

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA

IN RE:)
)
ADOPTING FORM CHAPTER 13 PLAN) **Second Amended**
AND RELATED PROVISIONS) **Standing Order**

2009 OCT 28 P 3:33
BANKRUPTCY COURT
NORTHERN DISTRICT FL.

FILED

IN ORDER TO implement the procedural provisions of §521 and §1308, and to limit the administrative burdens placed on the court, the trustee, and attorneys, and as the Chapter 13 Trustee has advised the Court that she has a standing request for annual statements pursuant to §521(f), the following guidelines and procedures are hereby adopted regarding Debtor(s) in Chapter 13 cases filed in the Northern District of Florida on or after October 17, 2005, except as otherwise provided herein.

1. FORM CHAPTER 13 PLAN

It is ordered that the Debtor(s) in a case under Chapter 13 of Title 11 of the United States Code shall file a Chapter 13 Plan conforming to the Plan attached to this Order for all Plans filed on or after **December 1, 2008**.

2. PRE-PETITION TAX RETURNS

Subject to the provisions of §1308, the Debtor(s) shall provide the Chapter 13 Trustee Federal income tax returns for all tax periods during the two (2) year period ending on the date of the filing of the Petition.

3. POST-PETITION TAX RETURNS

The Debtor(s) shall provide to the Chapter 13 Trustee —

(A) at the same time filed with the taxing authority, a copy of each Federal income tax return required under applicable law (or at the election of the Debtor(s), a transcript of such tax return) with respect to each tax year of the Debtor(s) ending while the case is pending under such chapter;

(B) at the same time filed with the taxing authority, each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) that had not been filed with such authority as of the date of the commencement of the case and that was subsequently filed for any tax year of the debtor ending in the 3 year period ending on the date of the commencement of the case;

(C) a copy of each amendment to any Federal income tax return or transcript provided to the Trustee under paragraph (A) or (B).

4. ANNUAL STATEMENT

The Debtor shall file with the Court in a case under Chapter 13 –

(A) on the date that is either 90 days after the end of such tax year or 1 year after the date of the commencement of the case, whichever is later, if the plan is not confirmed before such later date; and

(B) annually after the plan is confirmed and until the case is closed, not later than the date that is 45 days before the anniversary of the confirmation of the plan;

a statement, under penalty of perjury, of the income and expenditures of the Debtor(s) during the tax year of the Debtor(s) most recently concluded before such statement is filed under this paragraph, and of the monthly income of the Debtor(s), that shows how income, expenditures, and monthly income are calculated.

5. ANNUAL STATEMENT CONTENTS

A statement referred to in paragraph 4 shall disclose –

(A) the amount and sources of the income of Debtor(s);

(B) the identity of any person responsible with the Debtor(s) for the support of any dependent of the Debtor(s); and

(C) the identity of any person who contributed, and the amount contributed, to the household in which the Debtor(s) resides.

6. ATTORNEY'S FEES FOR ANNUAL STATEMENT:

Upon compliance with paragraphs 2, 3 and 4 of this Order, the Chapter 13 Trustee shall be authorized to disburse, if funds are available, \$250.00 to the Debtor(s)' attorney as compensation for the "normal and customary" fee for this service in routine cases.

7. ATTORNEY'S FEES FOR MODIFICATION INCREASING PLAN BASE:

Upon the entry of an Order modifying the Plan to increase the Plan base and which contains a provision for additional attorney's fees of \$500.00, the Trustee shall be authorized to disburse said sum to the Debtor(s)' attorney.

DONE AND ORDERED at Tallahassee, Florida, this 26th day of October, 2009.



THE HONORABLE LEWIS M. KILLIAN, JR.
UNITED STATES BANKRUPTCY JUDGE

**United States Bankruptcy Court
Northern District of Florida**

In re _____ Case No. _____
Debtor(s) Chapter 13

CHAPTER 13 PLAN

1. **Payments to the Trustee:** The future earnings or other future income of the Debtor is submitted to the supervision and control of the trustee. The Debtor (or the Debtor's employer) shall pay to the trustee the sum of \$ _____ per month for _____ months, then \$ _____ per month for _____ months. The Debtor shall pay to the Trustee the tax refunds for _____ years.

Total of base plan payments: \$ _____

2. **Plan Length:** The term of the plan is for _____ months.

3. Allowed claims against the Debtor shall be paid in accordance with the provisions of the Bankruptcy Code and this Plan.

a. Secured creditors shall retain their mortgage, lien or security interest in collateral until the earlier of (a) the payment of the underlying debt determined under nonbankruptcy law, or (b) discharge under 11 U.S.C. § 1328.

b. Creditors who have co-signers, co-makers, or guarantors ("Co-Obligors") from whom they are enjoined from collection under 11 U.S.C. §1301, and which are separately classified and shall file their claims, including all of the contractual interest which is due or will become due during the consummation of the Plan, and payment of the amount specified in the proof of claim to the creditor shall constitute full payment of the debt as to the Debtor.

c. All priority creditors under 11 U.S.C. § 507 shall be paid in full in deferred cash payments.

4. From the payments received under the plan, the trustee shall make disbursements as follows:

a. Administrative Expenses/ Priority Claims

(1) **Trustee's Fee:** As determined by the Attorney General of the United States.

(2) **Filing Fee (unpaid portion):**

(3) **Priority Claims under 11 U.S.C. §507 – Domestic Support Obligations**

(a) Debtor is required to pay all post-petition domestic support obligations directly to the holder of the claim.

(b) The name(s) of the holder of any domestic support obligation are as follows (11 U.S.C. §§ 101(14A) and 1302(b)(6)):

(c) Anticipated Domestic Support Obligation Arrearage Claims. Unless otherwise specified in this Plan, priority claims under 11 U.S.C. § 507(a)(1) will be paid in full pursuant to 11 U.S.C. § 1322(a)(2).

Creditor (Name)	Estimated arrearage claim
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(d) Pursuant to 11 U.S.C. §§ 507(a)(1)(B) and 1322(a)(4), the following domestic support obligation claims are assigned to, owed to, or recoverable by a governmental unit.

Claimant and proposed treatment: _____



(4) Attorney's Fee (unpaid portion):

Pursuant to Standing Order of this Court, the Debtor's attorney may seek additional fees of \$75.00 upon the filing of the required annual statement each year. If the Plan is modified due to an increase in income shown on the annual statement, the Debtor's attorney may seek additional fees of \$200.00. In either of these events, no further notice will be given to creditors.

(5) Other Priority Claims.

Name	Amount of Claim	Interest Rate (If specified)
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b. Secured Claims

(1) Secured Debts Which Will Not Extend Beyond the Length of the Plan

(a) Secured Claims Subject to Valuation Under 11 U.S.C. §506. Each of the following secured claims shall be paid through the plan as set forth below, until the secured value or the amount of the claim, whichever is less, has been paid in full. Any remaining portion of the allowed claim shall be treated as a general unsecured claim.

Name	Proposed Total Amount of Allowed Secured Claim	Interest Rate (If specified)
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(b) Secured Claims Not Subject to Valuation Under 11 U.S.C. §506. Each of the following claims shall be paid through the plan as set forth below until the amount of the claim as set forth below has been paid in full.

Name	Amount of Secured Claim	Interest Rate (If specified)
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(2) Secured Debts Which Will Extend Beyond the Length of the Plan

Name	Amount of Claim	Monthly Payment	Interest Rate (If specified)
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c. Unsecured Claims

General Nonpriority Unsecured: Unsecured debts shall be paid approximately _____ cents on the dollar and paid pro rata.

5. The Debtor proposes to cure defaults to the following creditors by means of monthly payments by the trustee:

Creditor	Amount of Default to be Cured	Interest Rate (If specified)
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6. The Debtor shall make regular payments directly to the following creditors:

Name	Amount of Claim	Monthly Payment	Interest Rate (If specified)
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7. The following executory contracts of the debtor are rejected:

Other Party	Description of Contract or Lease
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8. Property to Be Surrendered to Secured Creditor for which the creditor shall be entitled to file a deficiency claim:

Name	Amount of Claim	Description of Property
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9. Title to the Debtor's property shall revert in Debtor on confirmation of a plan unless otherwise provided in paragraph 11.

10. As used herein, the term "Debtor" shall include both debtors in a joint case.

11. Non-Standard Provisions (all non-standard provisions must be inserted in this paragraph).

12. Other Provisions:

Unsecured claims shall be paid interest to the extent available, if any, not to exceed 6%.

The provisions of paragraph 3 are not intended to modify the rights of the holders of any mortgages on any real property owned by Debtor. The terms of all notes and mortgages on Debtor's real property shall remain in full force and effect.

PAYMENT OF THE FOREGOING ARREARAGES UNDER THIS PLAN SHALL CONCLUSIVELY CONSTITUTE PAYMENT OF ALL PRE-PETITION ARREARAGES.

Pursuant to 11 U.S.C. §521(f)(4)(B) and Standing Order of this Court, the required annual statement as described shall be filed.

Date _____

Signature _____
Debtor(s)