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U.S. BANKRUPTCY COURT

BY _____ DEPUTY

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS

AMENDED STANDING ORDER RELATING TO CHAPTER 13 PRACTICES IN THE SAN ANTONIO DIVISION

The following Amended Standing Order supersedes the Amended Standing Order Relating to Chapter 13 Practices in the San Antonio Division and is applicable in the San Antonio Division only. It sets out certain practices and procedures relating to Chapter 13 practice and procedure.

IF YOU ARE INVOLVED IN CHAPTER 13 CASES IN THE WESTERN DISTRICT OF TEXAS IN THE SAN ANTONIO DIVISION, PLEASE REVIEW THE TERMS OF THIS ORDER CAREFULLY. THE PROCEDURES SET OUT HEREIN WILL DIRECTLY AFFECT YOUR PRACTICE. PLEASE NOTE THAT THE PROCEDURES DISCUSSED IN THIS STANDING ORDER APPLY IN THE SAN ANTONIO DIVISION ONLY. THE PROCEDURES IN THE AUSTIN, WACO, EL PASO AND MIDLAND DIVISIONS, WHICH ARE THE SUBJECT OF THIS STANDING ORDER, MAY BE DIFFERENT AND MAY BE SUBJECT TO OTHER STANDING ORDERS APPLICABLE TO THOSE DIVISIONS. PLEASE CONSULT THE CLERK OF THE COURT FOR COPIES OF ANY OTHER APPLICABLE STANDING ORDERS.

1. *Adoption of Chapter 13 Plan Format*

Attached as Exhibit "A" to this Standing Order is a Chapter 13 Plan form which shall be used by all Chapter 13 Debtors in cases where the plan is filed after the effective date of this Order. The Clerk shall make available to the public the Chapter 13 Plan form.

2. *General Procedures Regarding Amended Plan*

a. If the Plan is amended prior to confirmation, the Debtor/Debtor's attorney shall file the Amended Plan and shall serve a copy of such Amended Plan prominently displaying the notice of the 2-day objection language.

b. The Amended Plan shall be served upon all creditors and parties in interest and upon the Chapter 13 Trustee within two (2) days after filing.

3. *Duties of Trustees under Chapters 12 and 13*

a. Report of § 341 Meeting and Recommendation Concerning Confirmation

After the conclusion of the First Meeting of Creditors and prior to the scheduled hearing on confirmation of the Plan, the Chapter 12 or 13 Trustee shall submit a report advising the Court of the Trustee's recommendation as to confirmation.

b. Recommendation Concerning Claims

After the deadline for filing proofs of claim has passed, the Trustee shall file a Recommendation Concerning Claims and serve a copy thereof upon all creditors and parties in interest.

No order will be entered approving the Chapter 13 Trustee's Recommendation Concerning Claims. Instead, if no objection or other response is timely filed, then the Recommendation shall be binding upon all parties in interest, and the Chapter 13 Trustee is authorized to make disbursements according to the provisions of said Recommendation without further order of the Court.

If an objection or other response to the Recommendation Concerning Claims is timely filed, the Chapter 13 Trustee may nonetheless make distribution in accordance with the provisions of said Recommendation, except with respect to the claim which is the subject of the response or objection. The Chapter 13 Trustee shall reserve funds attributable to the challenged claim until the allowance or treatment of the claim has been resolved. If, as a result of the claim resolution, there is a greater amount of money available for distribution to creditors, the Chapter 13 Trustee may adjust the payments to creditors accordingly without having to file a further Recommendation Concerning Claims.

The Recommendation Concerning Claims must prominently display the following notice:

> **NO HEARING WILL BE CONDUCTED ON THE RECOMMENDATION CONCERNING CLAIMS (OR ITS TREATMENT OF ANY CLAIM) UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE COURT AND SERVED UPON THE CHAPTER 13 TRUSTEE AT THE FOLLOWING ADDRESS: 1020 NE LOOP 410, SUITE 800, SAN ANTONIO, TEXAS 78209. SUCH RESPONSE MUST BE FILED AND SERVED WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE INDICATED ON THE RECOMMENDATION CONCERNING CLAIMS UNLESS THE COURT, UPON MOTION, EXTENDS THE TIME FOR SUCH FILING. IF NO RESPONSE IS TIMELY FILED AND SERVED, THE TREATMENT OF CLAIMS REFLECTED IN THIS RECOMMENDATION CONCERNING CLAIMS SHALL BE DEEMED APPROVED BY THE COURT WITHOUT FURTHER**

HEARING OR ORDER. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING THEREON ON NOT LESS THAN 30 DAYS NOTICE.

In addition, the Recommendation Concerning Claims must contain the following paragraph in bold face type:

> **BY ORDER OF THE COURT, THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS SHALL BE DEEMED TO SET A *BAR DATE* FOR OBJECTING TO CLAIMS, FOR CONTESTING THE VALIDITY OR PRIORITY OF LIENS, AND FOR CHALLENGING THE PRIORITY OF CLAIMS. SAID *BAR DATE* SHALL BE DEEMED TO BE THE *TWENTIETH DAY AFTER THE SERVICE OF THE RECOMMENDATION CONCERNING CLAIMS, AS REFLECTED IN THE CERTIFICATE OF SERVICE ATTACHED THERETO.* ANY OBJECTION, MOTION OR ADVERSARY PROCEEDING CONTESTING THE VALIDITY OR PRIORITY OF ANY CLAIM MAY NOT BE FILED AFTER THE EXPIRATION OF THE BAR DATE EXCEPT UPON LEAVE OF COURT, AFTER MOTION REQUESTING SUCH LEAVE, AND UPON NOTICE OF HEARING TO THE STANDING CHAPTER 13 TRUSTEE, THE DEBTOR, THE DEBTOR'S COUNSEL AND ALL PARTIES IN INTEREST.**

4. ***General Procedures Regarding Motions to Modify Plans (Including Motions for "Moratoria"), Motions to Cure Plan Arrearages, Motions to Sell Property, and Motions to Incur Debt***

   a. All post-confirmation Motions to Modify Chapter 13 Plans (other than modifications which increase Plan payments without extending the Plan terms or modifications which reduce the Plan term without reducing Plan payments) must

      (1) be noticed to all creditors and parties in interest (including the Chapter 13 Trustee);

      (2) contain negative notice language affording creditors a twenty-day opportunity to file objections to the proposed relief;

(3) specifically indicate the number of months (if any) which the Motion proposes to extend the term of the Plan from the date of confirmation through completion.

These Motions do *not* require "pre-approval" from the Chapter 13 Trustee. A Motion for "Moratorium" or to "Cure Plan Arrearages" or "to Temporarily Suspend Plan Payments" is a Motion to Modify Plan.

Special procedures apply to Motions to Modify Plan which are filed in response to a Trustee's Motion to Dismiss. *See ¶ 6, infra.*

b. All Debtors' Motions to Sell Property and all Motions to Incur Debt may be filed with 20-day negative notice language. Such Motions do not require the Trustee's "pre-approval." A Motion which does not contain 20-day negative notice language may be dismissed by the Court or alternatively may be set in the ordinary course.

5. *Expedited Procedures Regarding Motions to Modify Plans (Including Motions for "Moratoria"), Motions to Cure Plan Arrearages, Motions to Sell Property, and Motions to Incur Debt*

If expedited consideration of any of the foregoing Motions in ¶ 3, *supra*, is required, then the following procedures apply:

a. The Motion *must* be entitled as follows:

Expedited Motion, With Ten (10) Day Notice, to [Relief Requested]

b. The Motion must be served on all creditors and parties in interest, including the Chapter 13 Trustee, and must contain the following notice prominently indicated on the first page of the Motion.

> **YOU HAVE TEN (10) DAYS TO OBJECT TO THIS MOTION. IF THE COURT DETERMINES THAT THIS MOTION DOES NOT QUALIFY FOR EXPEDITED CONSIDERATION, THIS MOTION MAY BE SET FOR HEARING IN THE ORDINARY COURSE. YOU WILL RECEIVE NOTICE OF THAT SETTING.**
>
> **OTHERWISE, IF NO OBJECTIONS ARE TIMELY FILED TO THIS MOTION, AND THE COURT IS SATISFIED THAT THIS MOTION QUALIFIES FOR EXPEDITED CONSIDERATION, NO**

HEARING WILL BE SET, AND THE COURT WILL ENTER AN ORDER GRANTING THE RELIEF REQUESTED.

c. The Motion must set out specific grounds for expedited consideration.

These Motions do not require "pre-approval" by the Chapter 13 Trustee. Failure to include either the appropriate title, as required in ¶ 4(a), or to include the required notice language as set out in ¶ 4(b), may result in the summary dismissal of the Motion or, in the alternative, in the Motion being set in the ordinary course.

The foregoing procedure is to be employed in lieu of Motions for Expedited Hearing. The Court may, in its discretion, summarily deny Motions for Expedited Hearing where it appears that the party could have but did not employ the procedures set out in this paragraph.

6. *Emergency Refunds*

In a valid emergency, when the Debtor can demonstrate the need for an immediate refund, the Chapter 13 Trustee is authorized to issue an immediate refund of Plan payments to the Debtor upon the following conditions:

a. A Motion must be filed which must bear the following entitlement:

Motion for Emergency Refund

b. A copy of the Motion is to be furnished to the Chapter 13 Trustee accompanied by a Trustee Refund Request form (forms available from the office of the Chapter 13 Trustee).

c. The Motion must set out specific grounds for the emergency refund.

d. The Motion must include provision for positive cure (*i.e.*, affirmative repayment) of the amount refunded without an extension of Plan payments.

The Trustee is authorized to issue the refund prior to the Court's ruling on the Motion.

7. ***Trustee's Motions to Dismiss Case and Debtors' Motion to Modify in Response to the Trustee's Motion***

a. A Trustee's Motion to Dismiss Case shall be set for hearing not less than 60 days from the date of service of the Motion.

b. If the Debtor desires to cure the default and continue the Chapter 13 case, then the Debtor must respond to the Motion to Dismiss with a Motion to Modify Plan in Response to Trustee's Motion to Dismiss. The Debtor's Motion must be entitled:

Debtor's Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case

c. The Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case must contain the following special twenty day notice language prominently indicated on the first page of the pleading:

> **IF YOU OBJECT TO THIS MOTION TO MODIFY PLAN, YOU MUST FILE A WRITTEN OBJECTION WITH THE CLERK OF THE COURT WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE OF THIS MOTION. IF AN OBJECTION IS FILED, THEN A HEARING ON THE MOTION WILL BE HELD ON [DATE OF HEARING] AT [TIME OF HEARING]. FAILURE TO FILE A TIMELY OBJECTION OR TO APPEAR AT THE HEARING MAY RESULT IN THE COURT'S GRANTING THE RELIEF REQUESTED.**

d. The foregoing notice must supply (where indicated) the date and time of hearing on the Trustee's Motion to Dismiss Case (as any objection to the Motion to Modify Plan will be heard at the same time). If no objections are timely filed, then no hearing will be set on the Motion to Modify Plan.

e. The Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case *must* be filed and served not less than twenty-five (25) days prior to the scheduled hearing on the Trustee's Motion to Dismiss.

The Trustee's "pre-approval" is not required for Motions to Modify Plans in Response to Motions to Dismiss Case.

If a Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case fails to contain the foregoing title, requisite notice, or hearing date and time, or if the Motion is not timely filed, then the Court may dismiss the Debtor's Motion to Modify for failure to comply with these procedures.

8. ***Disposition of Federal Income Tax Refunds in Chapter 13 Cases***

In addition to the provisions of Local Rule 3025 in the San Antonio Division, the balance of any refund after payment of all obligations to the Internal Revenue Service (IRS) may be issued and delivered by the IRS directly to the Chapter 13 Debtor or to the Chapter 13 Trustee at the discretion of the IRS.

9. ***Administrative Expenses for Chapter 13 Trustees for Noticing Confirmed and Unconfirmed Cases***

The Chapter 13 Trustee shall be responsible for noticing the following:

(1) Orders for Meeting of Creditors with Notice thereof, Automatic Stay, Reset Notices and Correcting Notices;

(2) Trustee's Recommendation Concerning Claims and/or Orders Concerning Claims and Setting Bar Dates for Objections to Claims;

(3) Trustee's Motion to Dismiss with Notice of Hearing; and

(4) Discharge and Dismissal Notices.

Because of the additional expense incurred by the Chapter 13 Trustee in noticing the foregoing items, the Trustee shall be permitted to charge to and collect from the Debtor's case, as an expense of administration, the cost of such noticing at a rate not more than $.50 (fifty cents) per notice, plus actual postage.

Because of the additional expense incurred by the Chapter 13 Trustee in the preparation and setting up of original cases, each Standing Chapter 13 Trustee shall be allowed to collect, as an administrative expense for any case which is dismissed or converted prior to confirmation, a fee of $50.00 per case, plus noticing at $.50 (fifty cents) per notice and the actual cost of postage.

BY ORDER OF THE COURT.

DATED THIS 20 DAY OF March, 2001.

LARRY E. KELLY
CHIEF UNITED STATES BANKRUPTCY JUDGE

LEIF M. CLARK
UNITED STATES BANKRUPTCY JUDGE

RONALD B. KING
UNITED STATES BANKRUPTCY JUDGE

FRANK R. MONROE
UNITED STATES BANKRUPTCY JUDGE

Rev. 2/15/01

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:	§	**Case No.**
	§	
	§	
	§	
	§	
Debtor(s)	§	**Chapter 13 Proceeding**

DEBTOR'S CHAPTER 13 PLAN

To the Honorable United States Bankruptcy Judge:

Comes now the Debtor(s) herein and, as required by 11 U.S.C. §1321, files this Debtor's Chapter 13 plan, and in support thereof would show the Court as follows:

Monthly Plan Payment

Debtor(s) shall each month submit such portion of Debtor's future earnings (or other future income) to the supervision and control of the Chapter 13 Trustee as is necessary for the execution of this plan. Payments by Debtor to the Trustee shall begin within thirty (30) days after the date this plan is filed unless otherwise allowed by the Court. The Debtor's monthly plan payment shall be an amount equal to the Debtor's monthly disposable income or an amount sufficient to pay the claims of general unsecured creditors in full over the term of the plan, whichever first occurs.

Duration of Plan

The term of the plan shall not exceed sixty (60) months from the date the first monthly plan payment is due or until the claims of general unsecured creditors are paid in full, whichever first occurs, provided that the term may be extended by the granting of a moratorium by the Court after proper notice and opportunity for hearing, or other modification of the plan granted by the Court after proper notice and opportunity for hearing. Regardless of the total term, unless there has been a change in circumstances, the plan shall be deemed to have been completed when the Chapter 13 Trustee has received from or on behalf of the Debtor(s) an amount equal to the number of months specified in the Plan times the monthly plan payment or an amount necessary to pay the claims of general unsecured creditors in full, whichever first occurs, and as adjusted by any post-confirmation modifications of the amount of the monthly plan payment.

Payment of Claims

Allowed claims shall be paid to the holders thereof in accordance with the terms hereof. From the monthly payments described above, the Chapter 13 Trustee shall pay the following allowed claims in the manner and amounts specified. Claims filed by a creditor designated as secured or priority but which are found by the Court to be otherwise shall be treated as set forth in the Trustee's Recommendation Concerning Claims.

Local Rule 3002 provides, in part, that EVERY creditor filing a proof of claim in all cases SHALL transmit a copy with attachments, if any, to the Debtor's attorney (or the Debtor if the Debtor is *pro se*) and the Trustee appointed in the case.

A. Administrative Expenses: The Trustee shall pay the expenses, as prescribed by the Court, for administering the plan. The first monthly plan payment, after allowance of the Trustee's fee and costs, shall be paid to the Debtor's attorney for such attorney's fees. The balance, if any, of Debtor's attorney's fees shall be paid concurrently with allowed secured claims in consecutive monthly installments beginning with the second distribution after the confirmation of this plan. Such fees shall be paid in full prior to any payments being made to general unsecured creditors.

B. Priority Claims: Other than Debtor's attorney's fee, payment of which is provided for in the preceding paragraph, claims entitled to priority under 11 U.S.C. §507 shall be paid in full, *pro rata,* unless a specific payment amount is assigned to a particular priority claim, in deferred installments as funds become available. The holder of any such claim may agree to a different treatment of such claim. Unsecured priority tax claims shall not accrue interest or penalty subsequent to the date of filing of the petition and any such interest or penalty that might otherwise accrue post-petition shall be discharged upon completion of the plan.

C. Secured Claims: In the event a secured claim is treated pursuant to 11 U.S.C. § 1325(a)(5)(B),secured creditors whose claims are allowed shall be paid, in consecutive monthly installments, a principal amount equal to the value of their collateral or the amount of their net claim, whichever is less, plus interest thereon at the applicable rate. The holders of such claims shall retain their liens on the collateral which is security for such claims (except for those liens which the Debtor(s) avoids by proper pleading and opportunity for hearing thereon). The value of the collateral shall be deemed to be the value established by the Debtor, subject to objection, and, accordingly, the amount of the secured claim shall be established in the manner provided by the Local Rules of the United States Bankruptcy Court for the Western District of Texas, San Antonio Division, and the *Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines.*

D. Unsecured Claims: Unsecured claims may be separately classified provided, however, that all claims within a particular class shall be treated the same. Any unsecured claim not over $50.00 may be paid *pro rata*, in equal installments or in full, at the election of the Trustee. The classes, generally, will be as follows:

1. General unsecured: The class of "general unsecured" claims shall comprise the claims of all creditors holding unsecured nonpriority claims, not otherwise designated as "special

class" unsecured claims, including the unsecured portion of a secured creditor's bifurcated claim(i.e., the difference between the value of the collateral and the total amount of the claim) and secured claims the liens securing which have been avoided. Payments to general unsecured creditors shall be made on a *pro rata* basis as funds become available. The amount paid to general unsecured claimants shall depend on such factors as the total amount of claims actually filed and allowed, but the total amount paid to unsecured creditors shall be equal to or greater than the amount such creditors would receive, as of the effective date of the plan, if the Debtor's estate were liquidated under Chapter 7 of the United States Bankruptcy Code. When Debtor's attorney's fees have been fully paid, general unsecured claims *may* be paid concurrently with priority, secured and special class claims so long as each such creditor that is to receive a specified monthly payment receives such payment. In the event the Debtor owns non-exempt assets the liquidation of which would result in the immediate payment in full of all allowed general unsecured claims were the Debtor's estate liquidated under Chapter 7 of the United States Bankruptcy Code, then the Debtor shall pay the holders of such claim interest at the rate of five percent (5 %) per annum on allowed claims over the term of the Chapter 13 plan. Should a payment delinquency arise in the payment of any secured, priority or special class, unsecured creditors shall not receive payments until such delinquencies are cured. Interest that would otherwise accrue during the life of the plan is discharged upon completion of the plan.

2. Special class: The class of "special class" claims shall comprise those claims that would otherwise be general unsecured claims but that the Debtor(s) has elected to pay in full despite the fact that general unsecured claims are not paid in full. Such claims include, but are not limited to, claims arising out of consumer debts for which any individual is liable with the Debtor by way of co-signature, guarantee, endorsement or otherwise ("co-signed debts"), claims based on NSF checks (or any other claims which might result in criminal prosecution), and student loans. Such claims may be paid with or without interest as appropriate and may be paid along with priority and secured claims so long as each priority and secured creditor that is to receive a specified monthly payment receives such payment.

Vesting of Estate Property

Upon confirmation of the plan, all property of the estate shall not vest in the Debtor(s), but shall remain as property of the estate subject to the automatic stay of 11 U.S.C. §362.

Executory Contracts/Unexpired Leases:

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume or assign the following executory contracts, if any:

Pursuant to 11 U.S.C.§1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to reject the following executory contracts, if any:

Direct Payments to Creditors

Certain claims may be paid directly to the holders thereof, not by the Chapter 13 Trustee, but rather by the Debtor(s) or some other party who shall be deemed acting as disbursing agent of the Trustee for payment of such claims. Creditors receiving such direct payments outside the plan may continue to issue payment books, coupons and any other method normally used to make and receive periodic payments and this shall not violate the provisions of 11 U.S.C. §362.

Such payments shall be made in addition to the payments by Debtor to the Trustee as herein set forth.

Long Term Debts

Any amount not paid during the term of the plan on debts upon which the last payment is due after the date on which the final payment under the plan is due ("long term debts") shall not be discharged. Provided, however, that in the event the debt is secured by any real or personal property and either the holder of such secured claim obtains relief from the stay of 11 U.S.C. §362 for the purpose of foreclosing its lien on or security interest in such property or the Debtor elects to surrender the property to the creditor, then the entire debt shall be discharged pursuant to 11 U.S.C. §1328(a) or 11 U.S.C. §1328(b) and shall not be excepted from such discharge by 11 U.S.C. § 1328(a)(1) or 11 U.S.C. § 1328(c)(1). Nothing shall prevent the creditor from filing an unsecured claim in the amount of any resulting deficiency after the collateral is liquidated and the proceeds thereof applied against the claim.

Additional Provisions

Additional information, provisions and requirements are set forth in the Local Rules of the United States Bankruptcy Court for the Western District of Texas, San Antonio Division, and in the *Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines* which will be mailed to all parties affected hereby. These documents should be consulted in connection with any analysis of this plan and the effect thereof.

Proposed payments to individual creditors and the amount of payments to unsecured creditors may change as a result of the Meeting of Creditors or as Proofs of Claim are filed and allowed. Creditors may wish to attend the meeting of creditors and should be aware of any changes. All changes will be listed in the Trustee's Recommendation Concerning Claims (TRCC) which will be served on all creditors after the deadline for filing proofs of claim has expired. All documents in the case are available at the office of the United States Bankruptcy Clerk in San Antonio, Texas.

Specific Treatment for Payment of Allowed Claims

These are proposed treatments. Actual treatment may be different. When claims are finalized, you will be served with the "Trustee's Recommendation Concerning Claims" and the opportunity to object.

1. Direct Payments to Creditors

Creditor Name Remarks Debt Amount Monthly Payment

2. SECURED CREDITORS: (Refer to paragraph C)

Creditor/Collateral	Est. Amount	Est. Value	Unsecured Portion	Mo. Pmt or Method of Disb.	Insured (yes/no) Name of Insurance	Indicated if to be Sold or Returned	Interest Rate	Remarks

3. PRIORITY CREDITORS: (Refer to paragraph B)

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along with Secured Creditors	Remarks

4. SPECIAL CLASS UNSECURED CREDITORS: (Refer to paragraph D-2)

Creditor	Special Condition	Est. Debt	Mo. Pmt or Method of Disb. on Est. Value	Remarks

5. GENERAL UNSECURED CREDITORS: (Refer to paragraph D-1)

Creditor	Estimated Debt	Remarks

Totals:

Priority _____ **Secured** _____ **Special Class** _____
Unsecured _____

General Information

Notice: Local Rule 3002 provides, in part:

"Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any to the Debtor's Attorney (or the Debtor if the Debtor is pro se) and the Trustee appointed in the case."

Creditors are hereby notified that WITHOUT FURTHER NOTICE the Plan may be amended at the Meeting of Creditors (341(a)meeting). Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments and estimates of the allowed claims may also change. The following information is an attempt to advise Creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the First Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the office of the United States Bankruptcy Clerk in San Antonio, Texas.

1. The Debtor's Plan Payment is scheduled at _____ per month. ☐ Pay Order, ☐ Pay Order waived.

2. The Plan proposes to pay in full all allowed priority, special class and secured claims to the extent of the value of the collateral and approximately _____ % of the unsecured allowed claims in _____ months. (See Note 1).

3. Value of non-exempt assets _____, ☐ Federal or ☐ State exemptions; ☐ Consumer Debtor or ☐ Business Debtor

4. Debtor monthly net income _____ , -expenses _____ = available for plan _____.

5. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in the "Specific Treatment of Allowed Claims" set forth above.

Note1: Creditors should note that the Debtor's projection of the percentage payment of allowed general unsecured claims is only an estimate. Such percentage is based upon the amount of debt of all classes listed by the Debtor(s) in the Debtor(s) schedules filed with the Court. If claims or amended claims are filed and allowed by the Court in an amount greater or lesser than that scheduled by the Debtor(s), the percentage paid to unsecured creditors may be different than is estimated here.

SUPPLEMENTAL PLAN PROVISIONS

The above plan is a uniform Chapter 13 plan adopted for use in the San Antonio Division of the Western District of Texas. None of its provisions can be altered except as hereinafter set forth in this Supplemental Plan Provision. To the extent any provision of the Supplemental Plan is in conflict with the provisions in the uniform plan, the Supplemental Plan shall prevail. Any provisions in the Supplemental Plan not provided for in the uniform plan shall become a part of the plan in addition to the provisions of the uniform plan.

The following are the Supplemental Plan Provisions:

None

Respectfully submitted this _____day of _____ , 200__.

_____ _____

Debtor Debtor

Insert with 341 Notice on cases filed *with* Schedules and Plan

Additional Court-Ordered Notices

Plan

A Plan is attached. Please review it carefully. It sets out the proposed treatment of all creditors, including the proposed valuation of all collateral. The Plan may be amended without further notice at the first meeting of creditors, and such amendments may affect your treatment as a creditor.

Amended Plan

If the plan is amended prior to Confirmation, the Debtor/Debtor's attorney shall file the Amended Plan and shall serve a copy of such Amended Plan prominently displaying the notice of 20-day objection language upon all creditors and parties in interest, and upon the Chapter 13 Trustee, within two (2) days after filing.

Proofs of Claim

Proofs of claim must be filed in duplicate and a copy (with all attachments) shall be served on debtor's counsel. Secured creditors must attach proof of their perfected secured status. Secured and priority creditors are strongly urged to file their claims *prior to* the meeting of creditors so that the Plan's feasibility can be determined at that time.

Objections to Confirmation

With the exception of objections to valuations of secured debt of the taxing authorities, any objections to Confirmation of the Plan (including any objections to the valuation of specific creditors' collateral as set out in the Plan Summary), must be raised *at or prior to* the meeting of creditors (the § 341 meeting). The objection must be reduced to writing within ten (10) days after the meeting of creditors and filed with the Court.

Confirmation Hearings

If there are no timely objections to Confirmation of the debtor's Plan (or to the proposed valuations of creditors' collateral) and the Trustee otherwise recommends Confirmation, the actual Confirmation Hearing will be deemed waived by all parties, and the Court may enter an Order Confirming the Plan prior to the scheduled Confirmation Hearing date, and the debtor is excused from attending. Absent a specific objection to Confirmation from a taxing authority, valuation issues concerning taxing authorities will not preclude the Confirmation of a Plan and will be addressed through either the claims objection process or the Trustee's Recommendation Concerning Claims.

If there is a timely objection to the debtor's Plan or to the proposed valuation of any item of collateral, then the Confirmation Hearing will be held on the date set, at which hearing the Court may consider and decide all Confirmation and valuation issues raised by the objections. If there are no objections, but the Trustee *does not* recommend Confirmation, then there shall be a Confirmation Hearing.

The Debtor and the Debtor's Attorney Shall Attend This Confirmation Hearing.

Valuation of Collateral

Except for the value of collateral securing a claim of a taxing authority, the value of collateral set out in the debtor's Plan (see the Plan) shall be the value fixed by the Court by Confirmation of the Plan, unless a timely Objection to Confirmation is filed. The objection must specifically object to the proposed valuation and request a hearing thereon. Any objection to valuation will be heard at the Confirmation Hearing, and no Plan will be confirmed until the valuation objection is resolved, except for the value of collateral securing a claim of a taxing authority. The valuation of collateral by the Court shall not relieve a secured creditor from the duty to file a Proof of Claim in order to be paid under the Plan.

In the event a creditor timely files a Proof of Claim which evidences a perfected security interest in collateral, which claim and collateral were not dealt with by the debtor's Plan, the collateral will be deemed valued by the Court at the amount set forth in the Trustee's Recommendation Concerning Claims, unless a response or objection is timely filed.

Bar Date for Objection to Claims

All objections to any Proof of Claim must be filed no later than twenty (20) days after the date of service of the Trustee's Recommendation Concerning Claims (which will be served on all creditors). Absent objections, all claims will be deemed allowed as set forth in the Trustee's Recommendation Concerning Claims.

Summary Dismissal

The Court may dismiss a Chapter 13 case upon certification from the Clerk of the Court or the Chapter 13 Trustee, with notice to the debtor and/or the debtor's attorney and a ten-day opportunity to cure, for the debtor's failure to pay filing fees (including installment filing fees) when due.

The Court may dismiss a Chapter 13 case upon certification from the Chapter 13 Trustee of the debtor's failure to appear at the first meeting of creditors, when such nonappearance has not otherwise been excused by an order of this Court.

The Court may, at the Confirmation Hearing and upon request of the Chapter 13 Trustee at said hearing, dismiss a Chapter 13 case for failure of the debtor to obtain Confirmation of the Chapter 13 Plan.

By Order of the Court
United States Bankruptcy Judge

Insert with 341 Notice on cases filed *without* Schedules and Plan

Additional Court-Ordered Notices

Summary Dismissal

The Schedules and/or Plan have not been filed to date. The debtor and/or the debtor's attorney must file these documents and must serve a copy of the Plan on all creditors and parties in interest within two (2) days after filing. A certificate of such service shall be filed with the Clerk, and a copy thereof shall be sent to the Chapter 13 Trustee.

Notice to the Debtor and the Debtor's Attorney

If the Plan and Schedules are not filed and a file-stamped copy served on the Chapter 13 Trustee within 15 days of the filing of the case (unless the time for filing has been extended by the Court), or if the debtor fails to serve the Plan as directed herein, then the Trustee may certify these facts to the Court, and the Court may summarily dismiss this case without further notice of hearing.

The Court may dismiss a Chapter 13 case upon certification from the Clerk of the Court or the Chapter 13 Trustee, with notice to the debtor and/or the debtor's attorney and a ten-day opportunity to cure, for the debtor's failure to pay filing fees (including installment filing fees) when due.

The Court may dismiss a Chapter 13 case upon certification from the Chapter 13 Trustee of the debtor's failure to appear at the first meeting of creditors, when such nonappearance has not otherwise been excused by an order of this Court.

The Court may, at the Confirmation Hearing and upon request of the Chapter 13 Trustee at said hearing, dismiss a Chapter 13 case for failure of the debtor to obtain Confirmation of the Chapter 13 Plan.

Plan

A Plan has not yet been filed but will be served on all creditors when filed or the case will be summarily dismissed. Please review the Plan carefully. It sets out the proposed treatment of all creditors, including the proposed valuation of all collateral. The Plan may be amended without further notice at the first meeting of creditors, and such amendments may affect your treatment as a creditor.

Amended Plan

If the Plan is amended prior to Confirmation, the Debtor/Debtor's attorney shall file the Amended Plan and shall serve a copy of the Amended Plan prominently displaying the notice of 20-day objection language upon all creditors and parties in interest, and upon the Chapter 13 Trustee, within two (2) days after filing.

Proofs of Claim

Proofs of Claim must be filed in duplicate and a copy (with all attachments) shall be served on the debtor's counsel. Secured creditors must attach proof of their perfected secured status. Secured and priority creditors are strongly urged to file their claims *prior to* the meeting of creditors so that the Plan's feasibility can be determined at that time.

Objections to Confirmation

With the exception of objections to valuations of secured debt of the taxing authorities, any objections to Confirmation of the Plan (including any objections to the valuation of specific creditors' collateral as set out in the Plan), must be raised *at or prior to* the meeting of creditors (the § 341 meeting). The objection must be reduced to writing within ten (10) days after the meeting of creditors and filed with the Court.

Confirmation Hearings

If there are no timely objections to Confirmation of the debtor's Plan (or to the proposed valuations of creditors' collateral), and the Trustee otherwise recommends Confirmation, the actual Confirmation Hearing will be deemed waived by all parties, and the Court may enter an Order Confirming the Plan prior to the scheduled Confirmation Hearing date, and the debtor is excused from attending. Absent a specific objection to Confirmation from a taxing authority, valuation issues concerning taxing authorities will not preclude the Confirmation of a Plan and will be addressed through either the claims objection process or the Trustee's Recommendation Concerning Claims.

If there is a timely objection to the debtor's Plan or to the proposed valuation of any item of collateral, then the Confirmation Hearing will

be held on the date set, at which hearing the Court may consider and decide all confirmation and valuation issues raised by the objections. If there are no objections, but the Trustee *does not* recommend Confirmation, then there shall be a Confirmation Hearing.

The Debtor and the Debtor's Attorney Shall Attend This Confirmation Hearing.

Valuation of Collateral

Except for the value of collateral securing a claim of a taxing authority, the value of collateral set out in the debtor's Plan (see the Plan) shall be the value fixed by the Court by Confirmation of the Plan, unless a timely Objection to Confirmation is filed. The objection must specifically object to the proposed valuation and request a hearing thereon. Any objection to valuation will be heard at the Confirmation Hearing, and no Plan will be confirmed until the valuation objection is resolved, except for the value of collateral securing a claim of a taxing authority. The valuation of collateral by the Court shall not relieve a secured creditor from the duty to file a Proof of Claim in order to be paid under the Plan.

In the event a creditor timely files a Proof of Claim which evidences a perfected security interest in collateral, which claim and collateral were not dealt with by the debtor's Plan, the collateral will be deemed valued by the Court at the amount set forth in the Trustee's Recommendation Concerning Claims, unless a response or objection is timely filed.

Bar Date for Objection to Claims

All objections to any Proof of Claim must be filed no later than twenty (20) days after the date of service of the Trustee's Recommendation Concerning Claims (which will be served on all creditors). Absent objections, all claims will be deemed allowed as set forth in the Trustee's Recommendation Concerning Claims.

By Order of the Court
United States Bankruptcy Judge