

Name _____

Address _____

Telephone _____ (FAX) _____

Email Address _____

Attorney for Debtor(s)
Attorney's State Bar I.D. No. _____

Debtor(s) in Pro Se

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

List all names including trade names used by Debtor(s) within last 6 years:

Chapter 13 Case No.:

CHAPTER 13 PLAN

CREDITORS MEETING:

Date:

Time:

Place:

CONFIRMATION HEARING:

Date:

Time:

Place:

NOTICE

This plan is proposed by the above debtor.* The debtor attests, under penalty of perjury, that the information stated in this plan is accurate. Creditors cannot vote on this plan. However, creditors may object to this plan being confirmed pursuant to 11 U.S.C. §1324. Any objection must be in writing and must be filed with the court and served upon the debtor, debtor's attorney (if any), and the chapter 13 trustee not less than 8 days before the date set for the meeting of creditors. Unless an objection is filed and served, the court may confirm this chapter 13 plan. The plan, if confirmed, modifies the rights and duties of the debtor and creditors to the treatment provided in the plan as confirmed, with the following **IMPORTANT EXCEPTIONS:**

HOLDERS OF ALL CLAIMS MUST TIMELY FILE PROOFS OF CLAIMS, OR THEY WILL NOT BE PAID ANY AMOUNT. A debtor who confirms a chapter 13 plan may be eligible thereafter to receive a discharge of debts to the extent specified in 11 U.S.C. § 1328.

*Any reference to the singular shall include the plural in the case of joint debtors.

Debtor proposes the following chapter 13 plan and makes the following declarations:

The effective date of this plan for the purpose of commencement of periodic payments to secured creditors as set forth in §1325(a)(5)(B)(iii) is _____.

I. PROPERTIES AND FUTURE EARNINGS OR INCOME SUBJECT TO THE SUPERVISION AND CONTROL OF THE TRUSTEE:

Debtor submits the following to the supervision and control of the trustee:

A. Payments by debtor of \$_____ per month for _____ months. This monthly payment will begin within 30 days of the date the petition was filed. The applicable commitment period is _____ months.

The base plan amount is estimated to pay _____% of the allowed claims of nonpriority unsecured creditors. If that percentage is less than 100%, the debtor will pay the plan payment stated in this plan for the full term of the plan.

B. Pre-confirmation Adequate Protection Payments for Personal Property to the following creditor(s) in the following monthly amount(s):

Creditor Name	Amount
_____	\$ _____
_____	\$ _____

C. Amounts necessary for the payment of postpetition claims allowed under 11 U.S.C. §1305.

D. If the plan provides for less than 100% payment of nonpriority unsecured claims, all postpetition tax refunds received by the debtor during the plan term.

E. Other property: _____
(specify property or indicate none)

II. ORDER OF PAYMENTS; CLASSIFICATION AND TREATMENT OF CLAIMS: Except as otherwise provided in the plan or by court order, the chapter 13 trustee shall disburse all available funds for the payment of claims as follows:

A. ORDER OF PAYMENTS:

1. The chapter 13 trustee's fee up to but not more than the amount accrued on payments made to date;
2. Domestic Support Obligations;
3. Administrative expenses (including but not limited to attorney's fees) in an amount up to but not more than _____% of each plan payment until paid in full;
4. Pro rata to all other classes up to the monthly amounts set forth in the plan, except allowed secured claims which are paid in the form of periodic payments will be paid not less than the amount proposed by the plan and no payment shall be made on Class Five claims until all Class One claims have been paid in full.

B. CLASSIFICATION AND TREATMENT OF CLAIMS:

1. Allowed unsecured claims entitled to priority under 11 U.S.C. §507.

CLASS 1A - Debtor will pay Class 1A claims in full, provided a proof of claim has been filed, as follows:

	AMOUNT OF PRIORITY CLAIM	§1322(b)(10) INTEREST RATE	MONTHLY PAYMENT	NUMBER OF PAYMENTS	TOTAL PAYMENT
a. Administrative Expenses					
(1) Trustee's Fee (estimated at 11% of plan payment amounts)					
(2) Attorney's Fees	\$ _____	_____	\$ _____	# _____	\$ _____
(3) Other	\$ _____	_____	\$ _____	# _____	\$ _____
b. Internal Revenue Service	\$ _____	_____	\$ _____	# _____	\$ _____
c. Franchise Tax Board	\$ _____	_____	\$ _____	# _____	\$ _____
d. Other	\$ _____	_____	\$ _____	# _____	\$ _____
e. Other	\$ _____	_____	\$ _____	# _____	\$ _____

DOMESTIC SUPPORT OBLIGATIONS

Pursuant to 11 U.S.C. §§101(14)A and 1302(b)(6), the name(s), address(es) and telephone number(s) of the holder(s) of any domestic support obligation are as follows:

Name	_____	Name	_____
Address	_____	Address	_____
	_____		_____
Telephone No.	_____	Telephone No.	_____
Case No.	_____	Case No.	_____
County*	_____	County*	_____

*Disclose county where domestic support obligation is collected.

Debtor is required to pay all post-petition domestic support obligations directly to the holder of the claim.

The debtor is required to provide written notification to the trustee of any change in the debtor's address or the debtor's employer within 10 days of said change. The notification will include the name, address and telephone number of the new address or employer, as appropriate. If the debtor becomes obligated to pay a Domestic Support Obligation after confirmation of the plan, the debtor shall inform the trustee in writing of the new Domestic Support Obligation and provide all information to the trustee as set forth in 11 U.S.C. §1302(d)(1) within 10 days after the first payment under the Domestic Support Obligation is due. Failure to do so may result in dismissal of the case or denial of discharge in the case.

CLASS 1B – Domestic Support Obligation Arrearage(s) Paid in Full

Debtor will pay Class 1B claims in full provided a proof of claim has been filed, as follows:

NAME	AMOUNT OF PRIORITY CLAIM	§1322(b)(10) INTEREST RATE	MONTHLY PAYMENT	NUMBER OF PAYMENTS	TOTAL PAYMENT
a. _____	\$ _____	_____	\$ _____	# _____	\$ _____
b. _____	\$ _____	_____	\$ _____	# _____	\$ _____

CLASS 1C – Domestic Support Obligation Arrearage(s) Paid Less than in Full

Pursuant to 11 U.S.C. §507(a)(1)(B), the Domestic Support Obligation has been assigned to, is owed to, or is recoverable by a governmental unit. Debtor’s plan provides for payment of all projected disposable income for a five year period. Pursuant to 11 U.S.C. §1322(a)(4), Debtor will provide less than full payment of the claim over the five year period, provided a proof of claim has been filed, as follows:

NAME	AMOUNT OF PRIORITY CLAIM	§1322(b)(10) INTEREST RATE	MONTHLY PAYMENT	NUMBER OF PAYMENTS	TOTAL PAYMENT
a. _____	\$ _____	_____	\$ _____	# _____	\$ _____
b. _____	\$ _____	_____	\$ _____	# _____	\$ _____

2. CLASS 2 - Claims Secured Solely by Real Property that is the Debtor’s PRINCIPAL RESIDENCE.

Debtor will make all postpetition payments pursuant to the promissory note and deed of trust on the following claims on which the obligation matures **AFTER** the final payment is due under this plan:

1. Directly to Trustee: _____
(name of creditor(s) here)

2. Directly to Creditor: _____
(name of creditor(s) here)

Debtor will make all postpetition payments pursuant to the promissory note and deed of trust on the following claims on which the obligation matures **BEFORE** the final payment is due under this plan: _____
(name of creditor(s))

Debtor will cure all prepetition arrearages through the plan payment as set forth below:

Name of Creditor and Last Four Digits of Loan Number	AMOUNT OF ARREARAGE	INTEREST RATE	EQUAL MONTHLY PAYMENT	NUMBER OF MONTHS	TOTAL PAYMENT
Name _____ Loan No. _____					
Cure of default	\$ _____	% _____	\$ _____	# _____	\$ _____
Name _____ Loan No. _____					
Cure of default	\$ _____	% _____	\$ _____	# _____	\$ _____
Name _____ Loan No. _____					
Cure of default	\$ _____	% _____	\$ _____	# _____	\$ _____

Pursuant to 11 U.S.C. §§1322(c)(2) and 1325(a)(5), Debtor will pay the following claim(s) on which the obligation matures **BEFORE** the final payment is due under this plan as follows:

Name of Creditor and Last Four Digits of Loan Number	AMOUNT OF ARREARAGE	INTEREST RATE	EQUAL MONTHLY PAYMENT	NUMBER OF MONTHS	TOTAL PAYMENT
Name _____					
Loan No. _____					
Cure of default	\$ _____	% _____	\$ _____	# _____	\$ _____
Name _____					
Loan No. _____					
Cure of default	\$ _____	% _____	\$ _____	# _____	\$ _____
Name _____					
Loan No. _____					
Cure of default	\$ _____	% _____	\$ _____	# _____	\$ _____

Each creditor will retain its lien until the earlier of payment of the underlying debt determined under non-bankruptcy law or discharge under §1328. If the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable non-bankruptcy law.

3. - Secured Claims on Real or Personal Property which are Paid in Full During the term of the plan. This class of claims include but are not limited to claims which are not secured solely by a security interest in the debtor's principal residence.

CLASS 3A – Claims to which §506 Valuation is Applicable.

Class 3A Claims will be paid in equal monthly payments as set forth below. Debtor is the owner of the property serving as collateral, is aware of its condition and, where the secured claim is less than the amount of the debt, believes its value is as set forth below under the heading "Amount of Secured Claim." The value as of the effective date of the plan of the series of payments to be distributed under the plan on account of each secured claim provided for by the plan is equal to the allowed amount of such claim. Any unsecured amount resulting from a deficiency in the value of the collateral is included in Class Five, or if appropriate, in Class One.

Adequate Protection Payments for Personal Property - Pursuant to 11 U.S.C. §1325(a)(5)(B)(iii)(II), if the collateral securing the claim is personal property, the monthly payment amount shall not be less than an amount sufficient to provide to the secured creditor adequate protection during the period of the plan. Pursuant to 11 U.S.C. 1326(a)(1)(C), a secured creditor whose claim is secured by personal property will not receive adequate protection payments unless the creditor holds an allowed claim.

Preconfirmation Adequate Protection Payments will be paid to the trustee for creditor _____ in the amount of \$ _____ per month commencing on the 30th day from the date of filing of the case. The trustee shall deduct the foregoing adequate protection payment(s) from the debtor's plan payment and disburse the adequate protection payment to the secured(s) creditor at the next available disbursement or as soon as practicable after the payment is received and posted to the trustee's account. The trustee will take her statutory fee on all disbursements made for preconfirmation adequate protection payments.

Preconfirmation Adequate Protection Payments will be paid to creditor _____ directly in the amount of \$ _____ per month commencing no later than the 30th day from the date of filing of the case and the debtor will provide to the trustee evidence of the payment including the amount and date of payment.

Name of Creditor and Last Four Digits of Loan Number	TOTAL AMOUNT OF CLAIM	AMOUNT OF SECURED CLAIM	INTEREST RATE ON SECURED CLAIM	AMOUNT OF UNSECURED CLAIM	EQUAL MONTHLY PAYMENT	TOTAL NUMBER OF PAYMENTS	TOTAL PAYMENT
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Name _____

Loan No. _____ \$ _____ % _____ \$ _____ \$ _____ # _____ \$ _____

Name _____

Loan No. _____ \$ _____ % _____ \$ _____ \$ _____ # _____ \$ _____

Each creditor will retain its lien until the earlier of payment of the underlying debt determined under non-bankruptcy law or discharge under §1328. If the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable non-bankruptcy law.

CLASS 3B – Claims to Which §506 Valuation is NOT Applicable.

Claims listed in this subsection consist of debts secured by a purchase money interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other personal property of value, the debt was incurred within one year of filing. Class 3B Claims will be paid in equal monthly payments as set forth below. The value as of the effective date of the plan of the series of payments to be distributed under the plan on account of each secured claim provided for by the plan is equal to the allowed amount of such claim. Pursuant to 11 U.S.C. §1325(a)(5)(B)(iii)(II), the monthly payment amount shall not be less than an amount sufficient to provide to the secured creditor adequate protection during the period of the plan.

Adequate Protection Payments for Personal Property - Pursuant to 11 U.S.C. §1325(a)(5)(B)(iii)(II), if the collateral securing the claim is personal property, the monthly payment amount shall not be less than an amount sufficient to provide to the secured creditor adequate protection during the period of the plan. Pursuant to 11 U.S.C. 1326(a)(1)(C), a secured creditor whose claim is secured by personal property will not receive adequate protection payments unless the creditor holds an allowed claim.

Preconfirmation Adequate Protection Payments will be paid to the trustee for creditor _____ in the amount of \$ _____ per month commencing on the 30th day from the date of filing of the case. The trustee shall deduct the foregoing adequate protection payment(s) from the debtor's plan payment and disburse the adequate protection payment to the secured(s) creditor at the next available disbursement or as soon as practicable after the payment is received and posted to the trustee's account. The trustee will take her statutory fee on all disbursements made for preconfirmation adequate protection payments.

Preconfirmation Adequate Protection Payments will be paid to creditor _____ directly in the amount of \$ _____ per month commencing no later than the 30th day from the date of filing of the case and the debtor will provide to the trustee evidence of the payment including the amount and date of payment.

Name of Creditor and Last Four Digits of Loan Number	TOTAL AMOUNT OF CLAIM	INTEREST RATE ON CLAIM	EQUAL MONTHLY PAYMENT	TOTAL NUMBER OF PAYMENTS	TOTAL PAYMENT
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Name _____

Loan No. _____ \$ _____ % _____ \$ _____ # _____ \$ _____

Name _____

Loan No. _____ \$ _____ % _____ \$ _____ # _____ \$ _____

Each creditor will retain its lien until the earlier of payment of the underlying debt determined under non-bankruptcy law or discharge under §1328. If the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable non-bankruptcy law.

4. **CLASS 4 - Claims Secured by Real or Personal Property Other than the Debtor's Principal Residence for which Arrearages are Paid as Part of the Plan Payment.** The ongoing obligation will be paid according to the terms of the agreement to the party stated below. The amount as of the effective date of the plan of the series of payments to be distributed under the plan on account of each secured claim provided for by the plan is equal to the allowed amount of such claim. Defaults will be cured using the interest rate set forth below. (If more than two creditors, attach separate exhibits.)

Adequate Protection Payments for Personal Property - Pursuant to 11 U.S.C. §1325(a)(5)(B)(iii)(II), if the collateral securing the claim is personal property, the monthly payment amount shall not be less than an amount sufficient to provide to the secured creditor adequate protection during the period of the plan. Pursuant to 11 U.S.C. 1326(a)(1)(C), a secured creditor whose claim is secured by personal property will not receive adequate protection payments unless the creditor holds an allowed claim.

Preconfirmation Adequate Protection Payments will be paid to the trustee for creditor _____ in the amount of \$_____ per month commencing on the 30th day from the date of filing of the case. The trustee shall deduct the foregoing adequate protection payment(s) from the debtor's plan payment and disburse the adequate protection payment to the secured(s) creditor at the next available disbursement or as soon as practicable after the payment is received and posted to the trustee's account. The trustee will take her statutory fee on all disbursements made for preconfirmation adequate protection payments.

Preconfirmation Adequate Protection Payments will be paid to creditor _____ directly in the amount of \$_____ per month commencing no later than the 30th day from the date of filing of the case and the debtor will provide to the trustee evidence of the payment including the amount and date of payment.

Name of Creditor and Last Four Digits of Loan Number	AMOUNT OF ARREARAGE	INTEREST RATE	EQUAL MONTHLY PAYMENT	NUMBER OF MONTHS	TOTAL PAYMENT
Name _____					
Loan No. _____					
1) Cure of default	\$ _____	% _____	\$ _____	# _____	\$ _____
2) Regular monthly payment			\$ _____	# _____	\$ _____

- To the trustee as part of the plan payment during the life of the plan and thereafter directly to the creditor.
- Directly to the creditor.

Name _____					
Loan No. _____					
1) Cure of default	\$ _____	% _____	\$ _____	# _____	\$ _____
2) Regular monthly payment			\$ _____	# _____	\$ _____

- To the trustee as part of the plan payment during the life of the plan and thereafter directly to the creditor.
- Directly to the creditor.

Each creditor will retain its lien until the earlier of payment of the underlying debt determined under non-bankruptcy law or discharge under §1328. If the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable non-bankruptcy law.

Leases of Personal Property – the debtor holds a leasehold interest in personal property, and will make all post-petition payments directly to lessor(s): _____

5. **CLASS 5** - Non-priority Unsecured Claims. Debtor estimates that non-priority general unsecured claims total the sum of \$_____. Pursuant to the Statement of Currently Monthly Income and Calculation of Commitment Period and Disposable Income, the monthly disposable income to be paid to non-priority, unsecured creditors is \$_____.

Class 5 claims will be paid as follows, subject to the terms of paragraph IA herein:

(Check one box only.)

Class 5 claims (including allowed unsecured amounts from Class 3) are of one class and will be paid pro rata at _____% of such claims. Pursuant to 11 U.S.C. §1325(b), if the trustee or an unsecured creditor objects to confirmation of the plan, the debtor will pay all projected disposable income to the trustee for the applicable commitment period.

OR

Class 5 claims will be divided into subclasses as shown on the attached Exhibit(s) ____ and paid pro rata in each subclass as indicated therein. The Plan provides the same treatment for each claim within each subclass of Class 5. The claims of each subclass are substantially similar and the division into subclasses does not discriminate unfairly. Pursuant to 11 U.S.C. §1322(b)(10), the debtor may create a subclass wherein interest is paid on a non-dischargeable claim only if the debtor proposes to pay all allowed claims in full and the debtor has sufficient disposable income to pay interest on the non-dischargeable claim(s).

Pursuant to 11 U.S.C. §1325(b), If the trustee or an unsecured creditor objects to confirmation of the plan, the debtor will pay all projected disposable income to the trustee for the applicable commitment period.

6. **CLASS 6** - Postpetition claims under 11 U.S.C. § 1305. Postpetition claims allowed under 11 U.S.C. § 1305 will be paid in full in monthly installments commencing after entry of an order allowing such claims and concluding on the date of the last payment under the plan, provided sufficient funds are available under the plan or amended plan.

III. COMPARISON WITH CHAPTER 7 - The value as of the effective date of the plan of property to be distributed under the plan on account of each allowed claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under chapter 7 of the Bankruptcy Code on such date. The amount distributed to nonpriority unsecured creditors in chapter 7 would be \$_____ which is estimated to pay _____% of the scheduled nonpriority unsecured debt.

IV. PLAN ANALYSIS - TOTAL PAYMENT PROVIDED FOR UNDER THE PLAN

CLASS 1

Domestic Support Obligations	\$ _____
Unpaid Attorney's fee	\$ _____
Internal Revenue Service	\$ _____
Franchise Tax Board.....	\$ _____
Other	\$ _____
Other	\$ _____
CLASS 2.....	\$ _____
CLASS 3.....	\$ _____
CLASS 4.....	\$ _____
CLASS 5.....	\$ _____
SUB-TOTAL	\$ _____
TRUSTEE'S FEES (Estimate 11% unless advised otherwise.).....	\$ _____
TOTAL PAYMENTS.....	\$ _____

V. ENLARGEMENT OF TIME FOR PAYMENTS

Pursuant to 11 U.S.C. §1322(d)(2), the combined current monthly income of the debtor and the debtor’s spouse when multiplied by 12 is less than the state median family income for the household size. Cause exists to extend the period of the plan beyond 3 years as follows:

VI. DEBTOR’S ABILITY TO MAKE PAYMENTS AND COMPLY WITH BANKRUPTCY CODE

Debtor will be able to make all payments and comply with all provisions of the plan, based upon the availability to the debtor of the income and property the debtor proposes to use to complete the plan.

This plan complies with the provisions of chapter 13 and all other applicable provisions of the Bankruptcy Code. Any fee, charge, or amount required to be paid under the United States Code or required by the plan to be paid before confirmation has been paid or will be paid prior to confirmation. All applicable federal, state and local tax returns as required by 11 U.S.C. §1308 have been filed with the appropriate taxing agency. The action of the debtor in filing the petition was in good faith and the plan has been proposed in good faith and not by any means forbidden by law.

VII. OTHER PROVISIONS

A. Debtor rejects the following executory contracts and unexpired leases.

B. Debtor assumes the executory contracts or unexpired leases set forth in this section. As to each contract or lease assumed, any defaults therein and debtor’s proposal for cure of said default(s) is described in Class 4 of this plan.

C. In addition to the payments specified in Section II herein, the debtor will make regular payments directly to the following:

D. Debtor hereby surrenders the following personal or real property.

E. Miscellaneous provisions (specify):

F. The trustee is authorized to disburse funds after the date of confirmation in open court.

G. Pursuant to 11 U.S.C. §521(f)(4), the debtor will annually submit a statement, under penalty of perjury, of the debtor’s income and expenditures for the tax year most recently concluded and a statement, under penalty of perjury, of the debtor’s monthly income that shows how income, expenditures and monthly income are calculated. The statements shall be reviewed by the trustee who may petition the court to increase the monthly payments for cause.

H. Debtor will pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities.

VIII. REVESTMENT OF PROPERTY

Property of the estate shall not revert in the debtor until such time as a discharge is granted or the case is dismissed. Revestment shall be subject to all liens and encumbrances in existence when the case was filed, except those liens avoided by court order or extinguished by operation of law. In the event the case is converted to a case under chapter 7, 11, or 12 of the Bankruptcy Code, the property of the estate shall vest in accordance with applicable law. After confirmation of the plan, the chapter 13 trustee shall have no further authority or fiduciary duty regarding use, sale, or refinance of property of the estate, except to respond to any motion for proposed use, sale, or refinance as required by the Chapter 13 General Order of this court. Prior to any discharge or dismissal, the debtor must seek approval of the court to purchase, sell, or refinance real property.

Dated: _____
_____ Attorney for Debtor(s)

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California _____
Debtor

Executed on: _____
_____ Joint Debtor