

**Local Bankruptcy Form 320.4, 13 Motion**

**Exhibit E**

[Caption as in Bankruptcy Official Form No. 16B]

**Motion to Confirm Chapter 13 Plan**

THE DEBTOR MOVES FOR ORDERS AS FOLLOWS:

- (1) For an order confirming plan filed           [insert date]          .
  - (2) For an order pursuant to 11 U.S.C. § 506(a) valuing secured claims which are to be paid through the plan at the amount payable as specified in the plan for each such creditor.
  - (3) For an order pursuant to § 1325(a)(5) determining that the property to be distributed under the plan to holders of secured claims is not less than the allowed amount of each such claim.
- CREDITORS SHALL TAKE NOTICE THAT IN THE ABSENCE OF A WRITTEN OBJECTION BY A CREDITOR, THE AMOUNT PAYABLE WHICH IS SPECIFIED IN THE PLAN TO BE PAID TO EACH OF THE SECURED CREDITORS WILL BE ACCEPTED BY THE COURT AND SHALL BE USED IN THE COURT'S DETERMINATION THAT THE PLAN COMPLIES WITH § 1325(a)(5).
- (4) For an order pursuant to 11 U.S.C. § 362(d) granting relief from stay of the enforcement of liens of creditors which encumber property being surrendered under the plan.
  - (5) For an order approving the classification of claims (if applicable).
  - (6) For an order authorizing the assumption of executory contracts as provided for in the plan.
  - (7) For an order authorizing the payments under the plan to extend more than 36, but not more than 60, months (if applicable and if cause is shown as described below).

In support of the foregoing, the debtor(s) show(s) the court as follows:

A. The PLAN ANALYSIS contained in the plan is true and correct and shows that unsecured creditors will receive at least as much in dividends under the plan as would be received by them in Chapter 7.

B. The Amount Payable to secured creditors under the plan is equal to the lesser of the value of the collateral for such claims or the balance due the creditor. The debtor believes the collateral has a value at least equal to the Amount Payable because \_\_\_\_\_.

C. The capitalization rate specified in the plan was chosen because \_\_\_\_\_.

D. If the plan classifies unsecured claims into separate classes, such classification complies with 11 U.S.C. § 1322(b)(1) and does not discriminate unfairly among subclasses because \_\_\_\_\_.

E. Cause exists to extend the plan payments over more than 36 months because \_\_\_\_\_.

F. I (We) have filed debtor's tax returns for the three years immediately preceding the order for relief and any which are due as of the date of this Motion, along with evidence of current regular income, and provided copies thereof to the Chapter 13 Trustee.

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

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

Signature of Spouse

\_\_\_\_\_  
Signature of Attorney for Debtor

\_\_\_\_\_  
Attorney's Address

\_\_\_\_\_  
City, State, and Zip Code

\_\_\_\_\_  
Telephone Number

**Verification**

Under penalty of perjury, I (we) do hereby adopt the statements contained in this motion and state that those statements are true to the best of my (our) knowledge and belief.

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

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

\_\_\_\_\_  
Signature of Spouse