19. **Nonpriority Unsecured Claims.** Nonpriority unsecured allowed claims that are not separately classified will be paid not less than (check the applicable box):

- ❑ The sum of $_____ to be distributed on a *pro rata* basis
- ❑ _____ percent of allowed claims
- ❑ The funds remaining after disbursements have been made to all other creditors provided for in this plan, to be distributed on a *pro rata* basis.

20. **Interest.** Interest on allowed unsecured claims, including separately classified claims, will (check the applicable box):

- ❑ Not be paid
- ❑ Be paid at an annual percentage rate of _____ % in accordance with 11 U.S.C. § 1325(a)(4), and is estimated to total $ _____.

Part 5: Executory Contracts and Unexpired Leases

21. All executory contracts and unexpired leases are rejected, except those listed below, which are assumed and will be treated as provided for below or under another specified provision of the plan.

Name of creditor	Property description	Treatment (refer to other plan section if applicable)	Current installment payment	Amount of arrearage to be paid
			Payment: $_____ Disbursed by: ❑ Trustee ❑ Debtor(s)	
			Payment: $_____ Disbursed by: ❑ Trustee ❑ Debtor(s)	

Part 6: Order of Distribution

22. The trustee will pay allowed claims in the following order:

1) _____

2) _____

3) _____

4) _____

5) _____

6) _____

7) _____

Part 7: Summary of Plan Disbursements

23. From the payments received from the debtor(s), the trustee will make the following estimated disbursements on allowed claims:

1)	Current installment payments on secured claims (Part 2, Section 6 total):	$ _____
2)	Arrearage payments on secured claims (Part 2, Section 6 total):	$ _____
3)	Allowed secured claims (Part 2, Section 7 total):	$ _____
4)	Secured claims not subject to 11 U.S.C. § 506 (Part 2, Section 8 total):	$ _____
5)	Judicial liens not avoided (Part 2, Section 9 total):	$ _____
6)	Security interests not avoided (Part 2, Section 10 total):	$ _____
7)	Administrative and other priority claims (Part 3 total):	$ _____
8)	Current installment payments on unsecured debts (Part 4, Section 17 total):	$ _____
9)	Arrearage payments on unsecured debts (Part 4, Section 17 total):	$ _____
10)	Separately classified unsecured claims (Part 4, Section 18 total):	$ _____
11)	Nonpriority unsecured claims (Part 4, Section 19 total):	$ _____
12)	Interest on allowed unsecured claims (Part 4, Section 20 total):	$ _____
13)	**Total of (1) through (12) above:**	**$ _____**

Part 8: Claims of Governmental Units

24. This plan is not binding with respect to any claim of a governmental unit that is (a) timely filed after confirmation of this plan, and (b) inconsistent with the treatment of such claim under this plan.

Part 9: Vesting of Property of the Estate

25. Property of the estate shall revest in the debtor(s) upon (check the applicable box):

- ❑ Plan confirmation
- ❑ Closing of case
- ❑ Other: _____

Part 10: Non-standard Plan Provisions

In accordance with Bankruptcy Rule 3015(c), non-standard provisions are required to be set forth below.

Part 11: Signatures

Debtors (sign only if not represented by an attorney)

_____ Date _____

_____ Date _____

Debtors' Attorney

_____ Date _____

III. January Agenda

Attachment 3
Agenda for the Conference on an Official Form Chapter 13 Plan and Related Amended Rules:
Topics, Schedule, and Panel Assignments

8:30 - 8:45 **Welcome and Introductions**

8:45 – 10:30 **Panel 1.** ***The Draft Form Plan***

Panelists: Glenn Stearns, Judge Connelly, Billy Brewer, Mary Beth Ausbrooks, Kathy Huffman, Lawrence Friedman
Committee Liaison: John Rao

Questions for discussion:

- Is the plan organized in a logical manner?
- Is the length of the plan a concern?
- Does the plan omit provisions that are necessary or frequently used?
- Does the plan include provisions that are unnecessary or infrequently used?
- Does the plan give sufficient guidance as to its operation after confirmation?
- Does the plan appropriately emphasize areas that present key issues in the chapter 13 process?
- Will the plan work in both mortgage conduit and non-conduit jurisdictions?
- Should the plan specify a different treatment of home mortgages and other secured claims if relief from the automatic stay is granted?
- Does the plan appropriately treat the inclusion of non-standard provisions?
- Is it advisable to propose a form dealing with pre-confirmation adequate protection payments? Is the proposed form suitable for this purpose?

10:30 - 10:45 **Break**

10:45 – 12:00 **Panel 2.** ***Draft Rule Amendments I***

Panelists: Debra Miller, Judge Saltzman, Tara Twomey, Alane Beckett, Ramona Elliott
Committee Liaison: Judge Harris

Questions for discussion:

- Draft Rule 3002(a) requires a secured creditor to file a proof of claim in order to have an allowed secured claim. Does this amendment present particular concerns?
- Draft Rule 3002(c) changes the deadline for filing proofs of claim in chapter 13 cases to 60 days after the petition date so that proofs of claim are filed before the confirmation hearing date established by Code § 1324(b). Is this amendment an improvement over the current rule?

- Several interrelated rule amendments would provide that the validity, amount, and treatment of a claim under the plan will control over a proof of claim. Draft Rule 3012, together with draft Rule 3015(g), provide that the plan may make a binding determination of the amount of an allowed secured claim, as well as the amount of a claim entitled to priority treatment, subject to ultimate resolution at the confirmation hearing. Draft Rule 3007, in turn, provides an exception to the need to file a claim objection if claim allowance is resolved under Rule 3012. Similarly, draft Rule 4003(d) makes clear that a plan may provide for avoidance of liens under Code § 522(f). And draft Rule 7001 makes clear that an adversary proceeding is not necessary to determine the validity, priority, or extent of a lien resolved through a plan. Do these amendments present particular concerns?
- If any proposed amendment raises particular concerns, what alternative would you suggest, and how would the suggested alternative impact the draft plan?

12:00 – 12:45 Lunch (catered lunch will be provided)

12:45- 2:00 Panel 3. *Draft Rule Amendments II*

Panelists: Kevin Anderson, Judge Brown, John Colwell, Andrew Altenburg, Michael Bates
Committee Liaison: Judge Perris

Questions for discussion:

- Draft Rule 3015(c) requires the use of the official form plan in all chapter 13 cases. Draft Rule 9009 limits modification of official forms so designated, including the form chapter 13 plan. Are these amendments advisable?
- Draft Rule 5009 provides that a debtor may obtain an order declaring that a lien has been satisfied, and that the order will be effective as a release of the lien. This provision is intended to facilitate documentation for title purposes. Does this amendment present concerns with respect to the timing of the order? Are there other concerns raised by this amendment?
- Several draft rule amendments concern service and notice in chapter 13 cases. Draft Rule 3015(d) is intended to ensure that creditors receive a copy of the plan before confirmation. Draft Rule 3015(f) provides that objections to confirmation must be filed and served seven-days prior to the confirmation hearing. Draft Rule 3015(h) deals with notice of a modification of the plan after confirmation. Do these provisions adequately provide for notice to interested parties?
- Some of the draft amendments require enhanced service. Draft Rule 3012 provides that a request to determine the amount of secured and priority claims under a plan must be served in accordance with Rule 7004's requirements for adversary proceedings. Draft Rule 4003(d), which concerns a plan proposing lien avoidance under Code § 522(f), and draft Rule 5009 also require service in accordance with Rule 7004. Are these enhanced service provisions appropriate?

- Because draft Rule 3015(f) sets a seven-day default deadline for objections to plan confirmation, current Rule 2002(b)(2) would effectively require that notice of the confirmation hearing be given at least 35 days before the hearing. Should the Rules Committee consider amending Rule 2002(b)(2) to provide either for 21 days' notice of the deadline to file objections to confirmation or 35 days' notice of the confirmation hearing?
- If any proposed amendment raises particular concerns, what alternative would you suggest, and how would the suggested alternative impact the draft plan?

2:15 - 3:00 **Open forum to raise and discuss issues not previously addressed or fully covered, including the value of a national form for chapter 13 plans**