

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

STANDING ORDER FOR CHAPTER 13 CASE ADMINISTRATION  
FOR MIDLAND/ODESSA DIVISION

The Bankruptcy Judges for the Western District of Texas for the Midland/Odessa Division have determined that the Chapter 13 practice will be more efficiently administered if confirmation hearings are not scheduled until after the bar date for filing proofs of claim. In order to provide adequate protection for creditors and to assist debtors, attorneys and the Chapter 13 Trustee in the orderly administration of cases with this delayed confirmation process, the following procedures are determined to be necessary:

1. ADOPTION OF CHAPTER 13 PLAN FORMAT:

Attached as Exhibit-1 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. BAR DATE FOR FILING PROOFS OF CLAIM BY DEBTORS:

Pursuant to Rule 3004 and 9006(c), the time that a debtor has to file a proof of claim for creditors who fail to timely file a claim is reduced. After the effective date of this Order, debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c). All other provisions of Rule 3004 remain unaffected by this Order.

3. OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date.

4. MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date.

5. RESPONSES TO OBJECTIONS TO CLAIM:  
RESPONSES TO MOTIONS TO VALUE PROPERTY:  
OBJECTIONS TO THE DEBTOR'S PLAN OF REORGANIZATION:  
AND DATE FOR HEARING ON SAME

Any response to an objection to proof of claim or to a motion to value property as well as any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed no later than 10 days prior to the confirmation hearing date. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

6. AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the court will only consider de minimis, nonsubstantive, or technical amendments to the plan at the confirmation hearing.

7. INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

In order to see that funds paid to the Chapter 13 Trustee are distributed as rapidly as possible to creditors, and that the creditors receive the benefit of all such payments, the Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until all conditions are met.

8. NOTICE TO DEBTORS AND CREDITORS:

The substantive provisions of this Standing Order shall be noticed to all debtors and their creditors by the Chapter 13 Trustee. Notice may be given by attaching a supplemental notice to

the 341 Notice, in the form of the attached Exhibit-2.

9. SERVICE OF THE PLAN:

Notwithstanding any provision of the Local Rules, the debtor shall be responsible for serving a copy of the plan as filed with the Clerk of the court, including Sections A - E, on the Chapter 13 Trustee, all creditors and other interested parties.

10. EFFECTIVE DATE:

The provisions of this Order became effective for all Chapter 13 cases where the order for relief was effective after October 1, 1991, pursuant to prior standing orders.

The above procedures are hereby adopted for the Bankruptcy Court for the Western District of Texas in the Midland/Odessa Division.

The Clerk of the court shall give notice of this Order by serving a copy on the Chapter 13 Trustees for the Western District of Texas.

IT IS SO ORDERED.

DATED: April 30, 1999

Signed this 30th day of April 1999, by LARRY E. KELLY, CHIEF U. S. BANKRUPTCY JUDGE, LEIF M. CLARK, U. S. BANKRUPTCY JUDGE, RONALD B. KING, U. S. BANKRUPTCY JUDGE, and FRANK R. MONROE, U. S. BANKRUPTCY JUDGE.

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS

CHAPTER 13 PLAN

This Chapter 13 plan form has been approved by the court for use in the Western District of Texas, and is required in the Waco and Midland/Odessa Divisions.

The form may periodically be revised. The Office of the Clerk will provide the current version of the plan form to any party upon request.

Updated 09/04/02

## CHAPTER 13 PLAN

### WESTERN DISTRICT OF TEXAS WACO AND MIDLAND/ODESSA DIVISIONS

#### Instructions for Completion of Chapter 13 Plan

**Generally:** Complete all parts of each section. If the answer is “none” or “not applicable”, so state. Attach additional pages if necessary, and so note. Unless otherwise indicated, all references to the “debtor” also refer to the joint debtor in joint cases. Note: Do not include this page with copies of the plan filed with the court or served upon parties in interest.

**Completion of Plan:** All sections of the Plan described herein must be completed, and stapled or otherwise securely bound and filed as one document. In completing Section B, if more space is needed, please attach additional pages and clearly label the Sections referred to.

Section A - Plan Summary and Notice of Objection Periods

Section B - Provisions of Plan

Section C - Budget (attach photocopy from Chapter 13 Schedules)

Section D - Signature(s)

Section E - Proof of Service

**Service of Plan:** The debtor is responsible for filing the completed plan with the court, and for serving copies upon the standing trustee, creditors and other interested parties. The original plan filed with the court and the copy sent to the trustee must be printed on only one side of each page. However, copies which are sent to creditors may be two-sided to reduce mailing expense. Service is usually effected by mailing copies of the plan to the parties required to receive them. Debtors should include all pages of Sections A -E of the Plan, plus any additional attachments. Debtors should not include this page nor the Table of Contents with copies of the plan filed with the court or mailed to interested parties.

Name of Debtor(s): \_\_\_\_\_

Bankruptcy Case Number: \_\_\_\_\_

**SECTION A - PLAN SUMMARY AND NOTICE OF OBJECTION PERIODS**

Note to Creditors: Section A is the summary of the plan. Section B contains the detailed provisions of the plan and Section C is the debtor's budget. Except where noted otherwise, references to the "debtor" also refer to the debtor's spouse if the case is a joint case.

**A-1. DATE OF PLAN:**

This plan is:

The first chapter 13 plan filed in this case.

A modified plan, which replaces that plan filed on: \_\_\_\_\_  
That plan  has  has not been confirmed by the court.

**A-2. ASSETS AND LIABILITIES:**

A. On \_\_\_\_\_, the debtor  
 filed for relief under chapter 13.  
 converted a previously filed case to one under chapter 13.

B. As of that date, the debtor listed assets and liabilities of:

Total Assets: \$ \_\_\_\_\_  
Total Unsecured Debt including unsecured portions of secured debt:  
\$ \_\_\_\_\_  
Total Secured Debt: \$ \_\_\_\_\_

**A-3. FUNDING OF PLAN:**

The debtor proposed to pay \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ months. The total amount to be paid into the plan is \$ \_\_\_\_\_, which  does  does not constitute all of the disposable income of the debtor during the period of the plan.

**A-4. DIVIDEND TO CREDITORS:**

Secured Creditors: The debtor proposes to deal with secured creditors as set forth in subsections B-4 through B-6 of this plan.

Unsecured Creditors: The debtor proposes to pay unsecured creditors an estimated payment of \_\_\_\_\_% of the present value of their allowed claims, without interest.\*

\* Note: The percentage shown is for the purposes of estimation only. It is based upon the amount of debt listed by the debtor in the schedules filed with the Court. If actual allowed claims are different than those scheduled by the debtor, the percentage paid to unsecured creditors may change.

For comparison, if the estate were liquidated under chapter 7, the debtor estimates that the dividend to unsecured creditors would be approximately \_\_\_\_%. It is estimated that distributions to the unsecured creditors will commence on the \_\_\_\_ month of the plan. This plan provides for payments of unsecured claims concurrently with secured and priority claims. The debtor proposes a concurrent distribution to unsecured creditors of \$ \_\_\_\_\_ to be paid pro rata.

#### **A-5. FILING PROOFS OF CLAIM:**

Creditors must timely file a Proof of Claim with the court to be entitled to a dividend under the plan. A Proof of Claim form is printed on the reverse side of the Meeting of Creditors notice, which is mailed to each creditor in the case.

Proofs of claim and attachments must be filed in duplicate in order to be accepted for filing. All creditors must file a claim in order to be paid under the Plan. Secured creditors must attach proof of their perfected security interest. Every creditor filing a proof of claim shall transmit a copy with any attachments to the Debtor's attorney, or to the Debtor if appearing pro se.

Creditors have 90 days from the first date set for the meeting of creditors to file a proof of claim in a case. Debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c).

#### **A-6. OBJECTIONS TO CLAIMS:**

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any objection to a claim shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS OBJECTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE OBJECTION TO THE CLAIM SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19 \_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_ M.

#### **A-7. MOTIONS TO VALUE PROPERTY:**

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any motion to value property shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS MOTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE MOTION TO VALUE PROPERTY SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE DAY OF \_\_\_\_\_, 19 \_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_ M.

**A-8. MOTIONS TO AVOID LIEN:**

Motions to avoid lien under 11 U.S.C. § 522(f) must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any motion to avoid lien under § 522(f) shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS MOTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE MOTION TO AVOID LIEN SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_M.

**A-9. OBJECTIONS TO THE DEBTOR'S PLAN OF REORGANIZATION AND DATE FOR HEARING ON SAME:**

Any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed with the Clerk no later than 10 days prior to the confirmation hearing date and served on the Debtor, Debtor's attorney and the Chapter 13 trustee. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

If any pleadings specified above are pending or if the Trustee does not recommend confirmation, the Debtor and Debtor's attorney shall attend the confirmation hearing at the place and time specified in the Meeting of Creditors and Fixing of Dates Notice.

The Debtor(s) represent that, as of the date of the confirmation hearing, they will be current on all post-petition, direct payments; and if they are not they will not ask for confirmation; and that confirmation will preclude any right the debtor(s) may otherwise have to later seek a modification of the plan to deal with any pre-confirmation defaults on direct payments.

If none of the above pleadings are pending and the Chapter 13 Trustee recommends confirmation, the Court may enter an order confirming the plan.

**A-10. AMENDMENTS TO THE PLAN OF REORGANIZATION:**

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the Court will only consider de minimis, non-substantive, or technical amendments to the plan at the confirmation hearing.

**A-11. MOTIONS FOR RELIEF FROM OR MODIFICATION OF THE AUTOMATIC STAY:**

Pursuant to Sections 362(d) and (e) of the Bankruptcy Code, where the plan designates the Trustee as disbursing agent for debt repayment, all ORDERS OR AGREED ORDERS on motions for relief from or modification of the automatic stay concerning the debt shall include the following language:

1. If the property is foreclosed or repossessed, the creditor must provide written notice by regular U.S. mail to the

debtor, debtor's attorney and the Trustee;

2. Once the above-referenced notice of foreclosure or repossession is received by the Trustee, no further disbursement will be made by the Trustee on the claim until an amended claim is filed by the creditor. In addition,
3. If the claim is not amended within 90 days, then the claim will have been deemed to have been satisfied by the foreclosure/repossession and further treatment through the plan will have been deemed to have been waived.

**A-12. INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:**

The Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the Debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until both conditions are met.

**A-13. PAYMENT PROCEDURE:**

If a secured claim is scheduled to receive a specific monthly payment, the Chapter 13 software operates to pay that secured claim only that specific monthly payment, even if other secured claims are not filed. If a secured claim is scheduled to be paid a pro rata amount each month, and if other secured claims scheduled to be paid pro rata are not filed, the filed secured pro rata claim will receive a proportionately greater amount of money.

**A-14. MOTIONS TO INCUR NON-EMERGENCY CONSUMER DEBT:**

The debtor shall not incur non-emergency consumer debt without written approval of either the court or the trustee.

The debtor shall make written application to the trustee for approval to incur non-emergency consumer debt. The debtor shall not file the application with the clerk. If approved by the trustee, the trustee shall file the approval and the application with the clerk. If not approved by the trustee within ten days, the debtor may then file with the clerk a motion to incur non-emergency consumer debt and the motion shall contain as an attachment the trustee's denial of the application to incur debt.

## SECTION B - PROVISIONS OF PLAN

Note: Items B-3 through B-7 and B-10 detail proposed payments to creditors under the plan.

### B-1. ELIGIBILITY:

The debtor is an individual who owed, on the date of the filing of the petition commencing this case, non-contingent, liquidated and unsecured debts totaling \$\_\_\_\_\_ and non-contingent, liquidated and secured debts totaling \$\_\_\_\_\_. The debtor has regular income and is otherwise eligible for relief under 11 U.S.C. § 109(e) of the United States Bankruptcy Code. This plan is proposed in good faith and complies with all applicable provisions of chapter 13 and the United States Bankruptcy Code.

### B-2. FUNDING OF PLAN:

The debtor will commit the following future earnings, property or other income to the custody and control of the standing trustee to fund the chapter 13 plan:

Equal Monthly Payments of \$\_\_\_\_\_ per month for \_\_\_\_\_ months beginning \_\_\_\_\_  
 payroll deduction?:  yes  no

Equal Payments of \$\_\_\_\_\_ every  week  
 two weeks  
 twice monthly  
 for \_\_\_\_\_ months beginning \_\_\_\_\_  
 payroll deduction?:  yes  no

Equivalent monthly payment is:

weekly payment of \$\_\_\_\_\_ x 4.33 = \$\_\_\_\_\_  
 payment every two weeks of \$\_\_\_\_\_ x 2.17 = \$\_\_\_\_\_  
 payment twice monthly of \$\_\_\_\_\_ x 2 = \$\_\_\_\_\_

Other Payments:  
Date Amount Source

### B-3. PAYMENTS TO PRIORITY CREDITORS:

A. **Priority Creditors Under 11 U.S.C. § 1326(a).** The following priority creditors shall be fully paid by deferred cash payments.

1. **Trustee:** 10% of all sums disbursed, except any funds returned to the debtor.
2. **Debtor's Attorney:** \$\_\_\_\_\_ balance due of total fee of \$\_\_\_\_\_; to be paid at \$\_\_\_\_\_ per month under the plan.

B. **Priority Creditors Under 11 U.S.C. § 1322(2).** The following priority creditors will be fully paid by deferred cash payments, unless the holder of such a claim agrees to be treated differently.

<u>Creditor</u>	<u>Type of Claim</u>	<u>Balance Due</u>	<u>Term of payments</u> <u>Begin/End</u>
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**B-4. CREDITORS SECURED BY PROPERTY OTHER THAN REAL ESTATE.  
DEBTOR TO RETAIN COLLATERAL:**

Creditors whose claims are secured by property other than real estate and whose collateral is to be retained by the debtor shall retain their liens and be paid as indicated below. Insurance will be maintained upon such collateral at the debtor's expense, in accordance with the terms of the contract and security agreement creating such security interest.

- A. To be Paid in Full Through Trustee.** Creditors named below whose claims are allowed will be paid the equivalent of 100% of the present fair market value of their collateral, not to exceed the outstanding balance of the obligation, in deferred cash payments. This will fully satisfy the secured portion of such creditor's allowed claim. The excess of such a creditor's claim over and above the fair market value of its collateral will be paid as an unsecured claim.

Creditor:

Balance Due: \$ \_\_\_\_\_

Collateral (description):

Fair Market Value: \$ \_\_\_\_\_

Source of Valuation:

- Secured claim to be amortized by monthly payments through trustee of \$ \_\_\_\_\_ for \_\_\_\_\_ months, which includes interest on deferred principal at the rate of \_\_\_\_% per annum, or
- Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of \_\_\_\_\_ per annum.
- or
- Other:

Creditor:

Balance Due: \$ \_\_\_\_\_

Collateral (description):

Fair Market Value: \$ \_\_\_\_\_

Source of Valuation:

- Secured claim to be amortized by monthly payments through trustee of \$ \_\_\_\_\_ for \_\_\_\_\_ months, which includes interest on deferred principal at the rate of \_\_\_\_% per annum, or
- Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of \_\_\_\_\_ per annum.
- or
- Other:

Creditor:

Balance Due: \$ \_\_\_\_\_

Collateral (description):

Fair Market Value: \$ \_\_\_\_\_

Source of Valuation:

- Secured claim to be amortized by monthly payments through trustee of \$ \_\_\_\_\_ for \_\_\_\_\_ months, which includes interest on deferred principal at the rate of \_\_\_\_% per annum, or
- Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of \_\_\_\_\_ per annum.
- or
- Other:

**B. To Be Paid Directly By Debtor.** Creditors named below whose claims are allowed will be paid directly by the debtor in accordance with the terms of the contract and security agreement.

Creditor:  
Balance Due: \$ \_\_\_\_\_  
Regular Installment payment of \$ \_\_\_\_\_ per \_\_\_\_\_  
Collateral (description):  
Fair Market Value: \$ \_\_\_\_\_  
Source of Valuation:

Creditor:  
Balance Due: \$ \_\_\_\_\_  
Regular Installment payment of \$ \_\_\_\_\_ per \_\_\_\_\_  
Collateral (description):  
Fair Market Value: \$ \_\_\_\_\_  
Source of Valuation:

The Debtor(s) represent that, as of the date of the confirmation hearing, they will be current on all post-petition, direct payments; and if they are not, they will not ask for confirmation; and that confirmation will preclude any right the debtor(s) may otherwise have to later seek a modification of the plan to deal with any pre-confirmation defaults on direct payments.

**C. Delinquency to be Cured Through Plan, Regular Payments to be Paid Directly by Debtor.**

Creditor:  
Principal Balance Due: \$ \_\_\_\_\_  
Description of Security:  
Debtor's estimation of value:  
Regular Monthly Installment Payment: \$ \_\_\_\_\_  
Payment delinquency and other defaults: \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
To be cured by payments of \$ \_\_\_\_\_ per month for \_\_\_\_\_ months,  
[ ] without interest  
[ ] including interest on the sum deferred at the rate of \_\_\_\_\_% per annum.

Creditor:  
Principal Balance Due: \$ \_\_\_\_\_  
Description of Security:  
Debtor's estimation of value:  
Regular Monthly Installment Payment: \$ \_\_\_\_\_  
Payment delinquency and other defaults: \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
To be cured by payments of \$ \_\_\_\_\_ per month for \_\_\_\_\_ months,  
[ ] without interest  
[ ] including interest on the sum deferred at the rate of \_\_\_\_\_% per annum.

Creditor:  
Principal Balance Due: \$ \_\_\_\_\_  
Description of Security:  
Debtor's estimation of value:  
Regular Monthly Installment Payment: \$ \_\_\_\_\_  
Payment delinquency and other defaults: \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
To be cured by payments of \$ \_\_\_\_\_ per month for \_\_\_\_\_ months,  
[ ] without interest  
[ ] including interest on the sum deferred at the rate of \_\_\_\_\_% per annum.

**B-5. Creditors Secured by Property Which Will be Surrendered by the Debtor.** Upon confirmation of the plan, if not before, the debtor will surrender the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy such creditor's claim, the creditor shall hold a non-priority, unsecured claim. The entry of the Order confirming the plan shall have the effect of terminating the stay of 11 U.S.C. § 362(a) as to the collateral surrendered, thereby allowing the recovery and disposition of such property according to applicable non-bankruptcy law.

Creditor:  
Collateral to be surrendered:  
Debtor's estimation of value: \$ \_\_\_\_\_

Creditor:  
Collateral to be surrendered:  
Debtor's estimation of value: \$ \_\_\_\_\_

Creditor:  
Collateral to be surrendered:  
Debtor's estimation of value: \$ \_\_\_\_\_

**B-6. CREDITORS WITH CLAIMS SECURED BY REAL ESTATE:**

Creditors whose claims are secured by real estate which is to be retained by the debtor shall retain their liens and be paid as indicated below. Insurance will be maintained upon such collateral at the debtor's expense, in accordance with the terms of the contract and deed of trust creating the lien thereon.

**A. Claims Secured Only by Interest in Debtor's Principal Residence:** Creditors named below are secured only by a security interest in real estate which is the debtor's principal residence. Creditors whose claims are allowed will have any delinquency accrued or default which occurred before the filing of the petition commencing this case cured through the plan. All obligations of the debtor under the contract and deed of trust (except as pertains to the curing of the below-described arrearage) will be performed by the debtor in accordance with the terms of such contract and deed of trust encumbering the property.

Creditor:  
Principal Balance Due: \$ \_\_\_\_\_  
Description of Security:  
Regular Monthly Installment Payment: \$ \_\_\_\_\_  
Pre-petition delinquency and other defaults: \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
To be cured by payments of \$ \_\_\_\_\_ per month for \_\_\_\_\_ months,  
     without interest  including interest on the sum deferred at the rate of \_\_\_\_\_% per annum.  
Payments to cure pre-petition delinquency and other defaults to be paid:  
     through trustee  directly by debtor.  
Regular payments accruing post-petition to be paid:  
     through trustee  directly by debtor.

Creditor:  
Principal Balance Due: \$ \_\_\_\_\_  
Description of Security:  
Regular Monthly Installment Payment: \$ \_\_\_\_\_  
Pre-petition delinquency and other defaults: \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
To be cured by payments of \$ \_\_\_\_\_ per month for \_\_\_\_\_ months,  
     without interest  including interest on the sum deferred at the rate of \_\_\_\_\_% per annum.

Payments to cure pre-petition delinquency and other defaults to be paid:  
 through trustee  directly by debtor.

Regular payments accruing post-petition to be paid:  
 through trustee  directly by debtor.

- B. Other Claims Secured by Real Property.** Creditors named below are secured by a security interest in real estate other than the debtor's principal residence. Creditors whose claims are allowed will be paid the equivalent of 100% of the present fair market value of their collateral in deferred cash payments. This will fully satisfy the secured portion of such creditor's allowed claim. The excess of such a creditor's claim over and above the fair market value of its collateral will be paid as an unsecured claim.

Creditor:

Balance Due: \$ \_\_\_\_\_

Collateral (description):

Fair Market value: \$ \_\_\_\_\_

Source of Valuation:

- Secured claim to be amortized by monthly payments through trustee of \$ \_\_\_\_\_ for \_\_\_\_\_ months, which includes interest on deferred principal at the rate of \_\_\_\_\_ % per annum,  
or  
 Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of \_\_\_\_\_ per annum.  
or  
 Other:

Creditor:

Balance Due: \$ \_\_\_\_\_

Collateral (description):

Fair Market value: \$ \_\_\_\_\_

Source of Valuation:

- Secured claim to be amortized by monthly payments through trustee of \$ \_\_\_\_\_ for \_\_\_\_\_ months, which includes interest on deferred principal at the rate of \_\_\_\_\_ % per annum,  
or  
 Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of \_\_\_\_\_ per annum.  
or  
 Other:

Creditor:

Balance Due: \$ \_\_\_\_\_

Collateral (description):

Fair Market value: \$ \_\_\_\_\_

Source of Valuation:

- Secured claim to be amortized by monthly payments through trustee of \$ \_\_\_\_\_ for \_\_\_\_\_ months, which includes interest on deferred principal at the rate of \_\_\_\_\_ % per annum,  
or  
 Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of \_\_\_\_\_ per annum.  
or  
 Other:

C. **Other Claims Secured by Real Property.** Delinquency to be cured through the plan. Regular payments to be paid directly by the debtor.

Creditor:

Principal Balance Due: \$ \_\_\_\_\_

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ \_\_\_\_\_

Amount: \$ \_\_\_\_\_

To be cured by payments of \$ \_\_\_\_\_ per month for \_\_\_\_\_ months,  
[ ] without interest [ ] including interest on the sum deferred at the  
rate of \_\_\_\_\_ % per annum.

Payments to cure pre-petition delinquency and other defaults to be paid:

[ ] through trustee [ ] directly by debtor

Regular payments accruing post-petition to be paid:

[ ] through trustee [ ] directly by debtor

**B-7. UNSECURED CREDITORS NOT ENTITLED TO PRIORITY:**

Unsecured creditors with claims not entitled to priority under the Bankruptcy Code will receive estimated payment of \_\_\_% of the present value of their allowed claims, without interest. For comparison, if the estate were liquidated under Chapter 7, the debtor estimates that the dividend to unsecured creditors would be approximately \_\_\_\_%. This percentage is based upon the amount of debt listed by the debtor in the Chapter 13 schedule filed with the Court. If actual allowed claims are different than those scheduled by the debtor, the percent to be paid to unsecured creditors may change. It is estimated that distribution to the unsecured creditors will commence on the \_\_\_\_\_ month of the plan. This plan provides for payments of unsecured claims with secured and priority claims. The debtor proposes a concurrent distribution to unsecured creditors of \$ \_\_\_\_\_ to be paid pro rata.

**B-8. EXECUTORY CONTRACTS AND LEASES:**

A. Rejection: The debtor will reject the following executory contracts and/or leases.  
Other Party to Contract                      Type of Agreement                      Dated

B. Assumption: The debtor will assume the following executory contracts and/or leases.  
Other Party to Contract                      Type of Agreement                      Dated

**B-9. TITLE OF PROPERTY TO REVEST IN DEBTOR:**

Except as noted, all property of the debtor shall revert in the debtor upon confirmation of the plan.  
Exceptions: \_ none

**B-10. OTHER PROVISIONS OF PLAN:**

Other: \_\_\_\_\_ none

### SECTION C - BUDGET

A photocopy of Budget, which is Schedules I and J of the bankruptcy schedules giving a summary of income and expenses, is attached. In addition, a pro forma reflecting the amount distributed to creditors during the pendency of the plan may be attached.

*[Note to debtor: be sure that the budget is attached to each copy of the plan filed with the court or served upon a party in interest.]*

### SECTION D - SIGNATURE(S)

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney

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

\_\_\_\_\_  
Address of Attorney (If applicable)

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

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Address of Debtor(s)

\_\_\_\_\_  
Telephone Number, including area code

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Texas Bar Number

\_\_\_\_\_  
Telephone Number, including area code

### SECTION E - PROOF OF SERVICE

The undersigned hereby certifies that on this date the foregoing Chapter 13 plan was served upon the standing Trustee, all creditors, and other interested parties by:

mailing a complete copy of the plan, including a photocopy of the Budget, to each party,  
or by

\_\_\_\_\_

On the original and all copies filed with the Clerk, a separate Certificate of Service shall also be attached, indicating specifically the parties served (including their addresses), the method of service, the date of service, shall be signed, and shall state that service in compliance with Local Rule 9013 (g), if applicable, has been accomplished.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of attorney or pro se debtor

\_\_\_\_\_  
Printed Name

## **Additional Court-Ordered Notices**

### **ADOPTION OF CHAPTER 13 PLAN FORMAT:**

The Court for the Austin, Waco and Midland Divisions has adopted 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 the Standing Order. The Clerk shall make available to the public the Chapter 13 Plan Form.

### **FILING PROOFS OF CLAIM:**

Proofs of claim and attachments must be filed in duplicate in order to be accepted for filing. All creditors must file a claim in order to be paid under the Plan. Secured creditors must attach proof of their perfected security interest. Every creditor filing a proof of claim shall transmit a copy with any attachments to the Debtor's attorney, or to the Debtor if appearing pro se.

Creditors have 90 days from the first date set for the meeting of creditors to file a proof of claim in a case. Debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c).

### **OBJECTIONS TO CLAIMS:**

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date.

### **MOTIONS TO VALUE PROPERTY:**

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date.

### **RESPONSES TO OBJECTIONS TO CLAIMS:**

### **RESPONSES TO MOTIONS TO VALUE PROPERTY:**

### **OBJECTIONS TO THE DEBTOR'S PLAN OR REORGANIZATION:**

### **AND DATE FOR HEARING ON SAME:**

Any response to an objection to proof of claim or to a motion to value property as well as any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed no later than 10 days prior to the confirmation hearing date. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

If any pleadings specified above are pending or if the Trustee does not recommend confirmation, the Debtor and Debtor's attorney shall attend the confirmation hearing at the place and time specified in this Notice.

If none of the above pleadings are pending and the chapter 13 Trustee recommends confirmation, the hearing will be deemed to have been waived by all parties and the Court may enter an order confirming the plan prior to the originally scheduled confirmation hearing date.

### **AMENDMENTS TO THE PLAN OF REORGANIZATION:**

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the Court will only consider de minimis, nonsubstantive, or technical amendments to the plan at the confirmation hearing.

**INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:**

The Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the Debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until all conditions are met.

**PAYMENT PROCEDURE:**

If a secured claim is scheduled to receive a specific monthly payment, the Chapter 13 software operates to pay that secured claim only that specific monthly payment, even if other secured claims are not filed. If a secured claim is scheduled to be paid a pro rata amount each month, and if other secured claims scheduled to be paid pro rata are not filed, the filed secured pro rata claim will receive a proportionately greater amount of money.

**FILING AND SERVICE OF THE PLAN:**

Failure to file a Chapter 13 Plan and Schedules and serve the Trustee with a file stamped copy within fifteen (15) days of the date of the Chapter 13 Petition, or failure to file an Application for extension of time to file such Plan and Schedules may result in summary dismissal of the case without notice of hearing.

Notwithstanding any provision of the Local Rules, the Debtor shall be responsible for serving a copy of the plan as filed with the Clerk of the Court, including Sections A - E, on the Chapter 13 Trustee, all creditors and other interested parties. The Plan must be served on creditors and other interested parties five (5) days following the filing of the Plan with Certificate of Service of such Plan served upon the Clerk and Trustee; failure to do so may result in summary dismissal without notice or hearing.