

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In re: _____) Case No. _____
_____)
_____)
(address)) Chapter 13
_____)
(city, state, zip))
SS# XXX-XX-_____)
SS# XXX-XX-_____)
_____)
Debtor(s))

NOTICE TO CREDITORS AND PROPOSED CHAPTER 13 PLAN

1. Notices.

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on _____.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and information regarding the filing of proofs of claims.

Creditors should read this plan carefully as your rights may be affected by this plan. Following the conclusion of the meeting of creditors, a final plan will be served on all parties in interest and creditors, along with information about the deadline for filing objections to the plan and the time, date and place of the hearing on any timely filed objections.

This plan includes or does not include the following:

A.	A limit on the amount of a secured claim, set out in Section 4.4, 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 judicial lien or nonpossessory, nonpurchase money security interest set out in Section 8.	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
C.	Nonstandard provisions set out in Section 9.	<input type="checkbox"/> Included	<input type="checkbox"/> Not included

2. Plan Payments.

The Debtor will make payments to the Trustee as follows.

\$_____ per month for _____ months,
\$_____ per month for _____ months,
Additional payments _____

The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed. If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to pay creditors as specified in this plan.

3. Fees and Priority Claims.

3.1. Attorney fees.

- ☐ The Attorney for the Debtor will be paid the presumptive base fee of \$_____ or a reduced fee of \$_____.

The Attorney has received \$_____ from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available.

- ☐ The Attorney for the Debtor will file an application for approval of a fee in lieu of the base fee.

3.2. Trustee costs.

The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses.

3.3. Priority Claims.

All pre-petition claims entitled to priority under 11 U.S.C. §507 will be paid in full, without interest, in deferred cash payments unless otherwise indicated.

3.3.1. Domestic Support Obligations (“DSO”).

- a. ☐ None

- b. The name, address, and phone number, including area code, of the holder of any DSO as defined in §101(14A) is as follows:

Name of DSO Claimant	Address, city & state	Zip Code	Telephone Number

- c. All post-petition DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.
- d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment
		\$
		\$
		\$

3.3.2. Other Priority Claims to be Paid by Trustee.

Creditor	Estimated Priority Claim
	\$
	\$

4. Secured Claims.

4.1. Residential Real Property - Maintenance of Payments and Cure of Default on Claims Secured by Debtor's Principal Residence.

- a. ☐ None
- b. All payments on any claim secured by real property that is the Debtor's principal residence will be disbursed by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be disbursed by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Address of Residence	Current Y/N	Monthly Payment	Arrearage Amount on Petition Date	If Current Indicate Payment by Debtor (D) or Trustee (T)
			\$	\$	
			\$	\$	
			\$	\$	
			\$	\$	

4.2 Non-Residential Real Property – Maintenance of Payments and Cure of Default on Claims Secured by Real Property other than Debtor's Principal Residence.

- a. ☐ None

- b. All payments on any claim secured by real property, other than the Debtor's principal residence, will be disbursed by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be disbursed by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Current Y/N	Monthly Payment	Arrearage Amount on Petition Date	If Current Indicate Payment by Debtor (D) or Trustee (T)
		\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	

4.3 Real Property - Claims to be Paid in Full Within the Plan Period.

- a. ☐ None
- b. Claims secured by the Debtor's real property will be paid in full as follows:

Creditor	Property Address	Estimated Claim	Monthly Payment (P&I)	Monthly Escrow Payment	Interest Rate
		\$	\$	\$	%
		\$	\$	\$	%
		\$	\$	\$	%
		\$	\$	\$	%

4.4 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

- a. ☐ None. *If "None" is checked, the rest of §4.4 need not be completed or reproduced. The remainder of this paragraph will be effective only if the applicable box in Section 1.A, of this plan is checked.*
- ☐ The Debtor requests that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the Debtor states that the value of the secured claim should be as set out in the column heads *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 Section 6.1 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 Section 6.1 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 or the estate until the earlier of:

- (a) payment of the underlying debt determined under non-bankruptcy 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.

Creditor	Collateral	Value of Collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest Rate	Monthly payment to creditor
		\$	\$	\$	%	\$
		\$	\$	\$	%	\$
		\$	\$	\$	%	\$
		\$	\$	\$	%	\$

4.5. Personal Property - Secured Claims excluded from 11 U.S.C. §506.

- a. ☐ None
- b. The claims listed below were either; (i) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for personal use of the Debtor, or (ii) incurred within one (1) year of the petition date and secured by a purchase money security interest in any other thing of value. If the creditor attaches documentation to show that exclusion from 11 U.S.C. §506 is appropriate, the claims will be paid in full by the Trustee as follows:

Creditor	Collateral	Amount of claim	Monthly Payment	Interest Rate	Adequate Protection Payment per §1362(a)(1)
		\$	\$	%	\$
		\$	\$	%	\$
		\$	\$	%	\$
		\$	\$	%	\$

5. Collateral to be Surrendered.

- a. ☐ None
- b. The Debtor proposes to surrender to each creditor listed below the collateral that secures the creditor's claim.

The Debtor requests that upon timely filing of a claim evidencing a non-preferential perfected lien, 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 effective upon confirmation of this plan, and the creditor be allowed 120 days for personal property and 180 days for real property to file a documented deficiency claim after liquidating the collateral. Any allowed unsecured claim resulting from disposition of the collateral will be treated as an unsecured claim under Section 6.1.

Creditor	Collateral to be Surrendered

6. Nonpriority Unsecured Claims.

6.1 Nonpriority Unsecured Claims Not Separately Classified.

Allowed nonpriority unsecured claims will be paid pro-rata with payments to commence after priority unsecured claims are paid in full. The estimated dividend to nonpriority unsecured claims is _____%.

6.2 Separately Classified Nonpriority Unsecured Claim

- ☐ None
- b. The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows:

Creditor	Basis for Separate Classification and Treatment (include name and address of Co-Debtor, if applicable)	Monthly Payment (if applicable)	Interest Rate
		\$	%
		\$	%
		\$	%
		\$	%

7. Executory Contracts/Leases

- a. ☐ None

- b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed and will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly Payment	Monthly Payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage Monthly Payment
		\$		\$		\$
		\$		\$		\$
		\$		\$		\$
		\$		\$		\$

8. Lien Avoidance.

- a. ☐ None. If checked, the rest of Section 8 need not be completed or reproduced.

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

- b. The judicial liens or nonpossessory, nonpurchase money security interest securing the claims listed below impair exemptions to which the Debtor 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 Section 6.1 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)
	\$	%

Lien identification (such as judgment date, date of lien recording, book and page number)

c. Value of claimed exemptions + \$ _____

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

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

f. Subtract line e from line d. \$ _____

Extent of exemption impairment

(Check applicable box)

☐ Line f is equal to or greater than line a.

The entire lien is avoided. *(Do not complete the next column.)*

☐ Line f is less than line a.

A portion of the lien is avoided.
(Complete the next column.)

Monthly payment on secured claim

\$ _____

Insert additional claims as needed.

9. Nonstandard Plan Provisions

a. ☐ None

b. The following plan provisions will be effective only if there is a check in the box “included” in Section 1.C.

10. Signature(s):

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

x

Signature of Debtor 2

Executed on _____
mm / dd / yyyy

Executed on _____
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); (1) all nonstandard provisions are set forth in Section 9; (2) there are no nonstandard provisions other than those set out in Section 9; and (3) any nonstandard provision placed elsewhere in the plan is void.

Date: _____

Attorney for Debtor
Address: _____

Telephone _____
State Bar No: _____

**UNITED STATES BANKRUPTCY COURT MIDDLE
DISTRICT OF NORTH CAROLINA**

In re: _____) _____) _____) SS# xxx-xx-_____) SS# xxx-xx-_____) _____) _____)	Case No. _____ NOTICE TO CREDITORS AND PROPOSED PLAN Debtor(s)
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

Date: _____
