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THIS FORM IS NOT MANDATORY OR REQUIRED IN ANY CASE.**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Baltimore**

In re:

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Case No. 20-____-XXX
Chapter 11 (Subchapter V)

Debtor.

* * * * *

FORM

DEBTOR’S CHAPTER 11, SUBCHAPTER V PLAN

_____, the above-captioned debtor and debtor-in-possession (the “Debtor”), proposes the following Plan under § 1190 and § 1191 of Title 11 of the United States Code (the “Bankruptcy Code”). A brief history of the Debtor’s business operations is attached hereto as **Appendix A**.

All creditors and equity security holders should refer to Articles III through VII of this Plan for information regarding the precise treatment of their claims or interests. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.) This Plan is a proposal by the Debtor and subject to court approval after opportunity for objections and a hearing. Please refer to Scheduling Order __ [Dkt. __] for important information regarding Plan voting and objection deadlines.**

Article I. Source of Payments

During the term of this Plan, the Debtor shall submit the disposable income (or value of such disposable income) necessary for the performance of this plan to the Subchapter V Trustee (the “Trustee”) and shall pay the Trustee the sums set forth herein. **[May modify if consensual plan providing different process for plan payments.]**

Article II. Plan Term

The term of this Plan begins on the date of confirmation of this Plan and ends on the __th month subsequent to that date **[or insert specific date if applicable]**.

Article III. General Distributions Under Plan

The value of the property to be distributed under the Plan during the term of the Plan is not less than the Debtor's projected disposable income for that same period. Unsecured creditors holding allowed claims will receive distributions, which the Debtor has valued at approximately ___ cents on the dollar. The Plan also provides for the payment of secured, administrative, and priority claims in accordance with the Bankruptcy Code.

Article IV. Classification and Treatment of Claims and Interests

1. The Debtor has classified all claims and interests in accordance with §§ 1122, 1123, and 1190 of the Bankruptcy Code. A chart detailing each class of claims or interests under the Plan, and the Debtor's proposed treatment for each is attached hereto as **Appendix B**.
2. All parties claiming administrative expense priority (including unsecured claims) pursuant to § 507(a)(2) of the Bankruptcy Code but not already treated as such under this plan, shall file an application to approve their respective asserted administrative claim priority status no later than thirty (30) days after the Effective Date. Any claim that is granted administrative expense priority shall receive the treatment set forth in **Appendix B**.
3. **Disputed Claims**:
 - a. A disputed claim is a claim that has not been allowed or disallowed [by a final non-appealable order] and, either:
 - i. A proof of claim has been filed or deemed filed, and the Debtor or another party in interest has filed an objection; or
 - ii. No proof of claim has been filed, and the Debtor has scheduled such claim as disputed, contingent or unliquidated.
 - b. **Delay of Distribution on a Disputed Claim**: No distribution will be made on a disputed claim unless the claim is allowed by [a final non-appealable order].
 - c. **Settlement of Disputed Claims**: The Debtor will have the power and authority to settle and compromise a disputed claim with court approval and compliance with Federal Rule of Bankruptcy Procedure 9019.

Article V. Payments to Creditors Under Plan

Unless otherwise provided in this Plan or indicated on Appendix B, funds received by the Trustee or otherwise included in this Plan but not specifically disbursed to a secured creditor under this Plan, shall be used to pay the following claims in the priority indicated:

1. Except as provided in § 1191(e) of the Bankruptcy Code, all claims entitled to priority under § 507 of the Bankruptcy Code shall be paid in accordance with § 1129(a)(9) of the Bankruptcy Code and as set forth on **Appendix B**.
2. Pursuant to § 1191(e) of the Bankruptcy Code, the payment of claims entitled to priority under § 507(a)(2) and § 507(a)(3) of the Bankruptcy Code shall be paid under the Plan as set forth on **Appendix B**.
3. All secured claims shall be paid in accordance with § 1129(b)(2)(A), § 1191(b), and § 1191(c) of the Bankruptcy Code, as set forth on **Appendix B**.
4. After payment of the foregoing claims, sums received by the Trustee shall be paid, on a pro-rata basis, to allowed general unsecured claims.
5. In accordance with § 1191 of the Bankruptcy Code and the terms of this Plan, the Debtor's equity security holders shall retain their interests in the Debtor as set forth on **Appendix B**. [If the Debtor is an individual, should read, if applicable, "In accordance with § 1191 of the Bankruptcy Code and the terms of this Plan, the Debtor shall retain the Debtor's interest in property of the estate."]

Article VI. Secured Claims Generally

The term "secured claim" as used in this Plan shall be consistent with § 506 of the Bankruptcy Code, and shall mean an allowed claim in an amount equal to the present value of the applicable creditor's interest in the Debtor's interest in the property, or in the amount subject to setoff, as may be established by this Plan, the Confirmation Order, or separate Order of the Court.

Article VII. Secured Claims Being Modified Under § 1190 (Only Applicable to Individual Debtors)

[The Debtor also proposes to modify the rights of a holder of a claim secured only by a security interest in real property that is the Debtor's principal residence (and for which new value was (i) received in connection with the granting of the security interest and not used primarily to acquire the real property; and (ii) was used primarily in connection with the small business of the Debtor) under §1190(3) of the Bankruptcy Code. The Debtor proposes the following treatment for this claim: _____ . The Debtor has attached documents supporting this proposed treatment at **Appendix C**.]

[The Debtor does not propose any modifications governed by § 1190(3) of the Bankruptcy Code.]

Article VIII. Trustee Compensation

The Trustee shall be paid for services rendered in this Chapter 11 case an administrative and/or priority claim under § 507 of the Bankruptcy Code and pursuant to Article IV of this Plan, as set forth on **Appendix E-1**. All fees and expenses requested by the Trustee, including those on Appendix E-1, are subject to review and approval by the Court under §§ 329 and 330 of the Bankruptcy Code.

Article IX. Attorney Compensation

The Debtor's attorney, *Name* _____, *Address* _____, shall be paid for the services rendered to the Debtor herein as an administrative and/or priority claim under § 507 of the Bankruptcy Code and pursuant to Article IV of this Plan, as set forth on **Appendix B**. All fees and expenses requested by the Debtor's attorney, including those on Appendix B, are subject to review and approval by the Court under §§ 329 and 330 of the Bankruptcy Code.

Article X. Liquidation Analysis

Attached hereto as **Appendix D** is the Liquidation Analysis required by § 1190(1)(B) of the Bankruptcy Code and the Local Rules of this Court.

Article XI. Debtor's Disposable Income and Plan Funding

An exhibit describing (i) the Debtor's projected disposable income as defined by § 1191(d) of the Bankruptcy Code, (ii) the details supporting and the assumptions under which said projections were made, (iii) the source and value of funds and assets available for distribution under the Plan, and (iv) a summary of payments under this Plan is attached as **Appendix E**.

Article XII. Executory Contracts and Unexpired Leases

12.01 Assumption. Pursuant to § 365 of the Bankruptcy Code, the Debtor assumes each executory contract and unexpired lease listed on **Appendix F**, effective upon the effective date of this Plan, as provided in Article ____ (the Effective Date"). To the extent the Debtor proposes to make cure payments as may be required under § 365(b), those cure payments shall be made [either a date certain or as reflected on **Appendix F**].

12.02. Rejection. The Debtor will be conclusively deemed to have rejected all executory contracts and unexpired leases not (i) expressly listed on **Appendix F** and assumed under this Plan or (ii) previously assumed, and if applicable assigned, before the Effective Date; or (iii) that are the subject of a pending motion to assume (and if applicable, assign). A proof of claim arising from the rejection of an executory contract or an unexpired lease under the Plan must be filed with the Court and served on the Trustee and the Debtor no later than 30 days after the Effective Date.

12.03 Assignment. [If plan is proposing assignment of assumed contracts, provide additional information.]

Article XIII. Property Vests in Debtor Free and Clear

Except as provided in this Plan or the order confirming this Plan, all of the property of the estate, pursuant to §§ 1141(b) and 1141(c) of the Bankruptcy Code, vests in the Debtor as of the Effective Date free and clear of any claim or interest of any creditor provided for by this Plan.

Article XIV. Confirmed Plan Binding on Debtor and Creditors

Except as provided in §§ 1141 or 1192 of the Bankruptcy Code, as applicable, the provisions of this Plan shall, upon confirmation, bind the Debtor, each and every creditor of this estate and each party in interest, whether or not the claim of such creditor or party is provided for by the Plan and whether or not such creditor or party has accepted or has rejected the Plan.

Article XV. Discharge

[Discharge. On the confirmation date of this Plan, and subject to the occurrence of the Effective Date, the Debtor will be discharged from any debt that arose before confirmation of this Plan, to the extent specified in § 1141(d)(1)(A) of the Bankruptcy Code, but the Debtor will not be discharged of any debt: (i) imposed by this Plan; (ii) of a kind specified in § 1141(d)(6)(A) if a timely complaint was filed in accordance with Federal Rule of Bankruptcy Procedure 4007(c) of the; or (iii) of a kind specified in § 1141(d)(6)(B).]

[Discharge. Upon the payment by the Debtor of the sums required under this Plan and application to the Court, the Debtor shall be eligible to receive a discharge under § 1192 of the Bankruptcy Code.]

[No Discharge. The Debtor will not receive any discharge of debt in this bankruptcy case.]

Article XVI. Miscellaneous

16.01 Definitions and Rules of Construction. The definitions and rules of construction set forth in § 101 and § 102 of the Bankruptcy Code shall apply when terms defined or construed in the Bankruptcy Code are used in this Plan, and they are supplemented by the following definitions: [Insert additional definitions if necessary].

16.02 Effective Date of Plan. The effective date of this Plan is the first business day following the date that is fourteen days after the entry of the order of confirmation. If, however, a stay of the confirmation order is in effect on that date, the effective date will be the first business day after the date on which the stay of the confirmation order expires or is otherwise terminated.

16.03 Severability. If any provision in this Plan is determined to be unenforceable, the determination will in no way limit or affect the enforceability and operative effect of any other

provision of this Plan.

16.04 Binding Effect. The rights and obligations of any entity named or referred to in this Plan will be binding upon, and will inure to the benefit of, the successors or assigns of such entity.

16.05 Appendices. The Appendices attached to the Plan are incorporated into the Plan by reference as if the same were fully rewritten herein.

16.06 Captions. The headings contained in this Plan are for convenience of reference only and do not affect the meaning or interpretation of this Plan.

[16.07 Controlling Effect. Unless a rule of law or procedure is supplied by federal law (including the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure), the laws of the State of _____ govern this Plan and any agreements, documents, and instruments executed in connection with this Plan, except as otherwise provided in this Plan.]

[16.08 Corporate Governance. [If the Debtor is a corporation include provisions required by § 1123(a)(6) of the Bankruptcy Code.]]

Article XVII. Plan Proposed in Good Faith

The Debtor represents that it is within Debtor's ability to carry out this Plan, and the Plan is submitted in good faith.

Article XVIII. Retention of Jurisdiction

The Court shall retain jurisdiction of this Chapter 11 case to issue orders necessary to the consummation of the Plan; to determine the allowance of compensation and expenses of professionals; to determine any and all adversary proceedings, applications and contested matters; to determine issues or disputes relating to the assumption of executory contracts and any claims related thereto; to determine disputes as to classification or allowance of claims or interests; to issue such orders in aid of execution of this Plan to the extent authorized by § 1142 of the Bankruptcy Code; to enforce the provisions of the Plan; to recover all assets of the Debtor and property of the Debtor's estate, wherever located; to resolve any dispute between or among any of the parties to this bankruptcy proceeding, to determine other such matters as may be set forth in a confirmation order or as may be authorized under the provisions of the Bankruptcy Code; to enter a final decree closing the bankruptcy case; and to correct any defect, cure any omission or reconcile any inconsistency in this Plan or confirmation order, and to take any action or make any ruling as may be necessary to carry out the purpose and intent of this Plan.

Article XIX. [Other Non-Standard Provisions]

DATED: _____

_____, Debtor

s/ _____
Attorney
Address
Phone No.

Appendix B
 (Classification and Treatment of
 Claims and Interests)

Class No.	Description of Claims or Interests in Class	Total Amount of Claims or Interests in Class	Proposed Treatment Under Plan (including whether impaired)	Estimated Percentage Recovery¹
	[Administrative Expense Priority Claims]			

¹ [Describe source of estimates, e.g., the Debtor’s schedules, creditors’ proofs of claim, etc.]

Appendix C

(Claims Being Modified Under Section 1190(3))

Appendix E-1
(Projected Disposable Income)

Appendix E-2

(Assumptions and Support for Projected Disposable Income)

Appendix E-3

(Sources and Value of Funds and Assets for Distributions)

Appendix E-4.B

(Summary of Payments to
Trustee to Fund Plan)

Payments by Debtor to Trustee During Term of Plan (if applicable)	
Payment Date	Payment Amount

Appendix F

(Assumed Executory Contracts and
Unexpired Leases)

Name and Address of Party to Debtor's Executory Contract	Description of Executory Contract [Or Contract ID No.]	Proposed Cure Amount and Anticipated Date of Cure Payment