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**Revised:**

Tuesday, October 14, 2014  
UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ORDER RE PAYMENT OF PRE-[CONFIRMATION](#) <sup>i</sup> ADEQUATE PROTECTION  
PAYMENTS  
PURSUANT TO 11 U.S.C. § 1326 IN [CHAPTER 13](#) <sup>i</sup> CASES  
FILED ON OR AFTER OCTOBER 17, 2005  
IN THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

Unless the Court orders otherwise, the [debtor](#) <sup>i</sup> shall commence making payments not later than 30 days after the filing of the [plan](#) <sup>i</sup> or entry of the Order of Relief or Order of Conversion, whichever is earlier, and every month thereafter in the amount -

a.  
Proposed by the plan to the [Trustee](#) <sup>i</sup>. This amount shall also specifically provide a monthly amount to be paid as adequate protection to each [creditor](#) <sup>i</sup> holding an allowed [claim](#) <sup>i</sup> secured by personal property to the extent the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that became due after the filing of the plan or entry of the Order of Relief or the Order of Conversion, whichever is earlier.

b.  
With respect to payments for the lease of personal property that became due after the filing of the plan or entry of the Order For Relief or the Order of Conversion, whichever is earlier, said payments shall be paid by the debtor directly to the lessor, reducing the payments under Paragraph (a) above by the amount so paid and providing the Trustee with evidence of such payment, including the amount and date of payment, at least 3 court days prior to the Confirmation Hearing date.

c.

Pursuant to the Trustee's next monthly disbursement cycle, 30 days after the filing of the plan or entry of the Order for Relief or the Order of Conversion, whichever is earlier, and every 30 days thereafter pending confirmation of the plan, the Trustee shall make the adequate protection payments to each creditor as provided in Paragraph (a) above to the extent the Trustee has such funds on hand.

d.

For purposes of Paragraph (a) above, an allowed claim secured by personal property shall be a [proof of claim](#) that complies with Rule 3001, F.R.B.P.

e.

Upon dismissal of a case prior to confirmation of the plan, the Trustee shall first make such payments required by Paragraph (a) above, then any unpaid claims allowed under 11 U.S.C. § 503(b), before returning the balance of the funds being held by the Trustee to the debtor.

[revised 02/02/2012}

f. The Trustee may assess a fee for administering the payments required by Paragraph (a) above and may collect such fee upon receipt of the plan payment(s) in the case. The allowed expense fee shall be equal to the percentage fee established by the Attorney General pursuant to 28 U.S.C. § 586(e)(1)(B) in effect at the time of distribution.

Dated: October 14, 2014

/s/ Roger L. Efremsky United States [Bankruptcy Judge](#)

/s/ William J. Lafferty III United States Bankruptcy Judge

/s/ Charles Novack United States Bankruptcy Judge

[revised 02/02/2012}

**File Attachment:**

 [order\\_re\\_payment\\_of\\_pre-confirmation\\_adq\\_prot\\_payments\\_-\\_novak\\_added\\_2.pdf](#)

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