

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

IN RE:)
)
XXXXX XXXX XXXXXXXX,) CASE NO. XX-XXXXX
)
Debtor.)
)

Statement in Support of Confirmation of Plan

The above-captioned debtor and debtor-in-possession (“Debtor”) has elected to file this case under subchapter V of chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”). The Debtor submits this statement in support of confirmation of the subchapter V plan filed on _____ (Docket No. __, the “Plan”) and has attached a supporting brief that describes how the Plan complies with the requirements of 11 U.S.C. §§ 1121-1129 and 1190-1191, except provisions that do not apply pursuant to 11 U.S.C. § 1181(a).

Type of Plan of Reorganization. Confirmation of the Plan in this case will be sought under:

_____ Section 1191(a) (consensual) _____ Section 1191(b) (nonconsensual)

Modifications to the Plan.

- A. Describe any proposed modifications made to the Plan since filing:
- B. Do you anticipate making further modifications to the Plan prior to the Confirmation Hearing?
_____ Yes _____ No
- C. Will the Debtor seek a Court finding under Federal Bankruptcy Rule 3019(a) that a proposed modification to the Plan does not adversely change the treatment of claim or interest holders who have not accepted the modification in writing?
_____ Yes _____ No

If the Debtor is Pursuing Confirmation Under Section 1191(b) (Nonconsensual).

A. Does the Debtor believe there is still a reasonable possibility of confirming the Plan consensually under Section 1191(a)?

____ Yes _____ No

B. If yes, has the Debtor engaged in continued discussions/negotiations with creditors and interested parties to obtain a consensual confirmation of the Plan?

____ Yes _____ No

Supporting Brief.

In conjunction with this Statement in Support, the Debtor has filed a brief setting forth in further detail why the Plan should be confirmed, addressing at minimum, the following elements:

A. Whether and how the Plan complies with each applicable element of Section 1129(a);

B. Whether the treatment of each class of claims and interests is proper, and the Debtor's rationale for the Plan's classification scheme and the treatment provided for different classes.

C. Whether the Debtor satisfied applicable Notice and Solicitation requirements under the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure;

D. Whether the vote on the Plan supports consensual confirmation under Section 1191(a);

E. Whether the Plan contains any releases, non-bankruptcy provided injunctions, or exculpations and, if so, whether the notice and/or opt-out procedures related to those proposed Plan elements complied with all applicable requirements under the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure;

F. If pursuing confirmation under Section 1191(b), whether and how the Plan avoids unfair discrimination, and is fair and equitable, with respect to each class of claims or interests that is impaired under, and has not accepted, the Plan.

Dated: _____

Submitted by:

Name

Signature