

KYEB Local Form 3015-1(a) Chapter 13 Plan

Revised Effective 12/1/2023

Materials and Presentation by
Beverly M. Burden,
Chapter 13 Trustee, E.D. Ky.

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DISCLAIMER by

Beverly M. Burden, Chapter 13 Trustee

The materials and the content of this video presentation generally reflect my interpretation of relevant statutes, rules, forms, and court opinions as they relate to the local chapter 13 plan form.

As the trustee in the EDKY, I reserve the right to take a contrary position in any particular case depending on the facts of that case, and I reserve the right to argue an interpretation that may differ from that set forth in this video presentation or these materials.

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<u>Existing</u>	<u>Revised</u>
<p>Part I Notices</p> <p>. . . The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.</p>	<p>Part I Notices</p> <p>. . . The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. In addition, you must timely file a proof of claim, or a proof of claim must be timely filed on your behalf, to be paid under any plan. See Section 3.7 of the plan.</p>

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<u>Existing</u>	<u>Revised</u>
<p>2.2 Regular payments to the trustee will be made from future income in the following manner: Check all that apply.</p> <p><input type="checkbox"/> Debtor(s) will make payments pursuant to a payroll deduction order.</p> <p><input type="checkbox"/> Debtor(s) will make payments directly to the trustee.</p> <p><input type="checkbox"/> Other (specify method of payment): _____</p> <p>2.3 Income tax refunds. Check one.</p> <p><input type="checkbox"/> Debtor(s) will retain any income tax refunds received during the plan term.</p> <p><input type="checkbox"/> Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.</p> <p><input type="checkbox"/> Debtor(s) will treat income tax refunds as follows: _____</p> <p>2.4 Additional payments. Check one.</p> <p><input type="checkbox"/> None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.</p> <p><input type="checkbox"/> Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment. _____</p> <p>2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$ _____</p>	<p>2.2 Regular payments to the trustee will be made from future income in a manner acceptable to the trustee or as ordered by the court. See KYEB-LBR 3070-1(a).</p> <p>2.3 Income tax refunds will be retained by the debtor(s) except as otherwise set forth in a nonstandard provision, a separate plan amendment, or as ordered by the court.</p> <p>2.4 Additional payments, if any, will be made to the trustee as set forth in a nonstandard provision, a separate plan amendment, or as ordered by the court.</p> <p>2.5 The total amount of payments to the trustee is estimated to be \$ _____.</p>

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<u>Existing</u>	<u>Revised</u>																												
<p>3.1 Maintenance of payments and cure of default. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below.</p> <p>Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated.</p> <p>Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. . . .</p>	<p>3.1 Maintenance of payments and cure of default These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. If neither party is specified, the contractual installment payments will be disbursed directly by the debtor(s).</p> <p>Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if applicable, at the rate stated.</p> <p>Unless otherwise ordered by the court, the amounts listed on a proof of claim control over any contrary amounts listed below as to the current installment payment and arrearage.</p>																												
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Section 3.1 Table - Existing						
Name of creditor	Collateral	Current installment payment ---(including escrow)---	Amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage	Estimated total payments by trustee
		\$ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$	%	\$	\$

Section 3.1 Table - Revised						
Name of creditor	Collateral	Estimated current installment payment	Estimated amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Estimated monthly payment on arrearage	Estimated total payments by trustee
		\$ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$	%	\$	\$

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<u>Existing</u>	<u>Revised</u>
<p>3.2 Request for valuation of security, <u>payment of fully secured claims</u>, and modification of undersecured claims. . . .</p> <p>. . . .</p> <p><i>The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.</i></p> <p>. . . For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as set out in the column headed <i>Amount of secured claim</i>. . . For each listed claim, the value of the secured claim will be paid in full at the rate stated below.</p> <p>. . . .</p> <p>An allowed secured tax claim shall be paid with interest at the applicable statutory rate in effect on the date on which the plan is confirmed, notwithstanding any contrary provision of the plan</p>	<p>3.2 Request for valuation of security and modification of undersecured claims. . . .</p> <p>. . . .</p> <p><i>The remainder of this paragraph will be effective only if the "Included" box is checked in § 1.1.</i></p> <p>. . . Each of the following non-governmental secured claims should be paid the amount listed below in the column headed <u>Value of collateral (Amount of secured claim)</u> with interest at the rate stated below. . . .</p> <p>If the Value of collateral (amount of secured claim) is listed below as having no value <u>or a value of \$0</u>, the total amount of the claim will be treated as an unsecured claim under Part 5.</p> <p>. . . .</p> <p><u>Unless a nonstandard provision expressly provides otherwise, an allowed secured tax claim shall be paid with interest at the applicable statutory rate in effect on the date on which the plan is confirmed, notwithstanding any contrary rate stated below.</u></p>

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Section 3.2 Table - Existing								
Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate*	Monthly payment to creditor	Estimated total of monthly payments
	\$		\$	\$	\$	%	\$	\$

Section 3.2 Table - Revised							
Name of creditor	Collateral	Estimated amount of creditor's total claim	<u>Value of collateral (Amount of secured claim)</u>	Interest rate*	<u>Estimated monthly payment to creditor</u>	Estimated total payments by trustee	
		\$	\$	%	\$	\$	

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<u>Existing</u>						<u>Revised</u>					
<p>3.3 Secured claims excluded from 11 U.S.C. § 506.</p> <p>....</p> <p><input type="checkbox"/> The claims listed below were either:</p> <p>(1) incurred within 910 days . . . or</p> <p>(2) incurred within 1 year</p> <p>These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below.</p> <p>. . . Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(e) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling.</p>						<p>3.3 Secured claims excluded from 11 U.S.C. § 506 or paid-in-full secured claims. . . .</p> <p>....</p> <p><input type="checkbox"/> The claims listed below either:</p> <p>(1) were incurred within 910 days . . .</p> <p>(2) were incurred within 1 year . . . or</p> <p>(3) are fully secured claims to be paid in full.</p> <p>....</p> <p>. . . Unless otherwise ordered by the court, the claim amount listed in a proof of claim controls over any contrary amount listed below</p> <p>Unless a nonstandard provision expressly provides otherwise, an allowed secured tax claim shall be paid with interest at the applicable statutory rate in effect on the date on which the plan is confirmed, notwithstanding any contrary rate stated below.</p>					
Name of creditor	Collateral	Amount of claim	Interest rate*	Monthly plan payment	Estimated total payments by trustee	Name of creditor	Collateral	Estimated amount of claim	Interest rate*	Estimated monthly payment to creditor	Estimated total payments by trustee

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<u>Existing</u>	<u>Revised</u>
<p>Section 3.7</p> <p><i>[A similar provision is often included as a Nonstandard Provision]</i></p>	<p>3.7 Allowance of Secured Claims.</p> <p>1) Any creditor with a secured claim listed in the plan must have an allowed claim to be paid under the plan.</p> <p>2) To have an allowed claim, a secured creditor must file a proof of claim in accordance with Bankruptcy Rule 3002, except as set out in paragraph 4 below.</p> <p>3) If the plan lists a claim as a secured claim and the creditor files a proof of claim under Bankruptcy Rule 3002 as unsecured, the claim will be treated as unsecured, and the filing of such a claim will be treated as a waiver of the security interest by the creditor.</p> <p>4) If a creditor with a listed secured claim fails to file a proof of claim before the deadline under Bankruptcy Rule 3002(c), the debtor(s) may file a proof of claim on behalf of the creditor pursuant to Bankruptcy Rule 3004, subject to the following:</p> <p style="margin-left: 20px;">a) If the debtor(s) chooses to file a proof of claim on behalf of a creditor, the debtor(s) and counsel shall use their best efforts to file such claim(s) before the deadline under Bankruptcy Rule 3004.</p> <p style="margin-left: 20px;">b) A proof of claim filed by the debtor(s) under Bankruptcy Rule 3004 will nevertheless be timely as to any secured portion of the claim if it is filed no later than 14 days after the trustee files a Notice of Allowance of Claims.</p>

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<u>Existing</u>	<u>Revised</u>				
<p>4.1 General Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.</p> <p>4.4 Priority claims other than attorney's fees and those treated in § 4.5.—Check one. <input type="checkbox"/> None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced. <input type="checkbox"/> The debtor(s) estimate the total amount of other priority claims to be \$ _____.</p> <p>4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.—Check one. <input type="checkbox"/> None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced. <input type="checkbox"/> The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). <i>This plan provision requires that payments in § 2.1 be for a term of 60 months; see 11 U.S.C. § 1322(a)(4).</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Name of creditor</th> <th style="width: 50%;">Amount of claim to be paid</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Name of creditor	Amount of claim to be paid			<p>4.1 General. Allowed priority claims will be paid in full without postpetition interest except as otherwise provided in a nonstandard provision or as ordered by the court.</p> <p>4.4 Priority claims other than attorney's fees and trustee's fees are estimated to be \$ _____.</p> <p>4.5 Domestic support obligations will be paid in full; however, any claim based on a domestic support obligation that has been assigned to or is owed to a governmental unit may be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4) as provided in a nonstandard provision or as ordered by the court.</p>
Name of creditor	Amount of claim to be paid				

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<u>Existing</u>	<u>Revised</u>
<p>5.1 Nonpriority unsecured claims not separately classified. Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. <i>Check all that apply.</i> <input type="checkbox"/> The sum of \$ _____. <input type="checkbox"/> _____% of the total amount of these claims, an estimated payment of \$ _____. <input type="checkbox"/> The funds remaining after disbursements have been made to all other creditors provided for in this plan.</p> <p>If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ _____. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.</p>	<p>5.1 Nonpriority unsecured claims not separately classified.</p> <p>The minimum amount required for distribution to allowed priority and nonpriority unsecured claims shall be the greater of: (1) the projected disposable income for the applicable commitment period; or (2) the amount required to satisfy the liquidation test.</p> <p>The trustee shall calculate the "pool" amount available for distribution to nonpriority unsecured creditors. Creditors holding allowed nonpriority unsecured claims shall be paid on a pro rata basis to the greatest extent possible.</p> <p>No interest accruing after the date of the filing of the petition shall be paid except as set forth in a nonstandard provision or as ordered by the court.</p>

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<u>Existing</u>				<u>Revised</u>			
5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. . . .				5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. . . .			
.			
<input type="checkbox"/> The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).				<input type="checkbox"/> The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. The contractual installment payments will be disbursed directly by the debtor(s). Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee. Unless otherwise ordered by the court, the amounts listed on a proof of claim control over any contrary amounts listed below as to the current installment payment and arrearage.			
Name of creditor	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee	Name of creditor	Estimated current installment payment	Estimated amount of arrearage to be paid by trustee	
	\$	\$	\$		\$	\$	
	Disbursed by:						
	<input type="checkbox"/> Trustee						
	<input type="checkbox"/> Debtor(s)						

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<u>Existing</u>					<u>Revised</u>				
5.3 Other separately classified nonpriority unsecured claims. . . .					5.3 Other separately classified nonpriority unsecured claims. . . .				
.				
<input type="checkbox"/> The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows:					<input type="checkbox"/> Allowed nonpriority unsecured claims listed below are separately classified. These claims will be paid in full under the plan with interest, if applicable, at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim controls over any contrary amount listed below.				
Name of creditor	Basis for separate classification and treatment	Amount to be paid on the claim	Interest rate (if applicable)	Estimated total amount of payments	Name of creditor	Basis for separate classification and treatment	Estimated amount of claim	Interest rate (if applicable)	Estimated total amount of payments
		\$	%	\$			\$	%	\$

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<u>Existing</u>						<u>Revised</u>				
6.1 The executory contracts and unexpired leases. . .						6.1 The executory contracts and unexpired leases. . .				
.				
<input type="checkbox"/> Assumed items. Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).						<input type="checkbox"/> Assumed items. The debtor(s) will maintain the current contractual installment payments on the leases or executory contracts listed below, These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. If neither party is specified, the contractual installment payments will be disbursed directly by the debtor(s). Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee. Unless otherwise ordered by the court, the amounts listed on a proof of claim control over any contrary amounts listed below as to the current installment payment and arrearage. The final column includes only payments disbursed by the trustee rather than by the debtor(s). Arrearages under this section will be paid concurrently with arrearages on secured claims under Section 3.1.				
Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage (Refer to other plan section if applicable)	Estimated total payments by trustee	Name of creditor	Description of leased property or executory contract	Estimated current installment payment	Estimated amount of arrearage	Estimated total payments by trustee
		\$	\$		\$			\$	\$	\$
		Disbursed by:						Disbursed by:		
		<input type="checkbox"/> Trustee						<input type="checkbox"/> Trustee		
		<input type="checkbox"/> Debtor(s)						<input type="checkbox"/> Debtor(s)		

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<u>Existing</u>		<u>Revised</u>
Exhibit: Total Amount of Estimated Trustee Payments		
The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.		The Exhibit has been deleted from the plan.
a. Maintenance and cure payments on secured claims (Part 3, Section 3.1 total)	\$	
b. Modified secured claims (Part 3, Section 3.2 total)	\$	
c. Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total)	\$	
d. Judicial liens or security interests partially avoided (Part 3, Section 3.4 total)	\$	
e. Fees and priority claims (Part 4 total)	\$	
f. Nonpriority unsecured claims (Part 5, Section 5.1, highest stated amount)	\$	
g. Maintenance and cure payments on unsecured claims (Part 5, Section 5.2 total)	\$	
h. Separately classified unsecured claims (Part 5, Section 5.3 total)	\$	
i. Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total)	\$	
j. Nonstandard payments (Part 8, total)	\$	
Total of lines a through j	\$	

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Send any questions about the revised plan
(KYEB-Local Form 3015-1(a))
Effective 12/01/2023

to:

questions@ch13edky.com