



Southern District of New York Chapter 13 Plan

1. DEFINITIONS AND NOTICES

1.1. Plan Definitions

1.2. Nonstandard Provision – to check “does”, a plan provision will be entered in Part 8.6

Valuation of Collateral - to check “does”, a secured creditor will be entered in Part 3.5

Avoid Security Interest or lien - to check “does”, a secured creditor will be entered in Part 3.7.

Request Loss Mitigation – to check “does”, a secured creditor will be entered in Part 8.2

1.3. Notice to Debtor – to enter check the box regarding, not eligible for discharge, go to Plan Manager, Details tab, Options button.

To check the box regarding amended or Modified Plan, go to Plan Manager, Details tab, Plan Options button.

2. PLAN PAYMENTS AND DURATION

2.1. Monthly Plan Payments – to enter the monthly plan payments, go to Plan Manager, Detail, Regular Monthly Payments.

To check Debtor’s Annual commitment period to extend, Payments greater than proposed, and /or Creditors will not be prejudice got to Plan Manager, Details tab, Plan Options button.

2.2. Regular payments – to check, “Debtor will make payments directly to Trustee”, go to Plan Manager, under section Payment Disbursement Option, check “Debtor (Direct)”.

To check, “Debtor will make payments through any entity from who the Debtor Receives income”, go to Plan Manager, under section Payment Disbursement Option, check “Pay Order (Employer).

To check “Non-Debtor contributor”, go to Plan Manage, under section Payment Disbursement Option, check “Other /Third Party (E-pay)” and in the box enter the Third Party’s name.

2.3. Income Tax

2.4. Irregular Payments – To enter irregular payments, go to Plan Manager under Irregular payments, enter the Lump Sum Payments, Dates and Source

2.5. Payment Terms

3. TREATMENT OF SECURED CLAIMS

3.1. Definitions

3.2. Maintenance of payments and cure of default, if any.

(a) **Post-Petition Payments** – this will be a secured creditor with attached property and in the plan options, under Plan Intentions, “Pay outside of Plan (Direct Pay)” will be selected. Payment amount will be entered in the Details tab of secured creditor in Monthly payment amount. Payment timing will be entered in the Plan Option tab in the Plan Summary Remarks.

(b) **Prepetition Arrears** – this will be a secured creditor with attached property with the amount owe is listed in Amount of Arrearage on the Details Tab. The Arrearage Owed as of Date will be entered in the Plan Options, Arrearage tab, Plan Summary Remarks. The Value of Collateral and Source of Value will be entered in the attached property menu (Schedule A/B) Details tab.

(c) **Adequate Protection**- this will be a secured creditor with attached property. In the Plan Options tab under Adequate Protection, check “Pay Adequate Protections. Enter the percentage or check the box “Use Manual Amount” and enter the fix payment. In the Plan Manager, Details Tab, check “Pay Adequate Protection” and select the number of months prior to confirmation you will be paying.

(d) **Return and/Or Reallocation of Distribution Payments Made to Secured Creditor**

3.3. Surrender - to select any of the check boxes in this section, go to Plan Manager, Plan Options. The secured creditor (Schedule D) in Plan Options tab and property (Schedule A/B) in the Details tab, will be marked as surrendered.

3.4. Wholly Unsecured Liens – secured creditor with attached property. The creditor that is the junior lien will be treated as an unsecured claim. The lien identification will be listed in the Plan Options tab in the Plan Summary Remarks.

3.5. Request for valuation of Security /Bifurcation of Liens – Secured creditor with attached property. In the secured creditor, Plan Options tab, you will select Pay through Plan and select Pay Lessor, Asset Value, or Secured Amount.

3.6. Secured Claims excluded from 11 U.S.C §506 – Secured credit with attached property. In Plan Option tab you will select Pay through plan and select Claim amount.

3.7. Judicial Lien Avoidance – Secured creditor with attached property. To check the boxes for “Entire Lien is avoided” or “A portion of lien is avoided”, go to Plan Manager, Details tab, Plan Options. In the Plan Options tab, under Secured Creditor Option, check Avoid Lien.

3.8. Miscellaneous Provision

4. TREATMENT OF FEES AND PRIORITY CLAIMS

4.1. General

4.2. Trustee fees

4.3. Attorney fees – to enter attorney fees, go to Petition, General Information, Fees and enter information in Fee Disclosure tab.

- 4.4. Unsecured Domestic Support Obligation** – to check yes, enter a priority creditor, select “Domestic Support Obligation” as the type of priority. Under Plan Options, enter the Creditor Status (eg. Child, spouse, former spouse, domestic partner)
- 4.5. Other Unsecured Priority Claims, including Unsecured Tax Claims** – priority creditor, not Attorney fees nor DOS.
- 5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**
- 5.1. Assumed** – Creditor will be entered as an Executory Contracts and marked as assumed. Cure calculated through date will be entered in the Plan Options tab in Plan Summary Remarks.
- 5.2. Rejected** – Creditor will be entered as an Executory Contracts and marked as rejected. Arrearage through date will be entered in the Plan Options tab in Plan Summary Remarks.
- 5.3. Post-Petition Payments for Assumed Executory Contracts & Unexpired Leases -** Creditor will be entered as an Executory contract and in Plan Options, Claim select Pay Outside of Plan (Direct Pay), payment timing will be added in the Plan Summary Remarks.
- 6. NONPRIORITY, UNSECURED CLAIMS** – to check the box for separately classified unsecured creditor, in an unsecured creditor and in the Plan Options tab check “Specially Classified Unsecured Claim”.
- 7. MISCELLANEOUS**
- 8. LOSS MITIGATION AND NONSTANDARD PROVISIONS**
- 8.1. Any nonstandard provisions**
- 8.2. Loss Mitigation** – to check the box, the secured creditor with attached property must have in the Plan Options under Additional Options “Include in Section 8.2 Loss Mitigation”. The remaining boxes in this section will be filled out in the Plan Manager, Plan Options.
- 8.3. Sale and Credit Bidding of Real Property** – to fill out this section go to the Plan Manager, Plan Options.
- 8.4. Surrender in Full Satisfaction** – Secured Creditor with attach property marked as surrender. In creditor Plan Options tab, Intentions will be Surrender Asset and under Additional Options you will check “In Full Satisfaction”.
- 8.5. Surrender and Vesting** - to fill out this section, go to Plan Manager, Plan Options
- 8.6. Additional Standard Provisions** – to add a standard Provision, go to Plan Manager, Plan Provisions