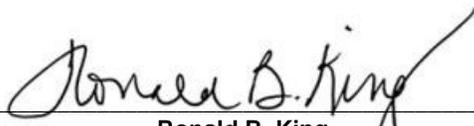
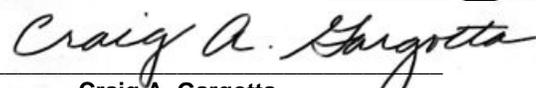


SIGNED this 29th day of October, 2015.





Ronald B. King
Chief United States Bankruptcy Judge



Craig A. Gargotta
United States Bankruptcy Judge



H. Christopher Mott
United States Bankruptcy Judge



Tony M. Davis
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CONSOLIDATED STANDING ORDER FOR CHAPTER 13
CASE ADMINISTRATION FOR THE AUSTIN DIVISION

The Bankruptcy Judges for the Western District of Texas for the Austin Division have determined that, in addition to the Amended Standing Order Relating to Ongoing Mortgage Payments in Chapter 13 Cases in the Austin Division (the “Mortgage Order”), the following procedures are necessary for the efficient and orderly administration of Chapter 13 cases. This Consolidated Standing Order supersedes all prior standing orders regarding chapter 13 practices (other than the Mortgage Order).

1. ADOPTION OF CHAPTER 13 PLAN FORMAT:

Attached as Exhibit #1 to this Standing Order is a chapter 13 Plan Form (hereinafter “Form Plan”) which shall be used by all chapter 13 debtors in cases filed after the effective date

of this Order. *The Form Plan may be revised periodically.* The clerk shall make available to the public the Form Plan.

The current Form Plan contains a Motion to Value Collateral and a Motion to Avoid Liens under 11 U.S.C. § 522. Objections to the valuation or lien avoidance feature of the plan/motion must be in writing and filed no later than fourteen (14) days prior to confirmation. All other confirmation objections must be filed no later than fourteen (14) days prior to the confirmation hearing date.

2. TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS:

After the deadline for filing proofs of claims has passed, the chapter 13 trustee (hereinafter "trustee") shall file a Trustee's Recommendation Concerning Claims (hereinafter "TRCC") and serve a copy upon the debtor, debtor's counsel, all creditors and other parties in interest. No order will be entered approving the TRCC. Instead, if no objection or other response is timely filed, then the TRCC shall be binding upon all creditors and other parties in interest, and the trustee is authorized to make disbursements according to the provisions of the TRCC without further order of the court.

If an objection or other response to the TRCC is timely filed, the trustee may nonetheless make distribution in accordance with the provisions of the TRCC, except with respect to the claim that is subject of the response or objection. The trustee shall reserve funds attributable to the challenged claim until the allowance or treatment of the claim has been resolved. If, as a result of the claim resolution, there is a greater or lesser amount of money available for distribution to other creditors, the trustee may adjust the payments to creditors accordingly without having to file another TRCC.

The TRCC must prominently display the following notice:

This pleading requests relief that may be adverse to your interests.

No hearing will be conducted on this recommendation concerning claims (or its treatment of any claim) unless a written response is filed within twenty one (21) days from the date of service.

A timely response is necessary for a hearing to be held. If no response is timely filed, the treatment of claims reflected in this recommendation shall be deemed approved by the court without further hearing or order.

By order of the court, the Trustee's Recommendation Concerning Claims shall set a bar date for objecting to claims, for contesting the validity or priority of liens, and for challenging the priority of claims. The bar date shall be the twenty first (21st) day after the service of the recommendation of claims as shown in the certificate of service attached hereto. Any objection, motion, or adversary proceeding contesting the validity or priority of any claim reflected in this recommendation concerning claims may not be filed after the expiration of the bar date except upon leave of court, after motion requesting such leave, and upon notice of hearing to the chapter 13 trustee, the debtor, the debtor's counsel and all parties in interest.

3. OBJECTIONS TO CLAIMS FOLLOWING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 21 days after service of the TRCC. Any revised or agreed order affecting distributions to creditors or allowance of a claim should be submitted to the trustee for review, and then marked by counsel submitting the order "approved by trustee as to form" prior to submission to the court.

4. MOTIONS TO VALUE PROPERTY INDEPENDENT OF THE PLAN:

Motions to Value Property or to Avoid a Lien may be filed as part of the debtor's plan as provided in section III of the Form Plan. Any request by the debtor to value property of the estate or to avoid a lien under section 522(f), independent of the plan, must be in writing and filed no later than 21 days after service of the TRCC.

5. RESPONSES TO OBJECTIONS TO CLAIM; RESPONSES TO MOTIONS TO VALUE PROPERTY:

Responses to Objections to Claims and Motions to Value Property must be filed by the deadline provided in the notice included in such motion pursuant to Bankruptcy Local Rule 9014. If no such notice is included, no response is necessary and the Objection to Claim shall be set for hearing.

6. AMENDMENTS TO THE CHAPTER 13 PLAN; RESPONSES TO OBJECTIONS TO CONFIRMATION:

The last date that a debtor may seek to amend its chapter 13 plan is not later than 21 days prior to the date scheduled for hearing on the confirmation of the plan. The court will only consider de minimis, nonsubstantive, or technical amendments to the plan made after that date. The court will consider material amendments, such as those based on claim resolutions, or as necessitated by changed circumstances, but additional notice may then be required before the hearing can be held.

Any revised or agreed orders affecting treatment of claims or disbursements in a chapter 13 plan shall be incorporated into an amended plan. Additionally, any revised or agreed orders shall be submitted to the trustee for review, and then marked by counsel submitting the order: “approved by trustee as to form,” prior to submission to the court.

If the trustee has not recommended confirmation, a substantive response to pending objections to confirmation should be filed no later than six (6) calendar days prior to the confirmation hearing. If the response indicates the debtor will address an issue in the future, the response should specifically indicate when and how the issues will be addressed.

If no response is timely filed, the court may elect to deny confirmation by default.

7. SERVICE OF THE PLAN AND PRE-CONFIRMATION AMENDMENTS:

Whether or not the plan is filed with the chapter 13 petition at the commencement of the case, the debtor shall be responsible for service of the plan on all creditors. Whenever a chapter 13 plan is amended prior to confirmation, the debtor shall serve the amended plan on all creditors, parties in interest and the trustee. A certificate of service must be filed with the clerk of the court reflecting service of any plan or amended plan and should indicate service was made pursuant to Local Rule 9013.

8. DEBTOR'S DUTY TO FACILITATE NOTICE REGARDING DOMESTIC SUPPORT OBLIGATION:

In order to facilitate the expedient notice to domestic support claim holders and the applicable state agency provided for in 11 U.S.C. §1302, the debtor shall, no later than seven (7) days after the filing of the petition, provide to the trustee the names and current addresses and telephone numbers of all persons to whom the debtor owes a domestic support obligation. At the same time the debtor shall provide to the trustee the name, address, and telephone number of the state child support enforcement agencies as set forth under section 1302(d)(1)(A)(i) for the states in which the persons to whom the debtor owes a domestic support obligation reside.

9. ADEQUATE PROTECTION PAYMENTS BY THE CHAPTER 13 TRUSTEE; PRE-CONFIRMATION DISBURSEMENTS:

a) All pre-confirmation payments required by section 1326(c) will be made by the chapter 13 trustee. Unless the court orders otherwise pursuant to a motion filed under subparagraph (d) below, the monthly installments proposed by the debtor's plan will be considered to provide adequate protection to such creditor. The debtor's chapter 13 plan must propose a pre-confirmation adequate protection payment to all creditors entitled to such payment

pursuant to 11 U.S.C. § 1326(a).

b) To be paid adequate protection payments, each secured creditor must file a claim with the clerk of the court, attach adequate proof of its security interest and serve it on the debtor(s) and debtor(s) attorney.

c) If no Objection to Claim is filed by the debtor(s) or any other party in interest within seven (7) days of the filing of the claim, adequate protection payments to the secured creditor will commence in the amount specified under an order on a motion made under (d) below, or, if no such order has been entered, in the amount specified under the proposed plan, with the next regular trustee disbursement after the thirtieth day following the filing of the petition if the plan has not been confirmed. Adequate protection payments will cease upon confirmation of the plan.

d) A secured creditor may file a Motion for Adequate Protection Payment pursuant to 11 U.S.C. § 363(e), utilizing fourteen (14) day negative notice language, if the creditor is not provided for in the plan or objects to the monthly payment proposed in the debtor's plan. Any order on adequate protection payments should be submitted to the trustee for review prior to submission to the court.

e) Any adequate protection payments made hereunder will reduce the principal amount of the recipient's claim unless otherwise ordered by the court.

f) The trustee is allowed to take the statutory fee allowed on all such payments under this heading.

g) The trustee shall be authorized to make pre-confirmation disbursements of funds held by the trustee in this case to the allowed secured, administrative and priority claims

provided for in the proposed plan on a pro-rata basis on regular monthly disbursement dates. The trustee may reserve funds sufficient to pay ongoing mortgage payments which are due.

10. MOTION FOR RELIEF FROM AUTOMATIC STAY

Unless the court orders otherwise, the trustee shall cease disbursements on a claim 60 days after an Order for Relief from the Stay or Notice of Termination of Stay is entered OR once the trustee receives a Notice of Repossession or Foreclosure, whichever is earlier. The creditor retains the right to file an amended unsecured deficiency claim, but such claim must be filed no later than 90 days from the date of the entry of the Order for Relief from the Stay unless the court orders otherwise.

Any revised or agreed order affecting distributions to creditors or allowance of a claim should be submitted to the trustee for review, and then marked by counsel submitting the order “approved by trustee as to form” prior to submission to the court.

11. ATTORNEYS’ DUTIES AND COMPENSATION:

An attorney representing a debtor under chapter 13 shall be the attorney of record in the bankruptcy case from the filing of the petition for relief under chapter 13, if signed by the attorney, or from the filing of a notice of appearance until the case is dismissed or closed (including disposition of motions to reinstate), unless relieved from representation by order of the court obtained pursuant to motion and notice under Local Rules 2014(e) and 9013.

The court may determine and maintain a standard benchmark fee for routine non-business chapter 13 cases. The benchmark fee for routine non-business chapter 13 cases commenced on or after October 1, 2015, shall be \$3,600. If the bankruptcy case is successfully confirmed on the first confirmation setting, the benchmark fee awarded shall be \$3,900. The benchmark fee for

business chapter 13 cases commenced after the entry of this order shall be \$4,900.

Attorney's fees will be disbursed according to the provisions of the plan. The plan must specifically state the monthly amount to be disbursed in attorney's fees. Unless specifically ordered otherwise by the court upon motion, notice and opportunity for hearing, such monthly amount shall not exceed \$1,000 in the first monthly disbursement following confirmation, and then up to \$350 per month thereafter until paid in full. Attorney's fees shall be payable from available funds after payment of administrative expenses, adequate protection payments, and/or other court ordered payments.

If an attorney receives fees of more than \$1,050 in advance and fails to obtain confirmation of a plan, the attorney shall file a statement, no later than fourteen (14) days after denial of confirmation without leave to propose a new plan, dismissal of the case, or conversion of the case, describing why the fees are properly allowable under 11 U.S.C. § 330(a)(4)(B).

In a chapter 13 case, the following services are presumed included in the benchmark fee:

- (a) All conferences with the debtor(s);
- (b) Preparation of the petition and its associated forms, schedules, statement of financial affairs, plan, and amendments to all such documents;
- (c) Attendance at all 341 meetings (including reset meetings);
- (d) Attendance at confirmation and discharge hearings (including any reset hearings);
- (e) Preparation of routine motions, which shall be deemed to include the following:
 - 1. Motions to Waive Pay Order;
 - 2. Motions to Pay Filing Fees in Installments;
 - 3. Objections to Claim and Motions to Value or Avoid Lien; and

4. Responses to exemption objections.

Notwithstanding the foregoing, an attorney may, for cause shown, request additional fees for the services listed. If so, the attorney must make the request for additional fees as set out below. Counsel shall not condition representation upon payment of an additional fee.

An attorney in a chapter 13 case may only request and obtain an award of fees for additional services beyond those specified above by court order, on motion, notice, and with an opportunity for hearing. Such request may be by separate application following the conclusion of the matter for which fees are requested, or in the motion which constitutes the additional services. Any such request for additional fees shall be set forth in the caption of the pleading (and in the form of order submitted), shall number the request in the caption and in the body of the motion, shall set forth the total fees requested to date (including the benchmark fee awarded and any additional fees previously awarded or pending), the basis for the request, and shall be served on all parties in the case. No request for fees for filing a responsive pleading for the debtor may be contained in such responsive pleading. A separate motion for fees is required. Furthermore, the debtor's attorney may not demand or receive fees from the debtor for such representation without a separate motion and order. Additional fees, if awarded, shall be paid at the rate of not more than \$350 per month if the plan payment is sufficient or in the amount necessary to complete payment within the remaining term of the plan, following payment of previously awarded fees. An attorney may request payment at a different rate only upon a showing of unusual circumstances.

Presumptively reasonable fees for post-confirmation contested matters include:

1. Defending a Motion for Relief from Stay - \$300.00
2. Defending a Motion to Dismiss - \$275.00
3. Motions to Sell Property - \$400.00 (additional \$200.00 with expedited hearing)
4. Applications to Incur Debt - \$200.00
5. Applications for Tax Refund - \$450.00
6. Motions for Moratorium - \$200.00
7. Motion to Reinstate Case - \$375.00 to be paid direct
8. Motion to Modify filed more than 120 days following confirmation - \$650.

Debtor's counsel shall file amended Schedules I and J at the time the Motion to Modify is filed, and provide income verification to the trustee at that time. Income verification shall include the two most recent tax returns and proof of recent income, which means: for employed debtors, pay stubs; for self-employed debtors, a cash-basis profit and loss statement for the past twelve months; and for income from other sources, recent documents evidencing those sources of income.

If the above documents are not filed or submitted timely, a fee award, if any, for such plan modification will be considered at the time of the hearing.

12. CERTIFICATION REGARDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS, TAX RETURNS AND DIRECT PAYMENTS:

No later than seven (7) calendar days prior to the first scheduled confirmation hearing, the debtor shall file an affirmation pursuant to F.R.C.P. 43(b) which affirms that (1) the debtor has paid all amounts that are required to be paid under a domestic support obligation, and that

first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligations as required by section 1325 (a)(8), (2) the debtor has filed all applicable federal, state, and local tax returns as required by section 1308, pursuant to section 1325(a)(9), and (3) the debtor is current in making all post-petition direct payments under the plan.

In the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, debtor shall also file with the court the certification required by section 1328(a) within 21 days after the completion by the debtor of all payments under the plan.

13. APPLICATIONS TO INCUR CONSUMER DEBT:

The debtor shall not incur consumer debt without written approval of either the court or the trustee. The debtor's attorney (or the debtor, if not represented by counsel) shall make written application to the trustee for approval in an Application to Incur Consumer Debt. The debtor's attorney shall not file the Application to Incur Consumer Debt with the clerk. If approved by the trustee, the trustee shall file the approval with the clerk. If the trustee denies the Application to Incur Consumer Debt or does not respond within fourteen (14) days, the debtor's attorney may then file with the clerk a Motion to Incur Consumer debt and the Motion to Incur Consumer Debt shall contain as an attachment the trustee's denial of the Application to Incur Consumer Debt, if applicable.

Additional attorney's fees incurred as a result of an Application to Incur Consumer Debt may be paid through the chapter 13 plan and the plan base shall be increased accordingly.

14. SALE OF EXEMPT PROPERTY:

If all liens are to be paid in full, exempt property may be sold by the debtor(s) at any time without further order of the court. All valid liens, claims, or encumbrances shall attach the proceeds of such sale. Proceeds from the sale of exempt property may be paid directly to the debtor(s) unless the court orders otherwise.

Notwithstanding the foregoing, real property exempted under Texas Property Code Section 41.001 may be sold only upon order of the court.

15. DISPOSITION OF FEDERAL INCOME TAX REFUNDS IN CHAPTER 13 CASES:

Section 362(b)(26) of the Bankruptcy Code provides for the setoff rights of the Internal Revenue Service (hereinafter “IRS”). Local Rule 3023(b)(1) is superseded to the extent it authorizes application of post-petition tax refunds to pre-petition tax liabilities, unless the court orders otherwise on motion of a party in interest under Local Rule 9013.

If the debtor receives an IRS tax refund after the petition date and before the final payment is made under the plan, or the case is converted or dismissed, the debtor may retain up to \$1,000 of the refund each year for personal use. The debtor shall turnover any amounts in excess of \$1,000 to the trustee as additional disposable income, unless otherwise ordered by the court. The trustee is hereby authorized to apply such amounts to the debtor’s plan and any plan delinquency in a debtor’s chapter 13 case. The base amount of the plan shall be increased by the amount turnover over to the trustee, and the plan will be deemed modified accordingly.

16. PROCEDURE FOR RESPONDING TO POST-CONFIRMATION TRUSTEE’S MOTIONS TO DISMISS:

A Trustee’s Motion to Dismiss (hereinafter “TMTD”) filed after confirmation shall

contain 21 day negative notice language and will be set for hearing not less than 60 days from the date of the filing of the motion. If the debtor is able to bring plan payments current, the debtor shall file a response which provides the date on which plan payments will be current. The parties may incorporate this deadline in an agreed order.

If no timely response to the TMTD is filed, no earlier than the 25th day after the TMTD was filed, the court will enter the dismissal order and the hearing on the TMTD will be terminated.

If the debtor desires to cure the default over time and continue the chapter 13 case, then the debtor should respond to the TMTD with a Motion to Modify Plan in Response to the TMTD. The debtor's motion shall be entitled: Debtor's Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case. The Motion to Modify Plan in Response to TMTD must contain 21 day negative notice language prominently indicated on the first page of the pleading and must be linked to the TMTD in ECF. The negative notice language on the Motion to Modify in Response should supply the date and time of the hearing on the TMTD (as any potential hearing on the Motion to Modify will be heard at the same time as the TMTD).

Counsel may file a response to the TMTD stating that the debtor intends to file a Motion to Modify; however, the Motion to Modify must be filed timely as set forth below.

- a) If a Motion to Modify is required to resolve the TMTD, the motion must be filed in time for the hearing on the motion to be set along with the pending TMTD, meaning that the Motion to Modify must be filed at least 32 days before the TMTD hearing. If a Motion to Modify is required to resolve the TMTD but is not

filed in time to be set with the TMTD, the court will grant the TMTD, absent extraordinary circumstances.

- b) If a Motion to Modify cannot be filed within 32 days before the TMTD hearing or an amended Motion to Modify is subsequently filed, the debtor must move to expedite the hearing on the Motion to Modify, or the amended motion, to set the hearing along with the TMTD. The debtor must follow the appropriate procedures regarding Motions to Expedite. See the judge's procedures page at:

Judge Davis: <http://www.txwb.uscourts.gov/node/421>

Judge Mott: <http://www.txwb.uscourts.gov/node/204#motion-expedite>

17. SUMMARY DISMISSAL OF CASE:

A chapter 13 case may be summarily dismissed upon submission of an order by the trustee for any one of the following causes:

- (a) Failure of the debtor to timely file a plan.
- (b) Failure of the debtor to timely file schedules.
- (c) Unexcused failure of the debtor to appear at the scheduled meeting of creditors.
- (d) The debtor becomes 60 days delinquent on payments under a confirmed plan.
- (e) Failure to comply with the provisions of a prior order which provides for such relief.
- (f) Failure to submit tax returns pursuant to 11 U.S.C. § 521(e)(2).
- (g) Failure to submit payment advices pursuant to 11 U.S.C. § 521(a)(1)(B)(iv).

18. PROCEDURES RELATING TO BANKRUPTCY RULE 3002.1:

Following service of the Mortgage Creditor's Notice of Postpetition Mortgage Fees,

Expenses and Charges, the trustee is authorized to add such amount as an arrearage claim to be paid and is authorized to commence payment of the claim as a secured claim, on a pro-rata basis for that class of claimant as funds are available after payment of other allowed secured claims. The mortgage creditor shall not duplicate or separately claim allowance of such fees, expenses or charges in an order of the court or in a proof of claim.

19. PROCEDURES FOR CLOSING COMPLETED CASES IN CHAPTER 13:

a) Upon payment by the debtor of the final plan payment to the trustee, the trustee will file with the court a Trustee's Notice of Completion of Plan Payments. The trustee will serve copies of the Trustee's Notice of Completion of Plan Payments on the debtor and the debtor's attorney.

b) Unless the debtor is not entitled to a discharge, the filing of the chapter 13 Trustee's Notice of Completion of Plan Payments will constitute notice that each debtor must file under penalty of perjury the Debtor's Motion for Entry of Discharge and Certification Regarding Plan Completion (hereinafter "Motion for Entry of Discharge") The Motion for Entry of Discharge must be signed, filed, and served on all creditors and parties in interest included on the court's mailing matrix within 60 days of the file date of the Trustee's Notice of Completion of Plan Payments. Failure to file the Motion for Entry of Discharge timely could result in the closing of the case without a discharge.

c) The Motion for Entry of Discharge will include verifications by the debtor regarding satisfaction of plan requirements, entitlement to a discharge, and the status of domestic support obligations. The Motion for Entry of Discharge will also verify that the debtor is not disqualified by the provisions of 11 U.S.C. § 1328(h) from receiving a discharge.

d) Unless an objection is filed in a timely manner, and provided the debtor is otherwise entitled, the clerk of the court will enter an Order of Discharge. Entry of the Order of Discharge without objection constitutes a finding that 11 U.S.C. § 1328(h) has been satisfied by the debtor.

e) In the event the debtor seeks a hardship discharge pursuant to 11 U.S.C. § 1328(b), the debtor's motion for hardship discharge shall include certifications regarding the status of domestic support obligations and that the debtor is not disqualified by the provisions of 11 U.S.C. § 1328(h) from receiving a discharge. The trustee will not file the Trustee's Notice of Completion of Plan Payments.

IT IS SO ORDERED.

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Exhibit #1 (effective November 15, 2013)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE: § CASE NO.
§
§
§
Debtor(s) § Chapter 13 Proceeding

DEBTOR(S)' CHAPTER 13 PLAN *AMENDED*
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Plan Summary

- A. The Debtor's Plan Payment is scheduled at _____ per month [Pay Order, Direct Pay] for _____ months. The gross amount to be paid into the plan is _____.
- B. The Plan proposes to pay all allowed priority, special class and secured claims and approximately _____ % of the unsecured allowed claims. **THIS PLAN DOES NOT ALLOW CLAIMS.** You must file a proof of claim to receive distributions under any plan. Other than adequate protection payments, disbursements will begin after entry of an order of confirmation of the plan.
- C. Value of non-exempt assets _____.
- D. Current monthly income _____ - expenses _____ = available for plan _____.
- E. The total amount to be paid into the Plan shall be increased for tax refunds as set forth in the Standing Order for Chapter 13 Case Administration in this Division. These additional receipts shall be disbursed according to the provisions of the Plan. The IRS or the Debtor(s) are directed to forward the refund to the Trustee.

Special Plan Provisions

Plan Provisions

I. Vesting of Estate Property

Upon confirmation of the plan, all property of the estate shall (shall not) vest in the Debtor(s), and shall not (shall) remain as property of the estate subject to the automatic stay of 11 U.S.C. §362.

II. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume the following executory contracts, if any:

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to reject the following executory contracts, if any:

III. Specific Treatment for Payment of Allowed Claims

1. DIRECT PAYMENTS BY DEBTOR TO CREDITORS; SURRENDER OF COLLATERAL

A. Debtor shall pay the following creditors directly:

Creditor Name	Remarks	Debt Amount	Monthly Payment
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B. Debtor shall surrender the following collateral:

Creditor Name	In Full Satisfaction (Yes/No)	Debt Amount	Collateral Surrendered
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C. Creditor's Direct Communication With Debtors

Creditors whose claims are scheduled to be paid directly by the debtor(s), including creditors with claims secured by real property or vehicles, are authorized to send monthly statements to the debtor(s). They are also authorized to communicate directly with the debtor(s) in response to a debtor's questions about monthly payments, escrow accounts, account balances, increases in monthly payments, and other routine customer service inquires.

2. PAYMENTS BY TRUSTEE

A. Administrative Expenses (including Attorney's fees)

The Trustee may receive up to 10% of all sums received.

Creditor	Estimated Amount of Debt	Monthly Payment Amount	
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B. Ongoing Mortgage Payments –

The Trustee shall pay all post-petition monthly mortgage payments on claims against real property that were delinquent on the petition date (“Ongoing Mortgage Payments”). The Ongoing Mortgage Payments will be in the amount stated in the allowed proof of claim or as fixed by Court order. If the debtor makes a Plan payment that is insufficient for the Trustee to disburse all Ongoing Mortgage Payments required below, such payments will be disbursed in the order listed below. The Trustee shall hold debtor payments until a sufficient amount is received to make a full Ongoing Mortgage Payment. The debtor shall provide to the Trustee all notices received from Mortgage Creditors including statements, payment coupons, impound and escrow notices, default notifications, and notices concerning changes of the interest rate on variable interest rate loans. The automatic stay is modified to permit Mortgage Creditors to issue such notices. Changes to the monthly Ongoing Mortgage Payment or the addition of post-petition mortgage fees and charges shall be effectuated pursuant to the *Standing Order Relating to Ongoing Mortgage Payments in Chapter 13 Cases in the Austin Division*.

Mortgage Creditor	Property Address	Monthly Mortgage Payment (proof of claim controls)	Monthly Late Charge	Interest Rate (for information only)	Payment Due Date (per contract)	Paid by Trustee OR Paid Direct by Debtor (select one)
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C. Secured Claims – Real Property; Mortgage Arrearage

The plan will cure pre-petition arrearage claims pursuant to the payment schedule set forth in the plan. The amount of the mortgage arrearage claim to be paid through the plan will be the amount of the mortgage creditors' allowed proof of claim, unless a different amount is established by court order. The amount set forth in the proposed plan and any subsequent order confirming the plan is an estimate only and is not binding on the Debtor(s) or the mortgage creditor and is not an admission on the part of the Debtor(s) nor does it prohibit the Debtor(s) from filing an objection to the mortgage creditor's claim. Unless funds are available to pay all classes on a monthly basis, secured claims will be paid ahead of unsecured claims.

Creditor	Property Address/ Description of Collateral	Estimated Claim	Mo. Pmt or Method of Disbursement	Interest Rate (if applicable)	Other remarks
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D. Secured Claims – Personal Property; Adequate Protection Payments; *MOTIONS TO VALUE COLLATERAL*

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the full amount of the claim, as specified below, plus

interest thereon at the rate specified in this Plan. **Failure of the secured creditor to object to the proposed value will be deemed acceptance of the plan under Section 1325(a)(5)(A).** Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section III(2)(E).

In the first disbursement following the filing of a claim by a creditor holding an allowed claim secured by personal property, the Trustee shall commence making adequate protection payments in the amount set out below, unless otherwise ordered by the Court. Such payments shall cease upon confirmation of the plan.

Unless funds are available to pay all classes on a monthly basis, secured claims will be paid ahead of unsecured claims.

Creditor/Collateral	Adequate Protection Payment	Other Treatment/Remarks
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The Debtor moves to value collateral described below in the amounts indicated. The Debtor(s) declares, under penalty of perjury, that the foregoing values as stated in the above Motion and the Plan for the secured debt are true and correct and to the best of their knowledge represent the replacement value, pursuant to Section 506(a)(2), of the assets held for collateral.

_____ *Debtor*

_____ *Co-Debtor*

Objections to Valuation of collateral proposed by this plan must be filed no later than fourteen (14) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. Following confirmation of the plan, monthly payments shall be made as follows:

Creditor/Collateral	Est. Claim	Value Of Collateral	Monthly Payment	Interest Rate	Pay Value of Collateral (OR) Pay Full Amount of Claim <i>(select one)</i>	
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Secured creditors shall retain their liens on the collateral which is security for their claims until the earlier of the payment of the underlying debt determined under non-bankruptcy law, or discharge under 11 U.S.C. Section 1328. In addition, if this case is dismissed or converted without completion of the plan, such liens shall also be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

E. Priority Creditors

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along with Secured creditors	Monthly Payment or Method of Disbursement
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F. General Unsecured Creditors, [including claims from rejection of contracts, leases and contracts for deed] The Trustee will pay allowed general, unsecured claims unless otherwise ordered by the Court. Unless otherwise provided below, payments to creditors with allowed general unsecured claims shall be made on a pro rata basis as funds become available after payment of other creditors. It is estimated that distribution to the general unsecured creditors will commence in the _____ month of the Plan.

G. Cure claims on Assumed Executory Contracts, Contracts for Deed & Leases:

Creditor	Estimated Amount Of Debt	Payment Method 1. Before 2. After 3. Along with Secured creditors	Monthly Payment or Method of Disbursement
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Totals:

Administrative Claims _____

Arrearage Claims _____

Secured Claims _____

Priority Claims _____

Unsecured Claims _____

Cure Claims _____

H. Lien Avoidance under 11 U.S.C. § 522(f)

MOTION TO AVOID LIENS UNDER 11 U.S.C. § 522(f)

Debtor moves to avoid the following liens that impair exemptions. Objections to Lien Avoidance as proposed in this plan must be filed no later than fourteen (14) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. (Debtor must list the specific exempt property said lien impairs and the basis of the lien, i.e. judicial, nonpurchase-money security interest, etc.)

Creditor	Property subject to lien	Amount of Lien to be Avoided	Remarks
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IV. General Information

Notice: Local Rule 3002 provides, in part:

“Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any, to the Debtor’s Attorney (or the Debtor if the Debtor is pro se).”

Limiting Notice After Deadline to File a Proof of Claim:

For pleadings requiring notice on all creditors and filed after the deadline to file a proof of claim, parties in interest need only serve the Limited Notice List and the Limited Notice List shall include the following:

- a. the United States Trustee for the Western District of Texas, Austin Division;
- b. the Chapter 13 Trustee for the Western District of Texas Austin Division;
- c. the Debtor(s) unsecured creditors or their respective counsel, provided however that they filed a claim or notice of appearance;
- d. all secured creditors in this case or their counsel;
- e. all taxing authorities holding claims against the Debtor(s);
- f. all parties who have, by notice of entry of appearance advised the Court and counsel for the Debtor(s) that they desire to receive notices herein;
- g. government agencies required to receive notice under the Bankruptcy Rules and above-named.

Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. The deadline for the filing of objections to confirmation is fourteen (14) days prior to the confirmation hearing.

Respectfully submitted this _____ day of _____, 20_____.

Debtor
Address

Co-Debtor
Address

Attorney for Debtor
Address/Phone & Fax Number

Certificate of Service

The Debtor(s) shall be responsible for service of the plan on the Trustee and all parties in interest.

ATTACH SCHEDULE OF VARIABLE PLAN PAYMENTS, IF APPLICABLE.