

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re)
)
) GENERAL ORDER
CHAPTER 13 CASES) No. 03-03
) (Eff. July 1, 2003)

Paragraph 1. Applicability

(a) This General Order applies to chapter 13 petitions filed on or after July 1, 2003 as well as all petitions converted to chapter 13 on or after that date. Paragraphs 7, 8, 9, and 10, however, apply to all pending chapter 13 petitions.

(b) The definitions set forth in the Local Rules of Practice for the United States Bankruptcy Court, Eastern District of California ("Local Bankruptcy Rules") effective December 23, 2002, and all subsequent amendments, apply to all terms used in this General Order.

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

(d) By this General Order, and the 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 ("the Trustee") by a large and complex chapter 13 caseload with the due process rights of the debtor and creditors.

Paragraph 2. Mandatory Forms

(a) All chapter 13 debtors, as well as the Trustee and holders of unsecured claims when proposing a plan pursuant to 11 U.S.C. § 1329(a) (all references to sections are to sections of the Bankruptcy Code), shall utilize the standard form chapter 13

plan attached as Exhibit 1 to this General Order. This standard form includes optional motions to value collateral and motions to avoid liens pursuant to section 522(f)(1)(A) & (B). All references in this General Order to "the chapter 13 plan" include these optional motions.

(b) No changes, interlineations, or alterations of any kind may be made to the preprinted provisions in the chapter 13 plan or any of its optional motions. However, the tables for listing claims may be expanded to include additional claims and the title of the chapter 13 plan may be altered to indicate that it is an amended or modified chapter 13 plan (e.g., First Modified Plan). Should any other changes, interlineations, or alterations to the preprinted provisions be made, they will be given no force or effect. Nothing in the chapter 13 plan or in this General Order precludes a debtor from proposing, for good cause, amendments or modifications to the form attached as Exhibit 1. Any changes to the preprinted provisions must be set out in writing in the Additional Provisions portion of the chapter 13 plan or on a separate, appended page.

(c) The debtor may include in, or file with, the chapter 13 plan any motions pursuant to section 522(f) to avoid judicial liens (Attachment M-1), or nonpossessory, nonpurchase-money liens (Attachment M-2). While the debtor may make a section 522(f) motion after confirmation of the chapter 13 plan, to the extent a lien is not avoided at or prior to confirmation, the underlying claim must be treated as secured in the chapter 13 plan and paid accordingly unless and until a section 522(f) motion is granted. In such a case, the court will determine whether amounts paid on account of the secured claim must be disgorged by the creditor.

(d) The debtor may include in, or file with, the chapter 13 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. While the debtor may make a valuation motion after confirmation of the chapter 13 plan, to the extent collateral is not valued at or prior to confirmation of the chapter 13 plan, the amount of the secured claim will be the amount claimed by the creditor unless and until a valuation motion is granted. In such a case, the court will determine whether some or all of the amounts paid on account of the secured claim must be disgorged by the creditor.

(e) The debtor shall lodge with the Trustee at the section 341 meeting of creditors a proposed order confirming the chapter 13 plan. This order shall substantially comply with the form of the order appended hereto as Exhibit 2.

Paragraph 3. Service of Plan, Motions, and Objections

(a) **Service of Plan and Class 1 Worksheet/Authorization.**

The chapter 13 plan shall be completed and filed within 15 days of the filing of the petition as required by FRBP 3015(b) and Local Bankruptcy Rule 3015-1(a). The debtor or the debtor's attorney shall serve the chapter 13 plan, all motions to value collateral, and all motions to avoid liens, as well as the statement of financial affairs and the schedules on the Trustee. These documents, together with the Class 1 Claim Worksheet and Authorization to Release Information required by subparagraph 5(c)(ii) below, must be received by the Trustee no later than 15 days after the filing of the petition.

(1) The Trustee shall serve all creditors and other persons entitled to notice with a copy of the debtor's chapter 13 plan.

(2) If the Trustee does not receive the debtor's chapter 13 plan prior to mailing notice of the meeting of creditors held pursuant to section 341(a), the debtor or the debtor's attorney shall serve a copy of the proposed chapter 13 plan, together with a duplicate of the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines, on the Trustee, the United States Trustee, all creditors, and any other persons entitled to notice of the chapter 13 plan. Such service shall be accomplished no later than eleven (11) calendar days prior to the meeting of creditors. If at least eleven (11) calendar days of notice cannot be given, the debtor shall seek confirmation of the chapter 13 plan by complying with the requirements of subparagraph 8(a) below.

(b) **Service of Plan Motions.** If the debtor has included in the chapter 13 plan 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 also shall serve the motions and the chapter 13 plan at least eleven (11) 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 9014, and Local Bankruptcy Rules 2002-1 and 9014-1. The chapter 13 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, 501 I Street, seventh floor, Courtroom 28, Sacramento, California 95814 **or** Modesto Division, located at 1130 12th Street, Suite C, Modesto, California 95352 **or** Fresno Division {for Fresno, Kings, Tulare, Madera, Merced, and Mariposa County cases}, located at U.S. Courthouse, 1130 O Street, second floor, Courtroom (insert "A" for cases assigned to Judge Rimel or "B" for cases assigned to Judge Lee), Fresno, California 93721 **or** Fresno Division {for Kern and Inyo County cases} located at 1300 18th Street, Bakersfield, California]. An objection to the chapter 13 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 on the earliest available court date consistent with giving the notice required by Local Bankruptcy Rule 9014-1(f)(1). To set a hearing, creditors shall utilize the court's self-set calendaring procedure which is available on the court's Internet site, 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 separate 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."

The notice of a hearing set in Bakersfield must also direct that all pleadings and documents be filed at the Fresno Division, 1130 O Street, Suite 2656, Fresno, California 93721.

(c) **Objections to Plans and Plan Motions.** Creditors, as well as the Trustee, may object to the confirmation of the chapter 13 plan and to the granting of any valuation or lien avoidance motion included with the plan. An objection must be filed and served upon the debtor, the debtor's attorney, and the Trustee within 14 days after the conclusion of the creditors' meeting held pursuant to 11 U.S.C. § 341(a). The party filing the objection shall set a hearing on the earliest available court date consistent with giving notice pursuant to Local Bankruptcy Rule 9014-1(f)(1). The objection, and any response to it, shall comply with all requirements of Local Bankruptcy Rule 9014-1 including the requirement that a Docket Control Number be placed on the objection and all documents relating to

it. Absent a timely objection and hearing, the court may confirm the chapter 13 plan and grant the motions without a hearing. The court's self-set hearing rules and procedures are available on the court's Internet site, www.caeb.uscourts.gov, or at the court's public counters.

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 Local Bankruptcy Rule 1001-1(c), incorporating by reference 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, sections 329 and 330 of the Bankruptcy Code, 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 to the Trustee 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 except in cases filed in the Fresno Division where all plan payments, both pre-confirmation and post-confirmation, shall be by Wage Order. In cases filed in the Sacramento and Modesto Divisions, only post-confirmation plan payments shall be made by Wage Order. Debtors shall use the form of Wage Order requested by the Trustee. An exemplar of the Wage Order required by the chapter 13 Trustees is attached as Exhibit 3.

(b) Post-petition contract installment payments made directly by the debtor, or by a third person making payments on behalf of the debtor, to holders of Class 4 secured claims shall be paid whether or not the chapter 13 plan has been confirmed and whether or not the creditor receiving the payment has filed a proof of claim. All other payments required by the chapter 13 plan shall be paid by the Trustee to the claim holders.

(c) The Trustee shall make on behalf of the debtor all post-petition contract installment payments due to holders of Class 1 secured claims.

(i) These payments shall be made by the Trustee whether or not the chapter 13 plan has been confirmed and whether or not the holder of the claim has filed a proof of claim.

(ii) To assist the Trustee in making these payments, the debtor shall complete the Class 1 Claim Worksheet and Authorization to Release Information and deliver them to the Trustee within 15 days of filing the petition. These documents shall not be filed with the court. The current version of these document are attached as Exhibit 4.

(iii) The Trustee may collect, with the authorization of the United States Trustee, the percentage fee fixed under 28 U.S.C. § 586(e)(1)(B) on all post-petition contract installments paid to holders of Class 1 secured claims, whether made before or after confirmation of the chapter 13 plan.

(iv) It may be administratively difficult for the Trustee to pay timely the post-petition contract installment due in the first month following the filing of the petition. If so, the Trustee shall pay from the debtor's plan payments the applicable late charge prior to the completion of the plan whether or not it is demanded in a proof of claim.

(v) A late charge may not be imposed on a post-petition contract installment paid or tendered during the contractual grace period even though an earlier installment, or any late charge thereon, may not have been paid when due. For purposes of determining whether a late charge may be imposed, any post-petition contract installment tendered by the Trustee shall be applied by the holder of the Class 1 claim to the most recent post-petition contract installment due.

(d) In cases filed in the Fresno Division, the debtor or the debtor's attorney shall lodge a Wage Order with the court at the time the chapter 13 plan is filed. Upon issuance of the order, the debtor or the debtor's attorney shall serve the Wage Order on the debtor's employer and the Trustee.

(e) In cases filed in the Modesto and Sacramento Divisions, the debtor or the debtor's attorney shall lodge a Wage Order with the order confirming the chapter 13 plan. Upon

issuance of the order confirming the chapter 13 plan, the debtor or the debtor's attorney shall serve the Wage Order on the debtor's employer and the Trustee.

(f) If there is more than one employer and it is necessary to deduct amounts 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.

(g) 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 when the plan payment changes or fluctuates.

(h) Notwithstanding the requirement of a Wage Order, if a debtor believes there is good reason to not make plan payments by Wage Order, that debtor shall make plan payments by cashier's check or money order. The debtor shall explain his or her reasons for not using a Wage Order to the Trustee at the meeting of creditors. If the Trustee is not satisfied with the debtor's explanation, the Trustee may move to dismiss the case. In response to that motion, the debtor may request exemption from the requirement of a Wage Order.

(i) 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. Proofs of Claim, Claim Objections, and Notice of Filed Claims

(a) Prior to the expiration of the deadline to object to proofs of claims (see subparagraph (c) below), the Trustee shall pay claims as specified in the confirmed chapter 13 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) 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.

(c) Objections to claims shall be filed and served no later than 120 days after service of the Notice of Filed Claims.

The debtor shall set a hearing on any objection pursuant to Local Bankruptcy Rule 3007-1(d)(1) or (d)(2) on the earliest available court date.

(d) 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 (c) 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.

(e) If the Notice of Filed Claims includes allowed claims which are not provided for in the chapter 13 plan, or which will prevent the chapter 13 plan from being completed timely, the debtor shall file a motion to amend or modify the chapter 13 plan, along with any valuation and section 522(f) motions not previously filed, in order to reconcile the chapter 13 plan and the filed claims with the requirements of the Bankruptcy Code. These motions shall be filed and served no later than 120 days after service by the Trustee of the Notice of Filed Claims and set for hearing by the debtor on the earliest available court date. Paragraph 8 below shall apply to any motion to amend or modify the chapter 13 plan.

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

(g) 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 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 120 days after service on the debtor or his counsel of the Notice of Filed Claims.

(h) 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. If the creditor has filed or later files a proof of a secured claim in an amount less than the value established for the collateral, the allowed secured claim shall be the amount claimed by the creditor.

(i) 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

(a) If the debtor fails to make a payment pursuant to a confirmed plan, including a direct payment to a creditor, the Trustee may mail to the debtor and the debtor's attorney written notice of the default.

(b) 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 of default and give at least 14 days' notice of the hearing to the Trustee pursuant to Local Bankruptcy Rule 9014-1(f)(2). The court's self-set hearing rules and available hearing dates may be obtained from the court's Internet site, www.caeb.uscourts.gov, or at the court's public counters. At the hearing, if the Trustee demonstrates that the debtor has failed to make a payment required by the confirmed plan, and if the debtor fails to rebut the Trustee's evidence, the case shall be dismissed at the hearing.

(c) Alternatively, the debtor may acknowledge that the plan payment(s) have not been made and, within 30 days of the mailing of the notice of default, either

(i) make the delinquent plan payment(s) and all subsequent plan payments that have fallen due, or

(ii) file a modified plan and a motion to confirm the modified plan. If the debtor's financial condition has materially changed, amended Schedules I and J shall be filed and served with the motion to modify the chapter 13 plan. The debtor shall serve and shall set the motion for hearing pursuant to subparagraph 8(b) below.

(d) If the debtor fails to set a hearing on the Trustee's notice, or cure the default by payment, or file a proposed modified chapter 13 plan and motion, or perform the modified chapter 13 plan pending its approval, or obtain approval of the modified chapter 13 plan, all within the time constraints set out above, the case shall be dismissed without a hearing on the Trustee's application.

(e) Rather than utilize the notice of default procedure authorized by this paragraph, the Trustee may file, serve, and set for hearing a motion to dismiss the case. Such a motion may be set for hearing pursuant to either Local Bankruptcy Rule 9014-1(f)(1) or (f)(2).

Paragraph 8. Motions to Amend and Modify Plans

(a) If the debtor modifies the chapter 13 plan before confirmation pursuant to section 1323, the debtor shall file and

serve the modified chapter 13 plan together with a motion to confirm it. Notice of the hearing on the motion shall comply with FRBP 2002(b). Because FRBP 2002(b) requires that parties in interest receive at least 25 days' notice of the time fixed for filing objections and the hearing to consider confirmation of a chapter 13 plan proposed before confirmation of a plan, the debtor shall not set the hearing on the motion pursuant to Local Bankruptcy Rule 9014-1(f)(2). Notice of the hearing and the deadline for objections shall be given pursuant to Local Bankruptcy Rule 9014-1(f)(1). Local Bankruptcy Rule 9014-1(f)(1) requires 28 days' notice of the hearing and notice that opposition must be filed 14 calendar days prior to the hearing. Therefore, to comply with both FRBP 2002(b) and Local Bankruptcy Rule 9014-1(f)(1), parties in interest must be served at least 39 calendar days prior to the hearing.

(b) If the debtor modifies the chapter 13 plan after confirmation pursuant to section 1329, the debtor shall file and serve the modified chapter 13 plan together with a motion to confirm it. Notice of the hearing shall comply with FRBP 3015(g). Because FRBP 3015(g) requires that parties in interest receive at least 20 days' notice of the time fixed for filing objections and the hearing to consider confirmation of a modified chapter 13 plan proposed after confirmation of a plan, the debtor shall not set the hearing on the motion pursuant to Local Bankruptcy Rule 9014-1(f)(2). Notice of the hearing and the deadline for objections shall be given pursuant to Local Bankruptcy Rule 9014-1(f)(1). Local Bankruptcy Rule 9014-1(f)(1) requires 28 days' notice of the hearing and notice that opposition must be filed 14 calendar days prior to the hearing. Therefore, to comply with both FRBP 3015(g) and Local Bankruptcy Rule 9014-1(f)(1), parties in interest must be served at least 34 calendar days prior to the hearing.

(c) The court may approve, on the written stipulation of the debtor and the Trustee, nonmaterial modifications of the chapter 13 plan. To be regarded as nonmaterial, the modification must not delay or reduce the dividend payable on account of any claim or otherwise modify the claim of any creditor absent the affected creditor's written consent.

Paragraph 9. Automatic Stay

(a) A secured creditor who is receiving payments from the Trustee through the chapter 13 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 either by utilizing Local Bankruptcy Rule 9022-1 or otherwise mailing an endorsed copy directly to the Trustee.

(b) Unless the court orders otherwise, when an order unconditionally permits a secured creditor to foreclose upon 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.

(c) Unless the court orders otherwise, 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.

Paragraph 10. Sale of Property and New Debt

(a) **Vehicle Loans.** If the Trustee consents, the court may approve an ex parte motion by the debtor to finance the purchase of a motor vehicle. The debtor's motion and the Trustee's approval is their certification to the court that: (1) all payments required by the chapter 13 plan are current; (2) the chapter 13 plan is not in default; (3) Schedules I and J were filed within the prior 30 days and they demonstrate that the debtor has the ability to pay all future plan payments and projected living and business expenses, as well as repay the new debt; (4) the new debt is a single loan incurred to purchase a motor vehicle that is reasonably necessary for the maintenance or support of the debtor or a dependent of the debtor or, if the debtor is engaged in business, is necessary for the continuation, preservation, and operation of the debtor's business; (5) the only security for the new debt will be the motor vehicle to be purchased by the debtor; and (6) the new debt does not exceed \$15,000.00.

(b) **New Home Loans.** If the Trustee consents, the court may approve an ex parte motion by the debtor to finance the purchase of a residence. The debtor's motion and the Trustee's approval is their certification to the court that: (1) all payments required by the chapter 13 plan are current; (2) the chapter 13 plan is not in default; (3) Schedules I and J were filed within the prior 30 days and they demonstrate that the debtor has the ability to pay all future plan payments and projected living and business expenses, as well as repay the new debt; (4) the new debt is a single loan incurred to purchase a residence that is reasonably necessary for the maintenance or support of the debtor and his or her family; (5) the only security for the new debt will be the residence to be purchased by the debtor; and (6) the monthly payment (the principal and interest payment on account of the new debt plus all impounds, taxes, insurance, association fees, and bonds and other

assessments) will not exceed the greater of the debtor's current such monthly payment or rental payment or \$1,500.00.

(c) **Refinance of Existing Home Loans.** If the Trustee consents, the court may approve an ex parte motion by the debtor to refinance existing debt(s) encumbering the debtor's residence. The debtor's motion and the Trustee's approval is their certification to the court that: (1) all payments required by the chapter 13 plan are current; (2) the chapter 13 plan is not in default; (3) Schedules I and J were filed within the prior 30 days and they demonstrate that the debtor has the ability to pay all future plan payments and projected living and business expenses, as well as repay the new debt; (4) the new debt is a single loan incurred only to refinance existing debt encumbering the debtor's residence; (5) the only security for the new debt will be the debtor's existing residence; (6) all creditors with liens and security interests encumbering the debtor's residence will be paid in full from the proceeds of the new debt and in a manner consistent with the chapter 13 plan; (7) the monthly payment (the principal and interest payment on account of the new debt plus all impounds, taxes, insurance, association fees, and bonds and other assessments) will not exceed the greater of the debtor's current such monthly payment(s) on the existing debt(s) being paid or \$1,500.00. The court will not approve ex parte motions to obtain secured credit pursuant to section 364(d).

(d) **Sale of Property.** If the Trustee consents, the court may approve an ex parte motion by the debtor to sell real or personal property with a value of \$1,000.00 or more other than in the ordinary course of business. The debtor's motion and the Trustee's approval is their certification to the court that: (1) the sale price represents a fair value for the subject property; (2) all creditors with liens and security interests encumbering the subject property will be paid in full before or simultaneously with the transfer of title or possession to the buyer; (3) all costs of sale, such as escrow fees, title insurance, and broker's commissions, will be paid in full from the sale proceeds; (4) the sale price is all cash; (5) the debtor will not relinquish title to or possession of the subject property prior to payment in full of the purchase price; and (6) the sale is an arm's length transaction. "Trading in" a vehicle as part of the purchase price for a new vehicle complies with the requirements of (5) and (6) of this subparagraph. The court will not approve ex parte motions to sell property pursuant to section 363(f).

(e) **Other New Debt and Transfers.** If the Trustee will not give the consent required by subparagraphs (a), (b), (c), or (d) of this paragraph, or if the debtor wishes to incur new debt or transfer property on terms and conditions not authorized by

subparagraphs (a), (b), (c), or (d) of this paragraph, the debtor shall file the appropriate motion, serve it on the Trustee, those creditors who are entitled to notice, and all persons requesting notice, and set the hearing on the court's calendar with the notice required by FRBP 2002 and Local Bankruptcy Rule 9014-1.

So ordered.

_____/s/_____
Michael S. McManus
Chief Bankruptcy Judge

_____/s/_____
Whitney Rimel
Bankruptcy Judge

_____/s/_____
Christopher M. Klein
Bankruptcy Judge

_____/s/_____
Thomas C. Holman
Bankruptcy Judge

_____/s/_____
Jane Dickson McKeag
Bankruptcy Judge

_____/s/_____
W. Richard Lee
Bankruptcy Judge

Exhibit 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In re:

Case No.

Debtor.

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

THIS PLAN AND ANY MOTIONS INCLUDED WITH IT MAY BE APPROVED BY THE COURT WITHOUT A HEARING UNLESS AN OBJECTION IS FILED, SERVED, AND SET FOR HEARING BY A CREDITOR OR THE TRUSTEE. ANY OBJECTION MUST BE FILED AND SERVED UPON DEBTOR, DEBTOR'S ATTORNEY, AND TRUSTEE NOT LATER THAN 14 DAYS AFTER THE CONCLUSION OF THE MEETING HELD PURSUANT TO 11 U.S.C. § 341(a). A HEARING ON ANY OBJECTION MUST BE SET BY THE OBJECTOR ON THE EARLIEST AVAILABLE COURT DATE CONSISTENT WITH GIVING NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 9014-1(f)(1). THE COURT'S SELF-SET HEARING RULES AND PROCEDURES ARE AVAILABLE ON THE COURT'S INTERNET SITE, WWW.CAEB.USCOURTS.GOV, AND AT ITS PUBLIC COUNTERS.

CHAPTER 13 PLAN

Debtor 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 projected disposable income of Debtor shall be submitted to the supervision and control of the Chapter 13 Trustee on a monthly basis. Debtor shall pay to Trustee the sum of \$_____ each month which includes an amount equal to all monthly contract installments due to Class 1 secured claim holders, if any. This plan will continue for _____ months. 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 shall be extended up to 6 months, but the plan may not exceed 60 months in length. *[If any of the foregoing is left blank, refer to the "Additional Provisions" below.]*

II. Classification and Treatment of Claims and Expenses

Claims and expenses owed by Debtor are classified and provided for below. A timely proof of claim must be filed by or on behalf of a creditor, including a secured creditor, before a claim may be paid pursuant to this plan. However, monthly contract installments falling due after the filing of the petition shall be paid to each holder of a Class 1 and Class 4 secured claim whether or not a proof of claim is filed or the plan is confirmed.

The proof of claim, not the plan or the schedules, shall determine the amount and classification of a claim. If a claim is provided for by this plan and a proof of claim is filed, dividends shall 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.

A. Administrative Expenses

1. Chapter 13 Trustee's fees shall be allowed and paid as determined by statute. Trustee may receive up to 10% of payments made under this plan, whether made before or after confirmation, excluding direct payments on account of Class 4 claims.

2. Administrative Expenses: Unless otherwise ordered or the administrative claimant agrees to a different treatment, court approved administrative expenses, including Debtor's attorney's fees, shall be paid after Trustee's administrative fees and monthly contract installments due on Class 1 secured claims but before further payment of Class 1, 2, 5, 6, and 7 pre-petition claims. If there is more than one administrative expense, all such expenses shall be paid on a pro rata basis.

Debtor paid an attorney \$ _____ prior to the filing of the petition.

Debtor's attorney opts to have his or her remaining fees approved and paid in accordance with the Court's Guidelines for Payment of Attorneys' Fees in Chapter 13 Cases. Debtor has agreed to pay the attorney an additional \$ _____.

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 further fees in accordance with applicable authority including 11 U.S.C. §§ 329 and 330, Fed.R.Bankr.P. 2002, 2016, and 2017. The attorney estimates that additional fees and costs of \$ _____ will be incurred by Debtor in confirming this plan.

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, including home loans and car loans. Creditors holding Class 1 claims will retain their liens. Pre-petition arrears, together with interest as specified below, will be cured by this plan. Trustee shall pay to Class 1 claim holders all monthly contract installment payments falling due after the filing of the petition. See section III(E). Class 1 claims are not modified by this plan.

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

In the column "Regular Payment" indicate the amount of the monthly contract installment including any impounds. However, whatever Debtor lists as the regular payment, the amount due is the amount required by the contract. In the column "Late Charge" indicate the amount charged for late payment of a monthly contract installment. 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. In the column "Interest Rate" specify the rate at which pre-petition arrears will accrue interest. If no interest rate is specified, 10% per annum will be imputed.

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 original maturity date, that is modified by this plan. Each secured claim will continue to be secured by its existing lien and will be paid its full amount or the market value of its collateral, whichever is less if permitted by § 1322(b)(2), with interest.

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 classified as a Class 5 priority claim. If such a motion is not granted, the secured claim will be paid as demanded in the proof of claim. In the column "Interest Rate" specify the rate at which the claim will accrue interest. If no interest rate is specified, 10% per annum will be imputed.

Class 3. Secured claims satisfied by the surrender of collateral. As to personal property secured claims, Debtor shall tender the collateral to the creditor not later than 5 days after confirmation of this plan. As to real property secured claims, the creditor may conduct a foreclosure of the real property. Upon sale, Debtor shall give up possession. Entry of the confirmation order shall constitute an order modifying the automatic stay of 11 U.S.C. § 362 to allow the holder of a Class 3 secured claim to receive, take possession of, foreclose upon, and to exercise its rights and judicial and nonjudicial remedies against its collateral.

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

Class 4. Secured claims paid directly by Debtor or third party. This class includes secured claims with due dates extending beyond the length of the plan that were not in default when the bankruptcy was filed and are not modified by this plan. Holders of Class 4 claims shall retain their liens. Monthly contract installments shall be made by Debtor or a third party as they fall due whether or not this plan has been confirmed.

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

C. Unsecured Claims

Class 5. Priority unsecured claims 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 treatment.

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

Class 6. Special unsecured claims. This class includes unsecured claims, such as co-signed unsecured debts, that will be paid 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.		

Class 7. Holders of general unsecured claims not entitled to priority or "special treatment" in Class 6, and not secured by a lien on property belonging to Debtor, will receive no less than a _____% dividend pursuant to this plan. 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 below. Debtor shall pay directly to the other party to the executory contract or unexpired lease, before and after confirmation, all post-petition payments. Any pre-petition arrears shall be paid in full either as a Class 1 or a Class 6 claim, or be paid a specific monthly payment as stated in the Additional Provisions below. Any executory contract or unexpired lease not

listed in the table below is rejected. Entry of the confirmation order modifies the automatic stay of 11 U.S.C. § 362 to allow the nondebtor party to a rejected unexpired lease to obtain possession of leased property.

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.			

E. Order of Distribution Between and Among Classes

After confirmation of this plan, funds available for distribution will be paid by Trustee in the following order: (1) Trustee’s administrative fees; then (2) monthly contract installments due on Class 1 claims; then (3) approved administrative expenses; then (4) the monthly payments set out in the Additional Provisions to be paid on account of arrears on assumed executory contracts and unexpired leases and any other claims specified in the Additional Provisions; then (5) Class 1 pre-petition arrearage claims and Class 2 claims; then (6) Class 5 priority unsecured claims; then (7) Class 6 special unsecured claims and Class 7 general unsecured claims. Within each distribution level except the second level [see III(E)(1) & (2) below], 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 pre-petition claims and arrears on executory contracts and unexpired leases 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 of Property. Any property of the estate scheduled under 11 U.S.C. § 521 shall [*choose one*] revest in Debtor on confirmation or 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 03-03 is applicable to all Chapter 13 cases filed or converted to Chapter 13 on or after July 1, 2003. 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 Internet site, 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: **(1) Transfers of Property and New Debt.** 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. Except as provided in 11 U.S.C. §§ 364 and 1304, Debtor shall not incur aggregate new debt exceeding \$1,000 without first obtaining court authorization. If Trustee approves a proposed transfer or new debt, court approval may be obtainable without a hearing. To determine the appropriate procedure, Debtor should consult the General Order. A new consumer debt of \$1,000 or less shall not be paid through this plan absent compliance with 11 U.S.C. § 1305(c). **(2) Insurance.** Debtor shall maintain insurance as required by any law or contract. **(3) Support Payments.** Debtor shall maintain ongoing child or spousal support payments directly to the court-ordered recipient. **(4) Compliance with Applicable Non-Bankruptcy Law.** Debtor’s financial and business affairs shall be conducted in accordance with applicable non-bankruptcy law including the timely filing of tax returns and payment of taxes. **(5) Periodic Reports.** Upon Trustee’s request, Debtor shall provide Trustee with a copy of any tax return, W-2 form, and 1099 form filed or received while the case is pending, and furnish Trustee with quarterly financial information regarding Debtor’s business.

D. Remedies on Default. If Debtor defaults in the performance of this plan, or if the plan will not be completed within six months of its stated term, not to exceed 60 months, Trustee or any other party in interest may request, appropriate relief by filing a motion and setting it for hearing pursuant to Local Bankruptcy Rule 9014-1.

This relief may consist of, without limitation, the following: **(1) Dismissal** of the case. When Trustee requests dismissal, in addition to setting a motion for hearing pursuant to Local Bankruptcy Rule 9014-1, Trustee may seek dismissal pursuant to Paragraph 7 of the General Order. **(2) Conversion** of the case to chapter 7 of the Bankruptcy Code. **(3) Relief from the automatic stay** to pursue rights against collateral. If the Court, in lieu of terminating or modifying the automatic stay, orders Debtor to make adequate protection payments, those payments, absent an order to the contrary, shall be made to Trustee who shall thereafter distribute them pursuant to the terms of this plan. If the Court terminates the automatic stay to permit a creditor holding a Class 1 or 2 secured claim to proceed against its collateral, unless the Court orders otherwise, Trustee shall make no further plan payments on account of such secured claim. Any portion of the secured claim not previously satisfied under this plan shall be satisfied as a Class 3 claim. Unless the court orders otherwise, any deficiency remaining after the disposition of the collateral shall be satisfied as a Class 7 unsecured claim provided a timely proof of claim or amended proof of claim is filed and served on Debtor and Trustee.

E. Monthly Contract Installments Paid by Trustee on Class 1 Claims. **(1)** If Debtor makes a partial plan payment which is insufficient to pay all monthly contract installments due on Class 1 claims, these installments will be paid in the order Debtor has listed Class 1 claims in the plan. **(2)** Trustee will not make a partial payment on account of a monthly contract installment. **(3)** If Debtor makes a partial plan payment, or if it is not paid on time, and Trustee is unable to pay timely a monthly contract installment due on a Class 1 claim, Debtor shall pay to Trustee with the next plan payment an additional amount sufficient to pay any late charge. Additional amounts for late charges shall be given to Trustee with a writing specifying the amount of each late charge and the Class 1 claim entitled to receive it. **(4)** Upon receipt from any Class 1 creditor, Debtor shall mail or deliver to the Trustee all notices including, without limitation, statements, payment coupons, impound and escrow notices, default notifications, and notices concerning changes of interest rate on variable interest rate loans. The automatic stay is modified to permit the sending of such notices to Debtor and Trustee. Prior to mailing or delivering any such notice to Trustee, Debtor shall affix the chapter 13 case number to it. If any such notice advises Debtor that the amount of the contract installment payment has increased or decreased, Debtor shall increase or decrease, as necessary, the plan payment made to Trustee.

IV. Additional Provisions

Other than expanding tables for listing claims and changing the caption to indicate the plan is an amended or modified plan, the preprinted language of this plan or its attachments shall not be altered. If you wish to change or supplement the preprinted language, insert these provisions in the space below or on an additional page.

Attorney's Name, Address, Phone and Fax
Numbers, Email Address:

Dated:

Debtor's Signature

Joint Debtor's Signature

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 CREDITOR'S NAME/ COLLATERAL DESCRIPTION	REGULAR PAYMENT	MONTHLY LATE CHARGE	PRE-PETITION ARREARS	INTEREST RATE
4.				
5.				
6.				
7.				
8.				

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

CLASS 3 CREDITOR'S NAME/COLLATERAL DESCRIPTION	ESTIMATED DEFICIENCY	IS DEFICIENCY A PRIORITY CLAIM? Y/N
3.		
4.		
5.		

CLASS 5 CREDITOR'S NAME	TYPE OF PRIORITY	CLAIM AMOUNT
4.		
5.		
6.		

CLASS 6 CREDITOR'S NAME	REASON FOR SPECIAL TREATMENT	CLAIM AMOUNT
3.		
4.		
5.		

ATTACHMENT M-1

Optional – Discard if not used

**MOTIONS TO AVOID JUDICIAL LIENS ON DEBTOR’S 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: ____

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 owed to and the name 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 foregoing is true and correct.

Dated:

Debtor

Joint Debtor

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 foregoing is true and correct.

Dated:

Debtor

Joint Debtor

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 foregoing is true and correct.

Dated:

Debtor

Joint Debtor

Exhibit 2

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 In re:) Case No.
8)
9)
10 _____ Debtor.)

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
satisfies the requirements of 11 U.S.C. § 1325.

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

16 **IT IS FURTHER ORDERED** that:

17 1. The debtor shall immediately notify, in writing, the
Clerk of the United States Bankruptcy Court and the trustee of
any change in the debtor's address;

18 2. The debtor shall immediately notify the trustee in
writing of any termination, reduction of, or other change in the
employment of the debtor; and

19 3. The debtor shall appear in court whenever notified to
do so by the court.

20 **[The remaining paragraphs are optional and should be used as
21 needed. If a paragraph is not applicable, please delete it.
22 Delete the underlining once the appropriate information is
23 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.]**

24 **IT IS FURTHER ORDERED** that the attorney's fees for the
debtor's attorney in the full amount of \$_____ are
25 approved, \$_____ of which was paid prior to the filing of
the petition. The balance of \$_____, provided that the
26 attorney and debtor have executed and filed a Rights and
Responsibilities of Chapter 13 Debtors and Their Attorneys, shall
27 be paid by the trustee from plan payments at the rate specified

1 in the Guidelines for Payment of Attorneys' Fees in Chapter 13
2 Cases.

3 **IT IS FURTHER ORDERED** that, pursuant to 11 U.S.C. § 1323,
4 the 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
12 case is dismissed, the lien of the such creditor is hereby
13 extinguished and the lien shall not survive bankruptcy or affix
14 to or remain enforceable against the aforementioned property of
15 the debtor.

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

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

DATED:

BY THE COURT

United States Bankruptcy Judge

Approved by the Chapter 13
Trustee as to form.

Exhibit 3

1 _____ [Name; State Bar ID No.]

2 _____ [Address]

3 _____ [Telephone]

3 Attorney for Debtor/Debtor *In Propria Persona*

4 UNITED STATES BANKRUPTCY COURT
5 EASTERN DISTRICT OF CALIFORNIA

6 In re) Case No.
7)
8 Debtor.) **WAGE ORDER**
_____)

9 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT [insert name and address
10 of the employer], _____

11 _____ the employer of the above-named debtor, is directed

12 until further court order to deduct from the debtor's wages and to promptly forward to the

13 Chapter 13 Standing Trustee, [insert the trustee's name], _____ at [insert the

14 trustee's mailing address], _____

15 the sum of \$_____ each month. Payroll deductions made in accordance with the

16 applicable law for current income tax withholding, federal social security, state disability,

17 insurance premiums, union dues, employee welfare fund contributions, mandatory retirement

18 contributions, and employer sustenance contributions are not affected by this order and may be

19 continued.

20 This is a voluntary wage order and may include money for living expenses, such as
21 mortgage and vehicle payments. Therefore, the salary percentage deduction limitations set
22 forth in California Code of Civil Procedure § 706.050 and 15 U.S.C. § 1673(a) do not apply.

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

26 Dated:

For the Court
Richard G. Heltzel,
Clerk, U.S. Bankruptcy Court

27

28

By _____
Deputy Clerk

Exhibit 4

CLASS 1 CHECKLIST

FILE WITH TRUSTEE ONLY DO NOT FILE WITH THE COURT

Debtor Name(s): _____ Bk Case #: _____

Property Address: _____

Residence

Rental

Other Describe: _____

Daytime Phone: () _____ Evening: () _____

Attorney name: (if any) _____

THE FOLLOWING INFORMATION MUST BE COMPLETED ON ALL CLAIMS LISTED IN CLASS 1. PLEASE BE SURE TO COMPLETE THIS FORM TO THE BEST OF YOUR ABILITY AND ATTACH THE PAYMENT COUPON OR STATEMENT THAT WAS SUPPLIED TO YOU FROM EACH CREDITOR.

Creditor Name: _____

Account #: _____

Payment Address: _____

Street Address

City

State

Zip

Creditor Phone Number: (if known) _____

Regular Monthly Payment Amount: \$ _____ Current Interest Rate: _____

Monthly Payment Due Date: _____

Date Payment Late: _____ Monthly Late Charge Amount: \$ _____

Is this a variable interest rate loan? Yes No

If yes, when is the next anticipated adjustment date? _____

Are property taxes included in the monthly payment? Yes No

Is insurance included in the monthly payment? Yes No

Is the loan due in full and payable in less than 5 years? Yes No

If yes, date due: _____

**AUTHORIZATION TO RELEASE INFORMATION
TO THE TRUSTEE REGARDING SECURED CLAIMS
BEING PAID BY THE TRUSTEE**

FILE WITH TRUSTEE ONLY
DO NOT FILE WITH THE COURT

Debtor Name(s): _____ Bk Case #: _____

The debtor(s) in the above captioned bankruptcy case do hereby authorize any and all lien holder(s) on real and personal property of the bankruptcy estate to release information to the standing Trustee (as indicated below) in this bankruptcy filing.

The information to be released includes but is not limited to the amount of the post-petition monthly installment, the annual interest rate and its type, the loan balance, impound accounts, amount of the contractual late charge and the mailing address for payments. This information will only be used by the Trustee and his staff in the administration of the bankruptcy estate and may be included in motions before the Court.

Date: _____
Debtor's Signature

Date: _____
Joint Debtor's Signature

Standing Trustee (check one):

- Jan Johnson
- Larry Loheit
- Russell Greer
- Nelson Enmark