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Southern District of Georgia
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PUBLIC NOTICE

Comment Period on Local Chapter 13 Plan

An Official Chapter 13 Plan form (Official Form 113) and related amendments to the Federal Rules of Bankruptcy Procedure are scheduled to go into effect on December 1, 2017, if approved by the Supreme Court and Congress under an expedited approval process. New Rule 3015.1 will enable a district to use its own local Chapter 13 plan form (in lieu of Official Form 113) if certain conditions are met. For more information about Official Form 113 and the related rule amendments, please go to: <http://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments/pending-changes-bankruptcy-forms>

The U.S. Bankruptcy Court for the Southern District of Georgia appointed a Chapter 13 Plan Committee to review and revise the local Chapter 13 plan, in preparation for the upcoming rule changes. Attached is a copy of the draft, revised local Chapter 13 plan and proposed new Rule 3015.1.

The court, in conjunction with the Chapter 13 Plan Committee, is seeking comments on the draft plan through **May 31, 2017**. To provide comments, please go to: <https://www.surveymonkey.com/r/5FSJM2B>

In the survey instrument, you may comment on each section of the plan. At the end of the survey, please provide your name, email address, telephone number, and any additional comments. Prior to adoption of the plan, there will be a subsequent public comment period on a final draft.

In the United States Bankruptcy Court for the Southern District of Georgia

In the matter of: _____) Chapter 13 Case
 _____)
 _____) Number _____
 Debtor(s) _____)

CHAPTER 13 PLAN AND MOTION

[Pursuant to Bankruptcy Rule 3015.1, the Southern District of Georgia General Order _____ adopts this form in lieu of the Official Form 113]

Check if this is an amended plan.

1. Notices.

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as not being contained in the plan or if both boxes are checked, the provision will be ineffective if set out in the plan.

- (a) This plan: contains nonstandard provisions. See paragraph 14.
 does not contain nonstandard provisions.
- (b) This plan: values the claim(s) that secures collateral. See paragraph 4(f).
 does not value claim(s) that secures collateral.
- (c) This plan: seeks to avoid a lien or security interest. See paragraph 8.
 does not seek to avoid a lien or security interest.

2. Plan Payments.

- (a) The Debtor(s) shall pay to the Trustee the sum of \$_____ for the applicable commitment period of:
 60 months; **or** (If applicable include the following:) These plan payments
 a minimum of 36 months. § 1325(b)(4). change to \$_____ monthly on _____, 20__.

- (b) The payments under paragraph 2(a) shall be paid:
 pursuant to a Notice to Commence Wage Withholding (the Debtor(s) request(s) that the Trustee serve such Notice(s) upon the Debtor's employer(s) as soon as practicable after the filing of this plan). Such Notice(s) shall direct the Debtor's employer(s) to withhold a dollar amount that corresponds to the following percentages of the monthly plan payment:
 Debtor _____% Joint Debtor _____%
 direct to the Trustee for the following reason(s):
 The Debtor(s) receive(s) income solely from self-employment, Social Security, government assistance, or retirement.
 The Debtor(s) assert(s) that wage withholding is not feasible for the following reason(s): _____

- (c) Additional Payments of \$_____ (estimated amount) will be made on _____
 (anticipated date) from _____ (source, including income tax refunds).

3. Long-Term Debt Payments.

- (a) **Maintenance of Current Installment Payments.** The Debtor(s) will make monthly payments in the manner specified as follows on the following long-term debts pursuant to § 1322(b)(5). These postpetition payments will be disbursed by either the Trustee or directly by the Debtor(s), as specified below. Postpetition payments are to be applied to postpetition

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amounts owed for principal, interest, authorized postpetition late charges and escrow, if applicable.

		PRINCIPAL	PAYMENTS TO BE MADE BY	MONTH OF FIRST POSTPETITION	INITIAL MONTHLY
<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>RESIDENCE(Y/N)</u>	<u>(TRUSTEE OR DEBTOR(S))</u>	<u>PAYMENT TO CREDITOR</u>	<u>PAYMENT</u>

(b) **Cure of Arrearage on Long-Term Debt.** Pursuant to § 1322(b)(5), prepetition arrearage claims will be paid in full through disbursements by the Trustee, with interest (if any) at the rate stated. Prepetition arrearage payments to be applied to prepetition amounts owed as evidenced by the allowed claim.

		PRINCIPAL	ESTIMATED AMOUNT	INTEREST RATE	MONTHLY
<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>RESIDENCE(Y/N)</u>	<u>OF ARREARAGE</u>	<u>(if applicable)</u>	<u>PAYMENT</u>

4. **Treatment of Claims.** From the payments received, the Trustee shall make disbursements as follows unless designated otherwise:

- (a) **Trustee’s Fees.** The Trustee percentage fee as set by the United States Trustee.
- (b) **Attorney’s Fees.** Attorney’s fees allowed pursuant to § 507(a)(2) of \$_____.
- (c) **Priority Claims.** Other § 507 claims, unless provided for otherwise in the plan will be paid in full over the life of the plan as funds become available in the order specified by law.
- (d) **Fully Secured Allowed Claims.** All allowed claims that are fully secured shall be paid through the plan as set forth below.

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>ESTIMATED CLAIM</u>	<u>INTEREST RATE</u>	<u>MONTHLY PAYMENT</u>
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(e) **Secured Claims Excluded from 11 U.S.C. § 506 (those claims subject to the hanging paragraph of § 1325(a)).** The claims listed below were either: (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor(s), or (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value. These claims will be paid in full under the plan with interest at the rate stated below.

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>ESTIMATED CLAIM</u>	<u>INTEREST RATE</u>	<u>MONTHLY PAYMENT</u>
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(f) **Valuation of Secured Claims to Which § 506 is Applicable.** The Debtor(s) move(s) to value the collateral partially securing the following claims pursuant to § 506 and provide payment in satisfaction of those claims as set forth below. The unsecured portion of any bifurcated claims set forth below, will be paid pursuant to paragraph 4(h). The Debtor(s) shall serve this plan on all affected creditors in compliance with Rule 3012(b) and attach a certificate of service.

<u>CREDITOR</u>	<u>VALUE OF COLLATERAL</u>	<u>VALUATION OF SECURED CLAIM</u>	<u>INTEREST RATE</u>	<u>MONTHLY PAYMENT</u>
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- (g) **Special Treatment of Unsecured Claims.** The following unsecured allowed claims are classified to be paid at 100% with interest at _____% per annum; without interest.
- (h) **General Unsecured Claims.** Allowed general unsecured claims, including the unsecured portion of any bifurcated claims provided for in paragraph 4(f) or paragraph 8 of this plan, will be paid a _____% dividend or a prorata share of \$_____, whichever is greater.

5. **Executory Contracts.**

(a) Maintenance of Current Installment Payments or Rejection of Executory Contract(s) and/or Unexpired Lease(s).

DESCRIPTION OF	ASSUMED/	MONTHLY	DISBURSED BY
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15. Signatures.

By signing below, I certify the foregoing plan contains no nonstandard provisions other than those set out in Paragraph 14.

Dated: _____

Debtor

Joint Debtor

Attorney for the Debtor(s)

1 **Rule 3015.1. Requirements for a Local Form for Plans**
2 **Filed in a Chapter 13 Case**

3 Notwithstanding Rule 9029(a)(1), a district may
4 require that a Local Form for a plan filed in a chapter 13
5 case be used instead of an Official Form adopted for that
6 purpose if the following conditions are satisfied:

7 (a) a single Local Form is adopted for the district
8 after public notice and an opportunity for public comment;

9 (b) each paragraph is numbered and labeled in
10 boldface type with a heading stating the general subject
11 matter of the paragraph;

12 (c) the Local Form includes an initial paragraph for
13 the debtor to indicate that the plan does or does not:

14 (1) contain any nonstandard provision;

15 (2) limit the amount of a secured claim based
16 on a valuation of the collateral for the claim; or

17 (3) avoid a security interest or lien;

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18 (d) the Local Form contains separate paragraphs

19 for:

20 (1) curing any default and maintaining

21 payments on a claim secured by the debtor's principal

22 residence;

23 (2) paying a domestic-support obligation;

24 (3) paying a claim described in the final

25 paragraph of § 1325(a) of the Bankruptcy Code; and

26 (4) surrendering property that secures a claim

27 with a request that the stay under §§ 362(a) and

28 1301(a) be terminated as to the surrendered collateral;

29 and

30 (e) the Local Form contains a final paragraph for:

31 (1) the placement of nonstandard provisions, as

32 defined in Rule 3015(c), along with a statement that

33 any nonstandard provision placed elsewhere in the

34 plan is void; and

35 (2) certification by the debtor’s attorney or by
36 an unrepresented debtor that the plan contains no
37 nonstandard provision other than those set out in the
38 final paragraph.

Committee Note

This rule is new. It sets out features required for all Local Forms for plans in chapter 13 cases. If a Local Form does not comply with this rule, it may not be used in lieu of the Official Chapter 13 Plan Form. See Rule 3015(c).

Under the rule only one Local Form may be adopted in a district. The rule does not specify the method of adoption, but it does require that adoption of a Local Form be preceded by a public notice and comment period.

To promote consistency among Local Forms and clarity of content of chapter 13 plans, the rule prescribes several formatting and disclosure requirements. Paragraphs in such a form must be numbered and labeled in bold type, and the form must contain separate paragraphs for the cure and maintenance of home mortgages, payment of domestic support obligations, treatment of secured claims covered by the “hanging paragraph” of § 1325(a), and surrender of property securing a claim. Whether those portions of the Local Form are used in a given chapter 13 case will depend on the debtor’s individual circumstances.

The rule requires that a Local Form begin with a paragraph for the debtor to call attention to the fact that the

plan contains a nonstandard provision; limits the amount of a secured claim based on a valuation of the collateral, as authorized by Rule 3012(b); or avoids a lien, as authorized by Rule 4003(d).

The last paragraph of a Local Form must be for the inclusion of any nonstandard provisions, as defined by Rule 3015(c), and must include a statement that nonstandard provisions placed elsewhere in the plan are void. This part gives the debtor the opportunity to propose provisions that are not otherwise in, or that deviate from, the Local Form. The form must also require a certification by the debtor's attorney or unrepresented debtor that there are no nonstandard provisions other than those placed in the final paragraph.