

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:

Chapter 13

Debtor(s)

Case No.

☐ ORIGINAL CHAPTER 13 PLAN AND MOTIONS
☐ MODIFIED CHAPTER 13 PLAN DATED : _____
(Modified Plan Terms in Italics or Otherwise Highlighted)

NOTICES

NOTICE TO DEBTORS: This plan is the model plan as it appears in the Appendix to the Local Rules of the Bankruptcy Court for the Eastern District of Wisconsin on the date this plan is filed. **THIS FORM PLAN MAY NOT BE ALTERED IN ANY WAY OTHER THAN WITH THE SPECIAL PROVISIONS IN SECTION 10.**

- [] A check in this box indicates that the plan contains special provisions set out in Section 11 below.
- [] A check in this box indicates that the plan contains motion(s) to avoid lien pursuant to §522(f).

NOTICE TO CREDITORS: YOUR RIGHTS WILL BE AFFECTED BY THIS PLAN. You should read this Plan carefully and discuss it with your attorney. ~~Any party opposing you oppose any provision of this plan you must file a written objection. by the~~ The time date indicated on to file an objection will be in a separate notice. ~~sent to you by the United States Bankruptcy Court.~~ Confirmation of this Plan by the Bankruptcy Court may modify your rights. ~~by providing for payments of~~ You may receive less than the full amount of your claim and/or ~~by setting the~~ a lesser interest rate on your claim. ~~in the absence of an interest rate stated on a filed claim.~~

You must file a proof of claim in order to be paid under any this Plan. that may be confirmed. **Payments distributed by the Trustee are subject to the availability of funds.**

THE PLAN

Debtor or Debtors (hereinafter "Debtor") proposed this Chapter 13 Plan:

1. Submission of Income.

☐ Debtor's annual income is above the median for the State of Wisconsin.

☐ Debtor's annual income is below the median for the State of Wisconsin.

~~(A). Debtor submits to the supervision and control of all or such portion of future earnings or other future income to the Chapter 13 Trustee (hereinafter "Trustee") all or such portion of future earnings or other future income of Debtor as is necessary for the execution of this Plan.~~

(B). Tax Refunds (Check One)

☐ ~~The Debtor is required to turn over to the Trustee 50% of all net federal and state income tax refunds received by them in each year during the term of the plan during the term of the plan.~~

☐ Debtor will retain any net federal and state tax refunds received during the term of the plan.

~~The Debtor is required to provide the Trustee with copies of both the federal and state income tax returns, including all schedules filed, within 15 days of filing and in no case later than May 1st of each year of the plan. The refunds will be paid into the plan and be distributed first according to Paragraph 4(B) and then according to the other plan provisions below. The tax refunds shall not reduce amounts otherwise due under this plan.~~

2. Plan Payments and Length of Plan. Debtor shall pay the total amount of \$_____ by paying \$_____ per month to Trustee by ☐ Periodic Payroll Deduction(s) or by ☐ **Direct Payment(s) for the period of _____ months, unless The duration of the plan** may be less if all allowed claims in every class, other than long-term claims, are paid in full. ~~in a shorter period of time. These payments shall start no later than 30 days after filing of the petition. The term of this Plan shall not exceed sixty (60) months from date of confirmation. See 11 U.S.C. 1325(b)(1)(B) and 1325(b)(4). Each pre-confirmation plan payment shall be reduced by any pre-confirmation adequate protection payment(s) made pursuant to Plan.~~

☐ ~~IF CHECKED, Plan payments will increase to \$_____ upon completion or termination of _____.~~

~~[] IF CHECKED, No Plan payments will be due for the months of _____~~
~~_____ during the term of the plan. (Summer Skip Provision)~~

3. Claims Generally. The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief. ~~Nothing herein prohibits a e Creditors from filing~~ May file a proof of claim in a different amount. Objections to claims may be filed before or after confirmation.

The following applies in this Plan:

CHECK A BOX FOR EACH CATEGORY TO INDICATE WHETHER THE PLAN OR THE PROOF OF CLAIM CONTROLS:

	<u>Plan Controls</u>	<u>Proof of Claim Controls</u>
A. Amount of Debt	☐	☐
B. Amount of Arrearage	☐	☐
C. Replacement Value - Collateral	☐	☐
D. Interest Rate - Secured Claims	☐	☐

FAILURE TO CHECK A BOX UNDER A CATEGORY IN THIS SECTION WILL MEAN THAT A PROPERLY FILED PROOF OF CLAIM WILL CONTROL FOR THE CORRESPONDING SUB-PARAGRAPH OF THE PLAN.

~~4. Order of Plan Distribution.~~ The Trustee shall distribute payments pursuant to following distribution sequence

54. Administrative Claims. Trustee will pay in full allowed administrative claims and expenses pursuant to 507(a)(2) as set forth below, unless the holder of such claim or expense has agreed to a different treatment of its claim.

(A). **Trustee's Fees.** Trustee shall receive a fee for each disbursement, the percentage of which is fixed by the United States Trustee, not to exceed 10% of funds received for distribution.

(B). **Debtor's Attorney's Fees.** The total attorney fee as of the date of filing the petition is \$_____. The amount of \$_____ was paid prior to the filing of the case. The balance of \$_____ will be paid as follows: \$_____ to ~~be paid at the initial disbursement following confirmation of the plan through the plan.~~ The balance of attorney fees will be paid \$_____ monthly until the fee is paid in full. Pursuant to 507(a)(2) and 1326(b)(1), any tax refund submission received by the trustee will first be used to pay any balance of Debtor's Attorney's Fees.

Total Administrative Claims:\$_____

6 5. Priority Claims.

(A). **Domestic Support Obligations (DSO).**

☐ If checked, Debtor does not have any Domestic Support Obligations. Skip to Plan paragraph 6(B).

☐ If checked, Debtor has Domestic Support Obligations. Debtor is required to pay all post-petition domestic support obligations directly to the holder of the claim. The name(s) and address(es) of the holder of any domestic support obligation are as follows. See 11 U.S.C. 101(14A) and 1302(b)(6):

<u> (a) </u> <u> DSO Creditor </u> <u> (Name and Address) </u>	<u> (b) </u> <u> Scheduled Amount </u>	<u> (c) </u> <u> Projected monthly payment </u>

☐ If checked, Debtor does not have any anticipated Domestic Support Obligation DSO arrearage claims or DSO arrearage claims assigned, owed or recoverable by a governmental unit.

☐ If checked, Debtor has anticipated Domestic Support Obligation DSO arrearage claims or DSO arrearage claims assigned, owed or recoverable by a governmental unit. Unless otherwise specified in this Plan, priority claims under 11 U.S.C. 507(a)(1) will be paid in full pursuant to 11 U.S.C. 1322(a)(2). A DSO assigned to a governmental unit might not be paid in full. 11 U.S.C. 507(a)(1)(B) and 1322(a)(2).

<u> (a) DSO Creditor Name and Address </u>	<u> (b) Estimated Arrearage Claim </u>	<u> (c) Total Paid Through Plan </u>
1.	\$	\$
2.	\$	\$
Totals	\$	\$

☐ If checked, Debtor does not have any domestic support obligation claims that are assigned to, owed to, or recoverable by a governmental unit and may not be paid in full.

☐ If checked, Pursuant to 507(a)(1)(B) and 1322(a)(4), the Debtor has the following domestic support obligation claims that are assigned to, owed to, or recoverable by a governmental unit and may not be paid in full.

<u> (a) </u> <u> Creditor </u>	<u> (b) </u> <u> Estimated arrearage </u>	<u> (c) </u> <u> Estimated amount to be paid </u>
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____ (Name and Address)	____ claim	through the plan
Totals:	\$	\$

(B). **Other Priority Claims (e.g., tax claims).** These priority claims will be paid in full through the plan.

(a) Creditor	(b) Estimated claim
Totals:	\$

Total Priority Claims to be paid through plan:\$ _____

76. Secured Claims. ~~Failure to object to this plan deems acceptance to the plan except to the extent of an allowed secured claim.~~ The holder of a secured claim shall retain the lien securing such claim until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under Section 1328. The value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the allowed amount of the claim.

(A). Claims Secured by Personal Property.

☐ If checked, The Debtor does not have claims secured by personal property which debtor intends to retain. Skip to 7(B).

☐ If checked, The Debtor has claims secured by personal property which debtor intends to retain.

(i). **Adequate protection payments.** ~~No later than 30 days after the date of the filing of this plan or the order for relief, whichever is earlier, Creditor will not receive a payment under this section without a filed proof of claim must file a proof of claim to receive adequate protection payments. Upon confirmation the treatment of such secured claims will be governed by Paragraph (ii) below.~~ The Trustee shall make the following monthly adequate protection payments to creditors pursuant to 1326(a)(1)(C):

~~Trustee shall make the following monthly adequate protection payments from funds received:~~

(a) Creditor	(b) Collateral	(c) Monthly Adequate protection payment amount
	Total monthly adequate protection payments:	\$

(ii). **Post-confirmation payments.** Post-confirmation payments to creditors holding claims secured by personal property shall be paid as set forth in subparagraphs (a) and (b). ~~If Debtor elects to propose a different method of payment, such provision is set forth in subparagraph (c). Creditor will not receive a payment under this section without a filed proof of claim.~~

(a). Secured Claims to Which 506 Valuation is NOT Applicable - Full Payment of Debt Required .

[] If checked, the Debtor has no secured claims to which 506 valuation is ~~not applicable~~ which require full payment of the underlying debt. Skip to (b).

[] If checked, the Debtor has secured claims to which 506 valuation is ~~not applicable~~ which require full payment of the underlying debt. Claims listed in this subsection consist of debts (1) secured by a purchase money security interest in a vehicle for; (2) which the debt was incurred within 910 days of filing the bankruptcy petition; and (3) which vehicle is for the personal use of the debtor; ~~or~~; **OR**, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See 1325(a)(5). After confirmation of the plan, the Trustee will pay to the holder of each ~~allowed secured claim~~ the monthly payment in column (f). ~~based upon the amount of the claim in column (d) with interest at the rate stated in column (e). Payments distributed by the Trustee are subject to the availability of funds.~~

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Claim Amount	(e) Interest Rate	(f) Estimated Monthly Payment	(g) Total Paid Through Plan
			\$		\$	\$
			\$		\$	\$
TOTALS			\$		\$	\$

(b). Secured Claims to Which 506 Valuation is Applicable - Replacement Value.

[] If checked, the Debtor has no secured claims to which 506 valuation is applicable which may be reduced to replacement value. Skip to (B).

[] If checked, the Debtor has secured claims to which 506 valuation is applicable which may be reduced to replacement value. Claims listed in this subsection consist of any claims secured by personal property not described in Plan paragraph 6(A)(ii)(a). The amount of the debt or the replacement value assigned to the property is in column (d). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f). Payments distributed by the Trustee are subject to the availability of funds.

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Replacement Value/Debt	(e) Interest Rate	(f) Estimated Monthly Payment	(g) Total Paid Through Plan
			\$		\$	\$
			\$		\$	\$
TOTALS			\$		\$	\$

(B). Claims Secured by Real Property Which Debtor Intends to Retain.

(i) [] If checked, the Debtor does not have any claims secured by real property that Debtor intends to retain. Skip to (C).

[] If checked, the Debtor has claims secured by Real Property that Debtor intends to retain. Debtor will make all post-petition mortgage payments directly to each mortgage creditor as those payments ordinarily come due. These regular monthly mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter, unless this Plan provides otherwise.

(a) Creditor	(b) Property description

(ii) ~~[] If checked, the Debtor has no arrearage claim secured by Real Property that the Debtor intends to cure through Plan.~~

(ii) [] If checked, the Debtor has an arrearage claim secured by Real Property that the Debtor intends to will cure through the Plan. Trustee may pay each allowed arrearage claim the estimated monthly payment indicated in column (d) until paid in full.

(a) Creditor	(b) Property	(c) Estimated Arrearage Claim	(d) Estimated Monthly Payment	(e) Total Paid Through Plan
1.		\$	\$	\$
2.		\$	\$	\$
TOTALS		\$	\$	\$

Total Secured Claims to Be Paid Through the Plan: \$ _____

(C). Surrender of Collateral. This Plan shall serve as notice to creditor(s) of Debtor's intent to surrender the following collateral. ~~Unless specified otherwise in the Plan, Creditor shall make arrangements for surrender through Debtor's Attorney.~~ Any secured claim filed by a secured lien holder whose collateral is surrendered at or before confirmation will have their secured claim be treated as satisfied in full by the surrender of the collateral. ~~Any involuntary repossession or foreclosure prior to confirmation of this Plan must be obtained by a filed motion and Court order, unless the automatic stay no longer applies under 362(c). Upon Plan confirmation, the automatic stay will be deemed lifted for the collateral identified below for surrender and the creditor need not file a Motion to Lift Stay in order to repossess, foreclose upon, or sell the collateral. Nothing herein is intended to lift any applicable co-Debtor stay, or to abrogate Debtor's state law contract rights.~~

(a) Creditor	(b) Collateral to be surrendered

8 7. Unsecured Claims.

(A). Debtor estimates that the total of general unsecured debt not separately classified in paragraph (b) below is \$_____. After all other classes have been paid, Trustee will pay to the creditors with allowed general unsecured claims a pro rata share of \$_____ or _____%, whichever is greater.

(B). Special classes of unsecured claims:

Total Unsecured Claims to Be Paid Through the Plan: \$_____

9 8. Executory Contracts and Unexpired Leases.

☐ If checked, the Debtor does not have any executory contracts and/or unexpired leases.

☐ If checked, the Debtor has executory contracts and/or unexpired leases. The following executory contracts and unexpired leases are assumed, and payments due after the filing of the case will be paid directly by Debtor., ~~not through Trustee, as set forth below in column (c).~~ Debtor proposes to cure any default by paying the arrearage on the assumed leases or contracts in the amounts projected in column (d) at the same time that payments are made to secured creditors after confirmation.

(a)Creditor	(b)Nature of lease or executory contract	(c) Payment to be made directly by Debtor Estimated arrearage claim	(d) Projected arrearage monthly payment through plan (for informational purposes) Estimated monthly payment
		Totals:	

All other executory contracts and unexpired leases ~~of personal property~~ are rejected upon confirmation of the plan.

~~40~~ 9. **Property of the Estate.** Property of the estate shall revert in Debtor (Check one): ~~upon discharge, conversion, dismissal or other order of the court.~~

- ☐ Upon Confirmation; or
☐ Upon Discharge.

~~11~~ 10. **Special Provisions.** Notwithstanding anything to the contrary set forth above, the Plan shall include the provisions set forth below. **The provisions will not be effective unless there is a check in the notice box preceding Paragraph 1 of this plan.**

Section 2 - Plan Payments

☐ IF CHECKED, Plan payments will increase to \$_____ upon completion or termination of _____.

☐ IF CHECKED, No Plan payments will be due for the months of _____ during the term of the plan. (Summer Skip Provision)

☐ Other:

Section 4 (B) - Debtor's Attorneys Fees:

Section 5 - Domestic Support Obligations:

Section 6 - Secured Claims:

Section 7 - Unsecured Claims:

Section 8 - Executory Contracts-Unexpired Leases:

Other Special Provisions:

☐ Special provisions continue to overflow page.

~~12~~ 11. **Motion to Avoid Lien under 522(f).**

☐ If checked, the Debtor does not have any motions to avoid liens under 522(f).

☐ If checked, the Debtor moves to avoid the following lien(s) that impair exemptions:

(a) Creditor	(b) Collateral

If a creditor objects to the avoidance of its lien, an objection must be filed with the Court.

~~13~~ 12. **Direct Payment by Debtor.** Secured creditors and lessors to be paid directly by the Debtor may continue to mail to Debtor the customary monthly notices or coupons or statements notwithstanding the automatic stay.

~~14~~ 13. **Modification.** Debtor may file a modification of this plan that is not materially adverse to creditors without providing notice to creditors if the Chapter 13 Trustee determines that said modification is not materially adverse to said creditors.

Date: _____, 20____.

Debtor

Attorney
State Bar No.
Firm Name
Firm Address
Phone
Fax
E-mail

Joint Debtor