GUIDELINES FOR COMPLETING LOCAL CHAPTER 13 PLAN FORM

The Local Chapter 13 Plan Form outlines the complete administration of the case. The Clerk of Court will notice the initial plan to all creditors. The boxes contained within each subsection can be expanded or collapsed as needed.

I. NOTICES

A. Pursuant to BR 3015.1(c), the debtor(s) is required to indicate whether the plan does or does not:
   a. limit the amount of a secured claim based upon a valuation of collateral;
   b. avoid a security interest or lien; and/or
   c. contain any nonstandard provisions.

B. The plan will not be confirmed unless all required boxes are properly marked.

II. PLAN PAYMENTS, LENGTH OF PLAN AND DEBTOR(S)' ATTORNEY'S FEE

A. MONTHLY PLAN PAYMENT

1. The plan may not exceed 60 months.
2. Calculate an additional 10% to the combined total payment for the Trustee's fee.
3. The plan may not provide less than $55.00 per month ($50 for creditors and $5 for the Trustee's fee) pursuant to 11 U.S.C. § 330(c).
4. Enter the total monthly amount to be paid through the plan including the 10% Trustee's fee and the number of months it will take to complete each payment level (for example: $1,100 for months 1-6 reflects $1,000 for creditors and $100 for the Trustee; $550 for months 7-36 reflects $500 for creditors and $50 for the Trustee).

B. DEBTOR(S)' ATTORNEY'S FEES

1. Check the Box for "NONE" or "PRO BONO," if applicable.
2. Indicate the total amount of attorney's fees to be paid. The plan will not be confirmed if the amount does not match amounts contained within the filed Disclosure of Compensation of Attorney for Debtors pursuant to BR 2016(b).
3. Indicate the amount paid to the attorney pre-petition.
4. Indicate monthly payments to be paid to the attorney through the plan.
5. Itemize fees charged in connection with services listed in the Court's "Guidelines for Chapter 13 Attorney Compensation."
6. File a separate application for compensation (LF 69) if the fees exceed amounts allowed in the Court's "Guidelines for Chapter 13 Attorney Compensation".

III. TREATMENT OF SECURED CLAIMS

A. SECURED CLAIMS

1 Check the "NONE" box if this section is not applicable.

2 Separately list each secured creditor to be paid through the plan accurately for disbursement. Make certain to provide the Trustee with current addresses and account and/or folio numbers for all creditors.

3 Check the appropriate box for the debtor(s)' principal residence, other real property and/or personal property/vehicle.

4 **Real Property**:

a. Check the appropriate box for treatment of property taxes and insurance;

b. The arrearage is the total amount due to reinstate or cure the debt as of the petition or conversion date;

c. The regular payment is the ongoing monthly amount due pursuant to the terms of the note or contract.

d. Include the regular payment for each month arrears are paid.

e. Debtors are responsible for remitting regular ongoing payments directly to creditors once regular payments are no longer paid through the plan.

5. Proofs of Claim must be timely filed for all secured creditors matching amounts in the plan.

B. **VALUATION OF COLLATERAL**

1. Check the "NONE" box if this section is not applicable.
2. This section provides for the valuation of secured claims, which may result in partial payments or no payments to the secured creditors, for liens that are valued at zero.
3. Complete the applicable motion to value collateral and serve it upon the creditor pursuant to Bankruptcy Rule 7004 and Local Rule 3015-3.
4. List each creditor separately. Make certain to include accurate addresses and account numbers for all creditors.
5. Include the value of the collateral, amount of creditor's lien and the payment for each creditor separately.
6. Specify terms of payment, including interest rate, total amount to be paid (including interest) and amounts during months the creditor will be paid (e.g. $100 for months 1-60).
7. Designate whether valued collateral includes:
    a. **Real Property**: check the "NONE" box if this section is not applicable or check the appropriate boxes for principal residence and/or other real property as well as for treatment of property taxes and insurance.
    b. **Vehicles**: check the "NONE" box if this section is not applicable or check the box if the vehicle is a "910 vehicle" under 11 U.S.C.§ 1325(a) ("hanging paragraph").
    c. **Other Personal Property**: check the "NONE" box if this section is not applicable or check the box indicating whether the debt was incurred within one year of filing pursuant to 11 U.S.C. §1325(a) ("hanging paragraph").

C. **LIEN AVOIDANCE**

1. Check the "NONE" box if this section is not applicable.
2. File separate motions to avoid judicial liens and/or nonpossessory, nonpurchase money security interests securing claims.

3. Include the name, address and account number for each creditor separately.
4. Describe the collateral against which the judgment attaches.
5. List the exemption which is impaired by the judgment.

D. **SURRENDER OF COLLATERAL**
   1. Check the “NONE” box if this section is not applicable.
   2. Check the box entitling the creditor to in rem relief from the automatic stay or check the box “Other” to indicate alternative treatment.
   3. Separately list each secured creditor to which the collateral is surrendered.
   4. Include the name, address and account number for each creditor whose collateral is surrendered, along with a description of the collateral.

E. **DIRECT PAYMENTS**
   1. Check the “NONE” box if this section is not applicable.
   2. Separately list each secured creditor to be treated directly and not paid through the plan.
   3. Include the name, address and account number for each creditor along with a description of the collateral.
   4. Check the box entitling the creditor to in rem relief from the automatic stay.

IV. TREATMENT OF FEES AND PRIORITY CLAIMS

A. Check the “NONE” box in each subsection in which payments are not included.
B. List each priority creditor in the appropriate subsection.
C. Include the name, address and amount due to each creditor.
D. List the total amount due to cure the claim as of the petition date.
E. Include regular on-going payments with cure amounts, if applicable.

V. UNSECURED NONPRIORITY CREDITORS

A. Unsecured nonpriority creditors are paid in a class by themselves. Allowed unsecured nonpriority claims will be paid pro-rata according to the percentage calculated by the Trustee upon review of allowed Proofs of Claim after the bar date. Do not list the total amount to be paid. Include the monthly payment only.

B. Check the box if the debtor(s) intends to pay 100% of all allowed unsecured nonpriority claims or if the debtor believes there will be no unsecured nonpriority creditors to be paid.

C. **Separately Classified Creditors:**
   1. Check the “NONE” box if this section is not applicable.
   2. The Debtor may separately classify claims, but may not discriminate unfairly against any other unsecured nonpriority creditors in violation of 11 U.S.C. §1322(b)(1).
   3. File motions to separately classify claims and include the basis for the separate classification and proposed treatment. The motions must be served upon all creditors pursuant to Bankruptcy Rule 7004.
   4. List the name, address, account number and basis for each separately classified unsecured nonpriority claim in the plan.

VI. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

A. Check the "NONE" box if this section is not applicable.
B. List the name, collateral and account number for each executory contract and/or unexpired lease.
C. Check the box indicating whether the debtor(s) will assume or reject the executory contract or unexpired lease.

VII. INCOME TAX RETURNS AND REFUNDS

A. Check one box only.
B. If the debtor(s) is required to provide copies of yearly tax returns to the Trustee, check the box corresponding to the Division in which the debtor filed the petition.
    1. Only check the second box if the debtor filed the petition in the Fort Lauderdale or West Palm Beach Divisions.
    2. Only check the third box if the debtor filed the petition in the Miami Division.

VIII. NON-STANDARD PROVISIONS

A. Check the "NONE" box if this section is not applicable. This section will collapse if the "NONE" box is checked.
B. The debtor(s) must check the corresponding box in Section I (Notices) if the debtor(s) includes any non-standard provision in this section. If the box in Notices is not checked, the non-standard provisions in this section will be deemed void.
C. The proposed non-standard terms should be described with particularity.
D. Check the appropriate box for Mortgage Modification Mediation and timely file the required motion to refer to mortgage modification mediation in accordance with Administrative Order 14-03. Do not alter the language in this section.

SIGNATURE(S) AND CERTIFICATION

A. The plan must be signed and dated by the debtor(s) or the attorney for the debtor(s) under penalty of perjury. The attorney for the debtor(s) must receive permission from the debtor(s) before signing the plan.
B. By filing the plan, the debtor(s) or attorney for the debtor(s) certifies the wording and order of the provisions in this plan are identical to those contained in the local plan form (LF 31) and the plan contains no nonstandard provisions other than those set out in the Non-Standard Plan Provision (Section VIII).