



**(b) Contents of Plan.**

**(1) Minimal Requirements.** The plan shall be signed by the debtor and shall clearly set forth the specified payment to be made to the trustee, the estimated length of the plan, and provisions showing compliance with § 1322(a) of the Code.

**(2) Payment to General Unsecured Creditors.** The plan must set forth the percentage payments to be made to general unsecured creditors or the total amount to be paid to the trustee under the plan. If the plan calls for a specific amount to be paid, an estimated percentage shall be set forth which assumes all claims will be filed as scheduled or estimated by the debtor.

**(c) Treatment of Personal Property Loans, Leases and Executory Contracts.**

**(1) Proposed Treatment.** The plan shall state clearly the treatment and payment proposed for each loan, lease or executory contract.

**(2) Motor Vehicles.** Unless otherwise ordered by the court, all vehicle payments, whether lease or loan, shall be made by the trustee. The plan shall specify the month in which the trustee's regular monthly disbursement on the lease or loan shall begin.

**(3) Other Personal Property.** Unless otherwise ordered by the court, all other lease or loan payments shall be made by the debtor.

**(d) Treatment of Real Estate Mortgages.**

**(1) Method of Payment.** Unless otherwise ordered by the court, regular monthly payments on a real estate mortgage pursuant to § 1322(b)(5) of the Code shall be disbursed by the trustee if the obligation is in arrears as of the petition filing date.

**(2) Mortgage Proof of Claim.** If regular monthly payments to a mortgage creditor are to be disbursed by the trustee, the mortgage proof of claim shall include LBR Form 3001-1 as an attachment.

**(3) Regular Monthly Payments to Mortgage Creditor.** If regular monthly payments to a mortgage creditor are to be disbursed by the trustee, the plan shall specify the month in which the trustee's regular monthly disbursement to the mortgage creditor shall begin.

**(4) Change in Regular Monthly Payments to Mortgage Creditor.** If there is any change in the regular monthly payment, the mortgage creditor shall file with the court an amended proof of claim or notice of payment change (LBR Form 3015-1(d)(4)), and serve the debtor, debtor's attorney and chapter 13 trustee no later than thirty (30) days prior to the effective date of the change.

**(e) Payment Method.** Unless otherwise ordered by the court or agreed to by the trustee, funding of a chapter 13 plan shall be by payroll deduction. Payroll deduction shall be

effected by order of the court. The order may be tendered by the debtor with the filing of the plan. No motion for payroll deduction is necessary.

**(f) Exclusive Payment Through Plan.** Unless otherwise ordered by the court, a debtor shall not pay directly a debt which the plan provides shall be paid by the trustee.

## **3015-2      CHAPTER 13 — AMENDMENTS TO PLAN AND MODIFICATIONS TO PLAN**

**(a) Preconfirmation Amendments.** For cases heard in Dayton and Cincinnati, a plan amendment proposed prior to confirmation must be filed at least three (3) days prior to the confirmation hearing. For cases heard in Columbus, a plan amendment proposed prior to confirmation must be filed at least ten (10) days prior to the confirmation hearing. All plan amendments shall be served on the trustee, United States trustee, and upon all adversely affected parties and shall be accompanied by a notice giving the trustee and affected parties twenty-one (21) days to object in writing to the amendment. For cases heard in St. Clairsville, the notice setting the meeting of creditors or court order will specify the time requirements for amendments and objections thereto.

**(b) Postconfirmation Modifications.** A plan modification proposed after confirmation shall be made by motion and must be filed and served on the trustee, United States trustee, and all adversely affected parties, including, when appropriate, the debtor and the case attorney. When appropriate, proposed plan modifications shall include:

(1) A particular reference to the provisions of the confirmed plan that are being modified, including any proposed percentage to be paid to unsecured creditors and the approximate number of months required to complete the proposed modified plan;

(2) The extent to which the proposed modification affects the rights of creditors or other parties in interest;

(3) The date(s) of the confirmation order of the original plan and of any previous modified plan(s);

(4) If a motion to modify the plan proposes to decrease the dividend to unsecured creditors or to extend the length of the plan, the reason for the modification, including any change in circumstances since confirmation; and

(5) If the motion to modify proposes to change the amount of each periodic payment to the plan, an amended schedule I and J, unless the motion is for a temporary suspension of payments.