

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

In re: )  
)  
**TERMS AND PROVISIONS AVAILABLE** )  
**FOR INCORPORATION INTO** )  
**CHAPTER 13 CONFIRMATION ORDERS** )  
)

**STANDING ORDER**

Having concluded that the following terms and provisions should be incorporated in orders confirming Chapter 13 plans, it is hereby ORDERED that the following terms and provisions are incorporated into orders confirming Chapter 13 plans, unless otherwise ordered in the order confirming the plan:

**A. THE FOLLOWING TERMS AND PROVISIONS ARE INCORPORATED, UNLESS OTHERWISE ORDERED, IN ALL ORDERS CONFIRMING CHAPTER 13 PLANS:**

1. The trustee shall collect and disburse payments in accordance with the plan.
2. The trustee shall receive from plan payments such expenses and compensation as provided under the Bankruptcy Code, Title 28 of the United States Code and orders of the court.
3. The trustee is authorized to record on the public records any documents the trustee deems advisable for the purpose of giving all persons notice of the case.
4. The debtor must obtain the approval of the trustee before incurring any debt of \$1,000.00 or less. The debtor must obtain the approval of the court before incurring any debt greater than \$1,000.00. All credit cards shall be canceled.
5. The debtor shall not transfer any interest in real property or personal property having a value greater than \$1000.00 without the prior approval of the court.
6. The debtor shall timely file all required tax returns, including federal and state income tax returns, and shall pay all taxes when due.
7. The debtor shall provide copies of post-petition tax returns to the trustee within ten days of the trustee's request. The debtor's failure to provide post-petition tax returns may

constitute cause for conversion to Chapter 7 or dismissal of the case under 11 U.S.C. §1307(c).

8. The debtor shall remain current on all post-petition domestic support obligations, if any, and the debtor's failure to pay post-petition domestic support obligations may constitute cause for conversion to Chapter 7 or dismissal of the case under 11 U.S.C. §1307(c).
9. The debtor shall maintain collision insurance on any vehicle on which there is a lien. If insurance is not maintained, the debtor is ordered to store the vehicle as directed by the trustee.
10. The employer of the debtor shall deduct and remit funds from the wages, salary or commissions of the debtor as directed by the trustee.
11. Any creditor holding an allowed secured claim under III(D) of the order confirming plan to whom the debtor is surrendering property is granted relief from the automatic stay and any codebtor stay so the creditor may obtain possession and liquidate the property. Any net proceeds, after payment of liens and costs of liquidation, are to be forwarded to the trustee.
12. All payments on any claim secured by real or personal property will terminate upon the lifting of the automatic stay.
13. Any lease of personal property which is not assumed by confirmation of the plan is deemed rejected and the automatic stay and any co-debtor stay are terminated.
14. All insurance and extended service contract coverage on unsecured general claims are canceled and the claim must reflect cancellation and rebate to the account unless provided otherwise herein.
15. Creditors with pre-petition claims that are excepted from the debtor's discharge are enjoined from initiating any collection actions against the debtor until the case is closed, dismissed or converted to another chapter under Title 11 unless the creditor obtains relief from the automatic stay.
16. Providing for a claim under the plan does not bar objections to the claim.
17. Notwithstanding any provision of the plan to the contrary, all property of the estate, as specified by 11 U.S.C. §§541 and 1306, shall continue to be property of the estate following confirmation until the earlier of discharge, dismissal or conversion of the case.

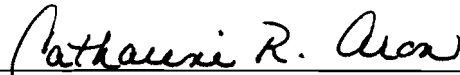
18. Notwithstanding the allowance of a claim as secured, all rights under Title 11 to avoid liens are reserved and confirmation of the plan is without res judicata effect as to any action to avoid a lien.
19. In all cases in which the debtor operates a business:
  - a. The debtor is authorized to operate the business pursuant to 11 U.S.C. §1304, except as otherwise ordered by the court.
  - b. The debtor may not use, sell or lease property except in the ordinary course of business without prior approval of the court.
  - c. The debtor is required to segregate all money which has been withheld from employees or collected from third parties for payment of taxes as required by federal and state law. The debtor is to deposit the collected funds, together with the debtor's share of payroll taxes, in a separate bank account immediately upon collection and is to pay the taxes when due.
  - d. The debtor shall file with the trustee by the tenth day of each month a report and summary of operations of the business during the preceding calendar month. This report must include an accounting of receipts and disbursements, debts incurred, credit extended, contractual obligations assumed, a profit and loss statement, the dates and amounts of all deposits and any other information required by the trustee.

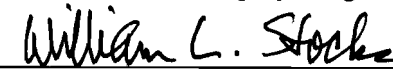
**B. THE FOLLOWING PROVISIONS ARE APPLICABLE TO THE HOLDER OR SERVICER ("HOLDER") OF A CLAIM SECURED BY A DEED OF TRUST, MORTGAGE OR SECURITY INTEREST IN REAL PROPERTY OR A MOBILE HOME:**

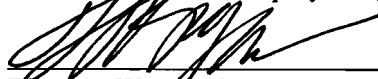
1. The creditor, upon confirmation, is precluded from imposing late charges or other default related fees based solely on pre-confirmation default.
2. If the trustee is disbursing ongoing monthly installment payments (hereinafter "ongoing payments"), the creditor must apply each ongoing payment to the month in which the payment is designated.
3. For any loan with an escrow account, the creditor must prepare and must send an escrow analysis annually to the debtor, trustee and debtor's attorney. The first escrow analysis must be filed with the proof of claim in accordance with Bankruptcy Rule 3002.1. The escrow analysis should not include any amounts that were included or should have been included in the arrearage claim.

4. The secured creditor shall continue to send monthly statements to the debtor in the same manner as existed pre-petition and such statements will not be deemed a violation of the automatic stay.
5. The creditor is required, upon request, to provide account information to the trustee within 21 days of the request and failure to provide a timely response may result in an order requiring the creditor to appear and show cause as to why such creditor should not be sanctioned for failure to comply with this order.
6. Nothing herein shall modify the creditor's responsibilities under Bankruptcy Rule 3002.1.
7. Unless the court orders otherwise, an order granting a discharge in the case shall be a determination that all prepetition and postpetition defaults have been cured and the account is current and reinstated on the original payment schedule under the note and security statement as if no default had ever occurred.
8. **PENALTY FOR FAILURE OF CREDITOR TO COMPLY WITH THE REQUIREMENTS OUTLINED UNDER FRBP 3002.1 AND THIS STANDING ORDER.** Any willful failure of the creditor to credit payments in the manner required by FRBP 3002.1 and this Standing Order or any act by the creditor following the entry of discharge to charge or collect any amount incurred or assessed prior to the filing of the Chapter 13 Petition or during the pendency of the Chapter 13 case that was not authorized by the order confirming plan or approved by the court after proper notice shall be a violation of 11 U.S.C. §524(i) and the injunction under 11 U.S.C. §524(a)(2).

Dated this the 24<sup>th</sup> day of February, 2012.

  
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Catharine R. Aron  
United States Bankruptcy Judge

  
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William L. Stocks  
United States Bankruptcy Judge

  
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Thomas W. Waldrep, Jr.  
United States Bankruptcy Judge