

1 Attorney's Name and Arizona Bar Number
Attorney's Firm Name
2 Address
Address
3 City, State and Zip Code
Telephone Number
4 Attorney for the Debtors

5 IN THE UNITED STATES BANKRUPTCY COURT
6 FOR THE DISTRICT OF ARIZONA

7 In re

8 [DEBTOR 1],

9 and

10 [DEBTOR 2],

11 Debtors.

In Proceedings Under Chapter 13

Case No.

**CHAPTER 13 PLAN AND
APPLICATION FOR PAYMENT OF
ADMINISTRATIVE EXPENSE**

12 **Creditors shall be provided for and paid as stated in this Plan regardless of the secured claim**
13 **amount stated in a proof of claim. If a secured creditor does not timely file an objection to**
14 **confirmation of the Plan then it is deemed to have accepted treatment of its claim under the Plan**
15 **and the amount to be paid on the secured claim. 11 U.S.C. § 1325(a)(5)(A). Confirmation of the**
Plan binds all claimants to treatment of the claims as provided for in this Plan. The binding effect
is regardless of any proof of claim which may be filed. 11 U.S.C. § 1327.

16 The Debtors propose the following Chapter 13 Plan:

17 **I. PROPERTY AND FUTURE EARNINGS.**

18 The Debtors shall submit the following property and future earnings to the Trustee for
distribution under the Plan:

19 Payments: \$____ per month for __ months, thirty (30) days following the date of the
20 petition pursuant to 11 U.S.C. §1326.

21 When payments are remitted late, additional interest may accrue on secured debts, which
22 may result in a funding shortfall at the end of the Plan term. The Debtors will cure any funding
shortfall before the Plan a discharged will be entered.

23 The Debtors will provide the Trustee with a copy of their federal and state income tax
24 returns for years _____ and _____ to assist Trustee in determining any changes in disposable
income.

25 Other property: None. Excluding nonexempt property or property recovered by the
26 Trustee, if the Debtors submit other property or funds to the Trustee in excess of amounts
required by the Order Confirming the Plan, they will be treated as advance payments, unless
27 otherwise ordered by the Court. In no event will the duration of the Plan be reduced to less than
the applicable commitment period, exclusive of any property recovered by the Trustee, unless all
28 allowed claims are paid in full.

1 paid as secured by personal property shall be paid prior to payments on any claims listed
2 hereafter.

3 (2) Secured Debts (Vehicles) Incurred within 910 Days and (Personal Property) incurred
4 within one year of the Petition Date. The following creditors shall retain their interest in
5 property securing their claims. They shall be paid the debt balance together with interest at the
6 rate specified. A secured creditor must release the lien when the underlying debt is paid
7 pursuant to nonbankruptcy law or the discharge has been entered in this case.

8 ***List the Following For each Secured Creditor {Name of Creditor}, secured by a lien on***
9 ***{Description of Collateral}, shall be paid a secured claim of \$ {The Amount of the Claim} with***
10 ***{State the Rate of Interest}% interest.***

11 (3) Non-tax Secured Claims. The following creditors shall retain their interest in
12 property securing their claims. They shall be paid the lesser of the debt balance or the value of
13 the property, together with interest at the rate specified. Upon payment of this amount, the
14 creditor's security interest shall be released. Any unpaid balance shall be classified as an
15 unsecured, nonpriority claim. A secured creditor must release the lien against the property after
16 the claim has been paid in full or the discharge has been entered in this case. The value of the
17 property is the amount of the creditor's secured claim stated below. The method of valuation is
18 [state the method. See General Order 95, L.R.B.P.]

19 Nongovernmental creditors not specifically named in this paragraph are presumed to be
20 unsecured, nonpriority claims. A creditor who files a secured claim is required to serve a copy
21 of the claim on the Debtors' attorney and the Trustee. General Order 95, L.R.B.P.

22 ***List the Following For each Secured Creditor {Name of Creditor}, secured by a lien on***
23 ***{Description of Collateral}, shall be paid a secured claim of \$ {The Amount of the Claim} with***
24 ***{State the Rate of Interest}% interest.***

25 (4) Secured Tax Claims.

26 (a) The following tax claim shall be treated as a secured claim. A creditor who files a
27 priority claim is required to serve a copy of the claim on the Debtors' attorney and the Trustee.
28 Rule 2083-10, L.R.B.P. A tax claimant must release all liens after the Court enters a discharge.

List the Following For each Secured Taxing Agency {Name of Taxing Agency}, secured by a
lien on ***{Description of Collateral}, shall be paid a secured claim of \$ {The Amount of the***
Claim} with {State the Rate of Interest}% interest.

(4) Property to be surrendered. All stays against enforcement by the creditor of its
interest in the collateral shall be vacated. Any allowable claim for a deficiency shall be treated
as an unsecured claim.

Creditor	Property to be surrendered
{Name of Creditor}	{Description of Collateral}

(D) PRIORITY CLAIMS

(1) Domestic Support Obligations.

The following claims shall be classified and paid as priority claims and will be paid in
full. If the claim is paid with interest, it shall be paid concurrently with all secured claims above.
If not paid with interest, the claims will be paid after all secured claims.

1 **List the Following For each Domestic Support Obligation** {*Name of Claim Holder*}, shall be
2 paid \$ {*The Amount of the Claim*} with {*State the Rate of Interest, if any*}% interest.

3 (2) Unsecured, Priority Claims.

4 The following claims shall be classified and paid as unsecured, priority claims and will
5 be paid in full, without post-petition interest, after payment of any secured claims and prior to
6 any claims listed hereafter.

7 All tax returns which are due have been filed except: _____.
8 General Order 95 and 11 U.S.C. § 1325(a)(9).

9 Claimant	10 Nature of priority claim	11 Amount
12 Internal Revenue Service	13 [<i>describe type of tax</i>]	14 \$
15 Arizona Department of Revenue	16 [<i>describe type of tax</i>]	17 \$

18 All other tax claims shall be classified and paid as unsecured, nonpriority claims, with
19 any portion not paid being discharged.

20 (E) UNSECURED CLAIMS.

21 All other claims shall be classified as unsecured, nonpriority claims. Unsecured claims
22 will be paid the balance of payments under the Plan, pro rata. Any amounts remaining unpaid
23 shall be discharged. The amount to be paid on unsecured, nonpriority claims as stated in the
24 attached Plan Analysis is an estimate only. The Plan and this Order shall not constitute an
25 informal proof of claim for any creditor.

26 IV. OBJECTIONS TO PLAN.

27 Any objections by a creditor to the Plan must be in writing and filed with the bankruptcy
28 Court not later than the date specified in the notice. A copy of the objection must be served upon
the Trustee and Debtors' counsel. If the Debtor is not represented by an attorney, then a copy
must also be served upon the Debtor. If no objection is timely filed, then the creditor is deemed
to have accepted treatment of its claim under the Plan.

29 V. REJECTION OF LEASES OR EXECUTORY CONTRACTS.

30 The Debtors elect not to assume [**or assume**] the lease or contract with creditors named
31 in this paragraph and shall surrender to such creditor the collateral subject to the lien or lease in
32 full satisfaction of any and all claims, secured or unsecured creditors may have against Debtor(s)
33 arising from the transaction creditors' interest in said property.

34 [Provide name of creditor, what is being accepted or rejected, and the terms, such as
35 curing of any defaults through the Trustee.]

36 VI. LIEN AVOIDANCE

37 The Debtors may file a separate motion to avoid a lien pursuant to § 522(f) of the
38 Bankruptcy Code. All secured creditors, except those whose liens are avoided pursuant to §
522(f), shall retain their liens or security interests until paid as provided for by this Plan.

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VII. CLAIMS AND DEBTS.

This Plan provides for all debts, claims and security interests of the debtors whether liquidated or unliquidated, contingent or non-contingent, disputed or undisputed, listed or unlisted, and scheduled or unscheduled.

VIII. OTHER PROVISIONS.

The debtor shall provide, directly to the Trustee within 30 days after the returns are filed and annually until the case is closed, copies of all post-petition federal and state income tax returns, and provided that such returns are required to be filed.

IX. EFFECTIVE DATE AND VESTING.

The effective date of the Plan shall be the date of the order confirming the Plan. Exempt property of the estate which has been disclosed shall vest in the Debtors upon confirmation. The Debtors may use exempt property in any manner or may sell the property without further order of the Court, upon Trustee's approval.

DATED: _____, 200__.

Debtor

Attorney for Debtors

Debtor

PLAN FORM 13-2 – PLAN ANALYSIS

- Debtor received a discharge in a case under chapter 7, 11, or 12 during the 4-year period, or in a case filed under chapter 13 during the 2-year period, preceding the date of order for relief in this case.
- Debtor’s CMI multiplied by 12 exceeds the median income.

**TOTAL DEBT AND ADMINISTRATIVE EXPENSES
PROVIDED FOR UNDER THE PLAN**

(a)	Priority Claims:	
	(1) Unpaid attorney fees	\$ _____
	(2) Domestic support obligation	\$ _____
	(3) Taxes	\$ _____
	(4) Other	\$ _____
(b)	Payments to Cure Defaults	\$ _____
(c)	Payments on Secured Claims	\$ _____
(d)	Payments on Unsecured, Nonpriority Claims	\$ _____
(e)	SUBTOTAL	\$ _____
(f)	Trustee’s Compensation (10% of Debtor’s Payments)	\$ _____
(g)	TOTAL DEBT AND ADMINISTRATIVE EXPENSES	\$ _____

RECONCILIATION WITH CHAPTER 7

(a)	Best Interest of Creditors Test:	
	(1) Value of debtor’s interest in nonexempt property	\$ _____
	(2) Plus: Value of property recoverable under avoiding powers	\$ _____
	(3) Less: Estimated Chapter 7 administrative expenses	\$ _____
	(4) Less: Amount payable to unsecured, priority creditors, other than costs of administration	\$ _____
	(5) Equals: Estimated amount payable to unsecured, nonpriority creditors if debtor had filed Chapter 7	\$ _____

(Section (b) to be completed by debtors whose CMI exceeds the state’s median income.)

(b)	Section 1325(b) Analysis (if debtor’s CMI multiplied by 12 exceeds applicable median income:	
	(1) Amount from Line 58 of Statement of Current Monthly Income	\$ _____
	(2) Applicable Commitment Period	60 Months
	(3) Amount required to paid to unsecured creditors (B1 times 60)	\$ _____
(c)	ESTIMATED DIVIDEND FOR UNSECURED, NONPRIORITY CREDITORS UNDER THE PLAN (Greater of (A)(5) or (B)(3))	\$ _____

* IF THERE ARE DISCREPANCIES BETWEEN THE PLAN AND THIS PLAN ANALYSIS, THE PROVISIONS OF THE PLAN, AS CONFIRMED, CONTROL.