


The order below is hereby signed.

Signed: June 29 2021




Elizabeth L. Gunn
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLUMBIA**

In re

**GENERAL ORDER IMPLEMENTING
NEW LOCAL RULE 2016-5 AND
REVISED OFFICIAL LOCAL FORM 14**

GENERAL ORDER NO 2021-03

The Court appointed a Special Local Rules Revision Committee and a Special Subcommittee on Chapter 13 Issues (the “**Chapter 13 Committee**”). Upon recommendation of, and in conjunction with the Chapter 13 Committee, and upon approval of the United States District Court for the District of Columbia, by this General Order, the Court adopts, effective July 1, 2021, Local Rule 2016-5 (the “**Presumptive Fee Rule**”) and new Official Local Form 14 (the “**2021 Chapter 13 Plan**”) for all chapter 13 cases. The Presumptive Fee Rule and 2021 Chapter 13 Plan will be incorporated into this Court’s next full amendment to its Local Rules. However, seeing a benefit in the immediate adoption of each, the Court enters this General Order to institute both prior to completion of the full Local Rules amendments. The Presumptive Fee Rule shall be effective in all cases filed on or after July 1, 2021, cases filed prior to that date must comply with the Court’s current Local Rules. The 2021 Chapter 13 Plan should be used for all proposed chapter 13 plans (initial or amended) filed on or after July 1, 2021, however the Court’s previous chapter 13 form plan may be used through July 31, 2021. After August 1, 2021, the 2021 Chapter 13 Plan will be required for all chapter 13 plans.

In order to fully implement the Presumptive Fee Rule and the 2021 Chapter 13 Plan, the Court finds it necessary to suspend or modify some of the existing Local Rules. A detailed redline copy of the modified rules is attached to this Order as an Exhibit. Specifically, the modification provides for all cases filed on or after July 1, 2021: (1) enabling the 2021 Chapter 13 Plan as the required form in all cases after August 1, 2021 (the form is available and use is encouraged for the period July 1-July 31, 2021); (2) suspending Local Rule 2016-1 for all chapter 13 cases; (3) enacting Local Rule 2016-5; (4) modifying Local Rule 3015-1 to mirror the updated certificate of service in Local Form 14 and updating the objection deadline for any plan to seven (7) days prior to the confirmation hearing; (4) suspending Local Rule 3015-2, except that the authorization to serve a plan that only increases payments to the trustee solely on the trustee has been retained and added to modified Local Rule 3015-1; (5) modifying Local Rule 3015-3 to correspond with Fed. R. Bankr. P. 2002(f)(7); (6) modifying Local Rule 3015-5 to enable attorneys' fees approved pursuant to the Presumptive Fee Rule; and (7) modifying Local Rule 2002-1(g) to clarify that no separate service of a fee application is needed in cases where counsel elects to receive a presumptively reasonable fee under Local Rule 2016-5(A).

Therefore, for the reasons stated above, and in order to effectively enact the Presumptive Fee Rule and the 2021 Chapter 13 Plan, it is hereby **ADJUDGED, ORDERED, and DECREED** that

1. Local Rule 2016-5 shall be effective in all chapter 13 cases filed on or after July 1, 2021. Cases filed prior to July 1, 2021 must comply with the Court's existing Local Rule 2016-1. This Order does not change or modify the existing Local Rules for a case filed under any other chapter of the Bankruptcy Code.

2. The 2021 Chapter 13 Plan shall be effective as of July 1, 2021. The 2021 Chapter 13 Plan should be used for all proposed chapter 13 plans (initial or amended) filed on or after July 1, 2021. Effective August 1, 2021, the 2021 Chapter 13 Plan shall be required for all chapter 13 cases and plans filed in this District.

3. Current Local Rule 2016-1 is suspended in all chapter 13 cases filed on or after July 1, 2021, and Local Rule 2016-5 is applicable to those cases.

4. The Local Rules of this Court are amended and revised as set forth in the attached Exhibit.

[Signed and dated above.]

Exhibit A

RULE 2002-1. NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

- (g) Limitation of Notice—Chapter 13. In a Chapter 13 case, notice of a professional’s application for approval of compensation and reimbursement of expenses, except those sought pursuant to LBR 2016-5(A), which do not require separate application or service, need only be sent to the Chapter 13 Trustee, the debtor, the debtor’s attorney (if different from the applicant), and creditors who have filed and served on the trustee a request under LBR 2002-1(j) to receive all notices in the case.

RULE 2016-1. COMPENSATION OF PROFESSIONALS

SUSPENDED in chapter 13 cases. Compensation of Professionals in chapter 13 cases is governed by Local Rule 2016-5.

RULE 2016-2. RULE 2016(b) DISCLOSURES AND TREATMENT OF PAYMENTS FROM PROPERTY OF THE ESTATE

- (a) Required Disclosures. In complying with Fed. R. Bankr. P. 2016(b), an attorney shall provide in the statement required by 11 U.S.C. § 329 the additional information elicited by Local Form No. 10 regarding services to be provided and details regarding the services covered by a flat fee versus those covered by an hourly rate.
- (b) Sanctions for Failure to Make Timely Fed. R. Bankr. P. 2016(b) Disclosure. Failure to make timely disclosure under Fed. R. Bankr. P. 2016(b) may lead to disallowance of compensation and disgorgement of fees.
- (c) Disclosing Payment Received From a Source Already Disclosed or a Deposit for Payment of Fees. The requirement under Fed. R. Bankr. P. 2016(b) that an attorney disclose any payment of fees or arrangement for payment of fees extends to:
- (1) any payment received even if the initial Fed. R. Bankr. P. 2016(b) statement disclosed the source of future payment of fees; and
 - (2) any deposit made with the attorney for possible payment of fees, but a statement need not be filed disclosing a receipt of a payment authorized by order of the Court.
- (d) SUSPENDED in Chapter 13 Cases.
- (e) Postpetition Deposit of Property of the Estate for Eventual Payment of Fees. After the commencement of a case, an attorney may accept a deposit of estate funds to be held in the attorney’s trust account to be used for possible payment of attorney’s fees, but only if the debtor and the attorney have agreed in writing that, until otherwise ordered by the Court, the funds remain subject to the debtor’s direction and control.

RULE 2016-5: Compensation for Debtor’s Counsel in Chapter 13 Cases.

A. Presumptively Reasonable Fee. Debtor’s counsel in a chapter 13 case is relieved from filing a detailed application for compensation as required by 11 U.S.C. § 330 and Bankruptcy Rule 2016 if the attorney complies with all of the conditions and requirements set forth herein.

1. Rule 2016 Disclosure. Debtor’s counsel shall file a Bankruptcy Rule 2016(b) Disclosure of Compensation reflecting that the attorney will perform all required and necessary services for the debtor as set forth subsection (A)(2). If the attorney’s Rule 2016(b) Disclosure of Compensation clearly states the specific exceptions, Counsel may except from representation under this Rule the following: adversary proceedings, appeals, and United States Trustee audits. Counsel may make separate arrangements for such representation with a debtor.

2. i. Amount. Total compensation for Debtor’s counsel of \$5,500.00 or less per case, whether individual or joint, will be presumed reasonable under 11 U.S.C. § 329 and allowable under 11 U.S.C. § 330. If the chapter 13 trustee requires the debtor to file a business report, or if the debtor holds a controlling interest in a corporation or LLC operating a business, total compensation for Debtor’s counsel of \$6,500.00 or less per case, whether individual or joint, will be presumed reasonable under 11 U.S.C. § 329 and allowable under 11 U.S.C. § 330. Debtor’s counsel may also receive expenses, including the filing fee and up to \$150.00 in other estimated expenses. The presumptive fee amounts shall be periodically reviewed and adjusted by the Court by General Order, at least bi-annually in the first quarter of the calendar year. Notwithstanding the amounts set forth herein, the compensation charged must be commensurate with the nature and complexity of the case, be based upon the reasonably anticipated amount of time to be expended on the case, and shall be presumed to compensate debtor’s attorney for a level of service to debtor that includes the services set forth in subsection (ii).

ii. Services Included. Services included in the presumptively reasonable fee set forth in (A)(2)(i), at a minimum, shall include:

- a. Counseling with and explaining to the debtor all of the debtor’s responsibilities, including, but not limited to payments and attendance at the meeting of creditors, confirmation hearing(s), and other required hearings;
- b. Verifying the debtor’s identity, social security number, and eligibility for Chapter 13;
- c. Timely preparation and filing of the petition, schedules, statement of financial affairs, chapter 13 plan, all amendments and all required documents pursuant to the Bankruptcy Code, the Bankruptcy Rules, and these Local Rules;
- d. Serving copies of all filed plans on creditors and interested parties as required by the Code, the Bankruptcy Rules, and these Local Rules;

- e. Preparing for and attending the meeting of creditors, confirmation hearing(s), and all other required hearings;
 - f. Preparing pleadings and attending hearings for all necessary pre-confirmation motions brought on behalf of the debtor;
 - g. Timely reviewing, objecting to, and filing claims, as necessary;
 - h. Filing amendments, motions, or any other required pleadings;
 - i. Attending all hearings when required;
 - j. Assisting the debtor in petitioning the Court to employ special counsel, to seek approval of settlements or compromises, and to request approval of compensation for special counsel as appropriate;
 - k. Attending hearings and defending motions against the debtor as appropriate, including motions for relief from the automatic stay, until discharge, conversion, or dismissal of the case;
 - l. Preparing, filing, and serving of motions for voluntary dismissals;
 - m. Preparing, filing, and serving of motions to deem mortgage current, where appropriate;
 - n. Preparing, filing, and serving of motions to approve loan modifications, where appropriate;
 - o. Advising the debtor regarding the requirements for obtaining a discharge, including eligibility for discharge; the need to complete a course in personal financial management provided by an approved agency; the need to satisfy requirements regarding domestic support obligations; and filing all required § 1328 certifications with the bankruptcy court;
 - p. Filing a statement regarding the completion of a course in personal financial management if required by Federal Rule of Bankruptcy Procedure 1007(b)(7) (or subsequent rules) and a motion for entry of discharge (if applicable);
 - q. Consulting with the debtor from time-to-time after confirmation regarding the status of the case and steps needed for plan completion, including without limitation, changes of address, changes in employer/employee withholding, review of summary notices of claims, review of annual/semi-annual reports, and review or preparation of miscellaneous correspondence regarding the case;
 - r. In a business case, filing business reports or providing any business documentation as required by the chapter 13 trustee; and
 - s. In all cases, assisting the debtor with compliance with all requirements of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, General Orders, Local Rules, and procedures.
- iii. Approval. Approval of the allowance of a presumptively reasonable fee will be considered by the Court at confirmation and be granted by entry of the confirmation order. The fees sought in the plan must be consistent in amount and description with counsel's Bankruptcy Rule 2016(b) disclosure.

- iv. Duration of Representation. A debtor's attorney must assist the debtor in all matters in the bankruptcy case, unless properly excluded as provided for in section (A)(1) above, unless the Court has granted the attorney's motion to withdraw as counsel. Debtor's counsel shall not withhold legal advice or service in the bankruptcy case from the debtor because of lack of payment and may not demand payment from the debtor or any person on behalf of the debtor as a condition of providing such legal advice or service.
 3. Review of Presumptively Reasonable Fees. Inasmuch as the reasonableness of fees established in subdivision (A)(2) is presumptive only, the Court may, in its discretion, or upon request of the debtor, the chapter 13 trustee, the U.S. Trustee, a creditor, Debtor's counsel, or a party in interest, conduct a hearing to consider the reasonableness of such fee under all the facts and circumstances of the case. The Court may, as a result of such hearing, reduce, increase, or otherwise modify such fee. Attorneys are prohibited from advising clients or the public that this Court requires any minimum or maximum compensation for a chapter 13 case. This Rule does not seek to set any compensation in any chapter 13 case, and it does not and is not intended to set any minimum or maximum compensation in any chapter 13 case filed in this Court.
 4. Effect of Flat Fee Election.
 - i. Unless ordered otherwise, Debtor's counsel's election to accept a presumptive fee is irrevocable. However, the Court may allow compensation different from the compensation provided under subdivision (A)(2) any time prior to entry of a final decree, if such compensation proves to have been improvident in light of developments not capable of being anticipated at the time the plan is confirmed or denied confirmation.
 - ii. If a debtor's attorney is awarded compensation pursuant to subdivision (A)(2) of this Rule and thereafter seeks additional compensation pursuant to subsection (A)(4)(i), the attorney must file a detailed application for compensation for all such additional compensation in the case as described in this Rule and pursuant to Bankruptcy Rule 2016(a), 11 U.S.C. § 330, the Compensation Guidelines maintained by the Office of the United States Trustee, and other applicable law. The attorney seeking additional compensation must be prepared at the hearing to provide evidence as to the improvident developments, including all extraordinary tasks required in the case, and the reason additional compensation is sought and due.
- B. Electing to File Applications for Compensation in Chapter 13 Cases. A chapter 13 debtor's attorney may elect not to seek compensation under subdivision (A) of this Rule. In that event, the attorney must file a detailed application for all compensation in the case pursuant to Bankruptcy Rule 2016(a), 11 U.S.C. § 330, the Compensation Guidelines maintained by the Office of the United States Trustee, and other applicable law. Attorneys electing this procedure shall estimate fees in the chapter 13 plan for confirmation purposes. Unless

otherwise ordered by the Court, an attorney seeking compensation under this subpart shall file an initial fee application no later than 60 days after entry of the first order confirming a plan in the case.

- C. Nonstandard Case Related Representation. Attorneys employed by a debtor during the case to assist with work not contemplated under the expedited fee process or addressed in the supplemental fee provision in the written fee agreement, such as representation of the debtor in an adversary proceeding, or an action in connection with the case in a nonbankruptcy court, shall comply with the filing requirements of 11 U.S.C. § 329.
- D. Retention of Jurisdiction. Upon the dismissal of a Chapter 13 case wherein a Chapter 13 plan has not been confirmed, the court will retain jurisdiction for a period of twenty one (21) days after the dismissal order becomes final, to determine if any professional fees are an administrative expense under 11 U.S.C. §503(b). *See* 11 U.S.C. § 1326 (a)(2). The debtor’s attorney, and or any duly authorized professional, shall move the court within the twenty-one (21) days period for such a determination.

RULE 3015-1. CHAPTER 13—PLAN

- (a) Requirement for use of Local Chapter 13 Plan Form. In a case commenced on or after August 1, 2021 or in any case filing an amended or modified plan, the required [Chapter 13 Plan \(Local Official Form 14\)](#) must be used without alteration, except as otherwise provided in these rules or in instructions issued by the Court. The Form may be modified to permit minor changes not affecting wording or the order of presenting information, including changes that:
 - (1) expand the prescribed areas for responses in order to permit complete responses;
 - (2) delete space not needed for responses; or
 - (3) delete items requiring detail in a question or category if the filer indicates—either by checking “no” or “none” or by stating in words—that there is nothing to report on that question or category.
- (b) Service. In a Chapter 13 case, the debtor or the attorney for the debtor must mail a copy of the debtor’s plan, on the date of the plan, to all creditors and parties in interest, and complete the certificate of service that accompanies [Local Official Form 14](#).
 - (1) However, notwithstanding the above, a plan that only increases payments to the trustee need be served only on the trustee.
- (c) Notice of Deadline for Objections. The plan must include a conspicuous notice of the deadline for filing and serving an objection to confirmation of the plan upon the debtor, the debtor’s attorney, and the Chapter 13 Trustee. Unless the Court approves notice of a different deadline, the deadline for a creditor to file and serve an objection to a plan is 7 days before the scheduled confirmation hearing.

RULE 3015-2. CHAPTER 13—AMENDMENTS TO PROPOSED PLAN

SUSPENDED.

RULE 3015-3. CHAPTER 13—CONFIRMATION HEARING AND NOTICE OF CONFIRMATION OF PLAN

- (a) Attendance of Debtor and Counsel at Confirmation Hearing. Neither the debtor nor the debtor's counsel need attend the confirmation hearing if:
- (1) the Chapter 13 Trustee has recommended confirmation of the Chapter 13 plan, and either no objections to confirmation of that plan have been timely filed, or any that were timely filed have been withdrawn; or
 - (2) the Chapter 13 Trustee has objected to confirmation of the plan, and the trustee and any other entity who timely objected to confirmation of the plan have agreed to a continuance.
- (b) SUSPENDED. Service of a chapter 13 confirmation order is now governed by Fed. R. Bankr. P. 2002(f)(7).

RULE 3015-5. CHAPTER 13—DISTRIBUTIONS UNDER CHAPTER 13 PLAN

- (a) Order of Distribution on Allowed Claims in Chapter 13 Cases. Unless otherwise stated in Section 9, entitled Non-Standard Provisions, of a confirmed Plan, the Chapter 13 Trustee shall make distributions in the order listed below:
- (1) Trustee commission under 11 U.S.C. § 1326(b)(2).
 - (2) At the same time and pro rata, allowed unsecured claims for: (A) any domestic support obligations and other claims described under 11 U.S.C. § 507(a)(1); and (B) any administrative claims and other claims described under 11 U.S.C. § 507(a)(2), including any Debtor's counsel fee approved pursuant to LBR 2016-5.
 - (3) Claims payable to any former Chapter 7 Trustee under 11 U.S.C. § 1326(b)(3).
 - (4) Other priority claims defined by 11 U.S.C. § 507(a)(3) – (10).
 - (5) At the same time and pro rata with payments on priority claims under paragraph 4 above, allowed secured claims as follows:
 - (A) Allowed secured claims for pre-petition arrears, designated to be paid under the Plan, in equal monthly amounts.
 - (B) Allowed secured claims, designated to be paid in full under the Plan, in equal monthly amounts at any specified interest rate.

- (6) After payment of both allowed priority claims and allowed secured claims that are to be paid under the Plan, allowed general unsecured claims, meaning unsecured claims not entitled to priority.

- (b) Alteration of Order of Distribution if Necessary, to Assure Payment of Allowed Secured Claims Within a Reasonable Time. If compliance with this rule will cause unreasonable delay under 11 U.S.C. § 1322(a)(5) or § 1325(a)(5)(B)(iii)(I) in the commencement of or completion of payments on an allowed secured claim, the Trustee may adjust the payments, or the secured creditor may apply for an order to alter the payment scheme.

Exhibit B

RULE 2002-1. NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

~~(g)~~ Limitation of Notice—Chapter 13. In a Chapter 13 case, notice of a ~~professional's~~professional's application for approval of compensation and reimbursement of expenses, ~~except those sought pursuant to LBR 2016-5(A), which do not require separate application or service,~~ need only be sent to the Chapter 13 Trustee, the debtor, the ~~debtor's~~debtor's attorney (if different from the applicant), and creditors who have filed and served on the trustee a request under ~~LBR 2002-1(j)~~LBR 2002-1(j) to receive all notices in the case.

RULE 2016-2. RULE 2016(b) DISCLOSURES AND TREATMENT OF PAYMENTS FROM PROPERTY OF THE ESTATE

- (a) Required Disclosures. In complying with Fed. R. Bankr. P. 2016(b), an attorney shall provide in the statement required by 11 U.S.C. § 329 the additional information elicited by Local Form No. 10 regarding services to be provided and details regarding the services covered by a flat fee versus those covered by an hourly rate.
- (b) Sanctions for Failure to Make Timely Fed. R. Bankr. P. 2016(b) Disclosure. Failure to make timely disclosure under Fed. R. Bankr. P. 2016(b) may lead to disallowance of compensation and disgorgement of fees.
- (c) Disclosing Payment Received From a Source Already Disclosed or a Deposit for Payment of Fees. The requirement under Fed. R. Bankr. P. 2016(b) that an attorney disclose any payment of fees or arrangement for payment of fees extends to:
- (1) any payment received even if the initial Fed. R. Bankr. P. 2016(b) statement disclosed the source of future payment of fees; and
 - (2) any deposit made with the attorney for possible payment of fees, but a statement need not be filed disclosing a receipt of a payment authorized by order of the Court.
- ~~(d) Collection of Fees Out of Payment From Property of the Estate Requires a Court Order. An attorney may not collect a fee from property of the estate without an order of the Court authorizing the payment.~~
- ~~(d) SUSPENDED in Chapter 13 Cases.~~
- (e) Postpetition Deposit of Property of the Estate for Eventual Payment of Fees. After the commencement of a case, an attorney may accept a deposit of estate funds to be held in the attorney's trust account to be used for possible payment of attorney's fees, but only if the debtor and the attorney have agreed in writing that, until otherwise ordered by the Court, the funds remain subject to the debtor's direction and control.

Note: This Rule implements ~~In re Taylor, No. 03-01393, 2004 WL 1746112 (Bankr. D.D.C. Aug. 4, 2004) (available on Court's website), and In re Williams, No. 08-00116, 2008 WL 2890933~~

~~(Bankr. D.D.C. July 21, 2008) (available on Court's website). Paragraph (d) has particular relevance in Chapter 13 cases. In this District, the order confirming a Chapter 13 plan usually provides that property of the estate remains property of the estate and thus such property does not revert in the debtor notwithstanding 11 U.S.C. § 1327(b). Payment of fees from estate funds requires a court order. An attorney may not accept a deposit of estate funds for possible payment of attorney's fees unless the debtor and the attorney have agreed in writing that, until the Court orders otherwise, the funds are to remain subject to the debtor's direction and control, and the attorney discloses the deposit.~~

RULE 3015-1. CHAPTER 13—PLAN

- (a) Requirement for use of Local Chapter 13 Plan Form. In a case commenced on or after ~~December 1, 2017~~ August 1, 2021 or in any case filing an amended or modified plan, the required Chapter 13 Plan (Local Official Form 14) must be used without alteration, ~~except as otherwise provided in these rules or in instructions issued by the Court. (The Form may be used in a case commenced before December 1, 2017.)~~. The Form may be modified to permit minor changes not affecting wording or the order of presenting information, including changes that:
- (1) expand the prescribed areas for responses in order to permit complete responses;
 - (2) delete space not needed for responses; or
 - (3) delete items requiring detail in a question or category if the filer indicates—either by checking “no” or “none” or by stating in words—that there is nothing to report on that question or category.
- (b) Service. In a Chapter 13 case, the debtor or the attorney for the debtor must mail a copy of the debtor's plan, on the date of the plan, to all creditors and ~~the additional entities specified on the required Local Official Form 14,~~ parties in interest, and complete the certificate of service that accompanies Local Official Form 14.
- (1) ~~However, notwithstanding the above, a plan that only increases payments to the trustee need be served only on the trustee.~~
- (c) Notice of Deadline for Objections. The plan must include a conspicuous notice of the deadline for filing and serving an objection to confirmation of the plan upon the debtor, the debtor's attorney, and the Chapter 13 Trustee. Unless the Court approves notice of a different deadline, the deadline for a creditor to file and serve an objection to a plan is ~~217~~ days ~~after~~before the ~~date of the plan's scheduled confirmation hearing.~~

RULE 3015-3. CHAPTER 13—CONFIRMATION HEARING AND NOTICE OF CONFIRMATION OF PLAN

(a) Attendance of Debtor and Counsel at Confirmation Hearing. Neither the debtor nor the debtor's counsel need attend the confirmation hearing if:

- (1) the Chapter 13 Trustee has recommended confirmation of the Chapter 13 plan, and either no objections to confirmation of that plan have been timely filed, or any that were timely filed have been withdrawn; or
- (2) the Chapter 13 Trustee has objected to confirmation of the plan, and the trustee and any other entity who timely objected to confirmation of the plan have agreed to a continuance.

~~(b) NoticeSUSPENDED. Service of Confirmation of Plan. When a Chapterchapter 13 plan is confirmed, the Clerk will transmit to all entities on the mailing list under LBR 2002-2:~~

- ~~(1) a copy of the confirmation order; or~~
- ~~(2) a notice of entry of the order confirming the plan, specifying which plan was confirmed and, if there were any amendments thereto, giving notice that there were amendments reflected in the order of confirmation.~~

~~(e)(b) Note: LBR 3015-2(a) allows certain amendments to be made orally at the confirmation hearing, is now governed by Fed. R. Bankr. praecipe not served on creditors, or by the filing of an amended plan that is served on only the trustee. As a result, multiple plans may be filed in a case and a creditor may not have received the newest version. Accordingly, LBR 3015-3(b) assures that when creditors begin receiving payments they will know which plan is controlling in the event that a plan differing from the original plan was confirmed.P. 2002(f)(7).~~

RULE 3015-5. CHAPTER 13—DISTRIBUTIONS UNDER CHAPTER 13 PLAN

(a) Order of Distribution on Allowed Claims in Chapter 13 Cases. Unless otherwise stated in Section ~~109~~, entitled Non-Standard Provisions, of a confirmed Plan, the Chapter 13 Trustee shall make distributions in the order listed below:

- (1) Trustee commission under 11 U.S.C. § 1326(b)(2).
- (2) At the same time and pro rata, allowed unsecured claims for: (A) any domestic support obligations and other claims described under 11 U.S.C. § 507(a)(1); and (B) any administrative claims and other claims described under 11 U.S.C. § 507(a)(2), including any Debtor's counsel fee ~~allowed by Bankruptcy Court order following an application by Debtor's counsel.~~approved pursuant to LBR 2016-5.
- (3) Claims payable to any former Chapter 7 Trustee under 11 U.S.C. § 1326(b)(3).

- (4) Other priority claims defined by 11 U.S.C. § 507(a)(3) – (10).
- (5) At the same time and pro rata with payments on priority claims under paragraph 4 above, allowed secured claims as follows:
 - (A) Allowed secured claims for pre-petition arrears, designated to be paid under the Plan, in equal monthly amounts.
 - (B) Allowed secured claims, designated to be paid in full under the Plan, in equal monthly amounts at any specified interest rate.
- (6) After payment of both allowed priority claims and allowed secured claims that are to be paid under the Plan, allowed general unsecured claims, meaning unsecured claims not entitled to priority.

(b) Alteration of Order of Distribution if Necessary, to Assure Payment of Allowed Secured Claims Within a Reasonable Time. If compliance with this rule will cause unreasonable delay under 11 U.S.C. § 1322(a)(5) or § 1325(a)(5)(B)(iii)(I) in the commencement of or completion of payments on an allowed secured claim, the Trustee may adjust the payments, or the secured creditor may apply for an order to alter the payment scheme.

Exhibit C

UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLUMBIA

In re:

Debtor 1

Debtor 2

Case No. _____

Chapter 13

Hearing Date: _____

Date of Plan: _____

CHAPTER 13 PLAN & NOTICE OF DEADLINE TO OBJECT TO CONFIRMATION

Original Plan

Amended Plan. Listed below are the parts of this Plan that have been changed and the creditors affected by the amendment.

Modified Plan. Listed below are the parts of this Plan that have been changed and the creditors affected by the modification.

The Plan provisions changed by this filing are:

Affected Creditors:

Part 1. Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in this judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies.

To Creditors: **Your rights may be affected by this Plan. Your claim may be reduced, modified, or eliminated. A proof of claim must be filed to receive any payment from the Trustee.**

You should read this Plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the Plan's treatment of your claim or any provision of this Plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this Plan without further notice if no objection to confirmation is filed. *See* Bankruptcy Rule 3015.

The following matters may be of particular importance. **The Debtor(s) must check one box on each line to state whether or not the Plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the Plan.**

- | | | | |
|-----|---|-----------------------------------|---------------------------------------|
| 1.1 | Nonstandard provisions, set out in Part 9.1. | <input type="checkbox"/> Included | <input type="checkbox"/> Not Included |
| 1.2 | A limit on the amount of a secured claim, which may result in a partial payment or no payment at all to the secured creditor, as set out in Part 5.3. | <input type="checkbox"/> Included | <input type="checkbox"/> Not Included |
| 1.3 | Avoidance of a security interest or lien, as set out in Part 5.4. | <input type="checkbox"/> Included | <input type="checkbox"/> Not Included |

Part 2: Plan Payments and Length of Plan

2.1 The Debtor(s)' future earnings are submitted to the supervision and control of the Chapter 13 Trustee, and the Debtor(s) will pay as follows:

\$ _____ per month for _____ month(s),
\$ _____ per month for _____ month(s), and
\$ _____ per month for _____ month(s), for a total term of _____ months.

The Debtor(s) must make monthly payments commencing no later than 30 days after the petition date.

2.2 Regular payments to the trustee will be made in the following manner (check all that apply):

- The Debtor(s) will make payments pursuant to a payroll deduction order. **The Debtor(s) is/are responsible to make payments to the Trustee until any payroll deduction order is in effect.**
- The Debtor(s) will make payments directly to the Trustee.
- Other (specify method of payment) _____.

2.3 Income Tax Returns and Refunds:

Unless otherwise directed by the Chapter 13 Trustee, the Debtor(s) will supply to the Chapter 13 Trustee a copy of each income tax return that the Debtor(s) file(s) during the Plan term within 14 days of filing the return.

Check one box:

- The Debtor(s) will retain any income tax refunds received during the Plan term.

For each year during the Plan term, the Debtor(s) will turn over to the Trustee the amount of refund exceeding
 \$ _____, not later than 30 days after receipt. The tax refunds are in addition to, and not a credit against, the other payments required to be paid under the Plan.

2.4 Additional Payments:

Check one box:

- None. *If "None" is checked, the rest of Part 2.4 need not be completed.*
- The Debtor(s) will make additional payments to the Trustee from other sources specified below. Describe the source, estimated amount, and date of each anticipated payment.

2.5 The Total amount of estimated payments to the trustee provided for in Parts 2.1 and 2.4 is \$ _____.

Part 3: Treatment of Administrative and Priority Claims

3.1 Trustee Commission. The Trustee's fees are governed by statute and may change during the course of the case, not to exceed 10% of all amounts received under the Plan. The Trustee's fee shall be paid under 11 U.S.C. § 1326(b)(2) and will make distributions in the order listed pursuant to Local Rule 3015-5 unless otherwise ordered by the Court. Any deviation from the order of distribution must be set forth in Part 9, Non-Standard Provisions. Allowed claims entitled to priority under 11 U.S.C. §§ 507(a)(1) and (2) will be paid in full. Any interest required to be paid on administrative claims for taxes shall be governed by 11 U.S.C. § 511.

3.2 Attorney Fees.

Check one box:

- Debtor(s)' attorney has chosen to be compensated pursuant to the Presumptively Reasonable fee under Local Bankruptcy Rule 2016-5. The balance of fees owed to the Debtor(s)' attorney is \$_____.
- Debtor(s)' attorney has chosen to be compensated pursuant to a Fee Application and must submit the application as set forth in Local Rule 2016-5. No fees will be paid absent order of the Court. The balance of fees owed to the Debtor(s)' attorney is estimated to be \$_____.

3.3 Domestic Support Obligations.

- None. *If "None" is checked, the rest of Part 3.3 need not be completed.*
- Allowed domestic support claims pursuant to § 507(a)(1) shall be paid prior to other priority creditors but concurrently with administrative claims in Part 3.2 above. The total § 507(a)(1) domestic support claims are estimated to be \$_____.

<u>Name of Creditor</u>	<u>Estimated Claim</u>
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- Domestic support payments under § 507(a)(1)(B) and paid less than full amount. Allowed domestic support claims assigned to or owed to a governmental unit pursuant to 11 U.S.C. § 507(a)(1)(B) will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). *This Plan provision requires payments in Part 2.1 to be for a term of 60 months.*

<u>Name of Creditor</u>	<u>Estimated Claim</u>	<u>Amount of Claim to be paid</u>
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3.4 Priority Claims other than Attorney Fees and Domestic Support Claims.

The following priority creditors, defined by 11 U.S.C. §§ 507(a)(3)-(10), will be paid in full by deferred cash payments, pro rata with other priority creditors:

Check one box:

- None. *If "None" is checked, the rest of Part 3.4 need not be completed.*

<input type="checkbox"/>	<u>Priority Creditor</u>	<u>Estimated Claim Amount</u>
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Part 4: Treatment of Secured Claims

- None. *If "None" is checked, the rest of Part 4 need not be completed.*

4.1 General Provisions: The terms and conditions included in this Part 4.1 apply to all remaining subjections of Part 4. If a claim is listed in the Plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for the purposes of distribution under the Plan.

The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.

If relief from the automatic stay is ordered to a lienholder as to any item of collateral listed in this Part, then, unless otherwise ordered by the Court, all payments to said lienholder under Part 4 as to that collateral will cease.

Unless the Court orders otherwise, the lienholder may amend a timely filed proof of claim to assert a claim for an unsecured deficiency claim remaining after enforcement of its lien as follows: (a) an amended proof of claim asserting an unsecured deficiency claim for a claim for which the collateral was **real property** shall be filed no later than **180** days after entry of the order granting relief; (b) an amended proof of claim asserting an unsecured deficiency claim for a claim for which the collateral was **personal property** (that is, anything other than real estate) shall be filed no later than **60** days after entry of the order granting relief.

4.2 Maintenance of Payment and Cure of Default, if Any, on Allowed Claims Secured by Real Property.

Check one box:

- None. *If “None” is checked, the rest of Part 4.2 need not be completed.*
- The Debtor(s) will maintain by **direct payments** the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and notice in conformity with any applicable rules. Any existing arrearage on a secured claim will be paid in full through disbursements by the Trustee. Unless otherwise ordered by the Court, the amount listed on a filed proof of claim controls over any contrary amount listed below as to the arrearage.

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Estimated Amount of Arrearage</u>
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- The Debtor(s) will maintain by **payments disbursed by the Trustee** the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and notice in conformity with any applicable rules. In addition, any existing arrearage on a secured claim will be paid in full through disbursements by the Trustee. Unless otherwise ordered by the Court, the amount listed on a filed proof of claim controls over any contrary amount listed below as to the arrearage.

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Estimated Amount of Arrearage</u>	<u>Estimated Monthly Payment</u>
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4.3 Maintenance of Payment and Cure of Default, if Any, on Allowed Claims Secured by Property Other than Real Property.

Check one box:

- None. *If “None” is checked, the rest of Part 4.3 need not be completed.*
- The Debtor(s) will maintain by **direct payments** to the creditors listed below the regular contract monthly payments that come due during the period of this Plan. The pre-petition arrearages on such debts shall be cured by the Trustee pro rata with other secured claims.

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>
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- The Debtor(s) will maintain by **payments disbursed by the Trustee** the regular contractual monthly payments to the creditors listed below that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee pro rata with other secured claims.

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>
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4.4 Secured Claims Paid Through Plan.

Check one box:

- None. *If "None" is checked, the rest of Part 4.4 need not be completed.*
- The following secured claims will be paid in full through the Plan with interest at the rate stated below. These payments will be disbursed by the Trustee.

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Estimated Amount of Claim</u>	<u>Interest Rate</u>	<u>Estimated Monthly Payment</u>
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4.5 The Debtor(s) will surrender collateral to the lienholder.

Check one box:

- None. *If "None" is checked, the rest of Part 4.5 need not be completed.*
- The Debtor(s) will surrender the collateral listed below to the respective lienholder. Describe the collateral securing the claim. Upon Plan confirmation, the automatic stay of 11 U.S.C. § 362(a) be terminated as to the collateral only and the co-debtor stay of 11 U.S.C. § 1301(a) terminates in all respects, if not terminated earlier, as to the collateral listed:

<u>Name of Creditor</u>	<u>Description of Collateral</u>
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4.6 Secured Claims that are to be paid outside of the Plan.

Check any applicable boxes:

- None. *If "None" is checked, the rest of Part 4.6 need not be completed.*
- The Debtor(s) will pay directly outside of the Plan all secured claims that are listed below, including any arrearages. The holder of the claim shall retain its lien (or right of setoff) after completion of the Plan and entry of any discharge. The Debtor(s) shall begin current contractual payments in the first month after the filing of the case.

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Estimated Arrearage</u>
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Part 5: Valuation of Security Interests and Treatment of Liens

None. If “None” is checked, the rest of Part 5 need not be completed.

5.1 General Provisions: The terms and conditions included in this Part 5.1 apply to all remaining subsections of Part 5.

The Debtor(s) request(s) that the Court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the Debtor(s) state(s) that the value of the secured claim should be as set out in the column headed “Name of Creditor.” For each listed claim, the secured claim will be paid pursuant to Part 4.

With respect to each allowed secured claim provided for in the Plan, the holder of such secured claim will retain the listed lien on the indicated property interest until the earliest of the following:

- a) Payment of the underlying debt determined under nonbankruptcy law, or
- b) Discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor, or
- c) If the Debtor(s) cannot receive a discharge as provided in 11 U.S.C. § 1328(f), the notice of Plan Completion.

If the case is dismissed or converted without completion of the Plan, liens shall also be retained by the holders to the extent recognized under applicable nonbankruptcy law.

5.2 Valuing a Claim or Avoidance of a Lien by Separate Motion or Adversary Proceeding.

None. If “None” is checked, the rest of Part 5.2 need not be completed.

The Debtor(s) will seek valuation of a claim or avoidance of a lien through a separate motion or Adversary Proceeding. The amount of the secured claim will be set by Court order, with the interest rate set forth below, unless the Court orders otherwise. The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 6 of this Plan to the extent allowed.

For each claim listed, the value of the secured claim will be paid with interest in full through the Plan, at the valuation determined by the Court.

<u>Name of Creditor</u>	<u>Estimated Amount of Creditor’s Claim</u>	<u>Description of Collateral</u>	<u>Value of collateral</u>	<u>Amount of Claims Senior to Creditor’s Claim</u>	<u>Secured Claim to Be Paid Through Plan</u>	<u>Interest Rate</u>
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5.3 Request for avoidance of a lien pursuant to 11 U.S.C. § 522(f) through the Plan.

None. If “None” is checked, the rest of Part 5.3 need not be completed.

The Debtor(s) seek(s) to value a claim or avoid a judicial lien and/or nonpossessory, non-purchase money security interest pursuant to 11 U.S.C. § 522(f) through this Plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 6 of this Plan to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full under the Plan at the interest rate listed below.

If the lienholder has not filed a proof of claim, evidence of the following should be filed separately or as an exhibit to the Plan: (i) the collateral’s value; (ii) the existence of all other liens; (iii) the amount of each debt secured by the collateral; and (iv) the name, address, and nature of ownership of any non-debtor owner of the property. **This supplemental material need only be served on affected creditors and not on all creditors.**

Insert additional claim boxes as needed.

Information regarding judicial lien or security interest

Name of Creditor

Description of Collateral

Lien identification

Calculation of lien avoidance

a. Amount of lien \$ _____

b. Amount of all other liens \$ _____

c. Value of claimed exemptions \$ _____

d. Total of adding lines a, b, and c \$ _____

e. Value of Debtor(s)' interest in property \$ _____

f. Subtract line e from line d \$ _____

Extent of exemption impairment (check applicable box)

Line f is equal to or greater than line a. The entire lien is avoided.

Line f is less than line a. A portion of the lien is avoided. **(Complete the next part)**

Treatment of remaining secured claim:

Amount of Secured Claim After Avoidance
(Line a Minus Line f):

Interest Rate (If Applicable):

5.4 Request for valuation of security or avoidance of liens under § 506 through the Plan.

None. If "None" is checked, the rest of Part 5.4 need not be completed.

The Debtor(s) seek(s) to value a claim or avoid a lien under 11 U.S.C. § 506 through the Plan. If the lienholder has not filed a proof of claim, evidence of the following should be filed separately or as an exhibit to the Plan: (i) the collateral's value; (ii) the existence of all other liens; (iii) the amount of each debt secured by the collateral; and (iv) the name, address, and nature of ownership of any non-debtor owner of the property. **This supplemental material need only be served on affected creditors and not on all creditors.**

The amount and interest rate of the claim is set as listed below or by superseding Court order. For each claim listed, the value of the secured claim will be paid in full with interest at the rate listed below. The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 6 of this Plan to the extent allowed.

<u>Name of Creditor</u>	<u>Estimated Amount of Creditor's Claim</u>	<u>Description of Collateral</u>	<u>Value of Collateral</u>	<u>Amount of Claims Senior to Creditor's Claim</u>	<u>Secured Claim to Be Paid Through Plan</u>	<u>Interest Rate</u>
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Part 6: Treatment of Nonpriority Unsecured Claims

6.1 Nonpriority unsecured claims not separately classified.

- Allowed nonpriority unsecured claims that are not separately classified in Part 6.2 will be paid pro rata. Approximately _____% of the total amount of these claims, an estimated payment of \$_____.
- 100% of allowed nonpriority unsecured claims that are not separately classified in Part 6.2, an estimated payment of \$_____.

If the estate of the Debtor(s) was/were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$_____. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

6.2 Other separately classified nonpriority unsecured claims. Check one.

- None. *If "None" is checked, the rest of Part 6.2 need not be completed.*
- The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows:

<u>Name of Creditor</u>	<u>Basis for Separate Classification and Treatment</u>	<u>Treatment</u>
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Part 7: Executory Contracts and Unexpired Leases

7.1. The executory contracts and unexpired leases listed below are assumed and/or rejected as specified. All other executory contracts and unexpired leases are rejected. Check all that apply.

- None. *If "None" is checked, the rest of Part 7.1 need not be completed.*
- Executory contracts and unexpired leases to be rejected.** The Debtor(s) reject the following executory contracts:

<u>Name of Creditor</u>	<u>Type of Contract</u>
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Any claim for rejection damages must be filed within 60 days from entry of the order confirming this Plan.

- Executory contracts and unexpired leases to be assumed.** The Debtor(s) assume the following executory contracts:

<u>Name of Creditor</u>	<u>Type of Contract</u>	<u>Cure Amount and Term(s)</u>
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Part 8. Miscellaneous

8.1 Adequate Protection Payments for Claims Secured by or Subject to a Lease of Personal Property.

- None. *If "None" is checked, the rest of Part 8.1 need not be completed or reproduced.*
- Beginning not later than 30 days after the petition date and until the Plan is confirmed, the Debtor(s) will directly pay adequate protection payments for claims secured by or subject to a lease of personal property for the Claims Listed Below. After confirmation of the Plan, the claims will be paid under Part 4. Make sure to list the amount of the monthly payment the Debtor(s) will pay before confirmation and list the last 4 digits only of the account number, if any, the lienholder uses to identify the claim.

Lessor/Lienholder

Property/Collateral

Acct. No (last 4 numbers)

Monthly Payment

8.2 Revesting Property of the Estate.

Property of the estate shall revert in the Debtor(s) upon:

- (a) the Debtor(s) is/are granted a discharge pursuant to 11 U.S.C. § 1328;
- (b) the Trustee files a notice of Plan completion if by reason of 11 U.S.C. § 1328(f) the Debtor(s) cannot receive a discharge; or
- (c) the case is dismissed.

8.3 Incurrence of Indebtedness.

The Debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, whether unsecured or secured, except upon written notice and approval from the Trustee. Nothing herein shall prohibit the Debtor(s) from filing a motion for Court approval indebtedness in any amount.

Part 9: Non-standard Provisions

9.1 Check "None" or List Nonstandard Plan Provisions.

- None. *If "None" is checked, the rest of Part 9.1 need not be completed.*
- Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this Plan are ineffective.

The following Plan provisions will be effective only if there is a check in the box "Included" in Part 1.1:

Part 10: Signatures

10.1 Signatures of Debtor(s) and Debtor(s)' Attorney.

The Debtor(s)' signature(s) below certify(ies) that the Plan provisions above are all the terms proposed by the Debtor(s), and the Debtor(s) has/have read all the terms.

X _____
 Signature of Debtor 1
 Executed on _____

X _____
 Signature of Debtor 2
 Executed on _____

X _____
 Signature of Attorney for Debtor(s)

Date _____

By filing this document, the Debtor(s), and if represented by an attorney the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 Plan are identical to those contained in Local Form 14, other than any nonstandard provisions included in Part 9.1.

CERTIFICATE OF SERVICE OF CHAPTER 13 PLAN

Check all that apply:

AMENDED PLANS ONLY INCREASING PAYMENTS: The Amended Chapter 13 Plan filed herewith / filed on _____, 20__, makes no changes from the last previously-filed Plan other than to increase the amount payable under the Plan. In such event, no service is required.

A separate certificate of service shall be filed pursuant to Federal Rule of Bankruptcy Procedure 7004.

I certify that on _____, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

Signature of attorney/pro se party

Name, Bar Number (if applicable)

Firm (if applicable)

Address

Address

Telephone

Email Address