

# CHAPTER 13 TRUSTEE MARSHA L. COMBS-SKINNER CENTRAL DISTRICT OF ILLINOIS

Illinois County Treasurer's  
Conference  
July 17, 2018



#### CLERK'S OFFICES

##### Peoria Division

216 U.S. Courthouse  
100 N.E. Monroe Street  
Peoria, Illinois 61602  
309-671-7035

##### Danville Division

130 U.S. Courthouse  
201 N. Vermilion Street  
Danville, Illinois 61832  
217-431-4820

##### Springfield Division

226 U.S. Courthouse  
600 E. Monroe Street  
Springfield, Illinois 62701  
217-492-4551

[www.ilcb.uscourts.gov](http://www.ilcb.uscourts.gov)

PLEASE NOTE: The bankruptcy court and the district court in the Central District of Illinois have different divisional boundaries.



Marsha L. Combs-Skinner

Chapter 13 Trustee for:

Danville and Rock Island portion of the Peoria Divisions, since 2010.

Springfield Division, since July 1, 2018.

Peoria Division, starting January 2019.

Disclaimer:

This presentation is based on how I operate as a Chapter 13 Trustee for the Danville and Rock Island portion of the Peoria Divisions. My views may not be the views of the Judges and Trustee's in the Northern and Southern Districts of Illinois.

# What is Bankruptcy

**Bankruptcy is a legal process by which an insolvent person/entity is able to eliminate some debt, with the purpose of receiving a fresh start.**

# Flavors of Bankruptcy

- **Chapter 7: Liquidation**
- **Chapter 9: Municipality**
- **Chapter 11: Business/ high debt Individuals**
- **Chapter 12: Farmers**
- **Chapter 13: Reorganization**
- **Chapter 15: Foreign Bankruptcies**

# Bankruptcy in General

- In each Chapter of Bankruptcy, the Debtor is required to either turnover property and/or pay at least the equity of the property that they are retaining.
- The Debtor is entitled to claim exemptions and either retain the property or a portion of the proceeds:
  - Illinois has opted out of the Federal Exemptions
  - Illinois Exemptions mostly under 735 ILCS 5/12

# Chapter 7: The Debtor

- May be an individual, a married couple, a corporation, a partnership or a trust.
- Must wait 8 years after receiving a Chapter 7 discharge, before they may receive another Chapter 7 discharge.
- May not be a bank or a railroad.

**A Debtor who files Chapter 7, has typically:**

- **Experienced a divorce,**
- **had long periods of unemployment or disability,**
- **had extensive medical bills,**
- **large credit card debt, or**
- **huge business losses.**
- **All of the above may have HUGE STUDENT LOAN DEBTS- that will not be discharged but they need relief from the other debts so they can pay their student loan debts.**

# Chapter 11: The Debtor

- Typically filed by **Businesses and high wealth individuals.**



# Chapter 12: The Debtor

- **Must be a family farmer or fisherman with regular annual income.**

# ILLINOIS EXEMPTIONS

- **Real estate:**
  - Each Debtor can claim up to \$15,000.00 of equity from their homestead.
  - Up to a total of \$30,000.00.
  - Each Debtor must be in title to the real estate.
  - This is after subtracting the amounts owed on properly perfected mortgages and real estate taxes.

# ILLINOIS EXEMPTIONS CONTINUED

- **Each person can claim**
  - **An unlimited amount of Wearing Apparel**
  - **Personal Property: (also known as the “Wildcard”)**
    - up to \$4,000.00, can be split among different items
  - **A Motor Vehicle**
    - up to \$2,400.00 of equity in one vehicle
  - **Entire Retirement Account**
  - **Entire Workmen’s Compensation Award**
  - **Personal Bodily Injury Case:**
    - up to \$15,000.00
  - **Implements, Books and Tools of the Trade:**
    - up to \$1,500.00

IF YOU RECEIVE A NOTICE OF  
BANKRUPTCY,  
NO MATTER WHAT CHAPTER!



# When the Debtor files Bankruptcy

- In order to preserve the status quo:
  - All collection actions must stop.
  - A new legal entity is created, the Estate of the Debtor.
  - In a case under Chapter 7, 12, and 13 a Trustee is appointed to oversee, maximize, collect, and liquidate the Estate of the Debtor.
  - In a chapter 11, the Debtor remains in possession of the Estate and performs the actions of the Trustee.

# Improper Collections

- Any action taken by a Creditor to collect on the Debt, after the filing of a case, even if they did not receive notice, is a violation of the automatic stay. 11 U.S.C. § 362
- Two forms
  - **Technical:**
    - No Notice to the creditor or harm to the estate.
    - Sanctions unlikely to be imposed by the Court .
  - **Willful:**
    - Creditor had notice, decided to act anyway, and caused harm by acting.
    - Sanctions against the Creditor may be entered by the Court.

# Meeting of Creditors

- **In order to receive bankruptcy relief, the Debtor must appear before the Trustee and any Creditors or their representatives that appear to answer questions about their financial condition.**
- **The questions are asked under oath and false statements may result in denial of the Debtors discharge and/or jail .**

# CHAPTER 13: The Debtor

- May be an individual, or a married couple .
- Must wait 4 years after receiving a Chapter 7 discharge, before they may receive a Chapter 13 discharge.



# CHAPTER 13

- **Chapter 13 Bankruptcy, often called reorganization, is for individuals who want to:**
  - **Pay off their debt,**
  - **Save their house from foreclosure,**
  - **Save their car from being repossessed, or**
  - **Stop the creditors from calling or taking legal action.**

# CHAPTER 13

- **Allows the Debtors to pay off their Creditors in an orderly fashion.**
- **Frequently the Debtors can pay their debts off if they can stop or eliminate the interest rates being charged.**
- **Often Chapter 13 Debtors have non-exempt property that they would lose in a Chapter 7, because the Chapter 7 Trustee would sell the property (liquidate) and then use the proceeds to pay Creditors.**

# Chapter 13 Plans

- In addition to most of the documentation prepared for a Chapter 7 bankruptcy, the Debtor must prepare a Plan.
- The Central, Southern, and Northern District of Illinois each have their own Model Plan.
- The Plan indicates how much each Creditor will be paid and who will be responsible for those payments to the Trustee and the amounts that will be paid to the Creditors.

- **An under median income debtor (based on household size and other factors as set by statistics aggregated by the IRS) only has to propose a 3 year Plan but may extend the duration of the Plan up to a maximum of 5 years.**
- **Over median debtor(s) must propose a Plan of 5 years in duration.**
- **Debtors may reduce the duration of the Plan by paying 100% of all allowed claims filed.**

# Chapter 13 Plans

- **The Debtor, Creditors, and Trustee are all bound by the terms of the Plan, once the Plan is confirmed. (There are a few exceptions).**
- **Each Plan is noticed for a minimum of 21 days.**
- **If you don't like your treatment within the Plan file an objection and appear at the confirmation hearing.**

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF ILLINOIS

Effective  
12/1/2017

In re: \_\_\_\_\_ )  
 )  
 ) Case No. \_\_\_\_\_ )  
 )  
 Debtor(s). )

**CHAPTER 13 PLAN**

Original

Amended Plan #  (e.g., 1st, 2nd)

**\*\*MUST BE DESIGNATED\*\***

**1. Notices**

**YOUR RIGHTS MAY BE AFFECTED.** Read these papers carefully and discuss them with your attorney. If you oppose any provision of this Plan, you must file a timely written objection. This Plan may be confirmed without further notice or hearing unless a written objection is filed before the deadline stated on the separate Notice you received from the Bankruptcy Court.

**THIS PLAN DOES NOT ALLOW CLAIMS.** A creditor must file a timely proof of claim to receive distribution as set forth in this Plan. Even if this Plan provides for payment, no payment will be made unless a proof of claim is timely filed.

As used herein, the term "Debtor" includes both the debtor and co-debtor in a jointly administered case.

The following matters may be of particular importance. *Debtors 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.*

A.	A limit in the amount of a secured claim, set out in Paragraph D of Part 5, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
B.	Avoidance of a security interest or lien, set out in Paragraph B of Part 9	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
C.	Nonstandard provisions set out in Part 11	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included

**2. Payments To Fund Plan:**

A. The Debtor submits to the Standing Chapter 13 Trustee ("Trustee") the following regular payments:

# Model Plan for Central District Of Illinois

4. Priority Claims:

- A. Domestic Support Obligations:  None
- B. Other Priority Claims under 11 U.S.C. §507:  None

5. Secured Claims:

- A. Maintenance of Payments:  None
  - i. The Debtor shall pay post-petition payments directly to the following creditors:  None
  - ii. The Trustee shall pay post-petition payments through this Plan to the following creditors:  None
- B. Curing Default:  None
- C. Secured Claims to which 11 U.S.C. §506 Valuation is NOT Applicable ("910 Claims"):  None
- D. Other Secured Claims:  None
- E. Secured Claims for Real Estate Taxes:  None

Claims listed in this subsection are for real estate tax arrearages. These claims will be paid by the Trustee through this Plan.

Add Row		Remove Row		
Creditor	Collateral (Include Address)	Tax Year	Estimated Claim Amount	Total Claim & Accruing Interest & Penalties

- F. Surrender of Property:  None

The Debtor surrenders the following collateral:

Add Row		Remove Row
Creditor	Collateral Surrendered	

## Model Plan for Central District Of Illinois

Paragraph 5E should be where the Debtor lists Real Estate taxes. There should be a separate entry for each tax year.

**8. Property of the Estate:**

- Upon confirmation, all property of the estate shall vest in the Debtor. Notwithstanding this provision, the Trustee retains the right to assert a claim to any additional property of the estate that the Debtor acquires post-petition pursuant to 11 U.S.C. §1306.
- All property of the estate shall vest in the Debtor upon discharge.

Pursuant to 11 U.S.C. §1327(b), the effect of failure to check one of the above boxes will be to vest all property of the estate in the Debtor upon confirmation.

**9. Lien Avoidance:**  None

**10. Miscellaneous:**

- A. Per Federal Rule of Bankruptcy Procedure 3010(b), the Trustee shall make no payment in a denomination of less than \$15.00 and is authorized to accumulate funds for creditors in order not to make any payments of less than \$15.00.
- B. All secured creditors shall retain the liens securing their claims until the earlier of the payment of the underlying debt as determined under non-bankruptcy law or discharge under 11 U.S.C. §1328.
- C. Secured creditors and lessors to be paid directly by the Debtor may continue to send to the Debtor customary notices, payment coupons, and invoices notwithstanding the automatic stay.

**11. Nonstandard Provisions:**

Under Federal Rule of Bankruptcy Procedure 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Local Plan Form or deviating from it. *The provisions in this Part will not be effective unless the applicable box in Paragraph C of Part 1 is checked. Nonstandard provisions set forth elsewhere in this Plan are ineffective.*

## Model Plan for Central District Of Illinois

Paragraph 11 may include additional information for which you may be bound.

Read anything in this paragraph.



# Bankruptcy Crimes

- Bankruptcy crimes are investigated by the FBI and prosecuted by United States Attorneys and include:
  - Concealment of assets
  - False oaths
  - Bribery
  - Bankruptcy fraud
- A person found guilty of a Bankruptcy crime can be fined up to \$250,000 and/or imprisoned up to 5 years.

# Types of Debt

- **Secured Creditors**
  - Requires a perfected security interest**
- **Priority Unsecured Creditors**
  - Domestic Support Obligations**
  - Certain Government debts**
- **General Unsecured Creditors**

# Secured Debt

## Chapter 7:

### Reaffirmation:

Debtor keeps the collateral.

Debtor remains liable for the debt.

### Surrender:

Debtor gives up the collateral.

Debtor is not liable for the debt.

# Secured Debt

## Chapter 13:

**Cure and maintain:** Must make timely post-petition payments and may cure any delinquency through the Plan.

**Modify:** May change the terms of the agreement for some secured debts.

**Surrender:** allows the creditor to repossess or foreclose on the collateral.

# When Do I file a Proof of Claim

- **Chapter 7:**
  - The Court will set a notice date if the Chapter 7 Trustee finds an asset.
  - Secured claims are not typically paid in a Chapter 7.
- **Chapter 13:**
  - All Creditors have 70 days from the date of filing or conversion to file a claim.
  - There is an exception that allows Governmental units 180 days from the filing of the case.
  - On conversion from 7 to 13, you might only have 70 days.

# Should I file a Proof of Claim

- **In a Chapter 13 case: Yes**
  - The Chapter 13 Trustee must have a Proof of Claim in order to make payments.
  - You have the best information about the amount that is owed.
  - If you don't file, you are hoping that the Debtor and/or their attorney gets it right.

- **The Trustee's Office reviews all claims and tries to ensure that the amount you have claimed is paid, but remember you and the Trustee are bound by the Plan, and**
- **The special provision paragraph may modify the treatment that your claim receives, if the box is checked on the first page of the Plan, make sure you read the additional information.**



# UNITED STATES BANKRUPTCY COURT Central District of Illinois

Honorable Mary P. Gorman, Chief Judge • Adrienne D. Atkins, Clerk of Court

- Case Info
- Court Info
- Filing Without an Attorney
- For Attorneys
- For Creditors
- Forms
- Electronic Filing**
- FAQs

## Case Locator (PACER)

»

## E-Filing (CM/ECF) »

## Electronic Proof of Claim »

## Obtaining Copies »

## Docket & Hearings »

## Chapter 13 Resources

»

### Clerk's Office Mission:

We take pride, as the keeper of the official court record, in providing exceptional service, accurate and timely case processing, procedural information and access to records.

### Clerk's Office Values:

Service • Integrity • Excellence • Communication • Teamwork





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## Services & Forms

# Bankruptcy Forms

### Forms

[Attorney Forms](#)[★ Bankruptcy Forms](#)[Superseded Bankruptcy Forms](#)[Civil Forms](#)[Criminal Forms](#)[Court Reporter Forms](#)[CJA Forms](#)[Human Resources Forms](#)[Jury Forms](#)[Other Forms](#)

Form Number ▼	Form Name	Category
B 101	Voluntary Petition for Individuals Filing for Bankruptcy	Individual Debtors
B 101A	Initial Statement About an Eviction Judgment Against You (individuals)	Individual Debtors
B 101B	Statement About Payment of an Eviction Judgment Against You (individuals)	Individual Debtors
B 103A	Application for Individuals to Pay the Filing Fee in Installments	Individual Debtors
B 103B	Application to Have the Chapter 7 Filing Fee Waived	Individual Debtors
B 104	For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders	Individual Debtors
B 105	Involuntary Petition Against an Individual	Individual Debtors
B 106 Declaration	Declaration About an Individual Debtor's Schedules	Individual Debtors
B 106	A Summary of Your Assets and Liabilities and Certain Statistical Information (individuals)	Individual Debtors

Fill in this information to identify the case:

Debtor 1 \_\_\_\_\_  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
Case number \_\_\_\_\_

Official Form 410

**Proof of Claim**

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

**Part 1: Identify the Claim**

1. Who is the current creditor?		
Name of the current creditor (the person or entity to be paid for this claim) _____		
Other names the creditor used with the debtor _____		
2. Has this claim been acquired from someone else?		
<input type="checkbox"/> No		
<input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
	Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	
Name _____	Name _____	
Number _____ Street _____	Number _____ Street _____	
City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____	
Contact phone _____	Contact phone _____	
Contact email _____	Contact email _____	
Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----		
4. Does this claim amend one already filed?		
<input type="checkbox"/> No		
<input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on MM / DD / YYYY _____		
5. Do you know if anyone else has filed a proof of claim for this claim?		
<input type="checkbox"/> No		
<input type="checkbox"/> Yes. Who made the earlier filing? _____		

# Proof of Claim - Form 410

## The Proof

# Proof of Claim Page 1

## Part 1: Identify the Claim

1. Who is the current creditor?

\_\_\_\_\_  
Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor \_\_\_\_\_

2. Has this claim been acquired from someone else?

No

Yes. From whom? \_\_\_\_\_

3. Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number

\_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP Code

Contact phone \_\_\_\_\_

Contact email \_\_\_\_\_

Where should payments to the creditor be sent? (if different)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number

\_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP Code

Contact phone \_\_\_\_\_

Contact email \_\_\_\_\_

# Proof of Claim Page 1

4. Does this claim amend one already filed?

No

Yes. Claim number on court claims registry (if known) \_\_\_\_\_

Filed on \_\_\_\_\_  
MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

No

Yes. Who made the earlier filing? \_\_\_\_\_

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ _
7. How much is the claim? \$ _____	Does this amount include interest or other charges? <input type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.  _____
9. Is all or part of the claim secured?	<input type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. <b>Nature of property:</b> <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____  <b>Basis for perfection:</b> _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  Value of property: \$ _____ Amount of the claim that is secured: \$ _____  Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)  Amount necessary to cure any default as of the date of the petition: \$ _____  Annual Interest Rate (when case was filed) _____% <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

# Proof of Claim - Page 2

# Proof of Claim - Page 2

## Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_ \_ \_ \_ \_

7. How much is the claim? \$ \_\_\_\_\_ . Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.
-

# Proof of Claim - Page 2

9. Is all or part of the claim secured?

No

Yes. The claim is secured by a lien on property.

**Nature of property:**

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_

**Amount of the claim that is secured:** \$ \_\_\_\_\_

**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %

Fixed

Variable

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?  No

Yes. Check one:

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.	\$ _____

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

## Proof of Claim - Page 3

### Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.  
 I am the creditor's attorney or authorized agent.  
 I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.  
 I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date MM / DD / YYYY \_\_\_\_\_

Signature \_\_\_\_\_

Print the name of the person who is completing and signing this claim:

Name \_\_\_\_\_  
 First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
 Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
 Number Street

City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_



# Proof of Claim - Page 3

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

No

Yes. Check one:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)(\_\_) that applies.

Amount entitled to priority

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

# Proof of Claim - Page 3

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If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
Signature

Print the name of the person who is completing and signing this claim:

# Proof of Claim - Page 3

Address	_____			
	Number	Street	_____	
	City		State	ZIP Code
Contact phone	_____	Email	_____	

**Print**

**Save As...**

**Add Attachment**

**Reset**

Official Form 410

Proof of Claim

page 3

[REDACTED]  
[REDACTED] W: [REDACTED] Street  
[REDACTED] IL 61801 [REDACTED]  
PIN#: [REDACTED]

Case # [REDACTED] [REDACTED]

**Real Estate Taxes**

2013 Taxes: \$1020.05  
Interest: \$489.63  
Clerk Fee: \$39.00

2014 Taxes: \$1959.10  
Interest: \$705.28  
Clerk Fee: \$39.00

2015 Taxes: \$1854.86  
Interest: \$445.17  
Clerk Fee: \$39.00

**IN THE EVENT THAT IT IS DETERMINED THAT MY CLAIM IS  
UNSECURED, THE AMOUNT OF \$6591.09 SHOULD AUTOMATICALLY  
BECOME A PRIORITY CLAIM**

\*\*\*\*\*Interest on Real Estate taxes accrues at 12% annually. The above  
amounts are valid through 10/26/2018\*\*\*\*\*

Separate checks to:  
Champaign County Collector for taxes and interest  
Champaign County Clerk for clerk fees

## Claim Attachment

This form is used by Champaign County

Attachment should separate the taxes  
owed from the interest, costs, and fees.

It is helpful to add a pay-off date.

Secured Real Estate Tax claims will not  
be paid as a priority.

# Filing a Proof of Claim

- A Proof of Claim may be filed through the CM/ECF system, or
- The Claim may be filed directly with the Court.
- Directly with the Court does not require the completion of a Proof of Claim form.



# UNITED STATES BANKRUPTCY COURT Central District of Illinois

 Search

Honorable Mary P. Gorman, Chief Judge • Adrienne D. Atkins, Clerk of Court

- Case Info
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- Filing Without an Attorney
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**Case Locator (PACER)**

»

**E-Filing (CM/ECF)** »

**Electronic Proof of Claim** »

**Obtaining Copies** »

**Docket & Hearings** »

**Chapter 13 Resources**

»

## Clerk's Office Mission:

We take pride, as the keeper of the official court records, in providing exceptional service, accurate and timely case processing, procedural information and records.

## Clerk's Office Values:

Service • Integrity • Excellence • Communication • Teamwork



ECF Registration for  
Creditors & Other  
Limited Filers

Electronic Proof of  
Claim (ePOC)  
Program

[ePOC FAQs](#)

[ePOC Helpful Tips](#)

[Electronic Bankruptcy  
Noticing \(EBN\)](#)

[National Creditor  
Registration Service  
\(NCRS\)](#)

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Policy](#)

[Home](#) » [For Creditors](#)

## Electronic Proof of Claim (ePOC) Program

### **Electronic Filing of Proof of Claim and Other Claim Related Documents Without a CM/ECF Login**

Effective July 1, 2013, in the United States Bankruptcy Court for the Central District of Illinois: proof of claim, amended proof of claim, withdrawal of claim, response to notice of final cure payment, notice of mortgage payment change and notice of postpetition mortgage fees, expenses and charges, should be filed electronically from this website without a CM/ECF login.

### **Electronic filing of proof of claim and/or amended proof of claim**

The ePOC program, when electronically filing a proof of claim, allows:

- the party to populate and electronically file a B 410 proof of claim for with the Court,
- the party to attach supplemental documentation to the proof of claim form,
- the party to populate and electronically file an amended B 410 proof of claim form with the Court.

## United States Bankruptcy Court Central District of Illinois

### File Claim

Case Number

**Example: 14-00002**

Name of **Creditor**

Filed by

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; and financial account numbers, in compliance with Fed. R. Bankr. P. 9037. This requirement applies to all documents, including attachments.

**IMPORTANT WARNING:** A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

I understand that, if I file, I must comply with the redaction rules. I have read this notice.

Next

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Installed Version: 5.0



United States Bankruptcy Court Central District of Illinois

You selected "FILED BY" as CREDITOR. If this is incorrect, [START OVER!!](#)

ALL "Yes/No" Questions MUST be ANSWERED

**CONFIRM this is the CORRECT Case**

Debtor 1

Debtor 2   
(Spouse, if filing)

Case number:

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

**Part 1: Identify the Claim**

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim)

Address where notices should be sent (Do not add the creditor's name in the address)

Check for a Foreign Address

(City, State, Zip)  ,  -

Telephone Number:

Email:

Other names the creditor used with the debtor

2. Has this claim been acquired from someone else? Yes  No

## Claim Filing

After entering your information, the website will proceed to have you file out the information contained on your Proof of Claim Form.

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor? Yes  No

7. How much is the claim? (required)  Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

If you have entered a claim amount of \$0, the claim amount is unknown, or the claim is unliquidated, please enter a brief explanation.

Comment:

8. What is the basis of the claim? (required) Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.

Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).

Limit disclosing information that is entitled to privacy, such as healthcare information.

[\(See instructions\)](#)

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property:

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?  No  
 Yes Check all that apply:  Amount entitled to priority

**Documents:** Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both.

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d). ([See instructions](#), and the definition of "redacted".)

## Claim Filing

- 7. Enter the total amount of the Claim.
  - If you mark that there is interest owed you must attach an exhibit
- 8. Within basis please include the tax year.
- 9. Real estate taxes are a secured claim.
- 12. Although technically a priority, Real Estate taxes are never going to be paid as a priority. The taxes stay with the property.

- **Do not upload a completed Proof of Claim form as an attachment to this filing.** Attaching a completed Proof of Claim will result in multiple versions of the form being filed (the electronically created proof of claim form plus the proof of claim attached). If filing an Amended Proof of Claim, the attachment of the previously filed claim is allowed.

Note: You will have the option to select files to upload for this claim once you click on the "Submit Claim" button below

Do you wish to attach supporting documentation?  Yes  No

### Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

Check the appropriate box: **(required)**

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Print the name of the person who is completing and signing this claim:

Signature\*  \*Type Full Name **(required)**

Title

Company

Identify the corporate servicer as the company if the authorized agent is a servicer

Address

Number and Street

(City), State, Zip)   -

Contact Phone:

Email:

## Claim Filing

- Attach any supporting documentation as needed
- Do not upload as an attachment a completed Proof of Claim.
- This process creates and electronically submits the Proof of Claim.

# Question

- **What's the difference between a "Discharge" and when the case is closed? When would we be able to sell delinquent taxes? After a case is discharged? Or closed?**

# What is the difference between Discharged and Closed?

Cases typically end with either a:

**Discharge:** the elimination of the Debtor's pre-petition debts, or

**Dismissal:** ends the case without a discharge. All parties are placed back into the same position as if the bankruptcy was never filed.

# What is the difference between Discharged and Closed? Continued

- **Closing is a Court process that signifies the case is no longer open and active with the Court. It occurs at some point after a discharge or dismissal. Cases may be re-opened.**

# Question

- Under a multi-year plan, i.e. Chapter 13, should we file subsequent claims for each year of taxes? Or just add to the original claim?

# Should we file additional claims for post-petition tax years?

- This is a very good question.
- You can file the claim.
  - It should be filed as either a supplement or its own claim. It should not amend a previously filed claim.
- Absent an Order from the Court, the Trustee will not be able to pay the claim.



# Question

- How do they calculate interest if that's granted under a plan? Even if they grant 12% interest (like Forfeiture) we never get paid 12% when it's all done so it must not be compounding interest.

# How is interest calculated.

- Each payment made by the Trustee includes a payment for interest. If we mail a monthly payment, that reduces the principal amount that is owed, which might adjust the overall amount you receive. Interest should only be applied to the delinquent real estate tax amount, not to any penalties, fees, or costs. The Trustee's system calculates using simple interest.

# Questions

- **Receiving paperwork after a bankruptcy is filed has been slow the last two years. Sometimes we do not receive it at all.**

Paperwork has been slow or doesn't arrive.

- The initial notices are still mailed by the Bankruptcy Noticing Center.
- The BNC website allows you to adjust how you receive notices, including allowing you to receive them electronically.
- <https://bankruptcynotices.uscourts.gov>

# Questions

- We would like to see real estate and mobile home property index numbers included on the bankruptcy forms. Many times names may change – as in divorces – so identifying the parcel becomes a challenge. Since PIN's don't change, that would be a big help.

# Inclusion of PINS on forms

- **It is a very long process to get a modification to the forms. The forms are created by the Bankruptcy Forms Committee, who must submit any changes for public comment, in a process that takes many years to accomplish. Most forms were recently redone, it is unlikely that this would happen again in the near future.**

# Question

- **Would it be possible to note on the bankruptcy report if the taxes have been sold? That is helpful information as we assist people through their proceedings.**

# Sold Taxes

- **Who bought and when they bought the taxes is definitely important information and it is information that, if reported to the Debtor's attorney and the Trustee, might help facilitate the goals of the Plan. Any information provided could be filed as an attachment or emailed directly to the Trustee's office.**





# MARSHA L. COMBS-SKINNER

CHAPTER 13 TRUSTEE  
CENTRAL DISTRICT OF ILLINOIS  
URBANA AND ROCK ISLAND  
DIVISIONS

[www.CH13CDIL.com](http://www.CH13CDIL.com)

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## Home

Welcome to the website for the Chapter 13 Standing Trustee of the Central District of Illinois-Danville, and Rock Island Divisions. If you have any questions after reviewing the information provided on this website, please feel free to contact my office at any time.

Thank You,  
Marsha L. Combs-Skinner,  
Chapter 13 Standing Trustee

Address for Payments:

Marsha L. Combs-Skinner  
Chapter 13 Standing Trustee  
P.O. Box 1133  
Memphis, TN 38101-1133

Mailing Address:

108 S. Broadway  
P.O. Box 349  
Newman, IL 61942

Phone Number:

(217) 837-9730

Save Username  
[Forgot Username?](#) [Forgot Password?](#)

# Track your Chapter 13 Bankruptcy Case

Offering debtors the easiest way to access their case information. Current debtors can log in here.

[DEBTOR LOG IN](#)

[Forgot Your Password?](#)

Have you recently filed a Chapter 13 Bankruptcy? Are you working through your Chapter 13 bankruptcy?

[GET STARTED. IT'S FREE!](#)



## NDC News

July 5 2018  
Trustee Napolitano (Hartford, CT) Data Updated

July 2 2018  
Trustee Office Closure - Petersburg, IL

## Debtor Attorneys

The National Data Center offers free access to Chapter 13 bankruptcy case information for Debtor Attorneys. We provide daily updates to your portfolio of client cases with our easy-to-use website.

[DEBTOR ATTORNEYS](#)

## Creditors

Whether you are a national creditor, a default servicer, or national law firm, we can help you improve the management of your bankruptcy cases through the intelligent use of data.

[CREDITOR SERVICES](#)

www.NDC.org

Any Questions?

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_

Case number \_\_\_\_\_

# Official Form 410

## Proof of Claim

04/16

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

### Part 1: Identify the Claim

**1. Who is the current creditor?**

\_\_\_\_\_  
Name of the current creditor (the person or entity to be paid for this claim)

\_\_\_\_\_  
Other names the creditor used with the debtor

**2. Has this claim been acquired from someone else?**

No

Yes. From whom? \_\_\_\_\_

**3. Where should notices and payments to the creditor be sent?**

**Where should notices to the creditor be sent?**

**Where should payments to the creditor be sent? (if different)**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

\_\_\_\_\_  
Contact phone

\_\_\_\_\_  
Contact email

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

\_\_\_\_\_  
Contact phone

\_\_\_\_\_  
Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

\_\_\_\_\_

**4. Does this claim amend one already filed?**

No

Yes. Claim number on court claims registry (if known) \_\_\_\_\_ Filed on \_\_\_\_\_  
MM / DD / YYYY

**5. Do you know if anyone else has filed a proof of claim for this claim?**

No

Yes. Who made the earlier filing? \_\_\_\_\_

**Part 2:** Give Information About the Claim as of the Date the Case Was Filed

6. **Do you have any number you use to identify the debtor?**  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_ \_

7. **How much is the claim?** \$\_\_\_\_\_. **Does this amount include interest or other charges?**  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. **What is the basis of the claim?** Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.

\_\_\_\_\_

9. **Is all or part of the claim secured?**  No  
 Yes. The claim is secured by a lien on property.

**Nature of property:**

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$\_\_\_\_\_

**Amount of the claim that is secured:** \$\_\_\_\_\_

**Amount of the claim that is unsecured:** \$\_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$\_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_\_\_%

Fixed  
 Variable

10. **Is this claim based on a lease?**  No  
 Yes. **Amount necessary to cure any default as of the date of the petition.** \$\_\_\_\_\_

11. **Is this claim subject to a right of setoff?**  No  
 Yes. Identify the property: \_\_\_\_\_

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

No

Yes. Check one:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)(    ) that applies.

**Amount entitled to priority**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
Signature

**Print the name of the person who is completing and signing this claim:**

Name \_\_\_\_\_  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
Number Street

City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF ILLINOIS

Effective  
12/1/2017

In re: \_\_\_\_\_, )  
 )  
 ) Case No. \_\_\_\_\_  
 )  
 Debtor(s). )

**CHAPTER 13 PLAN**

Original

Amended Plan #  (e.g., 1st, 2nd)

\*\*MUST BE DESIGNATED\*\*

**1. Notices**

**YOUR RIGHTS MAY BE AFFECTED.** Read these papers carefully and discuss them with your attorney. If you oppose any provision of this Plan, you must file a timely written objection. This Plan may be confirmed without further notice or hearing unless a written objection is filed before the deadline stated on the separate Notice you received from the Bankruptcy Court.

**THIS PLAN DOES NOT ALLOW CLAIMS.** A creditor must file a timely proof of claim to receive distribution as set forth in this Plan. Even if this Plan provides for payment, no payment will be made unless a proof of claim is timely filed.

As used herein, the term “Debtor” includes both the debtor and co-debtor in a jointly administered case.

The following matters may be of particular importance. *Debtors 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.*

A.	A limit in the amount of a secured claim, set out in Paragraph D of Part 5, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
B.	Avoidance of a security interest or lien, set out in Paragraph B of Part 9	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
C.	Nonstandard provisions set out in Part 11	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included

**2. Payments To Fund Plan:**

A. The Debtor submits to the Standing Chapter 13 Trustee ("Trustee") the following regular payments:

Start Month #	End Month #	Monthly Payment	Total
			\$0.00
Total # Months:		Grand Total Payments:	\$0.00

**B. Income Tax Refunds**

The Debtor is required to turn over to the Trustee 100% of all federal and state income tax refunds received during the term of this Plan, excepting only any federal income tax refund constituting Earned Income Credit and/or Additional Child Tax Credit, and any additional state and/or federal refund of \$1500 or less per year in the aggregate.

The Debtor is not required to turn over to the Trustee any income tax refunds received during the term of this Plan.

**C. Other Payments:**

**D. Notice Regarding Discrepancies**

In the event there is a discrepancy between the aggregate amount that the Debtor proposes to pay to the Trustee to fund this Plan, and the aggregate amount needed by the Trustee to pay all claims in accordance with the specific provisions set forth below, the specific provisions set forth below shall control. If, at any time during the term of this Plan, it is determined by the Trustee that insufficient funds are being paid in to fund all payments the Trustee is required to make, the Debtor shall increase the periodic payments set forth in Paragraph A of Part 2 above or otherwise provide for increased payments as needed. Alternatively, if the amount the Debtor is paying to the Trustee exceeds the amount needed for the Trustee to make all payments required by this Plan, any excess funds shall be refunded to the Debtor. Nothing in this provision should be construed as limiting the right of the Debtor, the Trustee, or any unsecured creditor to seek to modify this Plan after confirmation pursuant to 11 U.S.C. §1329.

**3. Administrative Claims:**

**A. Trustee Compensation:**

Trustee fees shall be paid as provided by 28 U.S.C. §586(e). Regardless of the precise amount of the Trustee's fees set by the U.S. Trustee at any particular time, for purposes of this Plan, the fees shall be estimated at 10% of all amounts to be paid through this Plan.

**B. Attorney Fees:**

Choose one of the following:

The Debtor's attorney has agreed to accept \$\_\_\_\_\_ for all services to be rendered to the Debtor in this case as required by the current Standing Order Regarding Attorney Fees for Debtor's Counsel in Chapter 13 cases for the Division in which the case is filed. Because the fee amount is at or below the "no-look" fee set forth in the Standing Order, the attorney is not required to file a fee application unless otherwise ordered by the Court. The Debtor's attorney has received \$\_\_\_\_\_ of the fee and the balance of \$\_\_\_\_\_ shall be paid through this Plan in accordance with the Standing Order.



- The Debtor's attorney has not agreed to accept a fee at or below the "no look" fee and, therefore, will file an initial itemized fee application within 30 days after the entry of an order confirming this Plan. The Debtor's attorney estimates the total fee request to be \$\_\_\_\_\_. The Debtor's attorney has received \$\_\_\_\_\_ and expects the balance to be paid through this Plan to be \$\_\_\_\_\_. Payment of the balance through this Plan shall be paid in accordance with the Standing Order.

Further interim and final fee applications may be filed during the term of this Plan, provided that attorneys who have agreed to accept a "no look" fee pursuant to the Standing Order may only seek compensation for services which are beyond the scope of the services required to be performed to obtain a "no look" fee.

**4. Priority Claims:**

- A. Domestic Support Obligations:**  None

- i. The Debtor is required to pay all post-petition domestic support obligations directly to the holder of the claim and not through this Plan.
- ii. Domestic support obligation arrearages to be paid through this Plan:  None

DSO Claimant	Arrearages to be paid through the Plan

- iii. Domestic support obligations assigned to or owed to a governmental unit under 11 U.S.C. §507(a)(1)(B) to be paid through this Plan:  None

Government Entity	Arrearages to be paid through Plan

- B. Other Priority Claims under 11 U.S.C. §507:**  None

All allowed priority claims shall be paid in full by the Trustee as set forth herein, unless the creditor agrees otherwise or 11 U.S.C. §1322(a)(4) applies. Notwithstanding any other provision in this subsection, where the amount of a priority claim is disputed and §1322(a)(4) does not apply, a determination of the amount entitled to priority may be made only by motion after a proof of claim is filed or in a claim objection. *See Federal Rule of Bankruptcy Procedure 3012.*

Creditor	Estimated Claim Amount

**5. Secured Claims:**

- A. Maintenance of Payments:**  None

- i. The Debtor shall pay post-petition payments directly to the following creditors:  None

ii. The Trustee shall pay post-petition payments through this Plan to the following creditors:  None

Creditor	Collateral	Estimated total amount due	Monthly payment

**B. Curing Default:**  None

With respect to the following creditors, the Trustee shall pay allowed claims for arrearages through this Plan, regardless of who is maintaining payments under Paragraph A of Part 5:

Creditor	Collateral	Estimated Arrearage	Regular Payment Amount

**C. Secured Claims to which 11 U.S.C. §506 Valuation is NOT Applicable (“910 Claims”):**  None

Claims listed in this subsection are debts secured by a purchase-money security interest in a personal motor vehicle acquired for the personal use of the Debtor, incurred within the 910 days preceding the date of the filing of the bankruptcy or debts secured by a purchase-money security interest in “any other thing of value” incurred within one year preceding the date of the filing of the bankruptcy. These claims will be paid in full with interest as provided below and will be paid by the Trustee through this Plan.

Creditor	Collateral	Estimated Claim	Interest Rate %	Estimated Monthly Payment	Estimated Total Principal & Interest

**D. Other Secured Claims:**  None

Claims listed in this subsection include debts owed to either governmental or non-governmental entities that are secured by real or personal property. For all governmental secured claims listed below, a request to determine the amount of such claim may only be made by motion or in a claim objection. *See Federal Rule of Bankruptcy Procedure 3012(c)*. For all non-governmental secured claims listed below, such claims will be paid either the value of the secured property as stated below or the secured amount of the claim as listed on the proof of claim, whichever is less, with interest as provided below. Any portion of a claim that exceeds the value of the secured property will be treated as an unsecured claim. These claims will be paid by the Trustee through this Plan. Inclusion of a request in this subsection to limit the amount of a secured claim, which may result in partial payment or no payment at all to the secured creditor, requires service of the Plan on the holder of such claim and any other entity the Court designates in the manner provided for service of summons and complaint by Federal Rule of Bankruptcy Procedure 7004. ***Any provision in the remainder of this Paragraph that limits the amount of a non-governmental secured claim, which may result in a partial payment or no payment at all to the secured creditor, will be effective only if the applicable box in Paragraph A of Part 1 of this Plan is checked.***

Creditor	Collateral	Value/Estimated Claim	Interest Rate %	Estimated Monthly Payment	Estimated Total Principal & Interest

**E. Secured Claims for Real Estate Taxes:**  None

Claims listed in this subsection are for real estate tax arrearages. These claims will be paid by the Trustee through this Plan.

Creditor	Collateral (Include Address)	Tax Year	Estimated Claim Amount	Total Claim & Accruing Interest & Penalties

**F. Surrender of Property:**  None

The Debtor surrenders the following collateral:

Creditor	Collateral Surrendered

The Debtor requests that upon confirmation of this Plan the stay under 11 U.S.C. §362(a) be terminated as to the collateral only and that the stay under §1301 be terminated in all respects. Any remaining deficiency following the sale of surrendered collateral shall be treated as an unsecured claim, provided that the creditor has filed a timely proof of claim as required by the Federal Rules of Bankruptcy Procedure.

**6. Unsecured Claims:**

**A. Liquidation Analysis**

Unless specifically set forth in Part 11 below, if the Debtor's estate were liquidated under Chapter 7 as of the date of this Plan, the value of the property to be distributed on account of allowed unsecured claims would be \$0.

**B. Statement of Applicable Commitment Period**

Per Official Form 122C-1, the Debtor has a  3- or  5-year applicable commitment period.

**C. Projected Monthly Disposable Income**

The Debtor's projected monthly disposable income is \$\_\_\_\_\_. (In calculating this amount, a deduction should be taken for the 10% Trustee's fee described in Paragraph A of Part 3 above. The Trustee's fee deduction should be taken only once.)

**D. Co-Debtor Claims:**  None

Per 11 U.S.C. §1322(b)(1), the following claims for consumer debts on which another individual is liable with the Debtor are separately classified:

i. The following co-debtor claims are to be paid in full by the Trustee through this Plan:

Creditor	Co-Debtor	Interest Rate %	Claim Amount

ii. The following co-debtor claims will be paid directly by the Debtor or Co-Debtor:

Creditor	Co-Debtor	Interest Rate %	Claim Amount	Payments to be Made by:
				<input type="checkbox"/> Debtor <input type="checkbox"/> Co-Debtor

**E. Distribution on Allowed General Unsecured Claims**

Choose only one of the following:

- Allowed general unsecured claims shall not receive any distribution pursuant to this Plan.
- Allowed general unsecured claims shall be paid in full pursuant to this Plan.
- The Debtor shall pay the sum of \$ \_\_\_\_\_ to unsecured creditors pursuant to this Plan, which shall be distributed first to pay all claims listed in Paragraph D of Part 6 above, if any, in full, and then to pay all other allowed general unsecured claims *pro rata*.
- The funds remaining after disbursements have been made to all other creditors provided for herein shall be distributed first to pay all claims listed in Paragraph D of Part 6 above, if any, in full, and then to pay all other allowed general unsecured claims *pro rata*.

**7. Executory Contracts and Unexpired Leases:**  None

**A. Executory Contracts and Unexpired Leases Under Which the Debtor is the Lessee - Maintenance of Payments:**  None

All executory contracts and unexpired leases under which the Debtor is the Lessee listed on Schedule G are *rejected*, except the following which are assumed:

Other Party to Contract or Lease	Property, if any, Subject to Contract or Lease	Monthly Payment	# of Payments Remaining	Payments to be Disbursed by:
				<input type="checkbox"/> Debtor <input type="checkbox"/> Trustee

**B. Unexpired Leases Under Which the Debtor is the Lessor:**  None

All unexpired leases under which the Debtor is the Lessor listed on Schedule G are *rejected*, except the following which are assumed:

Lessee	Property Subject to Lease	Additional Information

**C. Executory Contracts and Unexpired Leases - Arrearages - Trustee:**  None

The following arrearages for assumed executory contracts and unexpired leases will be paid by the Trustee through this Plan:

Other Party to Contract or Lease	Property, if any, Subject to Contract or Lease	Arrearage Amount	Estimated Monthly Payment

**8. Property of the Estate:**

- Upon confirmation, all property of the estate shall vest in the Debtor. Notwithstanding this provision, the Trustee retains the right to assert a claim to any additional property of the estate that the Debtor acquires post-petition pursuant to 11 U.S.C. §1306.
- All property of the estate shall vest in the Debtor upon discharge.

Pursuant to 11 U.S.C. §1327(b), the effect of failure to check one of the above boxes will be to vest all property of the estate in the Debtor upon confirmation.

**9. Lien Avoidance:**  None

**A. Liens Sought to Be Avoided Under Separate Motions or Adversary Proceedings:**  None

The Debtor has filed separate motions or adversary proceedings to avoid the following liens:

Creditor	Collateral

*The remainder of this section will be effective only if the applicable box in Paragraph B of Part 1 of this Plan is checked.*

**B. Liens Sought to Be Avoided By This Plan:**  None

Any lien avoidance through this Plan is a contested matter and the creditor whose lien is to be avoided must be served with notice in accordance with Federal Rules of Bankruptcy Procedure 9014 and 7004. No order voiding a lien will be entered with respect to any proposed lien avoidance described in this subsection until a certificate of service has been filed by the Debtor evidencing that this Plan and all notices regarding objection dates related to it were properly served on the creditor.

The Debtor moves to avoid the following liens through this Plan:

Creditor	Collateral	Claim Amount
Basis for Lien Avoidance		

**10. Miscellaneous:**

- A.** Per Federal Rule of Bankruptcy Procedure 3010(b), the Trustee shall make no payment in a denomination of less than \$15.00 and is authorized to accumulate funds for creditors in order not to make any payments of less than \$15.00.

- B. All secured creditors shall retain the liens securing their claims until the earlier of the payment of the underlying debt as determined under non-bankruptcy law or discharge under 11 U.S.C. §1328.
- C. Secured creditors and lessors to be paid directly by the Debtor may continue to send to the Debtor customary notices, payment coupons, and invoices notwithstanding the automatic stay.

**11. Nonstandard Provisions:**

Under Federal Rule of Bankruptcy Procedure 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Local Plan Form or deviating from it. *The provisions in this Part will not be effective unless the applicable box in Paragraph C of Part 1 is checked. Nonstandard provisions set forth elsewhere in this Plan are ineffective.*

--

**12. Signatures**

If the Debtor is represented by an attorney, the attorney must sign the Plan and the Debtor may but is not required to sign it. If the Debtor is not represented by an attorney, the Debtor must sign the Plan. The Plan must be dated.

By filing this document, the Debtor, if not represented by an attorney, or the attorney for the Debtor, also certifies that the wording and order of the provisions in this Plan are identical to those contained in the Chapter 13 Model Plan for the Bankruptcy Court for the Central District of Illinois, other than any nonstandard provisions included in Part 11.

Signed:

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

\_\_\_\_\_  
Name, Debtor

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

\_\_\_\_\_  
Name, Joint Debtor

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

\_\_\_\_\_  
Attorney for Debtor(s):

\_\_\_\_\_  
Attorney Address

\_\_\_\_\_  
Attorney Phone Number

\_\_\_\_\_  
Attorney E-mail Address

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Northern District Of: Illinois  
(State)

Case number: \_\_\_\_\_  
(If known)

Check if this is an amended plan, and list below the sections of the plan that have been changed.

\_\_\_\_\_

\_\_\_\_\_

**Official Form 113**  
**Chapter 13 Plan**

12/17

**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 your 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.

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. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. **Debtors 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	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 8	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included

**Part 2: Plan Payments and Length of Plan**

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

\$ \_\_\_\_\_ per month for \_\_\_\_\_ months

[and \$ \_\_\_\_\_ per month for \_\_\_\_\_ months

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.



**2.2 Regular payments to the trustee will be made from future income in the following manner:**

Check all that apply.

- Debtor(s) will make payments pursuant to a payroll deduction order.
- Debtor(s) will make payments directly to the trustee.
- Other (specify method of payment): \_\_\_\_\_

**2.3 Income tax refunds.**

Check one.

- Debtor(s) will retain any income tax refunds received during the plan term.
- Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- Debtor(s) will treat income tax refunds as follows:  
\_\_\_\_\_

**2.4 Additional payments.**

Check one.

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

[enter source] \_\_\_\_\_ \$ 0.00 \_\_\_\_\_ [anticipated dt]

**2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$ 0.00**

**Part 3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of default, if any.**

Check one.

- None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Collateral	Current installment payment (including)	Amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage	Estimated total payments by trustee
		\$ _____ Distributed by: <input checked="" type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$ _____	_____ %	\$ _____	\$ _____

Insert additional claims as needed.

**3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.**

**None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

*The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.*

The debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as set out in the column headed *Amount of secured claim*. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (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.

Name of Creditor	Estimated amount of creditor's total claim	Collateral	Value of Collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
	\$ _____		\$ _____	\$ _____	\$ _____	_____ %	\$ _____	\$ _____

*Insert additional claims as needed.*

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

*Check one.*

**None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of Creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment	Estimated total payments by trustee
		\$ _____	_____ %	\$ _____	\$ _____
				Distributed by:	
				<input checked="" type="checkbox"/> Trustee	
				<input type="checkbox"/> Debtor(s)	

**3.4 Lien avoidance.**

Check one.

**None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

**The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.**

The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). *If more than one lien is to be avoided, provide the information separately for each lien.*

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
Name of creditor	a. Amount of Lien \$ _____	Amount of secured claim after avoidance (line a minus line f) \$ _____
Collateral	b. Amount of all other liens \$ _____	Interest rate (if applicable) _____ %
	c. Value of claimed exemptions + \$ _____	
Lien identification (such as judgment date, date of lien recording, book and page number)	d. Total of adding lines a, b, and c \$ 0.00	Monthly payment on secured claim \$ _____
	e. Value of debtor(s)' interest in property - \$ _____	Estimated total payments on secured claim \$ _____
	f. Subtract line e from line d. \$ 0.00	
	Extent of exemption impairment (Check applicable box): <input checked="" type="checkbox"/> Line f is equal to or greater than line a The entire lien is avoided. (Do not complete the next column.) <input type="checkbox"/> Line f is less than line a. A portion of the lien is avoided. (Complete the next column.)	

**Insert additional claims as needed.**

**3.5 Surrender of collateral.**

Check one.

**None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of Creditor	Collateral

**Insert additional claims as needed.**

**Part 4:** Treatment of Fees and Priority Claims

**4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

**4.2 Trustee's fees**

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be \_\_\_\_\_ % of plan payments; and during the plan term, they are estimated to total \$ 0.00 \_\_\_\_\_.

**4.3 Attorney's fees**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$ \_\_\_\_\_.

**4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

Check one.

**None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

The debtor(s) estimate the total amount of other priority claims to be \$ \_\_\_\_\_.

**4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

Check one.

**None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). *This plan provision requires that payments in § 2.1 be for a term of 60 months; see 11 U.S.C. § 1322(a)(4).*

Name of Creditor	Amount of claim to be paid
	\$ _____

Insert additional claims as needed.

**Part 5:** Treatment of Nonpriority Unsecured Claims

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

The sum of \$ \_\_\_\_\_.

\_\_\_\_\_ % of the total amount of these claims, an estimated payment of \$ \_\_\_\_\_.

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) 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.

**5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.**

**None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
	\$ _____	\$ _____	\$ _____
	Distributed by:		
	<input checked="" type="checkbox"/> Trustee		
	<input type="checkbox"/> Debtor(s)		

*Insert additional claims as needed.*

**5.3 Other separately classified nonpriority unsecured claims. Check one.**

**None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows

Name of creditor	Basis for separate classification and treatment	Amount to be paid on claim	Interest rate (if applicable)	Estimated total amount of payments
		\$ _____	% _____	\$ _____

*Insert additional claims as needed.*

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**

**None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

**Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage (refer to other plan section if applicable)	Estimated total payments by trustee
		\$ _____	\$ _____		\$ _____
		Disbursed by:			
		<input checked="" type="checkbox"/> Trustee			
		<input type="checkbox"/> Debtor(s)			

*Insert additional contracts or leases as needed*

**Part 7: Vesting of Property of the Estate**

**7.1 Property of the estate will vest in the debtor(s) upon**

Check the applicable box:

- plan confirmation.
- entry of discharge.
- other: \_\_\_\_\_.

**Part 8: Nonstandard Plan Provisions**

**8.1 Check "None" or List Nonstandard Plan Provisions**

**None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

*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 § 1.3.**

**Part 9: Signature(s):**

**9.1 Signatures of Debtor(s) and Debtor(s)' Attorney**

*If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; otherwise the Debtor(s) signatures are optional. The attorney for the Debtor(s), if any, must sign below.*

**X** \_\_\_\_\_

Signature of Debtor 1

Executed on  
MM / DD / YYYY

\_\_\_\_\_

Signature of Debtor 2

Executed on  
MM / DD / YYYY

**X** \_\_\_\_\_

Signature of Attorney for Debtor(s)

Date \_\_\_\_\_

MM / DD / YYYY

**By filing this document, the Debtor(s), if not represented by an attorney, or 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 Official Form 113, other than any nonstandard provisions included in Part 8.**

## Exhibit: Total Amount of Estimated Trustee Payments

---

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a. <b>Maintenance and cure payments on secured claims</b> <i>(Part 3, Section 3.1 total)</i>	\$ _____	
b. <b>Modified secured claims</b> <i>(Part 3, Section 3.2 total)</i>	\$ _____	
c. <b>Secured claims excluded from 11 U.S.C. § 506</b> <i>(Part 3, Section 3.3 total)</i>	\$ _____	
d. <b>Judicial liens or security interests partially avoided</b> <i>(Part 3, Section 3.4 total)</i>	\$ _____	
e. <b>Fees and priority claims</b> <i>(Part 4 total)</i>	\$ <u>0.00</u>	
f. <b>Nonpriority unsecured claims</b> <i>(Part 5, Section 5.1, highest stated amount)</i>	\$ _____	
g. <b>Maintenance and cure payments on unsecured claims</b> <i>(Part 5, Section 5.2 total)</i>	\$ _____	
h. <b>Separately classified unsecured claims</b> <i>(Part 5, Section 5.3 total)</i>	\$ _____	
i. <b>Trustee payments on executory contracts and unexpired leases</b> <i>(Part 6, Section 6.1 total)</i>	\$ _____	
j. <b>Nonstandard payments</b> <i>(Part 8, total)</i>	+ \$ _____	
<b>Total of lines a through j</b>	<table border="1"><tr><td>\$ <u>0.00</u></td></tr></table>	\$ <u>0.00</u>
\$ <u>0.00</u>		

United States Bankruptcy Court  
Southern District of Illinois

In re: \_\_\_\_\_ )  
 \_\_\_\_\_ ) Case No.  
 \_\_\_\_\_ )  Original Chapter 13 Plan  
 \_\_\_\_\_ )  Amended Plan Number \_\_\_\_\_  
 Debtor(s) ) (Changes must be underlined)

**CHAPTER 13 PLAN AND NOTICE OF TIME TO OBJECT**

**GENERAL ORDER 07-5:** The provisions of the Court’s General Order 07- 5 are incorporated herein by reference and made part of this plan. The Order is available at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov).

**YOUR RIGHTS WILL BE AFFECTED:** You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this plan set out below must file a timely written objection. This plan may be confirmed without further notice or hearing unless written objection is filed and served within 21 days after the conclusion of the § 341 meeting of creditors. Objections to an amended plan must be filed and served within 21 days after the date of filing of the amended plan. **If you have a secured claim, this plan may void or modify your lien if you do not object to the plan.**

**THIS PLAN DOES NOT ALLOW CLAIMS:** Creditors must file a timely proof of claim to receive distribution under a confirmed plan and to receive pre-confirmation adequate protection payments.

**1. PAYMENTS**

The Debtor or Debtors (hereinafter “Debtor”) submit to the Standing Chapter 13 Trustee all projected disposable income to be received within the applicable commitment period of the plan. The payment schedule is as follows:

Start Month #	End Month #	Monthly Payment	Total
<b>Total Months:</b>		<b>Grand Total Payments:</b>	\$0.00

The payment shall be withheld from the debtor’s paycheck:  Yes  No

Employee’s name from whose check the payment is deducted: \_\_\_\_\_

Employer’s name, address, city, state, phone: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Debtor is paid:  Monthly  Twice monthly  Weekly  Biweekly  Other

This plan cures any previous arrearage in payments to the Chapter 13 Trustee under any prior plan filed in this case.

**NOTE: PLAN PAYMENTS TO THE TRUSTEE MUST COMMENCE WITHIN 30 DAYS OF THE FILING OF THE PETITION. THE DEBTOR MUST MAKE DIRECT PAYMENTS TO THE TRUSTEE BY MONEY ORDER OR CASHIER’S CHECK UNTIL THE EMPLOYER DEDUCTION BEGINS.**



**ORDER OF DISTRIBUTION**

The following order of priority shall be utilized by the Trustee with respect to all payments received from the Debtor:

1. Any unpaid portion of the filing fee;
2. Notice fees equal to \$.50 per page of the Plan, multiplied by the number of names listed on the Debtor's mailing matrix;
3. The trustee's fees for each disbursement, the percentage of which is fixed by the U.S. Trustee;
4. On-going mortgage payments as set forth in the Debtor's Plan (or as later modified), attorney's fees, and secured creditors (to be paid pro-rata based upon the average monthly payment amount);
5. Priority creditors as set forth in the Debtor's Plan;
6. Any special class of Unsecured Creditors as set forth in the Debtor's Plan ; and
7. General Unsecured Creditors.

**ATTORNEY FEES**

Attorney's fees (select one):

Debtor's counsel elects the following fixed fee:  \$3,500.00 (consumer case); or  \$4,000.00 (business case), of which counsel has received \$ \_\_\_\_\_ pre-petition. The average monthly payment amount to be received by Debtor's counsel is \$ \_\_\_\_\_ (not to exceed \$500.00 per month).

Debtor's counsel elects to be paid on an hourly basis and will file a fee application(s) for approval of fees. No fees shall be disbursed until a fee application is approved by the Court; however, the Trustee shall reserve a total of \$3,500.00 for payment toward such application, pursuant to the Order of Distribution.

**2. PRIORITY CLAIMS**

*Such Claims are as Follows:*

**A) Domestic Support Obligations:**

- 1) \_\_\_\_\_ None. If none, skip to Other Priority Claims.
- 2) Name of Debtor owing Domestic Support Obligation \_\_\_\_\_.
- 3) The name(s), address(es) of the holder of ANY domestic support obligation as defined in 11 U.S.C. § 101 (14A) and estimated arrearage:

Name	Address, City and State	Zip Code	Est. Arrearage
1.			
2.			
3.			

- 4) **The Debtor is required to pay all post-petition domestic support obligations directly to the holder of the claim and not through the Chapter 13 Plan.**

**B) Domestic Support Obligations assigned to or owed to a governmental unit under 11 U.S.C. §507(a)(1)(B):**

- 1) \_\_\_\_\_ None. If none, skip to Other Priority Claims.
- 2) Name of Creditor, estimated arrearage claim and the state agency case number:

Creditor	Estimated Arrearage Claim	State Agency Case #
	\$	

**C) Other Priority Claims:**

Creditor	Basis for Priority	Estimated Claim

3. **REAL ESTATE - CURING DEFAULTS AND MAINTAINING PAYMENTS:** Payments shall be made by the trustee if the plan addresses a pre-petition default. Otherwise, payments may be made directly by the Debtor to the creditor. Where there are arrearages, all post-petition payments are to begin on the first due date after the month in which the petition is filed. All fees and/or charges incurred by the creditor prior to the date of the entry of discharge, which are assessed against the debtor either before or after discharge, must be approved by the Court. All payments received from the trustee must be credited by the creditor as the trustee directs. See Amended General Order 07-5.

**A) Payment of arrearages are as follows:**

Creditor	Description of Collateral	Est. Arrearage	Int. Rate (If Any)	Avg. Monthly Pmt.

**B) Payment of on-going mortgage payments made by the Trustee are as follows:**

Creditor	Account #	Payment Address	Monthly Mortgage Pmt.	Date 1st Pmt Due

**C) Payment of on-going mortgage payments made directly by the Debtor are as follows:**

Creditor	Account #	Payment Address	Monthly Mortgage Pmt.	Date 1st Pmt. Due

**D) Secured Property Tax Claims shall be paid as follows:**  By Debtor Directly  
 Pro-rata with secured claims by the trustee

Creditor	Parcel #	Claim Amount	Interest Rate	Avg. Monthly Pmt.

4. **SECURED CLAIMS AND VALUATION OF COLLATERAL UNDER 11 U.S.C. § 506**

**A) Secured Claims to which §506 Valuation is NOT Applicable:**

Claims listed in this subsection are debts secured by a purchase money security interest in a personal motor vehicle, incurred within 910 days preceding the date of the filing of the bankruptcy OR debts secured by a purchase money security interest in "any other thing of value," incurred within one year preceding the date of the filing of the bankruptcy. These claims will be paid in full with interest as provided below and in average monthly payments as specified below.

Creditor	Collateral to be Retained	Claim Amount	Interest Rate	Avg. Monthly Pmt.

**B) Secured Claims to which §506 Valuation is Applicable:**

Claims listed in this subsection are debts secured by personal property NOT described in the immediately preceding paragraph of this plan. These claims will be paid either the scheduled value of the secured property or the secured amount of that claim, whichever is less, with interest as provided below and in estimated monthly payments as specified below. The portion of a claim that exceeds the value of the secured property will be treated as an unsecured claim.

Creditor	Collateral to be Retained	Scheduled debt	Value	Interest Rate	Avg. Monthly Pmt.

**C) Surrender of Property:**

The Debtor surrenders any and all right, title and interest in the following collateral. Any claim by the creditors listed below will be deemed satisfied in full through surrender of the collateral. If applicable, any unsecured deficiency claim must be filed by the bar date for claims or allowed by separate order of the Court.

Creditor	Collateral to be surrendered	Location	Est Monies Previously Paid by Trustee

**5. SEPARATELY CLASSIFIED CLAIMS**

Creditor	Secured/Unsec.	Amount	Int. Rate (If Any)	Avg. Monthly Pmt.	Paid By Trustee/Other

**6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES** All executory contracts and unexpired leases are REJECTED, except the following which are assumed:

**A) Payment of executory contracts and unexpired leases made by the Debtor are as follows:**

Creditor	Account #	Payment Address	Monthly Pmt.	Date 1st Pmt. Due

**B) Payment of executory contracts and unexpired leases made by the trustee are as follows:**

Creditor	Account #	Payment Address	Monthly Pmt.	Date 1st Pmt. Due

**C) Payment of arrearages by the Trustee are as follows:**

Creditor	Description of Collateral	Est. Arrearage	Int. Rate (If Any)	Avg. Monthly Pmt.

7. **UNSECURED CLAIMS:** The amount necessary to pay all classes of unsecured creditors pursuant to 11U.S.C. §§ 1325(a)(4) and 1325(b) is \$ \_\_\_\_\_. The amount estimated to be paid to non-priority unsecured creditors is \$ \_\_\_\_\_. All non-priority unsecured creditors may share in any pool of money left after all administrative, priority, and secured claims have been paid. Non-priority unsecured creditors to be paid pro-rata. *If the Plan proposes to pay all classes of unsecured creditors 100% of their allowed claims, leave the above spaces blank and check here \_\_\_\_.*
8. **POST PETITION CLAIMS:** Post-petition claims shall not be paid by the Trustee unless the Debtor amends the plan to specifically address such claims. Absent such an amendment, the trustee shall not disburse any monies on said claims and these debts will not be discharged.
9. **LIEN RETENTION:** With respect to each allowed secured claim provided for by the plan, the holder of such claim shall retain the lien securing its claim until the earlier of a) the payment of the underlying debt determined under non-bankruptcy law or b) entry of the discharge order under 11 U.S.C. § 1328.
10. **PROOF OF LIEN PERFECTION:** Any creditor(s) asserting a secured claim must provide the chapter 13 Trustee, the Debtor, and Debtor's counsel with proof of lien perfection at the time its claim is filed.
11. **VESTING OF PROPERTY OF THE ESTATE:** Property of the estate shall revert in Debtor upon confirmation of the Debtor's plan, subject to the rights, if any, of the Trustee to assert a claim to additional property of the estate acquired by Debtor post-petition pursuant to 11 U.S.C. § 1306.
12. **PAYMENT NOTICES:** Creditors in Section 3 (whose rights are not being modified) and in Section 6 (whose executory contracts/unexpired leases are being assumed) may continue to mail customary notices or coupons to the Debtor or Trustee notwithstanding the automatic stay.
13. **OBJECTIONS TO CLAIMS:** Any objection to a timely filed unsecured claim shall be filed within forty-five (45) days following the expiration of the claims bar date for that claim. Objections to secured and/or amended claims shall be filed within forty-five (45) days from the claims bar date, or within forty-five (45) days from the date of filing of the claim, whichever is later.
14. **STAY RELIEF:** Notwithstanding any provision contained herein to the contrary, distribution to a secured creditor(s) (on the secured portion of its claim) who obtains relief from the automatic stay will terminate immediately upon entry of an Order lifting or terminating the stay, except to the extent that an unsecured deficiency claim is subsequently filed and allowed.
15. **DEBTOR REFUNDS:** Upon written request of the Debtor, the Trustee is authorized to refund to the Debtor, without Court approval, any **erroneous** overpayment of **regular** monthly payments received during the term of the Plan that have not been previously disbursed.
16. **PLAN NOT ALTERED FROM OFFICIAL FORM:** By filing this Plan, the Debtor and Debtor's counsel represent that the Plan is the official form authorized by the Court. Changes, additions or deletions to this Plan are permitted **only** with Leave of Court.
17. **REASON(S) FOR AMENDMENT(S):**

Debtor(s)' Declaration Pursuant to 28 U.S.C. §1746.

I declare under penalty of perjury that the foregoing statements of value contained in this document are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
/s/  
Signature of Counsel for Debtor(s)

\_\_\_\_\_  
/s/  
Signature of Debtor

\_\_\_\_\_  
/s/  
Signature of Joint Debtor (if applicable)