

Rule 3070-1 Payments by Chapter 13 Trustee

(a) Payments by Trustee.

(1) Unless otherwise ordered by the court, upon notice and hearing, for good cause shown, or as otherwise provided by rule, the trustee will commence payments under the plan not later than the last business day of the month following the later of the entry of the order confirming the plan or the last day for filing a proof of claim by a governmental unit.

(2) Unless otherwise provided in the plan or the order confirming the plan, the trustee will make distributions under the confirmed plan not later than the last business day of each month.

(3) Prior to confirmation of the plan, the trustee will disburse any payment as defined in 11 U.S.C. § 1326(a)(1)(B) or (C) to the creditor entitled to such payment not later than the last business day of each month.

(b) Effect of Payments.

(1) Notwithstanding any other provision in the contract between the debtor and any creditor, payments by the debtor that are made timely to the trustee as provided in the plan or by otherwise applicable law or rule and timely distributed by the trustee are conclusively presumed to have been made timely for all purposes.

(2) If the debtor timely pays the amount of the allowed claim for any arrearage as provided in Paragraph 2(d) of the plan, while making all required postpetition payments, the mortgage or secured loan agreement will be reinstated according to its original terms, extinguishing any right of the lender to recover any amount alleged to have arisen prior to the filing of the petition.

Related Provisions:

11 U.S.C. § 1326

Payments

AK LBR 2083-1

Chapter 13 Cases