

Amended Agenda

February 13, 2023 Meeting

Chapter 13 Subcommittee

1. Plan payments listed in trustee's orders confirming chapter 13 plans.
 - a. Trustees will sometimes file proposed orders confirming chapter 13 plans that contain plan payment amounts that either do not match the monthly payment amount or contain bi-weekly (or weekly, or bi-monthly) payment amounts that are rounded.
 - i. Examples:
 1. Case No. 22-23770: the plan payment is \$580/mo, but the order confirming plan states that the plan payment is "\$267.70 bi-weekly (equal to \$580.02 per month) for the 60-month plan."
 2. Case No. 22-24092: the plan payment is \$548/mo and the bi-weekly amount is calculated as \$252.92 ($\$548 \times 12 \text{ mos} / 26 \text{ bi-weekly payments}$). The order confirming the plan states that the plan payment is "\$253.00 bi-weekly (equal to \$548.00 per month)".
 3. Case No. 22-25285: The plan payment is \$458/mo but the order confirming plan states that the plan payment is "\$211.00 bi-weekly (equal to \$457.00 per month) for the remainder of the 60-month plan."
 - ii. Why do payment amounts other than monthly amounts need to be included in the orders unless the debtor's plan specifically states an amount to be paid in a frequency other than monthly? Why can't the orders simply match the monthly payment stated in the chapter 13 plan?

2. Proposed modifications to the model chapter 13 plan
 - a. Status of draft revisions to section 5.1? (Rebecca Garcia and Scott Lieske)
 - b. Finish discussion of proposed changes to section 7.2 (tabled at last meeting).
 - c. Assign task of revising model chapter 13 plan form pursuant to 1/12/23 and 2/13/23 discussions.

3. Procedure for amending mortgage arrearage claims
 - a. How should a mortgage creditor proceed (with respect to the claims it has filed) when the mortgage arrears are paid in full through a combination of disbursements from the trustee under the plan and funds from COVID-related assistance programs or homeowners assistance programs?
 - b. Options:
 - i. Amend claims to show an amount due that matches what the trustee has already paid.
 - ii. Amend claims with \$0 in arrears and a version of the following language: "This claim has been amended because the original arrearage claim has now been paid in full by a combination of trustee payments and payments provided by other sources such as Covid relief or homeowner assistance programs. Therefore, the trustee should make no further disbursements on this claim. If it is determined that the claimant has received more than the amount of the original arrearage claim, the excess funds will be refunded to the trustee."
 - iii. Create a local form notice that the creditor could file in the case alerting the trustee and parties to the payment of the mortgage arrearage. See draft notice attached to email containing agenda.

4. Pre-confirmation plan amendments: revisit requiring the debtor to file a new plan form each time the plan is amended?

5. Post-confirmation modifications: change form to require greater clarity about what provisions in the plan form are modified?
6. New Business?