

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

Filed in U.S. Bankruptcy Court
Atlanta, Georgia

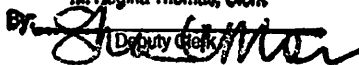
NOV 18 2020

IN RE:

REQUIREMENT OF LOCAL FORM FOR
CHAPTER 13 PLANS AND RELATED
PROCEDURES

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GENERAL ORDER
NO. 41-2020

M. Regina Thomas, Clerk
By: 
Deputy Clerk

**ORDER REQUIRING LOCAL FORM FOR CHAPTER 13
PLANS AND ESTABLISHING RELATED PROCEDURES**

Pursuant to Rule 3015.1 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), effective December 1, 2017, the Court required the use of a local form for a plan filed in a case under Chapter 13 of Title 11 of the United States Code (the “Bankruptcy Code”) in its General Order No. 21-2017. The Court in this Order adopts the revised Local Form attached hereto as Exhibit A for the Northern District of Georgia (the “Local Form”) to replace the prior form adopted pursuant to General Order No. 21-2017 and concludes that the Local Form satisfies all the requirements of Bankruptcy Rule 3015.1. This Order supersedes General Order 21-2017 as set forth herein.

As used in this Order, “Debtor” includes both debtors in a joint Chapter 13 case, and “Trustee” means the Chapter 13 Trustee.

It is, therefore, hereby **ORDERED** as follows:

1.0 Requirement of use of Local Form for plan. From and after December 1, 2020, the Debtor must use the Local Form attached as Exhibit A to file a plan as 11 U.S.C. § 1321 requires.

2.0 Service of plan.

2.1 Mailing of Plan. If the Debtor files a plan contemporaneously with the filing of a Chapter 13 petition under 11 U.S.C. § 301(a) or § 302(a), or if the Debtor files a

plan at the same time that the Debtor's case under another Chapter is converted to Chapter 13, the Clerk will mail a copy of the plan to all entities listed on the Mailing Matrix.¹ Otherwise, the Debtor must serve the plan when it is filed with the Court on all entities listed on the Mailing Matrix. See Bankruptcy Rule 3015(d). Section 4.2 of this Order governs service of a preconfirmation modification to the plan.

2.2 Service required under Bankruptcy Rule 7004. The Local Form contains requests (if applicable) for determination of the amounts of secured claims (Local Form § 3.2) and for avoidance of liens on exempt property pursuant to 11 U.S.C. § 522(f) (Local Form § 3.4). The Debtor must serve the plan on each creditor affected by such a request in the manner provided by Bankruptcy Rule 7004 for service of a summons and a complaint except that such service is not required for a creditor if the Debtor requests, or Bankruptcy Rule 3012(c) requires, determination of the amount of the creditor's secured claim by motion. See Bankruptcy Rules 3012(b), 4003(d).

2.3 Certificates with regard to service of the plan.

2.3.1 Certificate of service if the Clerk mails the plan. If the Clerk mails the plan and if any creditor must be served under Bankruptcy Rule 7004, the Debtor must promptly file a Certificate of Manner of Service of Plan Under Bankruptcy Rule 7004 that must: (A) be signed by the person who served the plan; (B) state the date and method of service for each creditor served under Bankruptcy Rule 7004 (including the method of service of any creditor for which Bankruptcy Rule 7004(h) requires service by certified mail); and (C) set forth the name and address of each creditor served.

¹ The Clerk maintains the Mailing Matrix, which is available through the Case Management/Electronic Case Filing system or from the Clerk's office.

2.3.2 Certificates of service if the Debtor must mail the plan. If the Debtor must mail the plan, the Debtor must file, promptly after the Debtor mails the plan: (A) a Certificate of Service of Plan that certifies service of the plan; and (B) if any creditor must be served under Bankruptcy Rule 7004, a separate Certificate of Manner of Service of Plan Under Bankruptcy Rule 7004 that certifies such service (including the method of service of any creditor for which Bankruptcy Rule 7004(h) requires service by certified mail). Each certificate of service must: (X) be signed by the person who served the plan; (Y) state the date and method of service; and (Z) set forth the name and address of each entity served.

3.0 Motion to determine amount of secured claim. If the Debtor elects in Local Form § 3.2, or Bankruptcy Rule 3012(c) requires, that the Court determine the amount of a secured claim by motion, the Debtor must comply with the following:

3.1 Required provisions in Local Form § 3.2. In Local Form § 3.2, the Debtor must check the box for each secured claim for which the Debtor will file a motion to determine its secured amount.

3.2 Filing of motion; scheduling of hearing; contents of motion. The Debtor must promptly file a motion under Bankruptcy Rule 3012 for determination of the amount of each secured claim for which a box is checked and arrange for the scheduling of a hearing on the motion in accordance with the scheduling procedures of the bankruptcy judge assigned to the case. The motion must include: (A) the name of the creditor; (B) the estimated amount of the creditor's total claim; (C) the collateral securing the claim; (D) the value of the collateral; (E) the amount of claims, if any, senior to the creditor's claim; (F) the amount of the secured claim; (G) the interest rate

that the plan proposes to pay on the claim; (H) the monthly preconfirmation adequate protection payment that the plan proposes (if applicable); and (I) the monthly postconfirmation payment that the plan proposes.

3.3 Notice of hearing on motion; contents of notice. The Debtor must provide notice of the hearing on the motion. The notice must contain the following statement: “If the creditor objects to the provisions of the Debtor’s plan for any reason, the creditor must file an objection to confirmation of the plan or, in the case of an objection to the monthly preconfirmation adequate protection payment (if applicable) seek appropriate relief in a motion.”

3.4 Service of motion and notice of hearing. The Debtor must serve each motion and the notice of hearing on the creditor in the manner that Bankruptcy Rule 7004 requires for service of summons and a complaint. The Debtor must promptly file a certificate of service that must (A) be signed by the person who served the motion; (B) state the date and method of service of the creditor served (including the method of service of any creditor for which Bankruptcy Rule 7004(h) requires service by certified mail); and (C) set forth the name and address of the creditor served.

4.0 Filing and service of preconfirmation modification of plan under 11 U.S.C. § 1323.

4.1 Form of preconfirmation modification.

4.1.1 Local Form required for preconfirmation modification.

The Debtor must propose a preconfirmation modification under 11 U.S.C. § 1323 (the “Modified Plan”) by filing a Local Form that contains the amended provisions. The Debtor must indicate at the top of the Local Form that it is an amended plan and specify the sections that are amended. Amendments to a

section are not effective if the section is not specified as amended in the space provided.

4.1.2 Optional Statement of Modified Plan. The Debtor may file a Modified Plan as an exhibit to a Statement of Modified Plan (the “Modification Statement”). The Modification Statement must (A) state that a Modified Plan has been filed that amends the plan as set forth in the Modification Statement and that the Modified Plan is attached as an exhibit to the Modification Statement filed with the Court; (B) specify each section of the plan that the Modified Plan amends and state the amendments that are in the Modified Plan; and (C) contain a statement that any amendments in the Modified Plan not set forth in the Modification Statement are not effective. The Modification Statement must conform to the form attached as Exhibit B.

4.2 Service of preconfirmation modification.

4.2.1 What must be served. The Debtor must serve the Modified Plan if the Debtor does not file a Modification Statement. See Bankruptcy Rule 3015(d). If the Debtor files a Modification Statement, the Debtor must serve the Modification Statement but need not serve the Modified Plan.

4.2.2 Who must be served. Unless the Court orders otherwise, the Debtor must serve the Modified Plan or the Modification Statement on all entities listed on the Mailing Matrix.

4.2.3 When service under Bankruptcy Rule 7004 is required. If the Debtor was required to serve a creditor with the original plan in the manner that Bankruptcy Rule 7004 requires for service of summons and a complaint, the Debtor must serve the Modified Plan or the Modification Statement on that

creditor in accordance with Bankruptcy Rule 7004, unless the Modified Plan does not materially and adversely affect that creditor. If an attorney has appeared in the case for such a creditor, the Debtor must also serve the attorney.

4.2.4 Certificate of service of Modified Plan or Modification

Statement. Promptly after service of the Modified Plan or Modification Statement, the Debtor must file a Certificate of Service in accordance with § 4.4 of this Order.

4.3 Notice and hearing with regard to preconfirmation modification; Time for objections to confirmation of Modified Plan.

4.3.1 General rule for notice with regard to hearing on confirmation of Modified Plan and time for objections. Unless the Court orders otherwise, the Debtor must serve, on each creditor that the Modified Plan materially and adversely affects, a notice that states (A) the time and place of the hearing on confirmation of a Modified Plan and (B) that an objection to confirmation of a Modified Plan must be filed at least seven days before the date set for such hearing. See Bankruptcy Rules 2002(b), 3015(f). The notice must be served not less than 28 days before the date of such hearing, unless the Court orders otherwise. The notice must conform to the form attached as Exhibit C. If the Debtor was required to serve a creditor who must receive this notice with the original plan in the manner that Bankruptcy Rule 7004 requires for service of summons and a complaint, the Debtor must serve the notice on that creditor in the manner that Bankruptcy Rule 7004 requires.

4.3.2 Certificate of service of notice. Promptly after service of the notice, the Debtor must file a Certificate of Service in accordance with § 4.4 of this Order.

4.3.3 Determination of who must be served with notice of hearing on confirmation and time for objections. At a confirmation hearing, the Court may determine matters with regard to notice and service of the Modified Plan or Modification Statement and any hearing thereon, including without limitation: (A) whether the Modified Plan materially and adversely affects any creditors such that the Court cannot confirm it without further service of the Modified Plan or Modification Statement and without further notice and hearing with regard to its confirmation; (B) which creditors must be served with the Modified Plan or Modification Statement and with notice of the time to object to it and of the hearing on its confirmation; or (C) the time for the filing of objections to confirmation of the Modified Plan and the time for the hearing on its confirmation.

4.4 Certificates of Service of Modified Plan or Modification Statement and notice of confirmation hearing and time for objections. Promptly after service of a Modified Plan or Modification Statement or of any required notice with regard to the hearing on confirmation and the time for objections, the Debtor must file: (A) a Certificate of Service of the Modified Plan or Modification Statement or the required notice; and (B) if any creditor must be served under Bankruptcy Rule 7004, a separate Certificate of Manner of Service Under Bankruptcy Rule 7004 of the Modified Plan or Modification Statement or the required notice, as applicable, that certifies such service (including the method of service of any creditor for which Bankruptcy Rule

7004(h) requires service by certified mail). Each certificate of service must: (X) be signed by the person who served the plan; (Y) state the date and method of service; and (Z) set forth the name and address of each entity served.

5.0. Objections to claims. Unless the plan expressly permits a postconfirmation objection in a nonstandard provision, an objection to a proof of claim (A) filed by a creditor that is not a governmental unit and (B) that asserts a secured claim must be filed before confirmation of the plan if the objection challenges the validity, perfection, or avoidability of the lien securing the claim or the amount of the secured claim based on the value of the property securing the claim. All other objections to a proof of claim, including an objection to a proof of claim that challenges the total amount of the claim or seeks its reduction or disallowance under 11 U.S.C. § 502, may be filed before or after confirmation.

6.0 Provisions with regard to Chapter 13 Trustees.

6.1 Percentage fee upon receipt of funds. The Chapter 13 Trustees in the Northern District of Georgia shall take a percentage fee upon receipt of funds in all Chapter 13 cases in this District, notwithstanding any contrary language in a plan.

6.2 Preconfirmation adequate protection payments. If a plan provides for the Trustee to disburse preconfirmation adequate protection payments as required by 11 U.S.C. § 1326(a)(1)(C) to secured creditors, prior to confirmation of the plan, the Trustee is authorized to make such disbursements and to assess and collect the Trustee's percentage fee. If the case is dismissed or converted prior to confirmation of the plan, the Trustee shall disburse the adequate protection payments prior to payment of any attorney's fees.

7.0 Disbursement of Funds by Trustee to Holders of Allowed Claims:

(a) Disbursements before confirmation of plan. The Trustee will make preconfirmation adequate protection payments to holders of allowed claims as set forth in the Local Form.

(b) Disbursements after confirmation of plan. Upon confirmation, after payment of the Trustee's statutory fee, the Trustee will disburse Regular Payments, Additional Payments, and Tax Refunds (all as defined in the Local Form) that are available for disbursement to make payments to holders of allowed claims as follows:

(1) First disbursement after confirmation of Regular Payments. In the first disbursement after confirmation, the Trustee will disburse all available funds from Regular Payments in the following order:

(A) To pay any unpaid preconfirmation adequate protection payments required by 11 U.S.C. § 1326(a)(1)(C) as set forth in the Local Form, and orders of the Bankruptcy Court;

(B) To pay fees, expenses, and costs of the attorney for the Debtor as set forth in the Local Form;

(C) To make payments pro rata based on the monthly payment amount: on secured claims as set forth in Local Form §§ 3.1, 3.2, 3.3, and 3.4; on domestic support obligations as set forth in Local Form § 4.4; on the arrearage claims on nonpriority unsecured claims as set forth in Local Form § 5.2; and on executory contracts and unexpired leases as set forth in Local Form § 6.1; and

(D) To pay claims in the order set forth in § 7.0(b)(3) of this Order.

(2) Second and subsequent disbursements after confirmation of

Regular Payments. In the second disbursement after confirmation, and each month thereafter, the Trustee will disburse all available funds from Regular Payments in the order below. All available Regular Payments will be distributed to the claims in each paragraph until such claims are paid in full.

(A) To make concurrent monthly payments, including any amount past due under this Local Form: on secured claims as set forth in §§ 3.1, 3.2, 3.3, and 3.4; on fees, expenses, and costs of the attorney for the Debtor as set forth in §4.3; on domestic support obligations as set forth in § 4.4; on the arrearage claims on both nonpriority unsecured claims as set forth in § 5.2 and executory contracts and unexpired leases as set forth in § 6.1;

(B) To make pro rata payments on administrative expenses allowed under 11 U.S.C. § 503(b) other than the Trustee's fee and the Debtor's attorney's fees, expenses, and costs; and

(C) To pay claims in the order set forth in § 7.0 (b)(3) of this Order.

(3) Disbursement of Additional Payments and Tax Refunds. The

Trustee will disburse the Additional Payments and Tax Refunds in the following order:

(A) To pay fees, expenses, and costs of the attorney for the Debtor as set forth in the Local Form;

(B) To make pro rata payments on administrative expenses allowed under 11 U.S.C. § 503(b) other than the Trustee's fee and the Debtor's attorney's fees, expenses, and costs;

(C) To make payments pro rata based on the monthly payment amount: on secured claims as set forth in Local Form §§ 3.1, 3.2, 3.3, and 3.4; on domestic support obligations as set forth in Local Form § 4.4; on the arrearage claims on both nonpriority unsecured claims as set forth in Local Form § 5.2 and executory contracts and unexpired leases as set forth in Local Form § 6.1;

(D) To pay other Allowed Secured Claims as set forth in Local Form § 3.6;

(E) To pay allowed claims entitled to priority under 11 U.S.C. § 507, other than administrative expenses and domestic support obligations; and

(F) To pay nonpriority unsecured claims not otherwise classified as set forth in the Local Form ("Unclassified Claims") and to pay nonpriority unsecured claims separately classified as set forth in the Local Form ("Classified Claims").

The Trustee will estimate the total amounts to be disbursed during the plan term (1) to pay Unclassified Claims and (2) to pay Classified Claims. Funds available for disbursement on these claims will be allocated pro rata to each class, and the funds available for disbursement for each class will be paid pro rata to the creditors in the class.

(4) Unless the Debtor timely advises the Trustee otherwise in writing, the Trustee may treat and disburse any payments received from the Debtor's Regular Payments.

8.0 Effective Date; Superseding of prior General Orders; Transition.

8.1 This Order is effective December 1, 2020.

8.2 In cases to which this Order applies, this Order supersedes General Order No. 19-2015 (Chapter 13 § 1328(a)(1)(C) Pre-Confirmation Adequate Protection Payments), General Order No. 17-2015 (Trustee Fee in Chapter 13 Cases), and General Order 21-2017. These General Orders remain in effect with regard to cases to which this Order does not apply.

8.3 This Order applies: (A) in all cases filed on or after December 1, 2020; (B) in all cases filed before December 1, 2020, that are converted to Chapter 13 on or after December 1, 2020; and (C) in all cases filed before December 1, 2020, in which the Debtor did not file a plan before December 1, 2020.

IT IS SO ORDERED this 18th day of November, 2020.

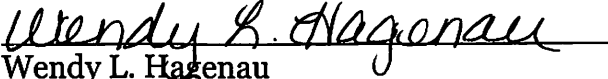

Wendy L. Hagenau
Chief United States Bankruptcy Judge
For the Court

EXHIBIT A

Local Form

Fill in this information to identify your case:

Debtor 1

First Name Middle Name Last Name

Debtor 2

(Spouse, if filing)

First Name Middle Name Last Name

United States Bankruptcy Court for the Northern District of Georgia

Case number

(if known)

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed. Amendments to sections not listed below will be ineffective even if set out later in this amended plan.

Chapter 13 Plan

NOTE: The United States Bankruptcy Court for the Northern District of Georgia adopted this form plan for use in Chapter 13 cases in the District pursuant to Federal Rule of Bankruptcy Procedure 3015.1. See Order Requiring Local Form for Chapter 13 Plans and Establishing Related Procedures, General Order No. 41-2020, available in the Clerk's Office and on the Bankruptcy Court's website, ganb.uscourts.gov. As used in this plan, "Chapter 13 General Order" means General Order No. 41-2020 as it may from time to time be amended or superseded.

Part 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with the United States Bankruptcy Code, local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless the Bankruptcy Court orders otherwise. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

To receive payments under this plan, you must have an allowed claim. If you file a proof of claim, your claim is deemed allowed unless a party in interest objects. See 11 U.S.C. § 502(a).

The amounts listed for claims in this plan are estimates by the debtor(s). An allowed proof of claim will be controlling, unless the Bankruptcy Court orders otherwise.

The following matters may be of particular importance. *Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included," if both boxes are checked, or if no box is checked, the provision will be ineffective even if set out later in the plan, except 1.4.*

§ 1.1	A limit on the amount of a secured claim, that may result in a partial payment or no payment at all to the secured creditor, set out in § 3.2	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
§ 1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 3.4	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
§ 1.3	Nonstandard provisions, set out in Part 8	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
§ 1.4	The plan provides for the payment of a domestic support obligation (as defined in 11 U.S.C. § 101(14A)), set out in § 4.4.	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan; Disbursement of Funds by Trustee to Holders of Allowed Claims**§ 2.1 Regular Payments to the trustee; applicable commitment period.**

The applicable commitment period for the debtor(s) as set forth in 11 U.S.C. § 1325(b)(4) is:

Check one: ☐ 36 months ☐ 60 months

Debtor(s) will make regular payments ("Regular Payments") to the trustee as follows:

The debtor(s) will pay _____ per _____ week for the applicable commitment period. If the applicable commitment period is 36 months, additional Regular Payments will be made to the extent necessary to make the payments to creditors specified in this plan, not to exceed 60 months unless the Bankruptcy Court orders otherwise. If all allowed claims treated in § 5.1 of this plan are paid in full prior to the expiration of the applicable commitment period, no further Regular Payments will be made.

Check if applicable.

- ☐ The amount of the Regular Payment will change as follows (If this box is not checked, the rest of § 2.1 need not be completed or reproduced. Insert additional lines as needed for more changes.):

Beginning on (insert date):	The Regular Payment amount will change to (insert amount):	For the following reason (insert reason for change):
	_____ per _____ week	

§ 2.2 Regular Payments; method of payment.

Regular Payments to the trustee will be made from future income in the following manner:

Check all that apply.

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order. If a deduction does not occur, the debtor(s) will pay to the trustee the amount that should have been deducted.
- ☐ Debtor(s) will make payments directly to the trustee.
- ☐ Other (specify method of payment): _____

§ 2.3 Income tax refunds.

Check one.

- ☐ Debtor(s) will retain any income tax refunds received during the pendency of the case.
- ☐ Debtor(s) will (1) supply the trustee with a copy of each federal income tax return filed during the pendency of the case within 30 days of filing the return and (2) turn over to the trustee, within 30 days of the receipt of any federal income tax refund during the applicable commitment period for tax years _____, the amount by which the total of all of the federal income tax refunds received for each year exceeds \$2,000 ("Tax Refunds"), unless the Bankruptcy Court orders otherwise. If debtor's spouse is not a debtor in this case, "tax refunds received" means those attributable to the debtor.
- ☐ Debtor(s) will treat tax refunds ("Tax Refunds") as follows:

§ 2.4 Additional Payments.

Check one.

- ☐ None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.
- ☐ Debtor(s) will make additional payment(s) ("Additional Payments") to the trustee from other sources as specified below. Describe the source, estimated amount, and date of each anticipated payment.

§ 2.5 [Intentionally omitted.]**§ 2.6 Disbursement of funds by trustee to holders of allowed claims.**

The trustee shall disburse funds in accordance with General Order No. 41-2020. (www.ganb.uscourts.gov/local-rules-and-orders)

Part 3: Treatment of Secured Claims**§ 3.1 Maintenance of payments and cure of default, if any.**

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☐ Beginning with the first payment that is due after the date of the order for relief under Chapter 13, the debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These 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, with interest, if any, at the rate stated below.

If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless the Bankruptcy Court orders otherwise, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan.

Name of creditor	Collateral	Estimated amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage
			%	

§ 3.2 Request for valuation of security and modification of certain undersecured claims.

- ☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

- ☐ The debtor(s) request(s) that the Bankruptcy Court determine the value of the secured claims listed below.

For each non-governmental secured claim listed below, the debtor(s) state(s) that the value of the secured claim should be as set out in the column headed *Amount of secured claim*. For secured claims of governmental units, unless the Bankruptcy Court orders otherwise, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each creditor checked below, debtor(s) will file a motion pursuant to Bankruptcy Rule 3012 and the Chapter 13 General Order to request determination of the amount of the secured claim.

For each listed claim below, the value of the secured claim will be paid in full, with interest at the rate stated below. For a secured tax claim, the interest rate shall be the interest rate stated in the proof of claim. The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan.

The trustee will make monthly preconfirmation adequate protection payments that 11 U.S.C. § 1326(a)(1)(C) requires to the creditor in the amount set out in the column headed *Monthly preconfirmation adequate protection payment*.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

(a) payment of the underlying debt determined under nonbankruptcy law, or

(b) payment of the amount of the secured claim, with interest at the rate set forth below, and discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

	Check only if motion to be filed	Name of creditor	Estimated amount of total claim	Collateral and date of purchase	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly pre-confirmation adequate protection payment	Monthly post-confirmation payment
+	<input type="checkbox"/>							%		

Debtor _____

Case number _____

§ 3.3 Secured claims to be paid in full.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.
- ☐ The claims listed below will be paid in full under the plan. Reasons for payment in full may include:

- (1) were incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) were incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.
- (3) the value of the collateral exceeds the anticipated claim; or
- (4) the claim listed shall be paid in full because the claim is cosigned; or
- (5) the claim shall be paid in full because the debtor is not entitled to a discharge.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the trustee.

The trustee will make monthly preconfirmation adequate protection payments that 11 U.S.C. § 1326(a)(1)(C) requires to the creditor in the amount set out in the column headed *Monthly preconfirmation adequate protection payment*.

The holder of any claim listed below will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) payment of the amount of the secured claim, with interest at the rate set forth below, and discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

	Name of creditor	Collateral	Purchase date	Estimated amount of claim	Interest rate	Monthly pre-confirmation adequate protection payment	Monthly post-confirmation payment to creditor by trustee
+							
-					%		

§ 3.4 Lien avoidance.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

- ☐ The judicial liens and/or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless the Bankruptcy Court orders otherwise, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the claim secured by the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the claim secured by the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan to the extent allowed. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). *If more than one lien is to be avoided, provide the information separately for each lien.*

	Name of creditor	Description of judicial lien or security interest	Description of property subject to judicial lien or security interest	Amount of lien or security interest
+				
-				
	Amount avoided and treated as unsecured claim	Amount of remaining secured claim, if any	Interest rate, if applicable	Monthly payment on secured claim, if applicable
			%	
	Enter additional claims as needed			

§ 3.5 Surrender of collateral.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.
- ☐ The debtor(s) elect(s) to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request(s) that, upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Confirmation of the plan results in termination of such stays. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below. No payments as to the collateral will be made, and all secured claims based on the collateral will not otherwise be treated by the plan.

Debtor _____

Case number _____

+	Name of Creditor	Collateral
-		

§ 3.6 Other Allowed Secured Claims.

A proof of claim that is filed and allowed as a secured claim, but is not treated as a secured claim in this plan, shall be paid with interest at the rate of ____%. Payments will commence as set forth in § 2.6. Notwithstanding the foregoing, the debtor(s), and any other party in interest, may: object to allowance of the claim; request that the Bankruptcy Court determine the value of the secured claim if modification of the claim is permissible and if 11 U.S.C. § 506 is applicable; or request that the Bankruptcy Court avoid the creditor's lien pursuant to 11 U.S.C. § 522(f), if applicable.

If the Bankruptcy Court determines the value of the secured claim, the portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan.

The holder of the claim will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) payment of the amount of the secured claim, with interest at the rate set forth above, and discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Part 4:	Treatment of Fees and Priority Claims
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§ 4.1 General.

Trustee's fees and all allowed priority claims will be paid in full without postpetition interest. An allowed priority claim will be paid in full regardless of whether it is listed in § 4.4.

§ 4.2 Trustee's fees.

Trustee's fees are governed by statute and may change during the course of the case.

§ 4.3 Attorney's fees.

- (a) The unpaid fees, expenses, and costs owed to the attorney for the debtor(s) in connection with legal representation in this case are \$_____. The allowance and payment of the fees, including the award of additional fees, expenses and costs of the attorney for the debtor(s) are governed by General Order 42-2020 ("Chapter 13 Attorney's Fees Order"), as it may be amended.
- (b) Upon confirmation of the plan, the unpaid amount shall be allowed as an administrative expense under 11 U.S.C. § 503(b) to the extent set forth in the Chapter 13 Attorney's Fees Order.
- (c) From the first disbursement after confirmation, the attorney will receive payment under the Chapter 13 Attorney's Fees Order up to the allowed amount set forth in § 4.3(a).
- (d) The unpaid balance and any additional amounts allowed under § 4.3(c) will be payable (1) at \$_____ per month from Regular Payments and (2) from Tax Refunds or Additional Payments, as set forth in the Chapter 13 Attorney's Fees Order until all allowed amounts are paid in full.
- (e) If the case is converted to Chapter 7 before confirmation of the plan, the debtor(s) direct(s) the trustee to pay to the attorney for the debtor(s) the amount of \$_____, not to exceed the maximum amount that the Chapter 13 Attorney's Fees Order permits. If the attorney for the debtor(s) has complied with the applicable provisions of the Chapter 13 Attorney's Fees Order, the trustee will deliver, from the funds available, the stated amount or the maximum amount to the attorney, whichever is less.
- (f) If the case is dismissed before confirmation of the plan, fees, expenses, and costs of the attorney for the debtor(s) in the amount of \$_____, not to exceed the maximum amount that the Chapter 13 Attorney's Fees Order permits, will be allowed to the extent set forth in the Chapter 13 Attorney's Fees Order. The attorney may file an application for fees, expenses, and costs in excess of the maximum amount within 14 days from entry of the order of dismissal. If the attorney for the debtor(s) has complied with the applicable provisions of the Chapter 13 Attorney's Fees Order, the trustee will deliver, from the funds available, the allowed amount to the attorney.
- (g) If the case is converted to Chapter 7 after confirmation of the plan, the debtor(s) direct(s) the trustee to deliver to the attorney for the debtor(s), from the funds available, any allowed fees, expenses, and costs that are unpaid.
- (h) If the case is dismissed after confirmation of the plan, the trustee will pay to the attorney for the debtor(s), from the funds available, any allowed fees, expenses, and costs that are unpaid.

§ 4.4 Priority claims other than attorney's fees.

- ☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.
- ☐ The debtor(s) has/have domestic support obligations as set forth below. The debtor(s) is/are required to pay all postpetition domestic support obligations directly to the holder of the claim.

Debtor _____

Case number _____

+	Name and address of creditor:	Name and address of child support enforcement agency entitled to § 1302(d)(1) notice	Estimated amount of claim	Monthly plan payment
-				

☐ The debtor(s) has/have priority claims other than attorney's fees and domestic support obligations as set forth below:

+	Name and address of creditor:	Estimated amount of claim
-		

Part 5: Treatment of Nonpriority Unsecured Claims

§ 5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata, as set forth in § 2.6. Holders of these claims will receive:

Check one.

- ☐ A pro rata portion of the funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☐ A pro rata portion of the larger of (1) the sum of \$_____ and (2) the funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☐ The larger of (1) _____% of the allowed amount of the claim and (2) a pro rata portion of the funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☐ 100% of the total amount of these claims.

Unless the plan provides to pay 100% of these claims, the actual amount that a holder receives will depend on (1) the amount of claims filed and allowed and (2) the amounts necessary to pay secured claims under Part 3 and trustee's fees, costs, and expenses of the attorney for the debtor(s), and other priority claims under Part 4.

§ 5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.
- ☐ 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 directly by the debtor(s). The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee.

+	Name of creditor	Estimated amount of arrearage	Monthly plan payment on arrearage
-			

§ 5.3 Other separately classified nonpriority unsecured claims.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.
- ☐ The nonpriority unsecured allowed claims listed below are separately classified. Each claim will receive pro rata payments as set forth in § 2.6. The unpaid balance will be paid in full, including interest at the rate stated below, if applicable.

+	Name of creditor	Basis for separate classification	Estimated amount of claim	Interest rate (if applicable)
-				%

Part 6: Executory Contracts and Unexpired Leases

§ 6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Debtor _____

Case number _____

- ☐ **Assumed Items.** Current installment payments will be disbursed directly by the debtor(s). Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

+	Name of creditor	Description of leased property or executory contract	Estimated amount of arrearage	Monthly postconfirmation payment to cure arrearage
-				

Part 7: Vesting of Property of the Estate

§ 7.1 Unless the Bankruptcy Court orders otherwise, property of the estate shall not vest in the debtor(s) on confirmation but will vest in the debtor(s) only upon: (1) discharge of the debtor(s); (2) dismissal of the case; or (3) closing of the case without a discharge upon the completion of payments by the debtor(s).

Part 8: Nonstandard Plan Provisions

§ 8.1 Check "None" or list Nonstandard Plan Provisions.

- ☐ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in this N.D. Ga. Chapter 13 Plan Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3. (Insert additional lines if needed.)

Part 9: Signatures

§ 9.1 Signatures of Debtor(s) and Attorney for Debtor(s).

The debtor(s) must sign the initial plan and, if not represented by an attorney, any modification of the plan, below. The attorney for the debtor(s), if any, must sign below.

✕

Signature of debtor 1 executed on _____
MM / DD / YYYY

Address _____ City, State, ZIP code

✕

Signature of debtor 2 executed on _____
MM / DD / YYYY

Address _____ City, State, ZIP code

✕

Signature of attorney for debtor(s) _____

Firm _____

Date: _____
MM / DD / YYYY

Address _____ City, State, ZIP code

By filing this document, the debtor(s), if not represented by an attorney, or the attorney for debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 Plan are identical to those contained in the Local Form for Chapter 13 Plans that the Bankruptcy Court for the Northern District of Georgia has prescribed, other than any nonstandard provisions included in Part 8.

EXHIBIT B

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
[Appropriate Division] DIVISION

IN RE:)	
)	Case No. <i>[xx-xxxxx]</i> – <i>[Assigned Judge's</i>
<i>[Name(s) of Debtor(s)],</i>)	<i>Initials]</i>
)	
Debtor(s).)	Chapter 13
_____)	

STATEMENT OF MODIFIED PLAN

Come(s) now *[Name(s) of Debtor(s)]* and state(s) the following:

1. On *[date]*, Debtor(s) filed a Modified Plan. The Modified Plan is attached as an Exhibit to this Statement of Modified Plan filed with the Bankruptcy Court.
2. The Modified Plan amends the specified section(s) of the Plan and changes them as follows: *[State each section that is modified and describe the substance of the amendment. If the Modified Plan changes the treatment of a specific creditor, the description should include the name of that creditor.]*
3. Any amendment contained in the Modified Plan that is not set forth in this Statement of Modified Plan will not be effective.
4. Objections to the confirmation of the Modified Plan must be filed with the Court and served on the Debtor(s), the attorney for the Debtor(s), and the Chapter 13 Trustee at least seven days before the date set for the hearing on confirmation.

Respectfully submitted,

[Signature of attorney for Debtor(s)]
**[Name, address, telephone number, and
Georgia Bar Number of attorney for
Debtor(s)]**

[Attach certificate of service showing the persons served and the date and manner of service]

EXHIBIT C

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
[Appropriate Division] DIVISION

IN RE:)	Case No. <i>[xx-xxxxx]</i> – <i>[Assigned</i>
)	<i>Judge's Initials]</i>
<i>[Name of Debtor(s)],</i>)	
)	
Debtor(s).)	Chapter 13
)	

**NOTICE OF HEARING ON CONFIRMATION OF MODIFIED PLAN AND OF
DEADLINE FOR OBJECTIONS TO CONFIRMATION OF MODIFIED PLAN**

PLEASE TAKE NOTICE that the Debtor(s) has/have filed a preconfirmation modification to the Chapter 13 Plan. The preconfirmation modification may materially and adversely change the treatment or rights of creditors from those set forth in the Chapter 13 Plan previously filed.

Your rights may be affected. You should read the preconfirmation modification carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose confirmation of the Chapter 13 Plan, as modified, and do not want the court to confirm it, or if you want the Court to consider your views, then not less than seven days before the hearing on confirmation scheduled below, you or your attorney must:

- (1) File with the court a written objection, explaining your positions and views as to why the court should not confirm the Chapter 13 Plan, as modified. The written objection must be filed at the following address:

[State address of Clerk of Court of appropriate division]

If you mail your response to the Clerk for filing, you must mail it early enough so that the Clerk will **actually receive** it not less than seven days before the hearing on confirmation scheduled below.

- (2) Mail or deliver a copy of your written objection to the Debtor's attorney at the address stated below and to the Chapter 13 Trustee. You must attach a certificate of service to your written objection, stating when, how, and on whom (including addresses) you served the objection.

If you or your attorney do not file a timely objection, the court may decide that you do not oppose confirmation of the Chapter 13 plan, as modified.

A hearing on confirmation of the Chapter 13 Plan, as modified, will be held in ***[State place of hearing, e.g., Courtroom number and street address of building] at [State time] on [State date²]***. You or your attorney must attend the hearing and advocate your position.

Dated: ***[Date]***

[Signature of attorney for Debtor(s)]
[Name of Attorney] [Bar No.]
[Address]
[Telephone Number]
Attorney for Debtor(s)

² Obtain the hearing date by following the procedures for scheduling hearings used by the judge to whom the case is assigned.