral | Purchase Date | Scheduled Debt | Value | Interest Rate | Equal Monthly Amount |
|----------|------------|---------------|----------------|-------|---------------|----------------------|
|          |            |               |                |       |               |                      |
|          |            |               |                |       |               |                      |
|          |            |               |                |       |               |                      |

**(d) Payments of Other Secured Claims:**☐ None

This subparagraph applies to claims secured by real estate not covered in paragraph 7 and to claims secured by personal property not covered in subparagraph (b) or (c) above. Such claims, including those not subject to a monthly payment amount established before filing, shall be paid as specified below. (When completing the chart, if a column is not applicable, enter 'n/a').

| Creditor | Collateral/Type of Debt | Date Incurred | Estimated Arrears | Interest Rate | Equal Monthly Amount | Treatment |
|----------|-------------------------|---------------|-------------------|---------------|----------------------|-----------|
|          |                         |               |                   |               |                      |           |
|          |                         |               |                   |               |                      |           |
|          |                         |               |                   |               |                      |           |

**(e) Surrendered/Abandoned Collateral:**☐ None

The Debtor intends to surrender the following collateral. Upon confirmation, the Chapter 13 estate abandons any interest in, and the automatic stay pursuant to 11 U.S.C. § 362 is terminated as to, the listed collateral and the automatic stay pursuant to 11 U.S.C. §1301 is terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in paragraph 10(b) below. Upon confirmation, the secured creditor is free to pursue its *in rem* rights.

| Creditor | Collateral | Surrendered/Abandoned                                                      | Scheduled Value |
|----------|------------|----------------------------------------------------------------------------|-----------------|
|          |            | <input type="checkbox"/> Abandoned<br><input type="checkbox"/> Surrendered |                 |
|          |            | <input type="checkbox"/> Abandoned<br><input type="checkbox"/> Surrendered |                 |
|          |            | <input type="checkbox"/> Abandoned<br><input type="checkbox"/> Surrendered |                 |

## **9. SECURED TAX CLAIMS AND 11 U.S.C. § 507 PRIORITY CLAIMS:**

☐ None

All allowed secured tax obligations shall be paid in full by the Trustee, inclusive of statutory interest thereon (whether or not an interest factor is expressly offered by plan terms). All allowed priority claims shall be paid in full by the Trustee, exclusive of interest, unless the creditor agrees otherwise.

| Creditor | Type of Priority or Secured Claim | Scheduled Debt | Treatment |
|----------|-----------------------------------|----------------|-----------|
|          |                                   |                |           |
|          |                                   |                |           |
|          |                                   |                |           |

## **10. NON-PRIORITY UNSECURED CLAIMS:**

### **(a) Separately Classified or Long-term Debts:**

☐ None

| Creditor | Basis for Classification | Treatment | Amount | Interest |
|----------|--------------------------|-----------|--------|----------|
|          |                          |           |        |          |
|          |                          |           |        |          |
|          |                          |           |        |          |

### **(b) General Unsecured Claims:**

☐ Pro rata distribution from any remaining funds; or

☐ Other: \_\_\_\_\_

## **11. EXECUTORY CONTRACTS AND UNEXPIRED LEASES:**

All executory contracts and unexpired leases are REJECTED, except the following, which are assumed.

| Creditor | Property Description |
|----------|----------------------|
|          |                      |
|          |                      |

## **12. PARTIAL OR COMPLETE AVOIDANCE OF LIENS:**

☐ None

Debtor will file a separate motion or adversary proceeding to avoid in whole or in part the following non-purchase money security interests, judicial liens, wholly unsecured mortgages or other liens that impair exemptions:

| Creditor | Collateral/Property Description | Basis for Avoidance |
|----------|---------------------------------|---------------------|
|          |                                 |                     |
|          |                                 |                     |

**13. LIEN RETENTION:**

With respect to each allowed secured claim provided for by the plan, the holder of such claim shall retain its lien securing such claim until the earlier of a) the payment of the underlying debt determined under non-bankruptcy law or b) entry of a discharge order under 11 U.S.C. §1328.

**14. VESTING OF PROPERTY OF THE ESTATE:**

Except as necessary to fund the plan or as expressly retained by the plan or confirmation order, the property of the estate shall revert in the Debtor upon confirmation of the Debtor's plan, subject to the rights of the Trustee, if any, to assert claim to any additional property of the estate acquired by the Debtor post-petition pursuant to operation of 11 U.S.C. §1306.

**15. NONSTANDARD PROVISIONS:**

☐ None

Under FRBP 3015(c), nonstandard provisions are required to be set forth below. Any nonstandard provision placed elsewhere in the plan is void. These plan provisions will be effective only if the included box in Paragraph 1.3 of this plan is checked.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Debtor

\_\_\_\_\_  
Printed Name of Debtor

\_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Printed Name of Joint Debtor

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Signature of Attorney for Debtor(s)

Address:

---

---

City, State, ZIP code:

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Area code and phone:

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Area code and fax:

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E-mail address:

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By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for the Debtor(s) certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the form plan adopted by this Court, other than any nonstandard provisions included in paragraph 15.