

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS

CONSOLIDATED STANDING ORDER FOR THE ADOPTION OF A
DISTRICT FORM CHAPTER 13 PLAN

The Bankruptcy Judges for the Western District of Texas have determined that, in addition to any Division Standing Orders Relating to Chapter 13 Practices, a Standing Order adopting a District Form Chapter 13 Plan in accordance with proposed Fed. R. Bankr. P. 3015.1 and 3015(c)(2) is necessary for the efficient and orderly administration of Chapter 13 cases. This Consolidated Standing Order supersedes all prior standing orders in every Division regarding District form chapter 13 plans. Attached as Exhibit #1 to this Consolidated Standing Order is the Form Chapter 13 Plan (hereinafter the "Form Plan") which shall be used by all chapter 13 debtors in cases filed after the effective date of this Order. *The Form Plan may be revised periodically.* The clerk shall make available to the public the Form Plan and any revised Form Plans.

Creditors are hereby notified that the Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. Debtor's estimate of how much the Plan will pay, projected payments, and estimates as to the payment or distribution to a particular class may change.

I. Plan Payments

- A. Debtor shall propose to pay to the Trustee the indicated base amount by paying the indicated monthly payment ("Plan Payment"). Debtor shall submit such portion of future earnings or other future income to the supervision and control of the Trustee as is necessary for the execution of the Plan. [§ 1306(a)(2)].
- B. Debtor shall commence making Plan Payments to the Trustee not later than thirty (30) days after the date the Petition is filed. [§ 1326(a)(1)]

II. Other Plan Provisions

- A. Lien Avoidance Powers. The confirmation of the Plan shall not limit the ability of the Trustee or Debtor from exercising any lien avoidance powers pursuant to the Bankruptcy Code.
- B. Debtor Request for Moratoriums of Plan Payments. Debtor may request a one-time moratorium on Plan payments not to exceed sixty (60) days. Debtor shall file a Motion with the Court with fourteen (14) days negative notice to all creditors. The Motion must state with specificity the basis for the request and the impact on a class or classes of creditors. The Motion must state when the debtor will resume payments and how the missed payment(s) will be cured. The purpose of such Motion is to assist Debtor in the performance under the Plan and to meet emergency situations that arise during the term of the Plan. The duration of the Plan may be extended, but not

beyond sixty (60) months from confirmation. This provision may also be governed by the Standing Order for Chapter 13 Administration for the division in which this case is pending.

- C. Incurring Post-Petition Debt. Debtor shall not, without Court or Trustee approval, incur debt, except in the ordinary course of business if Debtor is engaged in business pursuant to § 1304.
- D. Transfer of Assets Post-Petition. Debtor shall not, without Court approval, transfer or dispose of assets, unless it is an exempt asset with a value of less than \$2,500.00. Debtor shall not transfer or sell any property claimed as exempt homestead unless approved by order of the Court.
- E. Late Filed Claims, Amended Claims, or Deficiency Claims. If a late claim, an amended claim, or a deficiency claim is filed and allowed; and the Trustee has disbursed to other claims within that class or junior classes, such creditor's allowed claim shall be paid at the same percentage as was paid to other creditors with allowed claims in the same class before recommencing payments to other creditors, but only to the extent possible without recovery of payment from other creditors. The Trustee shall not be required to recover any payments made to other creditors as a result of the filing an allowed late claim, amended claim, or a deficiency claim.
- F. Termination of the Automatic Stay. If the automatic stay applicable to a creditor is terminated either by confirmation of the Plan or order of the Court (or a notice filed pursuant to the terms of a Court order), the Trustee shall cease payments to all secured creditors having a lien on such collateral. Those creditors having a lien on the collateral shall have ninety (90) days from the date the automatic stay is terminated to file an unsecured deficiency claim.
- G. Debtor Engaged in Business. If Debtor is self-employed, Debtor shall comply with the duties required under § 1304(b) and (c) regarding the operation of the business. The duties imposed on Debtor are incorporated herein by reference, including the submission of periodic reports to the Trustee, if required.
- H. Additional Attorney Fees. If the Court approves additional attorney fees, such fees are to be paid as an administrative claim. Further, to the extent the Trustee has disbursed to other classes of creditors, including general unsecured creditors, the Trustee shall not be required to recover such funds previously disbursed in order to assure full payment of the additionally allowed attorney fees.
- I. Order of Payment. Unless the Plan states otherwise, the Trustee shall disburse the funds received as follows:
 - (i) Trustee Fees on receipt
 - (ii) Ongoing Mortgage Payments
 - (iii) Adequate Protection Payments

- (iv) § 503 Administrative Claims (Attorney Fees and other Administrative Claims)
– subject to the Standing Order for Chapter 13 Administration for the Division
- (v) Secured Claims
- (vi) § 507 Priority Claims
- (vii) General Unsecured Claims

J. Date of Plan. Every original, amended or modified plan shall be dated.

The Effective Date of this Standing Order is _____. The Form Plan shall be used in every case filed after the effective date of this Standing Order. Further, to the extent a case is pending after the entry of this Standing Order, and to which no plan has been filed, the Form Plan shall be used.

So Ordered.

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