

**UNITED STATES BANKRUPTCY COURT**

**EASTERN DISTRICT OF LOUISIANA**

**CHAPTER 13 PLAN**

- [ ] Original Plan  
[ ] \_\_\_\_\_(1<sup>st</sup>, 2<sup>nd</sup>, etc.) Amended Plan (All changes shall be in bold face type)

**I. Relevant Information**

- A. As used herein, the term “Debtor” shall include both Debtors in a joint case.  
B. Prior Bankruptcies pending within one year of the petition date for this case:

Case No. & Chapter	Discharge or Dismissal/Conversion	Date

- C. The Debtor: \_\_\_\_\_ is eligible for a discharge  
\_\_\_\_\_ is not eligible for a discharge and is not seeking a discharge.
- D. The Debtor [ ] does [ ] does not (check one) owe or anticipate owing a Domestic Support Obligation as defined in 11 U.S.C. § 101(14A). If the Debtor owes a support obligation, is the Debtor current in his or her support obligation? \_\_\_\_\_ yes \_\_\_\_\_ no
- E. The current monthly income of the Debtor, as reported in Interim Form B22C is:  
\_\_\_\_\_ below \_\_\_\_\_ equal to or above the applicable median income.
- F. The Effective Date of this Plan shall be the date of entry of the Order of Confirmation; amendments to this Plan are effective upon entry of an order approving the same.
- G. An order of the Bankruptcy Court supercedes any provision of the Plan which is in conflict with the order.
- H. All plan payments by Debtor must be made payable to S.J. Beaulieu, Jr., Chapter 13 Trustee, must include the debtor’s name and case number, and must be mailed to S.J. Beaulieu, Jr., Chapter 13 Trustee, P.O. Box 6537, New York, NY 10249.
- I. Except as otherwise provided in the confirmed Plan or in the order confirming the plan, the Trustee shall make payments to creditors under the Plan. The Trustee shall only make payments to creditors with filed and allowed claims.
- J. Allowed claims against the Debtor shall be paid in accordance with the provisions of the Bankruptcy Code and this Plan.

1. Secured creditors shall retain their mortgage, lien, or security interest in collateral until the amount of their allowed secured claim has been fully paid or until the Debtor has been discharged. Upon payment of the amount allowed as a secured claim under the Plan, the full claim of the secured creditor shall be deemed satisfied and any mortgage, lien, or security interest on the Debtor's property held shall be cancelled.
2. Creditors with co-signers, co-makers, or guarantors ("Co-Obligors") protected from collection under 11 U.S.C. § 1301 shall file claims, and include all contractual interest due or which will become due during the consummation of the Plan. Payment of the amount specified in the proof of claim to the creditor shall constitute full payment as to the Debtor and any Co-Obligor.
3. All priority creditors under 11 U.S.C. §507 shall be paid in full in deferred cash payments, except\_\_\_\_\_.

**II. Plan Analysis**

**A. Liquidation Analysis**

1. Assets available to unsecured creditors if Chapter 7 filed:
  - a. Value of Debtor's interest in non-exempt property:

Property	FMV	Less costs of Liquidation*	Less Liens	x Debtor's Interest	Less Exemptions	= Net Value

\*do not include Trustee's commission

- b. Plus: value of property recoverable under avoiding powers...\$\_\_\_\_\_
    - c. Less: estimated Chapter 7 administrative expenses calculated under 11 U.S.C. § 326.....\$\_\_\_\_\_
    - d. Less: amounts payable to priority creditors other than costs of administration.....\$\_\_\_\_\_
  2. Total estimated amount payable to unsecured non-priority creditors if Chapter 7 filed (if negative, enter zero).....\$\_\_\_\_\_
  3. Total estimated present value of payments to unsecured non-priority creditors under the Chapter 13 Plan plus any funds recoverable from "other property" described in Section II.B.1(c) below.....\$\_\_\_\_\_

**B. Properties and Future Earnings Subject to the Supervision and Control of the Trustee**

1. The Debtor submits to the supervision and control of the Trustee such portion of the Debtor's future earnings or other future income as is necessary for the execution of the Plan, including:
  - a. Future earnings of \$\_\_\_\_\_ per \_\_\_\_\_ (month, week, etc.), shall be paid to the Trustee for a period of \_\_\_\_\_

- approximately \_\_\_\_\_ months, beginning \_\_\_\_\_, 20\_\_\_\_.  
(must commence within 30 days of the petition date).
- b. Amounts for payment of post-petition claims in the amount of \$ \_\_\_\_\_  
per \_\_\_\_\_ (month, week, etc.).
  - c. Assets to be sold and which may yield excess proceeds for  
unsecured creditors (description with net estimated value):.....\$ \_\_\_\_\_
  - d. Assets with no known value at time of filing (i.e. interest in  
lawsuit, etc.) that will be liquidated and may yield excess  
proceeds for unsecured creditors (description with net  
net estimated value):.....\$ \_\_\_\_\_
  - e. Total Contribution by Debtor under the Plan.....\$ \_\_\_\_\_
2. Estimated payment to unsecured creditors:
- a. Trustee will pay unsecured creditors a present value base plan  
amount of..... \$ \_\_\_\_\_
  - b. Anticipated base plan percentage is \_\_\_\_\_%, but is subject to  
change based upon the total amount of claims filed.
3. Installments payable to the Trustee under the Plan shall be paid as follows:

\_\_\_\_\_ VOLUNTARY WAGE ASSIGNMENT TO  
EMPLOYER (Employer's Name, address, telephone  
number)

\_\_\_\_\_ DIRECT PAYMENT:  
From Debtor to Trustee

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
( ) \_\_\_\_\_

Paid in the following manner: \$ \_\_\_\_\_ to be  
deducted \_\_\_\_\_ (weekly, monthly, per pay  
period, etc.).

C. Classification and Treatment of Claims

The Order of Distribution shall be as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

- 1. Priority claims to be paid in the order of distribution provided by 11 U.S.C. § 507,  
except: \_\_\_\_\_
  - a. Trustee's compensation, payable per 11 U.S.C. § 1326 and  
28 U.S.C. § 586 (estimated at \_\_\_\_\_%).....\$ \_\_\_\_\_
  - b. Attorney's compensation
    - i. Attorney Fees (estimated and subject to  
allowance).....\$ \_\_\_\_\_
    - ii. Attorney Costs (estimated and subject to  
allowance).....\$ \_\_\_\_\_

c. Domestic Support Obligations: A proof of claim must be timely filed in order for the Trustee to distribute amounts provided by the Plan.

Priority support arrearage: Debtor owes past due support to \_\_\_\_\_ in the total amount of \$ \_\_\_\_\_ that will be paid as follows:

- Distributed by the Trustee pursuant to the terms of the Plan; or
- Debtor is making monthly payments via a wage order , or directly  (reflected on Schedule I or J) in the amount of \$ \_\_\_\_\_ to \_\_\_\_\_. Of that monthly amount, \$ \_\_\_\_\_ is for current support payments and \$ \_\_\_\_\_ is to pay the arrearage.

d. Taxes

- i. Federal Taxes.....\$ \_\_\_\_\_
- ii. State Taxes.....\$ \_\_\_\_\_
- iii. Other Taxes (describe).....\$ \_\_\_\_\_

e. Other priority claims (if any)(describe).....\$ \_\_\_\_\_

2. Secured and Nondischargeable Claims

Proposed payments on secured debt contained in this Plan will constitute adequate protection payments as required by 11 U.S.C. § 1326(a), unless otherwise ordered by the court.

a. Arrearages on Claims Secured by Residence.

Pursuant to 11 U.S.C § 1322(b)(2), claims set forth below are secured by Debtor’s principal residence and constitute amounts in default. Defaults shall be cured. Regular installment payments due on the obligation to be paid through the Trustee (direct payment to be specified under II.C.2(f), below):

None

Creditor	Interest Rate	Total Amount to Cure Arrearage	Direct or Conduit Pay	Arrearage Cure Amount Payment per month, week, etc., to be Made to Creditor and Date of First Payment	Regular Installment Payment Amount, if paid through Trustee

b. Arrearages on Claims Secured by Property other than Debtor’s Residence or Unsecured Claims that will Survive Discharge.

Pursuant to 11 U.S.C. § 1322(b)(5), secured (other than claims secured by

Debtor's principal residence) or unsecured claims on which the last payment matures after completion of the Plan will not be discharged. Defaults shall be cured. Regular installment payments due on the obligation to be paid through the Trustee (direct payment to be specified under II.C.2(f), below):

[ ] None

Creditor	Interest Rate	Total Amount to Cure Arrearage	Direct or Conduit Pay	Arrearage Cure Amount Payment per month, week, etc., to be Made to Creditor and Date of First Payment	Regular Installment Payment Amount, if Conduit Pay

c. Secured Claims Subject to Cramdown.

Secured claims subject to 11 U.S.C. § 506. The following creditors shall retain the liens securing their claims until discharge under 11 U.S.C. § 1328 or payment in full under non-bankruptcy law, and they shall be paid the amount specified which represents the lesser of:

- 1) The value of their collateral, plus interest. Amounts claimed in excess of the collateral value will be treated as unsecured claims; or
- 2) the remaining balance on the debt over the period required to pay the sum in full, plus interest.

Creditor	Specify Treatment (select 1 or 2 above)	Description of Collateral	Value of Collateral; amount to be paid	Amount of Debt as Scheduled	Interest Rate	Monthly payment amount, number of months to pay, dates of payment

d. Secured Claims not Subject to Cramdown.

Pursuant to 11 U.S.C. § 1325(a), the following creditors's claims are not subject to 11 U.S.C. § 506 and shall retain the liens securing their claims and be paid the amount which represents the remaining balance required to pay the sum in full:

- 1) The creditor has a PMSI in a motor vehicle (as defined in 49 U.S.C. § 30102) securing debt that was incurred within the 910-day period preceding the date of the filing of the petition, or
- 2) the creditor has a PMSI in any other thing of value and the debt was incurred during the 1-year period prior to filing the petition.

Creditor	Specify Treatment (select 1 or 2 above)	Description of Collateral	Amount of Debt as Scheduled	Interest Rate	Total Amount Payable	Monthly payment amount, number of months to pay, dates of payment

e. Property to be Surrendered.

The Debtor intends to surrender the following property to the holder of the claim secured by same, in full satisfaction of the amounts owed unless creditor files a deficiency claim prior to the claims bar date:

Creditor	Property	Anticipated Date of Surrender

f. Claims Subject to Direct Payment by Debtor.

Payments will be made directly to the creditor by the Debtor(s):

Creditor	Collateral, if any	Monthly Payment Amount	No. of Months to Payoff

3. Executory contracts and unexpired leases.

Executory contracts and expired leases are rejected, except the following which are assumed. Regular payments shall be made directly to the creditor or paid conduit through the Trustee (please specify):

Other Party to Lease or Contract	Property, if any, Subject to the Contract or Lease	Total Amount to Cure, if any	Amount of Monthly Cure Payment	Direct or Conduit Pay	Regular Monthly Payment Made to Creditor and Date of Payment

4. Post-Petition Claims.

Post-petition claims allowed under 11 U.S.C. § 1305(a) shall be paid as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

None

**V. Other Provisions:**

A. Student Loans:

No student loans

Student loans are to be treated as follows: \_\_\_\_\_  
\_\_\_\_\_.

B. Restitution:

No restitution owed

Debtor owes restitution in the amount of \$ \_\_\_\_\_ which is paid directly to \_\_\_\_\_ in the amount of \_\_\_\_\_ \$ per month for a period of \_\_\_\_\_ months.

Debtor owes restitution to be paid as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

C. Other (list all additional provisions here): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**VI. Revestment of Property in Debtor** - All property of the estate shall vest in the Debtor at the time of confirmation of this Plan.

A. Sales and/or refinancing. All scheduled property of the estate shall be retained by Debtor. However, upon the disposition of Debtor's rights in estate property all proceeds received shall be:

1. Retained by the Debtor if from the disposition of exempt property.

2. Remitted to the Trustee

a. Proceeds received from disposition of property identified under II.B.1(c) & (d) shall be distributed to claimants as provided under the terms of the Plan

b. Proceeds received from the disposition of other assets shall be retained by the Trustee pending further order of the court.

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

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

\_\_\_\_\_  
Signature of Attorney for Debtor, or of Pro Se Debtor  
Spouse

\_\_\_\_\_  
Signature of Co-Debtor

\_\_\_\_\_  
Attorney's or Pro Se Debtor's Address

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

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