

“Other Provisions” statements for Confirmation Orders

- 1. 100%-- DI:** Plan must pay 100% to unsecured creditors pursuant to 11 U.S.C. § 1325 (b)(1)(B) [Disposable Income Test], *and Debtor(s) agree to promptly amend this confirmed plan if allowed claims are higher than anticipated and the plan no longer pays 100%.*
- 2. 100%-- Ch. 7:** Plan must pay 100% to unsecured creditors pursuant to 11 U.S.C. § 1325 (a) (4) [Chapter 7 Test], *and Debtor(s) agree to promptly amend this confirmed plan if allowed claims are higher than anticipated and the plan no longer pays 100%.*
- 3. No Disch:** Debtor(s)' *are* ineligible for a discharge pursuant to 11 U.S.C. § 1328 (f)
- 4. No Stay (1):** The Automatic Stay is terminated pursuant to 11 U.S.C. § 362 (c)(3) *because the Debtor(s) had one prior case pending within the preceding year but was dismissed.*
- 5. No Stay (2):** There is no Automatic Stay in this case pursuant to 11 U.S.C. § 362 (c)(4) *because the debtor(s) had two or more prior cases pending within the previous year but were dismissed.*
- 6. Inc term & BG:** Pursuant to the Confirmation Hearing held * *, 20**, *the plan term is extended from a total of ** months to a total of ** months, and the total of plan payments is increased from \$** to \$**.*
- 7. Pre. Conf. AF:** Pre-confirmation attorney fees are set at \$1,850.00 by agreement with counsel for the Debtor
- 8. T may obj:** Debtor(s) *are* required by this plan to pay directly certain secured claims. If in the future Debtor(s) become delinquent in these payments, the Trustee may object to any future plan modification which cures such a delinquency by reducing the “pot” of funds which pursuant to this confirmed plan is to be paid to the unsecured creditors.
- 9. T retains obj.:** Trustee retains his Disposable Income [*or Ch. 7 test*] Objection, and Trustee’s Motion to Dismiss *on this basis* is continued to * *, 200*; *Debtor(s) have no objection to the Trustee retaining this objection.*
- 10. T rets obj, def. claim.:** Trustee retains his Disposable Income [*or Ch. 7 test*] Objection, and Trustee’s Motion to Dismiss *on this basis* is continued to * *, 200*, to monitor the deficiency claim of **; *Debtor(s) have no objection to the Trustee retaining this objection.*
- 11. Tax rets:** Debtor(s) shall provide to the Trustee a copy of their 200* *federal [& state]* tax returns by * *, 200*.
- 12. Atty WDO:** *Debtors’ Attorney agrees to promptly follow up on Debtors’ wage deduction Order to confirm it’s working and to promptly advise Trustee if there are any problems.*

13. Clar. Term & BG: *Para. 1 of the Plan is corrected [clarified] to state that plan payments shall be 1 month @ \$192/bw + 59 mos. @ \$198/bw for a total of plan pmts of \$25,727.00.*

14. No \$ to Sec. Cr: *Secured Creditor ** will receive no payments through the plan pursuant to Order lifting stay dated * *, 200__.*

15. Inc. PCF & BG: Paragraph #1 of the Debtor's(s') plan is amended as follows: "Other payments" shall read: "Pre-confirmation funds of \$*** as of * *, 200*," and *the total of plan payments shall be \$****; regular monthly plan payments are unchanged.

16. Inc. PCF, Mo., & BG: Paragraph #1 of the Debtor's(s') plan is amended to provide for payments as follows: "Pre-confirmation funds of \$*** as of * *, 200*, plus payments of \$***/mo. for ** months. Total of plan payments to be \$***."

17. 910 appeal & deficiency claim filing: DaimlerChrysler Services, N.A., has objected to Paragraph 3.C of the Debtors' plan concerning surrender of its collateral in full satisfaction of the debt. This Court has ruled that such a plan provision is appropriate, but the issue is on appeal to the Fourth Circuit Court of Appeals. If this Court's decision is reversed and it is held that the creditor is entitled to file a deficiency claim in such situations, then: (a) Daimler Chrysler retains its right to file a deficiency claim in this case subject to review and objection by the Chapter 13 Trustee, and (b) any such deficiency claim must be filed within 120 days of any final decision allowing the filing of such a claim, or such claim will be barred.

[Cox-Higgs' version, 11/30/07, + T's added clause at the very end:]

[Creditor] has objected to Paragraph 3.C of the Debtors' plan concerning surrender of its collateral in full satisfaction of the debt. This Court has ruled that such a plan provision is appropriate in the case of In Re Meadows, Case No. 06-62050, but the issue is on appeal granted by the Fourth Circuit Court of Appeals. Until the issue is decided by the Fourth Circuit Court of Appeals: (i) any such deficiency claim must be filed by the creditor within 150 days of this Order of confirmation, or such claim will be barred; and (ii) if a deficiency claim is timely filed, the Trustee shall accrue, but not distribute, funds on this claim pro rata with other allowed unsecured claims pending a final decision. If the creditor files a timely deficiency claim and this Court's decision on surrendering in full satisfaction is reversed and that appellate decision becomes final, then the final appellate ruling shall also control the allowance of said deficiency claim in this case, subject to objection by the Trustee on other grounds.

18. Statement on future modified plans that reduce payout when debtor owes money on luxury items: "Trustee retains his disposable income objection and feasibility concerns in this case. If the Debtor(s) in the future file a modified plan that reduces the "pot" of funds which pursuant to this confirmed plan is to be paid to the unsecured creditors, the Trustee will object unless the Debtors reduce or eliminate their secured debt payments which are collateralized by luxury items."

19. Deleting paragraphs in the plan: Sections A through R of plan Paragraph 11 are hereby deleted from the confirmed plan.

20. Creditor's right to file a post-bar-date amended POC on a claim being paid in plan by co-signer:

If the Class A creditor, *, files an allowed claim in this case and thereafter files both (i) a notice with the Court, with a copy to the Trustee and Debtor's attorney, advising that the cosigner has defaulted under the terms of its agreement to make payments on the claim, and (ii) an amended proof of claim adjusting its original claim to reflect any post-petition payments made by the cosigner or confirming that no payments have been made, then the Trustee shall, effective with the next distribution after both such notice and amended proof of claim have been received, include said claim prospectively in the remaining pro rata distributions to unsecured claimants under the terms of the confirmed plan notwithstanding any plan language classifying said claim to the contrary.