

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

IN RE:

CASE NO.
CHAPTER 13
Section A

Debtor's Counsel: _____

CHAPTER 13 PLAN

___ Original ___(1st, 2nd,...) Amended Plan filed : _____ ___(1st, 2nd,...) Modified Plan filed: _____

1. Payment and length of Plan: The future earnings and other future income of Debtor is submitted to the supervision and control of the Trustee. The Debtor shall pay \$___ per month beginning on the first month following the filing of this case and continuing monthly thereafter for ___ months.

Other payments to the Trustee: Debtor shall file both Federal and State Income Tax returns timely. Debtor shall provide a copy of same to the Trustee immediately after filing. All Federal and State Income Tax Refunds due for all years during this Plan's effect are disposable income and will be turned over to the Trustee as an additional distribution to creditors. Debtor is allowed to retain the Earned Income Credit (EIC) portion of their refunds.

The proceeds of any lawsuit or unliquidated claim held by Debtor as of the date of filing or accruing during the term of this Plan must be turned over to the Trustee and shall constitute an additional distribution to creditors.

The proceeds of any refinancing or the sale of property owned by Debtor or acquired during the term of this Plan must be turned over to the Trustee for administration.

2. Disposable Income: Debtor is ___ above the means ___ below the means

Debtor's disposable income as reflected on Schedule B22C, after adjustment as set forth on the reconciliation report filed with this Plan, is \$_____ per month. (If the Plan proposes to pay less than the amounts set forth on Schedule B22C as adjusted, please file a statement of explanation as to why.)

Debtor alleges that present disposable income as reflected on Schedule J is \$_____. In addition, this plan will be funded by contributions of \$___ per month from _____. Those contributions shall be paid by ___ wage order ___ bank draft to ____, ___ other.

3. Liquidation analysis:: The present value of property available to pay nonpriority, unsecured creditor interests should a liquidation be ordered is \$_____. (Attach completed liquidation analysis).

4. From the payments received under the Plan the Trustee shall make disbursements as follows:

a. Payment of administrative expenses until satisfied in full:

- (1) Filing Fee (unpaid portion): \$___
- (2) Trustee's fee: % (paid as accrued)
- (3) Attorney's Fee (unpaid portion) \$_____

Attorney's fees within the guidelines of this Court's Administrative Order will be deemed approved by the Court unless Objection is filed at the time of confirmation. Any additional fees claimed are subject to application and approval of the Court.

b. Priority Claims under 11 U.S.C.§507, payments to priority claimants will be made in preference to all other claimants, except administrative expenses set forth in paragraph 4(a) above, unless otherwise indicated:

Name	Amount of Claim	Monthly payment	Months of Payment	Int Rate	Total Payments
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c. Secured Claims shall be paid after the satisfaction of payments under paragraphs 4(a) and (b), after which payments to claimants in classes 4(c) shall be paid for the term and in the amounts specified.

(1) Secured claims which will not extend beyond the length of the Plan:

Names/Description of collateral	Proposed allowed amt. Of secured claim	Monthly payment Dates of payment	Int. rate	Total Payments
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(2) Defaults to be Cured on Claims Secured by Property of the Estate:

The following claimants will retain their security interests in the collateral described below to secure the amounts set forth below until paid in full under the terms of this plan. On completion of the plan, any amount owed to cure the obligations of Debtor to the following claimants on the claims itemized below will be discharged and the Debtor will be released from any further obligation *in personam* or *in rem* with regard to the amounts necessary to cure the following claims. On completion of the plan the following claims shall be deemed in good standing and current as of the petition date. The security interest of the claimant shall survive discharge but only to secure those amounts maturing after the petition date and assuming the reinstatement of the debt of completion of the plan. The amounts accruing to the claimant post-petition may be affected by the court's Administrative Order 2008-1 and the General Provisions of this plan.

Name/Description of collateral	Allowed Amt	Monthly payment Dates of payment	Int. rate	Total Payments
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(3) Secured claims which will extend beyond the length of the Plan:

Regular installment payments accruing postpetition on the following obligations will be paid to the claimant directly. As a result, no payments on postpetition accruing installments will be made by Trustee from funds payable under this plan. The claimant's allowed security interest will be retained to secure all amounts accruing postpetition. All secured creditors will be required to comply with Administrative Order 2008-1:

Names/Description of collateral	Proposed allowed amt. Of secured claim	Monthly payment Dates of payment	Int. rate	Total Payments
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d. Unsecured Claims. The total present value of anticipated distributions to non-priority, unsecured claimants is \$_____. However, general nonpriority unsecured claims shall be paid no less than \$_____ in aggregate. No amounts will be paid on unsecured claims until plan payments under paragraphs 4(a)-(b) are satisfied, after which payments to claimants in class 4(c) shall be paid in the monthly amounts specified above. Once the monthly installments due class 4(c) have been made for any given month, any additional monies available for distribution shall be paid, *pro rata* based on the individual claimant's share of the sums allocated for distribution to this class, to those with claims in class (4)(d). Claimants in this class will not receive interest on their claims except_____. At the time of confirmation, it is estimated that claimants in this class will receive distributions equal to ___% of their allowed claims. Actual distributions may vary depending on changes in Debtor's disposable income over the life of the Plan, the amount of allowed unsecured nonpriority claims, the amount and ranking of secured, priority and administrative claims.

5. All payments to the Trustee are to be made directly by _____ Debtor _____ Wage order

Payments to _____(secured or priority creditor(s)) shall be made by _____Wage deduction _____ Debtor _____bank draft _____other

6. All executory contracts are rejected unless specifically assumed:

Name	Description of Contract
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7. Property to be surrendered in full satisfaction of claim:

Property description	Creditor
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8. The following liens shall be avoided pursuant to 11 U.S.C. §522(f) upon completion of the plan:

(Notice must be given to the recorder of mortgages for Parish where lien is recorded if applicable)

Recordation	Parish	Description of Property	Value	Amt. Of priming	Exemption amt.
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Information

encumbered

Secured claims

11. Other:

GENERAL PROVISIONS

As used, the term "Debtor" shall include both Debtors in a joint case.

The effective date of this plan shall be the date of entry of the Order of Confirmation; modifications to the Plan shall become effective upon entry of an order approving same.

The Order of Confirmation, or any subsequent order of the Court supercedes any provision of the Plan which is in conflict.

All Plan payments by Debtor shall be payable to S.J. Beaulieu, Jr., Chapter 13 Trustee, or his successor in interest, and must include Debtor's name and case number. They must be mailed to S. J. Beaulieu, Jr., Chapter 13 Trustee, P.O. Box 6537, New York, NY 10249.

Except as otherwise provided by the Plan or Order of the Court, the Trustee shall only make payments to allowed claimants.

Creditors who have co-signers, co-makers, or guarantors ("Co-Obligors") and for whom this Plan provides full payment of the amounts contractually due are enjoined from collection under 11 U.S.C. §1301, and full payment of the allowed amounts shall constitute full payment of the debt as to Debtor and any Co-Obligor.

All property of the estate shall vest in Debtor at the time of confirmation. All scheduled property of the estate shall be retained by Debtor. However, upon the disposition of Debtor's rights in estate property, all proceeds received shall be:

- a. Retained by Debtor if from the disposition of exempt property;
- b. If not exempt, remitted to the Trustee for administration in accordance with the Plan or further order of the Court.

On completion of the plan, all prepetition claims provided for by the plan or disallowed under 11 U.S.C. §502 shall be discharged except as provided by 11 U.S.C. §1328 or the plan.

Secured Claimants

Allowed secured creditors shall retain their mortgage, lien or security interest in collateral until completion of the payments due under the plan. To the extent the plan provides for the cure of prepetition defaults on a secured claim but provides that the unmatured prepetition amounts owed shall be payable beyond the term of the plan, the secured claimant shall retain its lien to secure the repayment of the prepetition default as provided by the plan. On completion of the plan's terms, the prepetition default shall be deemed cured, the loan will be current, and all claims or other amounts matured and owing on the loan prepetition shall be released both *in personam* and *in rem*. Except as provided by the plan, the allowed secured claim shall be reduced to the unmatured portion of debt that extends beyond the discharge date and the claimant's lien shall be retained to secure that obligation unless otherwise modified by court order. (*See, i.e.* Administrative Order 2008-1).

For an allowed secured claim payment of which does not extend beyond the plan completion date (payable entirely through the plan), upon payment of the allowed secured claim, the lien or security interest on Debtor's property shall be cancelled. Upon completion of the plan, claimants holding claims cured under 4(c)(2) shall release and cancel from the public records any lien, writ, notice of seizure or encumbrance created by virtue of an action to collect the debt so cured.

Debtor may modify the interest rate or other terms of repayment without separate objection. Confirmation of the Plan does not bar Debtor or any party in interest from objecting to a claim, whether or not said claim was filed at the time of

confirmation.

To the extent that this Plan proposes to surrender collateral in full satisfaction of a claim, upon confirmation of the Plan Debtor will notify the secured claimant (at the address specified on its proof of claim) of the location of the collateral and take steps reasonably necessary to assist the secured claimant in its collection. Upon confirmation, Debtor shall immediately discontinue use of the collateral. Debtor shall continue to insure all surrendered collateral until the earlier of 30 days following confirmation or the taking of possession by creditor or its agent. Debtor shall not be responsible for any damages or depreciation in value to the collateral except to the extent caused by Debtor's use post-confirmation, fault or gross negligence. Upon confirmation, the stay imposed by 11 U.S.C. §362 shall be lifted as to all surrendered collateral in order to allow any creditor holding a security interest in same to pursue its rights to the collateral. Unless otherwise provided in the Plan, any surrender shall be deemed in full satisfaction of the creditor's entire claim, and no deficiency or unsecured claim will be due. If a deficiency claim is allowed under the Plan's terms, the secured claimant will have 60 days from confirmation to file an amended proof of claim for the deficiency or will thereafter be barred from asserting same.

Unless ordered otherwise, the Trustee shall cease making disbursements to any secured claimant after an order lifting the stay imposed by 11 U.S.C. §362(a) is entered or a plan that surrenders the collateral in full satisfaction of the claim pursuant to 11 U.S.C. §1325(a)(5)(C) is approved.

During the term of the Plan, all secured creditors shall continue to send Debtor all notices, statements or other written information on the status of direct, monthly post-confirmation payments. However, demand letters are not permitted nor may secured claimants invoice or provide informational statements as to accrued, but unapproved, charges allegedly due, except under the procedures outlined in Administrative Order 2008-1.

If a secured claimant proposes under the terms of its note or security instrument to change the amount of any direct payments made by Debtor to reflect a change in interest rate or an escrow adjustment due to a change in the amount due for property insurance or property tax, the claimant shall give written notice of the change to Debtor, Debtor's counsel and Trustee along with appropriate documentation explaining the reason for the adjustment. To the extent the secured creditor claims a right to receive any post-confirmation charges (other than interest, insurance and property taxes) under the terms of its contract with Debtor, an annual written statement of said charges must be filed of record in the case, a copy of which must be mailed to Debtor, Debtor's counsel and Trustee setting forth an itemization of the charges claimed in accordance with Administrative Order 2008-1.

Unless otherwise ordered by the Court, all payments received by the secured creditor from the Trustee shall be applied to reduce the amounts reflected on the creditor's proof of claim. All amounts paid directly by Debtor to the secured creditor will be applied to outstanding interest accrued since the filing date, Debtor's escrow account or principal. Debtor's payments may not be applied to any fees or costs whether incurred pre or post-petition without further approval from the Court. In the event a secured creditor believes it is entitled to additional post-petition charges (other than interest, insurance, property tax or principal payments), it must seek approval for same from the Court prior to imposing any charge against Debtor's account.

Liquidation Analysis

a. Real Estate:

Value: \$
Less Secured Claims: \$
Less Exemptions: \$
Less Costs of liquidation: \$
Less Chapter 7 trustee's fees: \$
Total liquidation value of real estate.....\$

b. Personal Property not fully exempt:

Vehicles:
1. Value: \$
Less Secured Claims: \$
Less Exemptions: \$
Less Costs of liquidation: \$
Less Chapter 7 trustee's fees: \$

Vehicles:
2. Value: \$
Less Secured Claims: \$
Less Exemptions: \$
Less Costs of liquidation: \$
Less Chapter 7 trustee's fees: \$

Total liquidation value of vehicles.....\$

c. Other: \$

(describe property and its value, include unliquidated claims)

Less liens and exemptions \$
Less costs of liquidation \$

Total liquidation value of other property.....\$

d. Value of property recoverable under avoiding powers.....\$

Total value of proceeds available for distribution to unsecured claimants.....\$

Less priority and administrative claims.....\$

Total available for unsecured, non-priority claimants.....\$

1. Plan contributions

a. Future earnings of \$ per (month, week, etc.) \$

(Aggregate present value assuming % discount rate)

b. Assets to be sold and which may yield excess proceeds for unsecured creditors (description with net estimated value):

.....\$

c. Assets with no known value at time of filing (i.e. interest in lawsuit, etc.) that will be liquidated and may yield excess proceeds for unsecured creditors (description with net estimated value):

value):.....\$

Total Contributions by Debtor under the Plan.....\$

2. Estimated payment to unsecured creditors:

a. Trustee will pay unsecured creditors a present value base plan amount of.....\$

(But in no event less than \$)

b Anticipated base plan percentage is %, but is subject to change based upon the total amount of claims filed.