

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO AND MODESTO DIVISIONS

In re )  
 )  
CHAPTER 13 CASES ) **GENERAL ORDER NO. 00-2**  
 ) (Sacramento & Modesto Divisions Only)  
 ) *Supersedes General Order No. 97-02*  
 )

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Paragraph 1. Applicability

(a) This order relates to chapter 13 cases filed or transferred to the Sacramento and Modesto Divisions of the Eastern District of California and supersedes any previous orders in conflict with its provisions. This order applies to chapter 13 cases filed on or after April 15, 2000. Paragraphs 7, 8, and 9, however, apply to all pending cases.

(b) The definitions set forth in the Local Rules of Practice for the United States Bankruptcy Court, Eastern District of California ("Local Rules") effective December 20, 1999, and all subsequent amendments, apply to all terms used in this order.

(c) To the extent this order conflicts with the provisions of the Local Rules, the provisions of this order shall take precedence. In all other respects, the Local Rules shall apply in all chapter 13 cases.

(d) By this general order, and the form chapter 13 plan required by it, the court seeks to streamline the procedures for chapter 13 plan confirmation and the adjudication of related matters, such as lien avoidance and valuation of assets, maximize the likelihood of successful financial reorganization and performance of chapter 13 plans, insure nondiscriminatory and fair treatment of claims, and provide for the prompt approval and payment of professional fees. The court determines that the procedures and forms mandated in this general order are reasonably calculated to obtain these goals and fairly balance the administrative necessities imposed on the court and the chapter 13 trustee by a large and complex chapter 13 caseload with the due process rights of the debtor and creditors.

## Paragraph 2. Mandatory Forms

All chapter 13 debtors shall:

(a) Utilize the form which is attached as Exhibit 1 to this order and entitled "CHAPTER 13 PLAN." This standard form chapter 13 includes motions to value collateral and motions to avoid liens pursuant to 11 U.S.C. § 522(f)(1)(A) & (B). This plan shall be completed and filed within 15 days of the filing of the petition as directed in Local Rule 3015-1(a). No changes, interlineations, or alterations of any kind may be made to the printed material in the plan. Should any be made, they will be given no force or effect. Any changes to the printed material must be set out in writing in the Additional Provisions portion of the plan. The plan and any included motions (Attachments M-1, M-2, or M-3), shall constitute the debtor's chapter 13 plan. Nothing in the plan or in this general order precludes a debtor from proposing, for good cause, amendments or modifications to the form attached as Exhibit 1.

(b) Include in or file with the plan any motions pursuant to section 522(f) (all references to sections are to sections of the Bankruptcy Code) to avoid judicial liens (Attachment M-1), or nonpossessory, nonpurchase money liens (Attachment M-2). If these liens are not avoided, the underlying claims must be treated as secured in the plan.

(c) Include in or file with the plan all motions to value collateral and determine secured claims (Attachment M-3) pursuant to subsections (a) and (d) of section 506 and Federal Rule of Bankruptcy Procedure ("FRBP") 3012.

(d) Submit to the chapter 13 trustee ("Trustee") at the section 341 meeting of creditors a proposed order confirming their chapter 13 plan. This order shall substantially comply with the form of the order appended hereto as Exhibit 2.

## Paragraph 3. Service of Plan and Motions

(a) The debtor or the debtor's attorney shall serve the plan, all motions to value collateral, all motions to avoid liens, statements, and schedules on the Trustee. The Trustee shall serve all creditors and other persons entitled to notice with a copy of the debtor's plan or a summary of it as the court may direct.

(b) If the debtor has included in the plan or otherwise filed any motions to avoid liens pursuant to section 522(f) or motions to value collateral pursuant to subsections (a) and (d) of section 506 and FRBP 3012, the debtor or debtor's attorney shall serve the motions and the plan at least ten (10) calendar days before the meeting of creditors held pursuant to section 341(a) upon the respondent creditor(s) as required by section 342(c), FRBP 7004,

and Local Rules 2002-1 and 9014-1. The plan shall be accompanied by a separate notice which contains the address of the debtor and the debtor's attorney and states: "You are hereby notified that the debtor has filed a proposed chapter 13 plan which includes a motion seeking to [describe the relief sought in the motion]. If you oppose the motion and/or wish to object to confirmation of the chapter 13 plan, it is incumbent on you to file an objection and set it for hearing in the United States Bankruptcy Court, Eastern District of California, [Sacramento Division, located at U.S. Courthouse, United States Bankruptcy Court, 501 I Street, Suite 3-200, Dept. [insert number] Sacramento, California 95814 **or** Modesto Division, located at United States Bankruptcy Court, 1130 12<sup>th</sup> Street, Suite C, Modesto, California 95354]. An objection to the plan and/or the motion must be filed not later than 14 days after the conclusion of the meeting of creditors held pursuant to section 341(a) of the Bankruptcy Code. Further, the party filing the objection shall set it for hearing not later than 45 days following the conclusion of the meeting of creditors. To set a hearing, parties shall utilize the court's self-set calendaring procedure which is available on the court's website, [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov), or at the court's public counters. The meeting of creditors will take place on [insert date and time]. The objection, all evidence supporting the objection, and a notice containing the date, time, and place of the hearing on the objection shall be served on the Trustee, debtor, and debtor's attorney at the address(es) stated in this notice at least 22 days prior to the hearing."

#### Paragraph 4. Attorney Representation and Attorneys' Fees

(a) Any attorney who is retained to represent a debtor in a chapter 13 case is responsible for representing the debtor on all matters arising in the case, including, without limitation, motions for relief from the automatic stay, motions to avoid liens, objections to claims, and adversary proceedings.

(b) Attorneys seeking to withdraw from representation of a debtor shall comply with Rule 83-182 of the Local Rules of the United States District Court, Eastern District of California.

(c) Compensation paid to attorneys for the representation of debtors shall be determined according to the Guidelines for Payment of Attorneys' Fees in Chapter 13 Cases or, when the attorney elects not to comply with the Guidelines for Payment of Attorneys' Fees in Chapter 13 Cases, the Guidelines for Compensation and Expense Reimbursement of Professionals, sections 329 and 330, FRBP 2002, 2016, and 2017, and other applicable authority.

(d) After the filing of the petition, a debtor's attorney shall not accept or demand from the debtor any payment for services or cost reimbursement without first obtaining a court order authorizing the fees and/or costs and specifically permitting

direct payment of those fees and/or costs by the debtor.

(e) All attorneys shall file and serve on the United States Trustee and the Trustee the initial and supplemental disclosures of compensation required by FRBP 2016(b).

#### Paragraph 5. Plan Payments

(a) Plan payments shall be made monthly and are due on the twenty-fifth day of each month beginning the month after the petition is filed. Prior to confirmation, all plan payments to the Trustee shall be by cashier's check or money order. After confirmation, plan payments shall be made by Wage Order as further explained in subparagraphs (c)-(e) of this paragraph.

(b) Debtors shall pay directly to secured creditors all ongoing post-petition installment payments on home loans as well as other secured claims that have maturities beyond the term of the plan and that are not modified by the plan. All other secured claims must be paid through the plan by the Trustee.

(c) The debtor or the debtor's attorney shall lodge with the Trustee at the section 341 meeting of creditors a completed Wage Order in the form of Exhibit 3, or such other form of order as required by the Trustee. If there is more than one employer and it is necessary to deduct wages from the wages received from more than one employer in order to collect the entire plan payment, a Wage Order shall be lodged for each employer. If a pre-confirmation modification to the plan necessitates a change to the proposed Wage Order, a modified Wage Order shall be lodged with the trustee when the modified plan is served or when a revised confirmation order incorporating the plan modification is lodged with the Trustee.

(d) After the deadline for objections to confirmation has expired and if the court has overruled any objections, the Trustee shall lodge the Wage Order and the confirmation order with the court. Once the Wage Order and the confirmation order are issued, the court clerk will provide endorsed copies to the Trustee and to the debtor or the debtor's attorney. Unless the debtor's attorney will pick up the endorsed copies from the court clerk, the debtor or the debtor's attorney must furnish a stamped, self-addressed envelope. The debtor or debtor's attorney shall serve the Wage Order by mail on the employer.

(e) After confirmation of the plan, all plan payments shall be by Wage Order with the exceptions noted below. It is the responsibility of the debtor and the debtor's attorney to insure that the Wage Order is issued and served. If the Wage Order will not timely or completely fund a plan payment, the debtor shall make the necessary payment directly to the Trustee by cashier's check or money order. It is also the responsibility of the debtor and the debtor's attorney to modify the Wage Order in those cases where the plan payment changes or fluctuates.

(f) Those debtors who believe there is good reason to not

make plan payments by a Wage Order shall explain their reasons to the Trustee no later than the meeting of creditors. If the Trustee nevertheless believes a Wage Order is appropriate, the Trustee may request dismissal of the case pursuant to Paragraph 8 of this general order. In response to such motions, debtors may request that they be excused from the requirement of a Wage Order. If the Trustee finds that a Wage Order will be administratively difficult to implement, the Trustee may dispense with the requirement and accept plan payments by money order or cashier's checks directly from the debtor.

Paragraph 6. Claim Objections, Plan Modifications  
and Filing of Claims

(a) Prior to the expiration of the deadline to object to proofs of claims (see subparagraph (b) below), the Trustee shall pay claims as specified in the confirmed plan unless the Trustee is served with an objection to a claim which is set for hearing within 60 days of its service. Until the objection is adjudicated or settled, the Trustee shall cease paying dividends on account of the objectionable claim. If the objection is overruled, at the request of the claimant or the Trustee, the court may make provision for payment of any dividends not paid while the objection was pending.

(b) Any other objections to claims shall be filed, served, and set for hearing no later than 90 days after service by the Trustee of the Notice of Filed Claims. The Notice of Filed Claims shall be filed and served by the Trustee upon the debtor and the debtor's attorney, if any, no later than the longer of 250 days after the order for relief or 180 days after plan confirmation. Any proof of claim not timely objected to shall continue to be paid by the Trustee pursuant to the terms of the confirmed plan.

(c) Nothing herein shall prevent the debtor, the Trustee, or any other party in interest from objecting to a proof of claim after the expiration of the deadline for objections specified in subparagraph (b) above. However, any objection filed after the expiration of that deadline shall not, if sustained, result in any order that the claimant refund amounts paid on account of its claim.

(d) If the Notice of Filed Claims includes claims which are not provided for in the plan or which make the plan no longer feasible, the debtor shall file a motion to modify the plan to make the necessary adjustments, changes, deletions, or other modifications. This motion shall be filed, served, and set for hearing no later than 120 days after service by the Trustee of the Notice of Filed Claims.

(e) Nothing herein shall prevent the debtor, the Trustee, or the holder of an allowed unsecured claim from requesting plan modifications at other times.

(f) If a creditor fails to file a proof of claim within the time required by FRBP 3002(c) or section 502, the debtor or the Trustee may (but are not required to) file a proof of claim on behalf of the creditor pursuant to FRBP 3004. The time for the filing of such a claim is extended to 90 days after service on the debtor or his counsel of the Notice of Filed Claims.

(g) If the court enters an order valuing a creditor's collateral and the creditor has filed or later files a proof of a secured claim in an amount greater than the value established for the collateral, the allowed secured claim shall be the value of the collateral determined by the court. It is unnecessary for the Trustee or the debtor to file a claim objection in addition to the motion valuing the collateral.

(h) If the court enters an order avoiding the judicial lien or nonpossessory, nonpurchase money security interest of a creditor and the creditor has filed or later files proof of a secured claim which identifies as security only the avoided lien or security interest, the claim shall be allowed as a general unsecured claim. It is unnecessary for the Trustee or the debtor to file a claim objection in addition to the lien avoidance motion.

#### Paragraph 7. Payment Defaults

If the debtor fails to make any plan payment pursuant to a confirmed plan, including direct payments to creditors, the Trustee may mail to the debtor and the debtor's attorney written notice of the default. If the debtor believes that there is no such default, the debtor shall set a hearing within 30 days of the mailing of the notice with 14 days notice to the Trustee. If the court concludes that there has been a default, the case will be dismissed. Alternatively, debtors may acknowledge that payments have not been made and, within 30 days of the mailing of the notice, either cure the default by payment or by filing a modified plan and a motion to confirm the modified plan. If the debtor's financial condition has changed, amended Schedules I and J shall be filed with the motion to modify. Debtors shall have 30 days from the filing of the motion and proposed modified plan to obtain court approval of the modified plan. If the debtor fails to timely set a hearing on the Trustee's notice, or cure the default by payment, or file a proposed modified plan and motion, or perform the modified plan pending its approval, or obtain approval of the modified plan, the case will be dismissed without a hearing on the Trustee's application.

Paragraph 8. Motions to Dismiss

For motions filed by the Trustee pursuant to section 1307(c), Local Rule 9014-1 is modified to permit a hearing on a motion on as little as 14 days notice to the debtor and the debtor's attorney. Written opposition to the motion need not be filed by the debtor.

Paragraph 9. Automatic Stay

(a) A secured creditor who is receiving payments from the Trustee through the plan and who obtains an order granting relief from the automatic stay to foreclose on its collateral, shall serve an endorsed copy of the stay relief order on the Trustee by either utilizing Local Rule 9022-1 or otherwise mailing an endorsed copy.

(b) When the stay relief order unconditionally permits the creditor to foreclose or repossess its collateral, the Trustee shall cease making payments on the creditor's secured claim if he has received a copy of the endorsed order more than five (5) court days prior to a scheduled plan distribution unless the order granting relief from the automatic stay provides otherwise.

(c) If the court reimposes the automatic stay or issues an injunction preventing the foreclosure or repossession, the Trustee shall recommence making payments on the creditor's secured claim if he has received a copy of the endorsed order or injunction more than five (5) court days prior to a scheduled plan distribution unless the order or injunction provides otherwise.

(d) A creditor secured by real property that is the debtor's principal residence shall continue to mail to the debtor, the automatic stay notwithstanding, the customary monthly statement or payment coupon unless and until a plan is confirmed which provides for surrender of the real property to the creditor.

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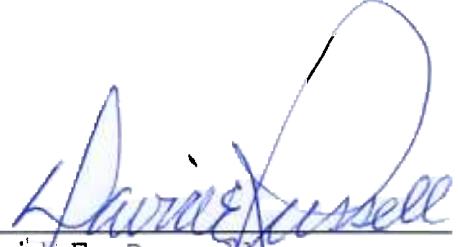
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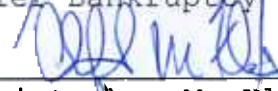
So ordered.

Dated: April 5, 2000



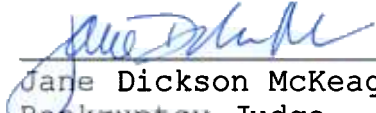
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David E. Russell  
Chief Bankruptcy Judge



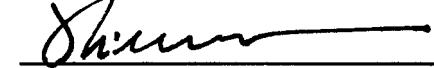
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Christopher M. Klein  
Bankruptcy Judge



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Jane Dickson McKeag  
Bankruptcy Judge



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Michael S. McManus  
Bankruptcy Judge



**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO AND MODESTO DIVISIONS**

In re: \_\_\_\_\_ ) Case No. \_\_\_\_\_ )  
 ) )  
 ) Social Security No. \_\_\_\_\_ )  
 ) Social Security No. \_\_\_\_\_ )  
 ) Employer I.D. No. \_\_\_\_\_ )  
\_\_\_\_\_  
Debtor(s) )

**CHAPTER 13 PLAN**  
**[ ] MOTION(S) TO VALUE COLLATERAL AND**  
**[ ] MOTION(S) TO AVOID LIENS**  
[check box(es) if motion(s) included]

CREDITORS MAY NOT VOTE ON THIS PLAN BUT THEY MAY OBJECT TO ITS CONFIRMATION AND TO THE GRANTING OF ANY MOTIONS INCLUDED IN THE PLAN. AN OBJECTION MUST BE FILED AND SERVED UPON DEBTOR, DEBTOR'S ATTORNEY, AND THE CHAPTER 13 TRUSTEE WITHIN 14 DAYS AFTER THE CONCLUSION OF THE CREDITORS' MEETING HELD PURSUANT TO 11 U.S.C. § 341(a). A HEARING ON THE OBJECTION MUST BE SET BY THE CREDITOR ON A MINIMUM OF 22 DAYS NOTICE AND MUST TAKE PLACE WITHIN 45 DAYS AFTER THE CONCLUSION OF THE CREDITORS' MEETING. THE COURT'S SELF-SET HEARING RULES AND PROCEDURE ARE AVAILABLE ON THE COURT'S WEBSITE, WWW.CAEB.USCOURTS.GOV, OR AT THE COURT'S PUBLIC COUNTERS. ABSENT A TIMELY OBJECTION AND HEARING, THE COURT MAY CONFIRM THIS PLAN AND GRANT THE MOTIONS WITHOUT A HEARING.

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**CHAPTER 13 PLAN**

Debtor hereby proposes the following Chapter 13 Plan effective from the date of the petition:

**I. Plan Payments and Term**

In order to complete this plan, the future income of Debtor will be submitted to the supervision and control of the Chapter 13 Trustee ("Trustee"). Debtor shall pay to the Trustee the sum of \$\_\_\_\_\_ each month for \_\_\_\_\_ months [if the foregoing is left blank, refer to the "Additional Provisions" portion of this plan]. The plan payments consist of all Debtor's projected disposable income. Unless all allowed unsecured claims are paid in full, the plan shall not terminate earlier than the stated term or 36 months, whichever is longer. If necessary to complete this plan, the term will be extended up to 6 months, but in no event will the plan exceed 60 months in length.

**II. Classification and Treatment of Claims and Expenses**

The claims and expenses owed by Debtor are classified and provided for below. To be paid, creditors, including secured creditors, must file proofs of claim. The proof of claim filed by or on behalf of a creditor, not the plan or the schedules, will determine the amount and character of the creditor's claim. If a creditor's claim is provided for by this plan and a proof of claim is filed, dividends will be paid based upon the proof of claim unless the granting of a valuation or a lien avoidance motion, or the sustaining of a claim objection, affects the amount or classification of the claim. Secured claims not listed within Classes 1, 2, 3, or 4, and priority claims not listed within Class 5 are not provided for by the plan. Whether or not a proof of claim is filed, Debtor shall make ongoing post-petition installment payments on Class 1 and 4 claims.

**A. Administrative Expenses**

**1. Chapter 13 Trustee's fees** will be allowed and paid as determined by statute. The Trustee may receive up to 10% of the money distributed each month, excluding direct payments by Debtor to Class 1 and Class 4 creditors and refunds from the Trustee to Debtor.

**2. Administrative Expenses:** In most cases the only additional administrative expenses will be Debtor's attorneys' fees. Attorneys' fees and other administrative expenses must be approved by the bankruptcy court before they can be paid. Once approved, an administrative expense will be paid in full before further payment of Class 1, 2, 5, 6, and 7 claims unless the administrative claimant agrees to a different treatment. After deducting the \$ \_\_\_\_\_ pre-petition retainer, \$ \_\_\_\_\_ remains to be paid to Debtor's attorney.

- [ ] Debtor's attorney opts to have his or her fees approved and paid in accordance with the court's Guidelines for Payment of Attorneys' Fees in Chapter 13 Cases; or
- [ ] Debtor's attorney opts out of the Guidelines for Payment of Attorneys' Fees in Chapter 13 Cases and instead will disclose and seek approval of fees in accordance with applicable authority including 11 U.S.C. §§ 329 and 330, Fed.R.Bankr.P. 2002, 2016, and 2017, and the court's general Guidelines for Compensation and Expense Reimbursement of Professionals.

**B. Secured Claims**

**Class 1. Long-term secured claims that were delinquent when the petition was filed and that mature after the last payment under the plan.** Home loans and car loans maturing after the term of this plan are typical Class 1 claims. Creditors holding Class 1 claims will retain their liens and security interests. Pre-petition arrears will be paid through the plan together with interest if required by 11 U.S.C. § 1322(e). If no interest rate is specified, 10% per annum will be imputed and paid on Class 1 claims. Other than to cure the pre-petition arrears, Class 1 claims are not modified by this plan.

CLASS 1 CREDITOR'S NAME/COLLATERAL DESCRIPTION	REGULAR PAYMENT	PRE-PETITION ARREARS	INTEREST RATE
1.			
2.			
3.			

*[In the column "Regular Payment" state the ongoing post-petition installment payment including any impound amounts. The "regular payment" will be made by Debtor directly to the secured creditor. In the column "Pre-Petition Arrears" include the accrued but unpaid interest and principal through the date of bankruptcy as well as other accrued and unpaid charges such as attorneys' fees and foreclosure costs. Pre-petition arrears owed under an assumed executory contract or unexpired lease (see paragraph II(D) below) may be provided for as a Class 1 secured claim. If additional space is needed to list all Class 1 creditors, use the Chapter 13 Plan Continuation Sheet provided.]*

**Class 2. Secured claims that are modified by this plan or that will not extend beyond its length.**

This class includes any secured claim that has matured or will mature prior to the completion of the plan. It also includes any secured claim, regardless of its maturity date, that is modified as permitted by 11 U.S.C. § 1322 (b)(2) or (c)(2). Each secured claim will continue to be secured by its existing lien or security interest and will be paid its full amount or the market value of its collateral, whichever is less if permitted by § 1322(b)(2), together with interest. If no interest rate is specified, 10% per annum will be imputed and paid on all Class 2 claims.

CLASS 2 CREDITOR'S NAME/COLLATERAL DESCRIPTION	CLAIM AMOUNT	MARKET VALUE of COLLATERAL	INTEREST RATE
1.			
2.			
3.			

*[In the column "Claim Amount" include the unmatured principal, the accrued but unpaid principal and interest through the date of bankruptcy, as well as other accrued and unpaid charges such as attorneys' fees and foreclosure costs. If the market value of the creditor's collateral is less than the amount of the claim amount, the market value will be paid provided a Motion to Value Collateral (see Attachment M-3) is granted. Any deficiency will be treated as a Class 7 general unsecured claim unless it is a priority claim classified within Class 5. If a motion is not granted, the amount in the proof of claim will be paid. If additional space is needed to list all Class 2 creditors, use the Chapter 13 Plan Continuation Sheet provided.]*

**Class 3. Secured claims satisfied by the surrender of collateral.** Identify in the table below secured creditors whose claims will be satisfied by the surrender of their collateral. As to personal property, Debtor shall offer to surrender the property not later than 5 days after entry of the order of confirmation. As to real property, Debtor consents to termination of the automatic stay to permit a non-judicial foreclosure of the real property and Debtor shall give up possession immediately after the foreclosure sale. Entry of the confirmation order shall constitute an order modifying the automatic stay of 11 U.S.C. § 362 to allow any secured creditor whose collateral is being surrendered to receive or foreclose upon that collateral and to exercise its rights and remedies against its collateral.

CLASS 3 CREDITOR'S NAME/COLLATERAL DESCRIPTION	ESTIMATED DEFICIENCY	IS DEFICIENCY A PRIORITY CLAIM? Y/N
1.		
2.		
3.		

*[If additional space is needed to list all Class 3 creditors, use the Chapter 13 Plan Continuation Sheet provided.]*

**Class 4. Claims to be paid directly by Debtor or third party.** This class includes: (a) secured claims with due dates extending beyond the length of the plan, that were not delinquent when the bankruptcy was filed, and are not modified by this plan; and (b) secured and unsecured claims that will be paid with money or property that does not belong to Debtor or to the bankruptcy estate. Holders of Class 4 claims shall retain their liens and security interests. Class 4 claims are not modified in any respect.

CLASS 4 CREDITOR'S NAME	REGULAR PAYMENT	MATURITY DATE
1.		
2.		
3.		

*[If additional space is needed to list all Class 4 creditors, use the Chapter 13 Plan Continuation Sheet provided.]*

### C. Unsecured Claims

**Class 5. Priority unsecured claims.** Claims entitled to priority pursuant to 11 U.S.C. § 507 shall be paid in full. Include in the "Claim Amount" column the under-collateralized portion of any secured claim if it is entitled to priority.

CLASS 5 CREDITOR'S NAME	TYPE OF PRIORITY	CLAIM AMOUNT
1.		
2.		
3.		

*[If additional space is needed to list all Class 5 creditors, use the Chapter 13 Plan Continuation Sheet provided.]*

**Class 6. Special unsecured claims.** Unsecured claims, such as co-signed unsecured claims, that the plan will pay in full even though all other unsecured claims may not be paid in full.

CLASS 6 CREDITOR'S NAME	REASON FOR SPECIAL TREATMENT	CLAIM AMOUNT
1.		
2.		
3.		

*[If additional space is needed to list all Class 6 creditors, use the Chapter 13 Plan Continuation Sheet provided.]*

**Class 7. General unsecured claims.** General unsecured claims, that is, claims not entitled to priority nor “special treatment” in Class 6, and not secured with a lien or security interest on property belonging to Debtor will be paid no less than \_\_\_\_\_% of their claim. Debtor estimates that general unsecured claims, including the under-collateralized portion of secured claims not entitled to priority, total \$\_\_\_\_\_.

**D. Executory Contracts And Unexpired Leases**

Debtor assumes the executory contracts and unexpired leases listed in the table below. Debtor shall pay directly to the other party to the executory contract or unexpired lease all on-going post-petition payments. Any pre-bankruptcy arrears shall be paid in full either as a Class 1 claim or as a Class 6 claim, or be paid a specific monthly payment as stated in the Additional Provisions below, as designated by Debtor. Any executory contracts or unexpired leases not listed in the table below are rejected.

NAME OF OTHER PARTY TO EXECUTORY CONTRACT OR UNEXPIRED LEASE	PRE-PETITION ARREARS	REGULAR PAYMENT	WILL ARREARS BE PAID AS A CLASS 1 OR 6 CLAIM, OR AS STATED IN THE ADDITIONAL PROVISIONS?
1.			
2.			
3.			

**E. Order of Distribution Between and Among Classes**

After confirmation of this plan, funds available for distribution will be paid by the Trustee each month in the following order: (1) the Trustee’s monthly administrative fees; then (2) approved administrative expenses; then (3) the monthly payments set out in the Additional Provisions below to be paid on account of pre-bankruptcy arrears on assumed executory contracts and unexpired leases or on other claims; then (4) Class 1 pre-bankruptcy arrearage claims and Class 2 claims; then (5) Class 5 priority unsecured claims; then (6) Class 6 special unsecured claims and Class 7 general unsecured claims. Within each distribution level, allowed claims shall be paid on a pro rata basis. Unless a claim objection is sustained or a motion to value collateral or a lien avoidance motion is granted, distributions on account of Class 1, 2, 5, 6, and 7 claims will be based upon the amount stated in each claim holder’s proof of claim rather than the amount estimated by Debtor in this plan.

**III. Miscellaneous Provisions**

**A. Vesting and Possession of Property.** Any property of the estate scheduled under 11 U.S.C. § 521 shall [choose one]:

- [ ] revest in Debtor on confirmation.
- [ ] not revest in Debtor until such time as a discharge is granted.

In the event the case is converted to a case under Chapter 7, 11, or 12 of the Bankruptcy Code or is dismissed, the property of the estate shall be determined in accordance with applicable law.

**B. General Order.** General Order 00-2 is applicable to all Chapter 13 cases filed on or after April 15, 2000. That order mandates the use of this plan and contains mandatory provisions regarding the administration of Chapter 13 cases. Copies of this General Order and the forms required by it may be obtained from the Court’s website, [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov) or at the Court’s public counters.

**C. Debtor’s Duties.** In addition to the duties and obligations imposed upon Debtor by the Bankruptcy Code and Rules, the Local Bankruptcy Rules, and the General Order, this plan imposes the following additional requirements on Debtor: (a) **Transfers of Property.** Debtor is prohibited from transferring, encumbering, selling, or otherwise disposing of any personal or real property with a value of \$1,000 or more other than in the regular course of Debtor’s financial or business affairs without first obtaining court authorization. (b) **New Debt.** Except as provided in 11 U.S.C. § 364, Debtor shall not incur aggregate new debt exceeding \$1,000 without first obtaining court authorization. Without compliance with 11 U.S.C. § 1305(c), a new debt of \$1,000 or less that is a consumer

debt shall not be paid through this plan. (c) **Insurance.** Debtor shall maintain insurance as required by any law, contract, or security agreement. (d) **Support Payments.** Debtor shall maintain ongoing child or spousal support payments directly to the court-ordered recipient. (e) **Tax Returns and Periodic Reports.** After confirmation of this plan, Debtor shall timely file all tax returns and, upon the Trustee's request, provide the Trustee with a copy of each tax return, W-2 form, and 1099 form filed or received while the case is pending. The Trustee may require Debtor to furnish quarterly financial information regarding Debtor's business.

**D. Dismissal.** If Debtor defaults in the performance of this plan or if it will not be completed within six months of its stated term, not to exceed 60 months, the Trustee or any other party in interest may move to dismiss the bankruptcy case. When the Trustee requests dismissal, he may use either of the procedures authorized by Paragraphs 7 or 8 of the General Order.

#### IV. Additional Provisions

Additional provisions or alterations to this plan shall be set out below. If necessary, use another page. Changes to the preprinted language of this standard Chapter 13 plan or to its attachments will not be given any force or effect.

Attorney's Name, Address, and Phone Number:

Dated:

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\_\_\_\_\_  
Debtor's Signature

\_\_\_\_\_  
Joint Debtor's Signature

**ATTACHMENT M-1**

*Optional – Discard if not used*

**MOTIONS TO AVOID JUDICIAL LIENS ON DEBTORS RESIDENCE  
(OR OTHER QUALIFIED EXEMPT PROPERTY)**

**(Pursuant to 11 U.S.C. § 522(f)(1)(A))**

**(A separate motion must be used to avoid each lien)**

**NUMBER OF MOTIONS TO AVOID JUDICIAL LIENS IN THIS PLAN: \_\_\_\_\_**

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**NOTICE IS HEREBY GIVEN** that Debtor moves to avoid the following lien on Debtor's residence (or other exempt property) pursuant to 11 U.S.C. § 522(f)(1)(A) and to treat the claim secured by such lien as a general unsecured claim. If granted, the claim of the creditor named below will be treated as a general unsecured claim (Class 7).

Name of the creditor holding the judicial lien that is the subject of this motion:

Address of residence or description of other qualified exempt property:

Debtor's opinion of the exempt property's replacement value: \$  
Amount of the exemption claimed by Debtor: \$  
Amount of the creditor's judgment: \$

The amount(s) owed to and the name(s) of all creditors holding liens or security interests that cannot be avoided pursuant to section 522(f)(1)(A):

Name of Creditor Amount of Claim

Other information relevant to the resolution of this motion:

I (we) declare under penalty of perjury under the laws of the State of California that the facts stated herein are true and correct.

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

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

***All motions (Attachments M-1, M-2, and M-3) shall be appended to the Chapter 13 Plan.***

**ATTACHMENT M-2**

*Optional – Discard if not used*

**MOTIONS TO AVOID NONPOSSESSORY. NONPURCHASE MONEY LIENS**

**(Pursuant to 11 U.S.C. § 522(f)(1)(B))**

**(A separate motion must be used to avoid each lien)**

**NUMBER OF MOTIONS TO AVOID NONPOSSESSORY LIENS IN THIS PLAN**

---

**NOTICE IS HEREBY GIVEN** that Debtor moves to avoid the lien on Debtor's exempt property (consisting of household goods, tools of the trade, or professionally prescribed health aids) held by the creditor identified below. If granted, the claim of the creditor named below will be treated as a general unsecured claim (Class 7).

Name of the creditor whose nonpossessory, nonpurchase money security interest or lien on the below-described property is being avoided:

Detailed description of exempt property:

Debtor's opinion of the exempt property's replacement value: \$

Amount of the creditor's claim: \$

Other information relevant to the resolution of this motion:

I (we) declare under penalty of perjury under the laws of the State of California that the facts stated herein are true and correct.

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

\_\_\_\_\_  
Debtor

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

\_\_\_\_\_  
Debtor

***All motions (Attachments M-1, M-2, and M-3) shall be appended to the Chapter 13 Plan.***

**ATTACHMENT M-3**

*Optional – Discard if not used*

**MOTIONS TO VALUE COLLATERAL**

**(Pursuant to subsections (a) and (d) of 11 U.S.C. § 506 and Federal Rule of Bankruptcy Procedure 3012)**

**(A separate motion must be filed as to each creditor)**

**NUMBER OF MOTIONS TO VALUE COLLATERAL IN THIS PLAN \_\_\_\_\_**

---

**NOTICE IS HEREBY GIVEN** that Debtor requests the court to value the property described below. This property secures the claim of the creditor named below. Debtor also requests that the amount of the creditor's secured claim not exceed the value of its security, less the claims of creditors holding senior liens or security interests. This determination will supercede any greater secured claim demanded in a proof of claim. Any objections to the creditor's claim are reserved and will be filed after the creditor has filed a proof of claim. In the opinion of the debtor, the collateral has the replacement value indicated below.

Name of the creditor whose collateral is being valued by this motion:

Total amount of this creditor's claim: \$

Description of collateral *[For vehicles, include the mileage on the date of the petition and a list of optional equipment. For real property, state the street address and a brief description of it such as "single family residence" or "ten-acre undeveloped lot"]:*

The amount owed to and the name of all creditors holding liens or security interests senior to the lien or security interest of the above-named creditor:

Debtor's opinion of the collateral's replacement value: \$

Other information relevant to the resolution of this motion:

I (we) declare under penalty of perjury under the laws of the State of California that the facts stated herein are true and correct.

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

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

***All motions (Attachments M-1, M-2, and M-3) shall be appended to the Chapter 13 Plan.***



## CHAPTER 13 PLAN CONTINUATION SHEET

If additional space is needed to list all creditors in Classes 1 through 6, insert them on this page. Use additional pages, if necessary.

CLASS 1 CREDITORS NAME/COLLATERAL DESCRIPTION	REGULAR PAYMENT	PRE-PETITION ARREARS	INTEREST RATE
4.			
5.			
6.			
7.			
8.			

CLASS 2 CREDITORS NAME/COLLATERAL DESCRIPTION	CLAIM AMOUNT	MARKET VALUE of COLLATERAL	INTEREST RATE
4.			
5.			
6.			
7.			
8.			

CLASS 3 CREDITORS NAME/COLLATERAL DESCRIPTION	ESTIMATED DEFICIENCY	IS DEFICIENCY A PRIORITY CLAIM? Y/N
4.		
5.		
6.		

CLASS 5 CREDITORS NAME	TYPE OF PRIORITY	CLAIM AMOUNT
4.		
5.		
6.		

CLASS 6 CREDITORS NAME	REASON FOR SPECIAL TREATMENT	CLAIM AMOUNT
4.		
5.		
6.		

1 \_\_\_\_\_ [Name; State Bar ID No.]  
2 \_\_\_\_\_ [Address]  
3 \_\_\_\_\_ [Telephone]

4 Attorney for Debtor/Debtor In Propria Persona

5 UNITED STATES BANKRUPTCY COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
7 SACRAMENTO AND MODESTO DIVISIONS

7 In re ) Case No.  
8 )  
9 )  
10 )  
11 )  
12 )  
13 )  
14 )  
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18 )  
19 )  
20 )  
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23 )  
24 )  
25 )  
26 )  
27 )  
28 )  
\_\_\_\_\_ Debtor(s).

11 ORDER CONFIRMING PLAN, VALUING COLLATERAL AND AVOIDING LIENS

12 The Chapter 13 plan of the above-named debtor(s) has been  
13 transmitted to all creditors, and it has been determined after  
14 notice and opportunity for a hearing that the debtor(s) plan  
15 satisfies the requirements of 11 U.S.C. § 1325.

16 Therefore, **IT IS ORDERED** that the plan is confirmed.

17 **IT IS FURTHER ORDERED** that:

- 18 1. The debtor shall immediately notify, in writing, the  
19 Clerk of the United States Bankruptcy Court and the  
20 trustee of any change in the debtor's address;
- 21 2. The debtor shall immediately notify the trustee in  
22 writing of any termination, reduction of, or other change  
23 in the employment of the debtor; and
- 24 3. The debtor shall appear in court whenever notified to do  
25 so by the court.

26 *[The remaining paragraphs are optional and should be used as  
27 needed. If a paragraph is not applicable, please delete it.  
28 Delete the underlining once the appropriate information is  
inserted. If additional provisions are necessary, including  
provisions requested by a title company in connection with a  
section 522(f)(1)(A) motion, you may insert those provisions.]*

29 **IT IS FURTHER ORDERED** that the attorney fees for the debtor's  
30 attorney in the full amount of \$\_\_\_\_\_ are approved, \$\_\_\_\_\_  
31 \_\_\_\_\_ of which was paid prior to the filing of the petition. The  
32 balance of \$\_\_\_\_\_, provided that the attorney and debtor have  
33 executed and filed a "Rights and Responsibilities of Chapter 13  
34 Debtors and Their Attorneys," shall be paid by the trustee from

1 plan payments at the rate specified in the *Guidelines for Payment*  
2 *of Attorneys' Fees in Chapter 13 Cases*.

3 **IT IS FURTHER ORDERED** that, pursuant to 11 U.S.C. § 1323, the  
4 plan is amended as follows:

5  
6  
7 **IT IS FURTHER ORDERED** that the motion to avoid the lien of  
8 \_\_\_\_\_ is granted. Such lien is a non-  
9 possessory, nonpurchase money lien that impairs the exemption of  
10 the debtor in property of the debtor described as: \_\_\_\_\_  
11 \_\_\_\_\_. Unless the debtor's bankruptcy case  
12 is dismissed, the lien of the such creditor is hereby extinguished  
13 and the lien shall not survive bankruptcy or affix to or remain  
14 enforceable against the aforementioned property of the debtor.

15 **IT IS FURTHER ORDERED** that the motion to avoid the lien of  
16 \_\_\_\_\_ is granted. Such lien is a judicial  
17 lien that impairs the exemption of the debtor in property of the  
18 debtor described as: \_\_\_\_\_.  
19 Unless the debtor's  
20 bankruptcy case is dismissed, the lien of the such creditor is  
21 hereby extinguished and the lien shall not survive bankruptcy or  
22 affix to or remain enforceable against the aforementioned property  
23 of the debtor.

24 **IT IS FURTHER ORDERED** that the motion to value the collateral  
25 of \_\_\_\_\_ is granted. The replacement value of  
26 the collateral and the secured claim of such creditor is determined  
27 to be \$\_\_\_\_\_ and the deficiency shall be allowed as a general  
28 unsecured claim.

DATED:

BY THE COURT

\_\_\_\_\_  
United States Bankruptcy Judge

\_\_\_\_\_  
Approved as to form by  
Chapter 13 Trustee (check one):

\_\_\_ R. Greer  
\_\_\_ J. Johnson  
\_\_\_ L. Loheit

1 \_\_\_\_\_ [Name; State Bar ID No.]  
2 \_\_\_\_\_ [Address]  
3 \_\_\_\_\_ [Telephone]

4 Attorney for Debtor/Debtor *In Propria Persona*

5 **UNITED STATES BANKRUPTCY COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
7 **SACRAMENTO AND MODESTO DIVISIONS**

8 **In re** ) **Case No.:**  
9 ) **WAGE ORDER**  
10 )  
11 **Debtor(s).** )

12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT [insert name and address of employer]

13 \_\_\_\_\_  
14 \_\_\_\_\_, the employer of the above-named debtor, be and is hereby directed  
15 until further court order to deduct from the debtor's wages, and forward to the Chapter 13 Trustee,  
16 [insert Trustee's name] \_\_\_\_\_, at [insert Trustee's mailing address] \_\_\_\_\_

17 \_\_\_\_\_, the sum of \$\_\_\_\_\_ each  
18 month. Payroll deductions made in accordance with the applicable law for current income tax  
19 withholding, federal social security, state disability, insurance premiums, union dues, employee  
20 welfare fund agreements, mandatory retirement contributions, and employer sustenance agreements  
21 are not affected by this order and may be continued.

22 A copy of this order shall be served by mail on the present and subsequent employers of the  
23 debtor. Monies transmitted to the Trustee's office shall be identified by the debtor's name and case  
24 number as they appear above.

25 DATED:

FOR THE COURT  
Richard G. Heltzel, Clerk

27 By: \_\_\_\_\_

28 \_\_\_\_\_  
Deputy Clerk