

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
BRIDGEPORT DIVISION**

CHAPTER 13 PROCEDURE

The following procedure shall take effect on August 1, 1995 for all chapter 13 cases pending on that date.

1. NOTICE OF §341(a) MEETING, CONFIRMATION HEARING, AND BAR DATE FOR OBJECTION TO PLAN.

(a) Upon the commencement of a chapter 13 case, the clerk shall send a notice of Bancap Form B91 (the "NOTICE") to the debtor, the trustee, all creditors, and others entitled to such notice under applicable rules.

(b) The NOTICE shall state the date and time of the §341(a) meeting of creditors and the date and time of the hearing on the confirmation of the debtor's plan ("HEARING DATE").

(c) The NOTICE shall also state the name and address of the debtor, the debtor's attorney, and the trustee and that written objections to the confirmation of the plan must be filed no later than 2 business days before the HEARING DATE with copies delivered to the debtor and the trustee by that date. See Rules 2002(a) and (b)(2) and 3015(f).

2. DEBTOR'S DUTIES.

(a) The debtor shall timely file a plan together with three copies or a summary thereof in accordance with Rule 3015 and all lists, schedules, and statements in accordance with Rule 1007.

(b) The debtor shall serve a copy of the plan, a worksheet on FORM 13-W, and a proposed order on FORM 13-O upon the trustee on the date the plan is filed.

(c) The debtor shall send a copy of this Procedure on all creditors not less than 25 days before the Hearing Date.

(d) The debtor shall file a certification of such service on FORM 13-CERT.

3. CHAPTER 13 LISTS, SCHEDULES, STATEMENTS, AND PLAN.

(a) Rule 1007(c) provides:

Time Limits. The schedules and statements... shall be filed with the petition, or if the petition is accompanied by a list of all of the debtor's creditors and their addresses, within 15 days thereafter...Any extension of time for the filing of the schedules and statements may be granted only on motion for *cause shown* and notice to the United States Trustee...or other party as the court may direct.

(b) Rule 3015(b) provides:

Chapter 13 Plan. The debtor may file a chapter 13 plan with the petition. If a plan is not filed with a petition, it shall be filed within 15 days thereafter, and such time may not be further extended *except for cause shown* and on notice as the court may direct. If a case is converted to chapter 13, a plan shall be filed within 15 days thereafter, and such time may not be further extended *except for cause shown* and on notice as the court may direct.

(c) Any timely filed motion for an extension provided by Rules 1007(c) and 3015(b), not to exceed 5 days from the time limitations stated in those rules, may be granted without a hearing.

4. CHAPTER 13 TRUSTEE'S MOTION TO DISMISS OR CONVERT.

(a) Any motion by the trustee to dismiss or convert the case shall be filed and served on the debtor not less than 10 days before the HEARING DATE.

(b) The trustee's motion shall be heard on the HEARING DATE, unless otherwise ordered by the court.

5. OBJECTION TO CONFIRMATION OF PLAN.

All timely filed and properly served objections to the confirmation of the plan shall be heard on the HEARING DATE, unless continued for cause shown on such notice as directed by the court.

6. HEARING DATE, SANCTIONS, CONFIRMATION.

(a) The HEARING DATE shall be on the same date as the §341(a) meeting and at a time stated in the NOTICE and may be continued at the request of a party in interest for cause shown on such terms as the court deems appropriate.

(b) If it is determined that the cause for such continuance is the failure of the debtor or the debtor's attorney to properly prosecute the case, the court may order such sanction, as it deems

appropriate.

(c) If the debtor has certified service on FORM 13-CERT, the trustee recommends confirmation on FORM 13-TREC, and no timely objection to confirmation has been filed, an order confirming the plan on FORM 13-O may enter without a hearing.

7. PROOF OF CLAIM, DISTRIBUTION.

(a) Rule 3002 (c) provides:

Ina chapter 13 individual's debt adjustment case, a proof of claim shall be filed within 90 days after the first date set of the meeting of creditors called pursuant to §341(a) of the Code....

(b) Payments made by the debtor under §1326 and the order confirming the plan shall be accumulated and distributed by the trustee in accordance with that section and the order confirming the plan as follows:

(i) Distribution prior to expiration proof of claims bar date.

Only holders of claims entitled to priority under §507 and holders of secured claims who have filed a proof of claim prior to the HEARING DATE shall be eligible for a distribution prior to the termination of the proof of claim bar dates provided by Rules 3002(c), 3004, and 3005, and such distribution shall be made to the holders of all such claims that are *allowed*. The trustee shall accumulate all other payments for distribution under subparagraph (ii).

(ii) Distribution after expiration of claims bar dates.

Except as provided by subparagraph (i), a distribution on all allowed claims shall be made after the termination of the proof of claims bar dates. The first such distribution shall account for the accumulated monthly payments attributed to each claimant's allowed claim.

CHAPTER 13 WORKSHEET

Debtor:
 Petition Date:
 Plan Date:

Case No.:
 Attorney:
 Attorney's telephone No.:

Income per month:

Employment	yrs.	Gross pay	take home pay
Debtor(H) _____	_____	\$ _____	\$ _____
Debtor(W) _____	_____	\$ _____	\$ _____
Other:			\$ _____

TOTAL NET INCOME \$ _____

Expenses: Per Budget \$ _____

TOTAL DISPOSABLE INCOME \$ _____

PAYMENTS to trustee for distribution under Plan:

_____ monthly payments	\$ _____	Total	\$ _____
<u>Monthly Cushion</u> (family of _____)	\$ _____		

DISTRIBUTION UNDER PLAN:

Priority: \$ _____ /mo. For _____ mo. \$ _____

Secured (add page if necessary)

1st mort. Arrear. \$ _____ /mo. For _____ mo. \$ _____

2nd mort. Arrear. \$ _____ /mo. For _____ mo. \$ _____

other \$ _____ /mo. For _____ mo. \$ _____

other \$ _____ /mo. For _____ mo. \$ _____

Unsecured

\$ _____ /mo. For _____ mo. \$ _____

Total % per schedules _____

Note: actual percentage may increase if all scheduled unsecured creditors do not file a proof of claim or filed claims are disallowed.

TOTAL DISTRIBUTION UNDER PLAN

\$ _____

Trustee's fees and expense - 10%

\$ _____

TOTAL PAYMENTS UNDER THE PLAN

\$ _____

THRESHOLD COMPUTATIONS

Real Estate

Market value-see attached appraisal \$ _____
less total encumbrances - see attached list \$ _____
less exemptions \$ _____
total deductions \$ _____

Net equity \$ _____

Automobile

Make/model _____ \$ _____
market value \$ _____
less encumbrances \$ _____
less exemptions \$ _____
total deductions \$ _____

Net equity \$ _____

Automobile

Make/model _____ \$ _____
market value \$ _____
less encumbrances \$ _____
less exemptions \$ _____
total deductions \$ _____

Net equity \$ _____

Other Property (attach additional pages if necessary)

describe: _____
market value \$ _____
less encumbrances \$ _____
less exemptions \$ _____
total deductions \$ _____

Net equity \$ _____

Total chapter 7 equity - see §1325(a)(4)

\$ _____

CHAPTER 13 TRUSTEE'S ANALYSIS AND RECOMMENDATION

1. The plan complies with the provisions of chapter 13 and with other provisions of Title 11. ____

* The §1325(a)(4) test has been satisfied. _____

* The plan was proposed in good faith. _____

* Payments under the Plan are the debtor's best effort. _____

* The family of ____ (____ children aged _____) have an adequate cushion, and the debtor can meet the obligations under the Plan. _____

2. Payments to unsecured creditors are % ____.

3. All payments due under § 1326(a) have been made. _____

4. The plan and this order should be reviewed in 12 months. _____

5. Foreclosure action pending _____; notice has been sent to state court. _____

6. Attorney's fee of \$ _____ has been verified by adequate worksheets and is reasonable.

TRUSTEE'S RECOMMENDATION

Confirm Plan. _____

Do not confirm plan for the following reasons:

Dated: _____

Molly T. Whiton, Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT**

In re:

Chapter 13
Case No.:

Debtor(s)

ORDER CONFIRMING CHAPTER 13 PLAN

The debtor's plan, filed on _____ and modified on _____

("the Plan") or summary thereof was transmitted to the creditors pursuant to Rule 3015(d), F.R.

Bankr. P. The court finds that the Plan meets the requirements of 11 U.S.C. §1325, accordingly.

IT IS ORDERED THAT

1. The Plan which includes the following provisions is confirmed:

(a) AMOUNT of each monthly payment: \$ _____

(b) DUE DATE of each PAYMENT: ____ day of each month, commencing _____.

(c) PERIOD OF PAYMENTS: _____ months.

(d) PAYABLE TO: Chapter 13 trustee Molly T. Whiton, Esq..

10 Columbus Blvd.

6th Floor

Hartford, CT 06106

2. Trustee Whiton shall distribute the payments made pursuant to this Order in accordance with

Schedule A attached hereto.

3. The debtor's attorney's fee is allowed in the amount of \$ _____.

Date: _____

Consented to: _____
Molly T. Whiton, Chapter 13 Trustee

SO ORDERED:

Date: _____

Alan H.W. Shiff
Chief, United States Bankruptcy Judge

CERTIFICATION OF SERVICE

The undersigned certifies that the following documents were timely mailed on _____

in compliance with paragraph 2 of the First Amended Chapter 13 Procedure:

1. To the trustee: a copy of the plan, worksheet on FORM 13-W, and proposed order on FORM 13-O.
2. To all creditors: a copy of the First Amended Chapter 13 Procedure.

Dated: _____

