

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
\_\_\_\_\_ Division

IN RE:

Chapter 13

Case No. \_\_\_\_\_ - \_\_\_\_\_

Debtors

**CONSENT ORDER** *[Check all that apply:]*

- AMENDING PLAN TO EXTEND PLAN PAYMENTS**
- AMENDING PLAN TO ALTER PLAN PAYMENTS**
- CLARIFYING PLAN TERMS**
- RESOLVING TRUSTEE'S MOTION TO DISMISS**

1. A motion has been filed by the above-named Debtors requesting the relief set forth above.

2. It appears to the Court that:

A. The Debtors filed this bankruptcy case on \_\_\_\_\_, 20 \_\_\_\_.

B. The Debtors' Chapter 13 Plan was last confirmed on \_\_\_\_\_, 20 \_\_\_\_ ("the most recently confirmed Plan").

C. Due to changed circumstances, the Debtors have proposed an extension of plan payments, an increase in the amount of the monthly plan payments, or a clarification of Plan terms that will allow them to successfully complete their Plan. The specific reason for these changes is: [Check and complete either sub-paragraph 1. or 2., or both, whichever applies]:

1. To cure a default in Plan payments

2. Other: \_\_\_\_\_

D. After reviewing the proposed changes, the Chapter 13 Trustee has advised the Court that these changes will have at most a *de minimis* impact on creditors receiving distributions under the Plan, and will not result in a reduction in the total amount to be paid to any allowed unsecured claim under the Plan. "De minimis impact"

means either that (i) the Plan has been extended by three months or less and the total amount being paid to each allowed unsecured claim has remained the same or increased slightly, or (ii) the Plan has been extended by six months or less and the total amount being paid to each allowed unsecured claim has been increased by at least five per cent.

E. The Trustee has recommended that the Court approve such changes without notice to creditors.

3. Upon consideration of the facts presented in the Debtors' or the Trustee's motion, it is hereby **Ordered** that the Debtor's Chapter 13 plan payment schedule is changed as follows: [Check and complete either paragraph A. or B., whichever applies.]

A. **Length of plan remains the same and the total amount of plan payments does not decrease:**

(1) According to the Trustee's Receipt records, the Trustee has received \$ \_\_\_\_\_ from the Debtors as of \_\_\_\_\_, 20\_\_\_\_.

(2) The total amount of Plan payments due under the most recently confirmed Plan was \$ \_\_\_\_\_. The new total of Plan payments will be \$ \_\_\_\_\_.

(3) Plan payments will be changed to \$\_\_\_\_\_ per \_\_\_\_\_ beginning \_\_\_\_\_, 20 \_\_\_\_, for the remaining \_\_\_\_\_ months of the most recently confirmed plan until (i) the total of plan payments set forth above is received, or (ii) all claims are paid 100%, whichever occurs first.

B. **Length of plan is being changed and/or the total amount of plan payments is being changed:**

(1) According to the Trustee's Receipt records, the Trustee has received \$ \_\_\_\_\_ from the Debtors as of \_\_\_\_\_, 20\_\_\_\_.

(2) The total amount of Plan payments due under the most recently confirmed Plan was \$ \_\_\_\_\_. The new total of Plan payments will be \$ \_\_\_\_\_.

(3) The total number of Plan payments under the most recently confirmed plan was \_\_\_\_\_ months. The total number of Plan payments after this change will be \_\_\_\_\_ months.

(4) Plan payments will be \$\_\_\_\_\_ per \_\_\_\_\_ beginning \_\_\_\_\_, 20 \_\_\_\_, for \_\_\_\_\_ months until (i) the new total of plan payments set forth above is received, or (ii) all claims are paid 100%, whichever occurs first.

C. [If applicable:] **The following provisions of the most recently confirmed Plan are clarified as follows:** \_\_\_\_\_  
\_\_\_\_\_.

D. If this Order is being filed in response to the Trustee's motion to dismiss the case because of a default in Plan payments, then:

1. If the Trustee fails to receive any payment set forth above within thirty days of its due date, the Trustee may certify to the Court that the Debtors are in default in plan payments and send notice of the certification to the Debtors and their counsel.

2. If the Debtors fail within 21 days from the date of the Trustee's certification to either (i) cure the default, or (ii) file with the Court and with the Trustee a written response and a request for a hearing, then the Debtors' case may be dismissed by the Court without further notice or hearing.

E. Counsel for Debtors shall:

1. Serve this Order upon the Debtors; and

2. If the Debtors' Plan payments are being made by automatic wage deduction from an employer and this Order changes the payment amount or duration of the existing wage deduction Order, file with the Court an amended wage deduction Order within fourteen days.

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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U.S. Bankruptcy Court Judge

By endorsement of this order, Debtor(s)' counsel certifies that the specific terms of this order have been reviewed either by personal contact, by telephone, or by electronic communication with the debtor(s), and that the debtor(s) have indicated that they understand the terms of this order.

We ask for this:

/s/  
\_\_\_\_\_  
(Debtor's name)

/s/  
\_\_\_\_\_  
(Debtor's name)

/s/  
\_\_\_\_\_  
(Attorney's name)  
(Attorney's address)  
(Attorney's phone number)  
Counsel for Debtors

Seen and not objected to:

/s/ Herbert Beskin

Herbert Beskin, Chapter 13 Trustee  
P. O. Box 2103, Charlottesville VA 22902  
(434) 817-9913; fax # 817-9916

(Version #8, 06/26/2013)

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
\_\_\_\_\_ Division

IN RE:

Chapter 13

Case No. \_\_\_\_\_ - \_\_\_\_\_

Debtors

**MOTION TO** *[Check all that apply:]*

- AMEND PLAN TO EXTEND PLAN PAYMENTS**
- AMEND PLAN TO ALTER PLAN PAYMENTS**
- CLARIFY PLAN TERMS**
- RESOLVE TRUSTEE'S MOTION TO DISMISS**

1. The Debtors hereby request the relief set forth above

2. As grounds for their request, the Debtors state that:

A. Due to changed circumstances, the Debtors have proposed to the Trustee an extension of plan payments, an increase in the amount of the monthly plan payments, or a clarification of Plan terms that will allow them to successfully complete their Plan.

B. After reviewing the proposed changes, the Chapter 13 Trustee has agreed that these changes will have at most a *de minimis* impact on creditors receiving distributions under the Plan, and will not result in a reduction in the total amount to be paid to any allowed unsecured claim under the Plan. "De minimis impact" means either that (i) the Plan has been extended by three months or less and the total amount being paid to each allowed unsecured claim has remained the same or increased slightly, or (ii) the Plan has been extended by six months or less and the total amount being paid to each allowed unsecured claim has been increased by at least five per cent.

C. The Trustee is recommending that the Court approve such changes without the need for notice to creditors.

D. The exact terms of this request are set forth in a Consent Order, endorsed by the Trustee and the Debtors, which is being submitted to the Court along with this Motion.

3. Therefore, the Debtors hereby request that the Court enter the attached Consent Order.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

Respectfully submitted,

(Debtors),  
By Counsel

I ask for this:

/s/ Debtors' Counsel

\_\_\_\_\_  
(Attorney Name)  
(Attorney Address & Phone Number:  
Counsel for Debtors