

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

In re: \* ADMINISTRATIVE ORDER 06-01

CHAPTER 13 ISSUES \* Dated April 3, 2006

\* \* \* \* \*

***ADMINISTRATIVE ORDER CONCERNING CHAPTER 13 CASES  
FILED AFTER OCTOBER 17, 2005***

As a result of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“BAPCPA”), this Court hereby adopts the following procedures and amendments to the Local Bankruptcy Rules and Forms, applicable to all Chapter 13 cases filed on or after October 17, 2005, to the extent practicable:

**I. SECTION 1326(A)(1) PRE-CONFIRMATION ADEQUATE PROTECTION AND PERSONAL PROPERTY LEASE PAYMENTS.**

A. Pre-confirmation adequate protection and personal property lease payments shall be paid directly by the debtor to the creditor and not to the Chapter 13 trustee

B. The Chapter 13 plan shall provide for direct payments to the creditor of postpetition installments on secured claims and postpetition personal property lease payments, identify the creditor(s) to whom they are to be made, the last four digits of the account number(s) and the payment amount for each creditor who is to receive such payments. At the confirmation hearing, the debtor shall provide to the Chapter 13 trustee proof of pre-confirmation payments as specified in Section 1326(a)(1)(B) and (C) that have been made so that the amounts paid may be credited by the trustee.

C. No later than fourteen (14) calendar days prior to the date of a confirmation hearing, the debtor shall file with the Court an affidavit that discloses any Section 1326(a)(1) pre-confirmation payments paid by the debtor directly to creditors. The affidavit shall identify each creditor, the creditor's address, the last four digits of the account number, the date of payment, the due date of the payment, the amount of each payment and the aggregate amount of payments made pre-confirmation.

D. A copy of the affidavit shall be served on each creditor listed in the affidavit and upon the Chapter 13 trustee. In addition to the service required by Federal Rules of Bankruptcy Procedure 7004(b) and 9014, the debtor must serve a copy of the affidavit on the creditor in care of an individual at the creditor's address indicated on any proof of claim filed by that creditor and certify that service to the Court.

E. Objections to the accuracy of the debtor's affidavit must be filed no later than 10 days after the date of filing of the affidavit. The Chapter 13 trustee shall deduct from an allowed secured claim the pre-confirmation payment(s) made by the debtor, based upon the uncontested affidavit of the debtor or subsequent order of the Court.

F. Unless the parties agree otherwise or the Court orders otherwise, pre-confirmation adequate protection payments for creditors holding allowed claims secured by a motor vehicle shall equal the regular monthly contract payments.

Nothing in this Order shall prevent the parties from stipulating to different treatment of the adequate protection payments to be made pursuant to 11 U.S.C. Section 1326. A stipulation entered into prior to the filing of the petition shall be effective if filed with the Court within 14 days after the order for relief.

## **II. DEADLINE FOR CREDITORS TO FILE OBJECTIONS TO CONFIRMATION.**

Local Bankruptcy Rule 3015-2(b) is hereby amended as follows:

(b) Objections to the plan must be filed and copies served on the Chapter 13 trustee, the debtor and the debtor's attorney no later than 8 days before the date set for hearing on confirmation of the plan.

## **III. AMENDMENT OF MODEL CHAPTER 13 PLAN.**

The Model Chapter 13 Plan set forth in Local Bankruptcy Form M, is amended as Attachment A hereto.

## **IV. CONFIRMATION HEARING CERTIFICATION FORM.**

New Local Bankruptcy Rule 3015-2 (c) and new Local Bankruptcy Form O, Pre-Confirmation Certificate are hereby adopted as Attachment B hereto.

(c) No later than 8 days prior to the date of the confirmation hearing, the debtor must file with the Court a Pre-Confirmation Certificate. If the confirmation hearing is continued, the Pre-Confirmation Certificate must be updated and filed with the Court as an amended Certificate.

**V. DEBTOR'S AFFIDAVIT REQUESTING DISCHARGE.**

New Local Bankruptcy Rule 4008-2, entitled Discharge in Chapter 13 Cases, and new Local Bankruptcy Form P, Affidavit Requesting Discharge, as shown as Attachment C hereto, are hereby adopted as follows:

**4008-2 Discharge in Chapter 13 Cases.**

An affidavit requesting discharge, LBF P, must be filed and served on the Chapter 13 trustee and all creditors no later than 90 days after completion of all payments under a confirmed plan. The failure to timely file this affidavit may result in the case being closed without a discharge.

**VI. AMENDMENT TO LOCAL BANKRUPTCY RULE 4001-3.**

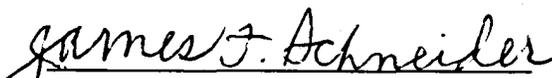
The Rule is hereby amended to specifically include Chapter 13 cases, as follows.

When filing the Report of Sale in a case under Chapter 7 or Chapter 13, notify the auditor of the name and address of the bankruptcy trustee to whom the surplus must be paid.

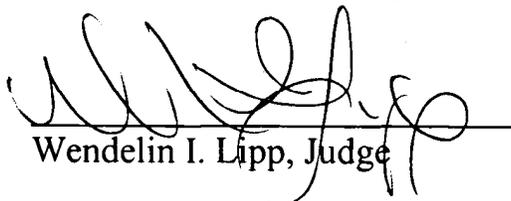
**SO ORDERED.**

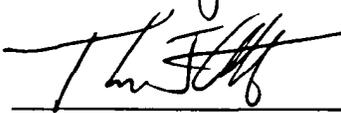
  
\_\_\_\_\_  
Duncan W. Keir, Chief Judge

  
\_\_\_\_\_  
Paul Mannes, Judge

  
\_\_\_\_\_  
James F. Schneider, Judge

  
\_\_\_\_\_  
Nancy V. Alquist, Judge

  
\_\_\_\_\_  
Wendelin I. Lipp, Judge

  
\_\_\_\_\_  
Thomas J. Catliota, Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
(Division)**

\_\_\_\_\_  
In re: \_\_\_\_\_ :  
\_\_\_\_\_ :  
\_\_\_\_\_ : Case No. \_\_\_\_\_  
\_\_\_\_\_ : Chapter 13  
Debtor. \_\_\_\_\_ :  
\_\_\_\_\_ :

**CHAPTER 13 PLAN**

Original Plan     Amended Plan     Modified Plan

The Debtor proposes the following Chapter 13 plan and makes the following declarations:

1. The future earnings of the Debtor are submitted to the supervision and control of the Trustee, and the Debtor will pay as follows (**select only one**):
  - a. \$ \_\_\_\_\_ per month for a term of \_\_\_\_\_ months. OR
  - b. \$ \_\_\_\_\_ per month for \_\_\_\_\_ month(s),  
\$ \_\_\_\_\_ per month for \_\_\_\_\_ month(s),  
\$ \_\_\_\_\_ per month for \_\_\_\_\_ month(s), for a total term of \_\_\_\_\_ months. OR
  - c. \$ \_\_\_\_\_ per month prior to confirmation of this plan, and \$ \_\_\_\_\_ per month after confirmation of this plan, for a total term of \_\_\_\_\_ months (**if this option is selected, complete 2.e.i**).
  
2. From the payments received, the Trustee will make the disbursements described below:
  - a. **Allowed unsecured claims for domestic support obligations and** Trustee’s commissions.
  - b. Administrative claims under 11 U.S.C. § 507(a)(2), including attorney’s fee balance of \$ \_\_\_\_\_ (unless allowed for a different amount upon prior or subsequent objection).
  - c. **Claims payable under 11 U.S.C. § 1326(b)(3). Specify the monthly payment: \$ \_\_\_\_\_.**
  - d. Other priority claims defined by 11 U.S.C. § 507(a)(3) – (10). The Debtor anticipates the following claims:

e. Concurrent payments on non-administrative priority claims, the Trustee will pay secured creditors as follows:

i. **Until the plan is confirmed, adequate protection payments and/or personal property lease payments on the following claims will be paid directly by the Debtor; and, after confirmation of the plan, the claims will be treated as specified in 2.e.iii, below (designate the amount of the monthly payment to be made by the Debtor prior to confirmation, and provide the redacted account number (last 4 digits only), if any, used by the claimant to identify the claim):**

<u>Claimant</u>	<u>Redacted Acct. No.</u>	<u>Monthly Payment</u>
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ii. Pre-petition arrearages on the following claims will be paid **through equal monthly amounts** under the plan while the Debtor maintains post-petition payments directly (designate the amount of anticipated arrearages, **and the amount of the monthly payment for arrearages to be made under the plan**):

<u>Claimant</u>	<u>Anticipated Arrears</u>	<u>Monthly Payment</u>	<u>No. of Mos.</u>
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iii. The following secured claims will be paid in full, as allowed, at the designated interest rates **through equal monthly amounts under the plan**:

<u>Claimant</u>	<u>Amount</u>	<u>% Rate</u>	<u>Monthly Payment</u>	<u>No. of Mos.</u>
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- iv. The following secured claims will be satisfied through surrender of the collateral securing the claims (describe the collateral); any allowed claims for deficiencies will be paid pro rata with general unsecured creditors; upon confirmation of the plan, the automatic stay is lifted, if not modified earlier, as to the collateral of the listed creditors:
  
  - v. The following secured claims are not affected by this plan and will be paid outside of the plan directly by the Debtor:
  
  - vi. If any secured claim not described in the previous paragraphs is filed and not disallowed, that claim shall be paid or otherwise dealt with outside of the plan directly by the Debtor, and it will not be discharged upon completion of the plan.
- f. After payment of priority and secured claims, the balance of funds will be paid pro rata on allowed general, unsecured claims. (If there is more than one class of unsecured claims, describe each class.)
3. The amount of each claim to be paid under the plan will be established by the creditor's proof of claim or superseding Court order. The Debtor anticipates filing the following motion(s) to value a claim or avoid a lien. (Indicate the asserted value of the secured claim for any motion to value collateral.):
4. Secured creditors will retain their liens **until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or discharge under § 1328; and if the case is dismissed or converted without completion of the plan, the lien shall also be retained by such holders to the extent recognized under applicable nonbankruptcy law.**
5. The following executory contracts **and/or unexpired leases** are assumed (or rejected, so indicate); **any unexpired lease with respect to personal property that has not previously been assumed during the case, and is not assumed in the plan, is deemed rejected and the stay of §§ 362 and/or 1301 is automatically terminated:**

6. Title to the Debtor's property shall revert in the Debtor when the Debtor is granted a discharge pursuant to 11 U.S.C. § 1328, or upon dismissal of the case, or upon closing of the case.

Date: \_\_\_\_\_

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Attorney for Debtor

\_\_\_\_\_  
Joint Debtor

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
\_\_\_\_\_ Division

In Re:		Bankruptcy Case No.
		Chapter 13
Debtor(s)		

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PRE-CONFIRMATION CERTIFICATION

Debtor(s) hereby certify under penalty of perjury that the following statements are true and correct:

1. Debtor(s) has/have paid any fee, charge, amount required under Sec. 1930 of title 28, U.S.C, or by the plan (i.e. adequate protection payments) to be paid before confirmation.
2. Debtor(s) has/have paid all amounts that are required under a domestic support obligation and that first became payable after the date of the filing of the petition, if applicable.
3. Debtor(s) has/have filed all applicable Federal, State, and Local tax returns with the appropriate taxing authorities for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

Debtor(s) affirm that the plan is proposed in accordance with 11 U.S.C §1325 and request said plan be confirmed.

Date: \_\_\_\_\_  
\_\_\_\_\_ Debtor's Signature

Date: \_\_\_\_\_  
\_\_\_\_\_ Joint Debtor's Signature

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
\_\_\_\_\_ **Division**

**In Re:**

Bankruptcy Case No.  
Chapter 13

Debtor

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**DEBTOR'S AFFIDAVIT REQUESTING DISCHARGE**

**\*\*\*IN JOINT FILINGS, A SEPARATE AFFIDAVIT MUST BE COMPLETED BY EACH DEBTOR IN ORDER TO BE ELIGIBLE FOR A DISCHARGE\*\*\***

The Chapter 13 Trustee has filed a notice of completion in my case and I am hereby requesting that the Court issue a discharge. I testify under penalty of perjury to the following: (Complete all sections and provide all required information.)

1. The following creditors hold a claim that is not discharged under 11 U.S.C. §523 (a)(2) or (a)(4) or a claim that was reaffirmed under 11 U.S.C. §524(c): (provide name, address, and telephone number of each such creditor)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_ I have not received a discharge in a Chapter 7, 11 or 12 bankruptcy case that was filed within 4 years prior to the filing of this Chapter 13 Bankruptcy.
3. \_\_\_\_\_ I have not received a discharge in another Chapter 13 bankruptcy case that was filed within 2 years prior to the filing of this Chapter 13 bankruptcy.
4. A. \_\_\_\_\_ I did not have either at the time of filing this bankruptcy or at the present time, equity in excess of \$125,000 in the type of property described in 11 U.S.C. §522(p)(1) [generally the debtor's homestead]

B. \_\_\_\_\_ There is not currently pending any proceeding in which I may be found guilty of a felony of the kind described in 11 U.S.C. §522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. §522(q)(1)(B).

5. COMPLETION OF INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT PURSUANT TO 11 U.S.C. §1328(g)(1)

*[Complete one of the following statements]*

I, \_\_\_\_\_, the debtor in the above-styled  
(printed name of debtor)  
case hereby certify that on \_\_\_\_\_ I completed an instructional  
(date)  
course in personal financial management provided by \_\_\_\_\_,  
(Name of Provider)  
by an approved personal financial management instruction provider.

\_\_\_\_\_ Official Form 23 was filed previously with the court; OR

\_\_\_\_\_ A document attesting to my completion of the personal financial management instruction course is attached.

I \_\_\_\_\_, the debtor in the above-styled  
(printed name of debtor)  
case, hereby certify that no personal financial management course is required

because: *[check the appropriate box.]*

- I am incapacitated or disabled, as defined in 11 U.S.C. § 109(h)(4);
- I am on active military duty in a military combat zone; or
- I reside in a district in which the United States Trustee has determined that the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise be required to complete such courses.

6. CERTIFICATION REGARDING DOMESTIC SUPPORT OBLIGATIONS PURSUANT TO 11 U.S.C § 1328(a)

*[Complete one of the following statements]*

I, \_\_\_\_\_, the debtor in the above-styled  
(printed name of debtor)  
case, hereby certify that I am not currently required, nor at any time during the period  
of this bankruptcy have I been required, by a judicial or administrative order, or  
by statute, to pay a domestic support obligation.

I, \_\_\_\_\_, the debtor in the above-styled  
(printed name of debtor)  
case am required by judicial or administrative order, or by statute, to pay a  
domestic support obligation as defined in 11 U.S.C. § 101(14A). (This refers to a  
debt owed to or recoverable by a spouse, former spouse or child of the debtor or such  
child's parent, legal guardian or responsible relative or a governmental unit in the  
nature of alimony, maintenance or support.) The name and address of each holder of  
a domestic support obligation follows:

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*[check the appropriate box.]*

I hereby certify that all amounts payable under such order or such statute  
that are due on or before the date of this affidavit (including amounts due  
before the petition was filed, but only to the extent provided for the by  
plan) have been paid; or

I have executed, and the court has approved, a written waiver of discharge  
pursuant to 11 U.S.C. § 1328(a).

My current address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The name and address of my most recent/current employer is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that all of the above statements are true and correct to the best of my knowledge, information, and belief, and that the Court may rely on the truth of each statement in determining whether to grant me a discharge in this case. I further understand that the court may revoke my discharge if such order of discharge was procured by fraud.

Signature of Debtor: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE OF OPPORTUNITY TO OBJECT**

Any objections to the accuracy of this affidavit must be filed with in fifteen (15) days of the date of service of this Affidavit. If no objection is filed, the Court will consider entering a discharge order in this case without further notice or hearing.

**CERTIFICATE OF SERVICE**

I hereby certify that this affidavit was served this \_\_\_\_\_ day of \_\_\_\_\_, 2006, electronically to those recipients authorized to receive a Notice of Electronic Filing by the Court, and/or first class mail, postage prepaid to:

Chapter 13 Trustee  
All creditors and parties in interest.

\_\_\_\_\_