

Chapter 13 Procedures
PROCEDURE #9 - NOTICE OF MONTHLY PAYMENT CHANGES

All notices of postpetition monthly payment changes must be served on the debtor, debtor's counsel and the Trustee. This applies not only to the mortgage changes but to any monthly payment currently being paid by the Trustee. Service of such a notice shall not be construed as a violation of the automatic stay.

The proposed order accompanying any motion or pleading that requests an increase in a periodic payment shall set a 15-day deadline for filing an amended plan. The Trustee will not implement and the court will not enforce any default order without the affirmative consent of the Trustee in writing.

The debtor's counsel (or debtor if pro se) will be responsible for proposing an amended plan including the increased monthly payment if the monthly payment change results in the under-funding of the plan.

Any amended plan containing the changed payment shall include the following statement: "The new postpetition monthly payment payable to _____ is effective _____, per the escrow notice dated _____."

In the event that the monthly payment change does not result in the under-funding of the plan, debtor's counsel (or debtor if pro se) must file a declaration that he has reviewed the existing plan, recomputed the plan payment, and finds that the existing payment is sufficient to fund the plan even with the new debt added. The declaration filed to indicate that the plan remains adequately funded to pay the new postpetition monthly payment shall include the following statement: "The new postpetition monthly payment payable to _____ is \$_____, effective _____, per the escrow notice dated _____."