

UNITED STATES BANKRUPTCY COURT
Southern District of Indiana

In re: _____)
 _____)
 [Name of Debtor(s)], _____) Case No. (xx-xxxxx)
 Debtor(s). _____)

**JOINT MOTION FOR ADEQUATE PROTECTION TO BE DISTRIBUTED BY
THE CHAPTER 13 TRUSTEE PRIOR TO CONFIRMATION PURSUANT
TO 11 U.S.C. §361 AND FED.R.BANKR.P. 4001**

The Chapter 13 Trustee (the "Trustee"), along with the above-named Debtor(s), [and Creditor if applicable], hereby agree that the Trustee shall make adequate protection payments prior to plan confirmation as follows:

Creditor Name and Address: _____

Servicer Name and Address (if applicable): _____

Account Number (last four digits only): _____

Monthly payment amount: _____

1. The Debtor's petition and plan were filed on [enter date] (the "Petition Date").

2. The Debtor(s) shall make their first plan payment no later than 30 days from the Petition Date in the amount of [enter amount]. Thereafter, the Debtor(s) must make payments to the Trustee by the [enter day] of each month.

3. The Trustee shall begin distributing adequate protection payments as set forth above (the "Payment") to the above-named creditor (the "Creditor"), either directly or in care of the Creditor's designated servicer (the "Servicer"), after the last business day of the second month following the Petition Date, assuming the Trustee has sufficient funds on hand to make the Payment.

4. The Trustee shall offset any claim the Creditor may file by the amount of the Payments distributed by the Trustee.

5. The Trustee shall stop distributing the Payment upon plan confirmation or if the case is dismissed or converted.

6. The Trustee shall have no liability for failing to distribute adequate protection payments if the Debtor(s) fail(s) to make timely and complete plan payments to the Trustee.

7. Upon receipt of a Payment, the Creditor shall apply the Payment to the Debtor's account as a post-petition payment.

8. The Trustee shall make no partial Payment. If a partial payment is inadvertently made, the Creditor shall not apply the funds to the Debtor's account until sufficient funds for a full payment have been distributed by the Trustee.

9. Upon plan confirmation, the Trustee shall be entitled to the statutory percentage fee for any Payments distributed to the Creditor.

10. The terms of this Motion shall apply only upon Court approval.

11. Any voluntary changes to the amount of the Payment or to the name or address of the Creditor and/or the Servicer shall be made by filing an Amended Joint Motion.

WHEREFORE, the parties move for the Court to approve the adequate protection payments detailed herein and for such other relief as appropriate.

Date: _____

Chapter 13 Trustee or Staff Counsel

Date: _____

Debtor's Attorney

Date: _____

Creditor's Attorney

CERTIFICATE OF SERVICE

(Certificates of Service forms are available on
the Court's website under Rules & Forms > Local Forms >
Motions & Related Notices/Certificates of Service/Orders)