

**Instructions for Chapter 13 Form Plan Required in the Northern District of California**

1. GENERAL PRINCIPLES

- a. Adoption by the Northern District of California: The Chapter 13 Form Plan (the “Plan”) was adopted in accordance with Federal Rules of Bankruptcy Procedure (“FRBP”) 3015.1 and is approved by General Order No. 34. All debtors proposing a chapter 13 plan in the Northern District of California are required to use this Plan.
- b. A key element of the Plan and FRBP 3015.1 is that the Plan should not be altered except through additional or nonstandard provisions in section 7 of the Plan.

2. HOW TO DOWNLOAD THE PLAN

The Plan is available as a Microsoft Word Document (.doc) [or fillable PDF] and may be downloaded from the United States Bankruptcy Court, Northern District of California’s website at:

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After downloading the Plan, open the document in your word processing application. Debtor should not change the body text, font type or font size of the Plan.

3. DETAILED SECTION-BY-SECTION INSTRUCTIONS

<b>Section</b>	<b>Instructions</b>
1.02	Check the box if any provisions are included in section 7. Section 7 is the only area of the plan where additional or nonstandard provisions may be incorporated.
2.01	Fill in the blank with the initial monthly plan payment. If the monthly payment amount will change over the plan term, the space may be expanded to specify the number and amount of monthly payments over the course of the plan term.
2.02	List the sources and amount of any payments to be made from a source other than future earnings. For example: “Estimated proceeds of \$XXX from the sale of Debtor’s home within XXX months of the petition date.”
2.03	Fill in the blank with the plan term length. This can be modified before or after confirmation pursuant to 11 U.S.C. §§ 1323 and 1329.
3.05	<ul style="list-style-type: none"> <li>• Fill in the first blank with the amount paid to counsel before the petition date.</li> <li>• Fill in the second blank with the estimated amount of additional fees to be paid through the plan.</li> <li>• Check the box to identify whether counsel intends to seek approval of fees through the pre-approved fee(s) (General Order 35) <u>or</u> through approval of a fee application (11 U.S.C. §§ 329 and 330).</li> <li>• If neither box is checked, the default is for counsel to file a fee application.</li> </ul>
3.06	Fill in the blank with the dollar amount of each monthly plan payment to be paid on account of administrative expenses. The Trustee will distribute this amount each month until the allowed administrative expense is paid in full. Once the administrative expense is satisfied, this amount will then be applied to claims with the next lower

	priority, as provided in section 5.02 of the plan.
Section 3.C	<p>Each secured claim that is provided for in the Plan should be listed in <b>only</b> one Class (e.g. Class 1, 2(A), 2(B), 2(C), 3 or 4).</p> <ul style="list-style-type: none"> <li>• <b>Class 1</b> includes all delinquent claims secured by real or personal property that mature after completion of the plan term. This includes loans on Debtor’s personal residence that mature after the plan term stated in section 2.03. For example, if there is a pre-petition default due to the holder of Debtor’s home or car loan, and the remaining loan term is longer than the plan term, these claims must be placed in Class 1.</li> <li>• Secured claims that matured before the petition date should be placed in Class 2(A), 2(B), or 2(C) as appropriate, depending on whether the claim is reduced based on the value of the collateral.</li> <li>• <b>Class 2(A)</b> includes claims that Debtor elects not to reduce or that cannot be reduced based on the value of the collateral. This includes the following types of claims: <ul style="list-style-type: none"> <li>○ a secured creditor with a purchase money security interest in a motor vehicle acquired for personal use by the debtor incurred within 910 days of the petition date; or</li> <li>○ a secured claim incurred within 1 year of the petition date and secured by anything of value other than a motor vehicle acquired for debtor’s personal use.</li> </ul> </li> <li>• <b>Class 2(B)</b> includes claims that are reduced based on the value of collateral to some amount <u>greater than \$0</u>. For example, a claim for a car loan that has been or will be reduced from \$8,000 to \$6,000 based on the value of the car, and that has a remaining loan term shorter than the plan (e.g. 18 months), should be placed in Class 2(B).</li> <li>• <b>Class 2(C)</b> includes claims that are <u>reduced to \$0</u> based on the value to collateral. For example, the claim of a wholly unsecured junior lien that is avoided under 11 U.S.C. § 506(a) or § 522(f) by separate motion or adversary proceeding. These claims should be identified in Class 2(C) but will be paid as a nonpriority unsecured claim in Class 7.</li> <li>• <b>Class 3</b> includes all secured claims satisfied by the surrender of collateral. For example, claims secured by a car or home that is being surrendered.</li> <li>• <b>Class 4</b> includes all secured claims paid directly by Debtor or a third party. <ul style="list-style-type: none"> <li>○ In order for a claim to be included in Class 4 the claim must mature after completion of the plan, not be in default, and not be modified by the plan. For example, if there is no pre-petition default, or a small default that will be brought current by the initial meeting of creditors (e.g., payment sent pre-petition but cleared post-position).</li> </ul> </li> </ul>
3.07(a)	Provides for cure of pre-petition defaults on secured claims.
3.07(b)	<p><u>This is the conduit provision</u>. It requires on-going post-petition payments on delinquent, secured claims to be included in the monthly plan payment and distributed by the Trustee to the secured creditor.</p> <ul style="list-style-type: none"> <li>• Subsections (1) – (3) address partial payments.</li> <li>• Subsection (4)(i) provides for the automatic adjustment of plan payments</li> </ul>

	<p>based on a Notice of Payment Change submitted to the Debtor and Trustee. A motion to modify <u>is not</u> required for changes to the plan payment amount based on changes in the amount to be paid for an on-going, post-petition obligation.</p> <ul style="list-style-type: none"> <li>• Subsection (4)(ii) <u>does not</u> provide for amounts included in a Notice of Post-Petition Fees, Expenses, and Charges without a plan modification. These payments must be made directly by the Debtor, unless the plan is modified to pay these charges.</li> <li>• Subsection (5) addresses how the creditor is to apply payments received from the Trustee.</li> </ul>
<p>Class 1 Table Sec. 3.07</p>	<ul style="list-style-type: none"> <li>• Order of creditors – Claims will be paid in the order they are listed within Class 1. See Section 5.02 of the Plan.</li> <li>• <b>1<sup>st</sup> column</b> – Provide creditor’s name and a brief description of the collateral. For example:  Wells Fargo Bank, N.A.      (1<sup>st</sup> DOT)  123 Elm Street, San Francisco, CA 94104</li> <li>• <b>2<sup>nd</sup> column</b> – State the estimated amount of arrears for each claim identified.</li> <li>• <b>3<sup>rd</sup> column</b> – State the interest rate to be applied to the arrears. The interest rate will be 0% if this column is left blank, as provided in section 3.07(a)(1).</li> <li>• <b>4<sup>th</sup> column</b> – “Monthly Arrearage Dividend” means the amount of arrears to be paid each month on each secured claim identified. This column is optional. The Trustee will also calculate the monthly arrearage dividend to ensure feasibility.</li> <li>• <b>5<sup>th</sup> column</b> – State the month and year when the Trustee is to start distributing on the Monthly Arrearage Dividend (e.g. December 2017).</li> <li>• <b>6<sup>th</sup> column</b> – State the amount of the on-going, post-petition monthly obligation to be paid on this secured claim. <i>This amount will be included in the Debtor’s monthly plan payment and distributed to the creditor by the Trustee.</i> Section 3.07(b)(4) addresses how changes in plan payments will be made when the on-going secured payment amount is changed by the creditor.</li> </ul>
<p>Class 2(A) Table Sec. 3.08</p>	<p>Class 2(A) claims are <u>not</u> reduced based on the value of collateral.</p> <ul style="list-style-type: none"> <li>• Order of creditors – Claims will be paid in the order they are listed within in Class 1. See Section 5.02 of the Plan.</li> <li>• <b>1<sup>st</sup> column</b> - Provide creditor’s name and a brief description of the collateral. For example: Toyota Motor Credit, 2015 Toyota Corolla.</li> <li>• <b>2<sup>nd</sup> column</b> – Does creditor have a purchase money security interest in the personal property collateral? State yes or no.</li> <li>• <b>3<sup>rd</sup> column</b> – State the amount claimed by creditor.</li> <li>• <b>4<sup>th</sup> column</b> – Not applicable.</li> <li>• <b>5<sup>th</sup> column</b> – State the interest rate to be applied to the claim. The interest rate will be 5% if this column is left blank, as provided in Sec. 3.08(a).</li> </ul>
<p>Class 2(B) Table Sec. 3.08</p>	<p>Class 2(B) claims are reduced based on the value of collateral to an amount <u>greater than</u> \$0.</p> <ul style="list-style-type: none"> <li>• Order of creditors – Claims will be paid in the order they are listed within in</li> </ul>

	<p>Class 1. See Section 5.02 of the Plan.</p> <ul style="list-style-type: none"> <li>• <b>1<sup>st</sup> column</b> – Provide creditor’s name and a brief description of the collateral. For example: Toyota Motor Credit, 2015 Toyota Corolla.</li> <li>• <b>2<sup>nd</sup> column</b> – Does creditor have a purchase money security interest in the personal property collateral? State yes or no.</li> <li>• <b>3<sup>rd</sup> column</b> – State the amount claimed by creditor.</li> <li>• <b>4<sup>th</sup> column</b> – State the value of creditor’s interest in the collateral as has been or will be determined by separate motion or adversary proceeding.</li> <li>• <b>5<sup>th</sup> column</b> – State the interest rate to be applied to the claim. The interest rate will be 5% if this column is left blank, as provided in Sec. 3.08(a).</li> </ul>
Class 2(C) Table Sec. 3.08	<p>Class 2(C) claims are <u>reduced to \$0</u> based on the value of collateral.</p> <ul style="list-style-type: none"> <li>• <b>1<sup>st</sup> column</b> - Provide creditor’s name and a brief description of the collateral. For example: Toyota Motor Credit, 2015 Toyota Corolla.</li> <li>• <b>2<sup>nd</sup> column</b> – Does creditor have a purchase money security interest in the personal property collateral? State yes or no.</li> <li>• <b>3<sup>rd</sup> column</b> – State the amount claimed by creditor.</li> <li>• <b>4<sup>th</sup> column</b> – This amount will be \$0.00.</li> <li>• <b>5<sup>th</sup> column</b> – The default rate will be 0.00%.</li> </ul>
Class 3 Table Sec. 3.09	<p>Class 3 includes all secured claims satisfied by surrender of the collateral.</p> <ul style="list-style-type: none"> <li>• <b>1<sup>st</sup> column</b> - Provide creditor’s name and a brief description of the collateral. For example: Wells Fargo Bank, N.A. (1<sup>st</sup> DOT) 123 Elm Street, San Francisco, CA 94104</li> <li>• <b>2<sup>nd</sup> column</b> – State the estimated deficiency on the secured claim. For example, if Debtor is surrendering their vehicle with a secured claim of \$10,000, if the estimated amount received after sale of the vehicle at auction is \$6,000, then the unsecured deficiency is \$4,000.</li> <li>• <b>3<sup>rd</sup> column</b> – If there is a deficiency, is it a priority claim? State yes or no.</li> </ul>
Class 4 Table Sec. 3.10	<p>Class 4 includes all secured claims paid directly by Debtor or a third party. These claims must not be modified by the plan and not be in default, or have a small default that will be brought current by the initial meeting of creditors (e.g., payment sent pre-petition but cleared post-petition).</p> <ul style="list-style-type: none"> <li>• <b>1<sup>st</sup> column</b> - Provide creditor’s name and a brief description of the collateral</li> <li>• <b>2<sup>nd</sup> column</b> – State the monthly contract installment.</li> <li>• <b>3<sup>rd</sup> column</b> – Identify the person making payment.</li> </ul>
Section 3.D	<p>Each unsecured claim should be listed in <b>only</b> one Class (e.g. Class 5, 6, or 7).</p> <ul style="list-style-type: none"> <li>• <b>Class 5</b> includes all priority unsecured claims pursuant to 11 U.S.C. § 507 (e.g., domestic support obligations and taxes).</li> <li>• <b>Class 6</b> includes designated nonpriority unsecured claims that will be treated differently from other general unsecured claims (e.g., co-signed unsecured debts).</li> <li>• <b>Class 7</b> includes all other nonpriority unsecured claims (e.g., credit card, medical debts).</li> </ul>

Sec. 3.12	<b>Class 5</b> - Fill in the blank with the estimated total amount of priority unsecured claims, except where the holder of the priority unsecured claim has agreed to accept less than payment in full or when 11 U.S.C. § 1322(a)(4) is applicable. Any claims within this exception must be addressed by a separate provision in section 7.
Sec. 3.13	<b>Class 6</b> – Any nonpriority unsecured claims that will be treated differently from Class 7 must be addressed by a separate provision in section 7.
Sec. 3.14	<p><b>Class 7</b> – Nonpriority unsecured claims:</p> <ul style="list-style-type: none"> <li>• Fill in the first blank with the estimated total amount of nonpriority unsecured claims.</li> <li>• Choose whether the distribution to nonpriority unsecured creditors will be based on a “Percent Plan” where all creditors will receive no less than the stated percentage of their allowed claim or a “Pot Plan” where all creditors are expected (but not required) to receive the stated percentage of their allowed claim. In either selection, state the estimated percentage.</li> <li>• In most cases, Pot Plan will be selected.</li> <li>• If a plan is required to distribute 100% to nonpriority unsecured claims based on the liquidation value of Debtor’s assets or Debtor’s disposable monthly income, then the plan must be a Percent Plan.</li> </ul>
Sec. 4.01	<b>Executory contracts and unexpired leases</b> - Debtor will pay directly to the other contract party the ongoing, monthly payment required by the lease or contract, unless a different treatment is set out in section 7. Pre-petition arrears shall be paid in full through the plan.
Sec. 4.02 Table	<p>Any executory contract or unexpired lease not listed in the table is rejected.</p> <ul style="list-style-type: none"> <li>• <b>1<sup>st</sup> column</b> – Provide name of other party to executory contract or unexpired lease.</li> <li>• <b>2<sup>nd</sup> column</b> – State the post-petition monthly payment amount.</li> <li>• <b>3<sup>rd</sup> column</b> – State the amount of pre-petition arrears.</li> <li>• <b>4<sup>th</sup> column</b> - “Monthly Arrearage Dividend” means the amount of arrears to be paid each month on each executory contract or unexpired lease identified.</li> </ul>
Sec. 6.01	Property of the estate will revert in Debtor upon confirmation, <u>unless</u> Debtor checks the box before “SHALL NOT REVEST.”
Sec. 7	<b>Nonstandard Provisions</b> – All changes to the plan must be set forth in a nonstandard provision and placed in section 7. Several nonstandard provisions have been pre-approved as provided below. Use of the pre-approved, nonstandard provisions will not require further review by the court during plan confirmation.
Request to modify loan against Debtor’s	<ul style="list-style-type: none"> <li>• Debtor’s seeking to modify a loan secured by their residence may do so through the plan by incorporating the nonstandard provision on the MMM Program.</li> <li>• Debtor’s seeking to modify the loan secured by their residence by an alternate</li> </ul>

residence	means <u>should not</u> include the claim in the plan. The failure to include a claim in Class 1, 2, 3, or 4 may be cause to terminate the stay but such relief must be separately requested by the claim holder, as provided in section 3.11.
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4. APPROVED NON-STANDARD PROVISIONS

Participation in Mortgage Mediation Modification Program (pre-confirmation provision)	<p><b>Mortgage Mediation Modification.</b> Debtor has or after filing of the petition will seek entry into the Mortgage Modification Mediation Program (“MMM Program”) established under General Order 29 with respect to the following secured creditor(s) and property:</p>			
	<b>[Provisional] Class 1 Creditor's Name/ Collateral Description</b>	<b>Estimated Amount of Arrears</b>	<b>Post-Petition Monthly Payment</b>	
	1.			
	2.			
	<p>a. The plan payments set forth in Sections 2.01 and 2.02 include the anticipated monthly installment payment that may be achieved during the MMM Program, which is typically required to be at least thirty one percent (31%) of Debtor’s gross monthly income (exclusive of applicable Trustee’s fees) or such other amount designated by the secured creditor for the real property subject to the MMM Program.</p> <p>b. Trustee shall retain and not distribute each Post-Petition Monthly Payment set forth in the table above until entry of an order by the Court authorizing such distributions.</p> <p>c. A plan payment received by Trustee on or before the deadline set forth in Section 2.01 for a given month shall be deemed as a timely payment made pursuant to any trial loan modification agreement or final loan modification agreement for that month, notwithstanding that Trustee may distribute after the applicable deadline established by the secured creditor.</p> <p>d. In the event Debtor executes a final loan modification agreement and upon entry of an order confirming the plan, the [Provisional] Class 1 claim set forth in Section 7.01 shall automatically be deemed a Class 1 claim provided for in Section 3.07 and shall no longer be a claim provided for in Section 7.01. For purposes of Section 3.07(b)(1), and unless otherwise specified, the rows set forth in the table above shall be appended to the next available row in the table set forth in Section 3.07.</p> <p>e. Entry of an order confirming the plan shall suspend and revoke any remaining obligations of Trustee to make disbursements pursuant to Paragraph (5) of</p>			

	<p>an Order Granting Motion to Approve Trial Loan Modification Agreement and Authorizing Trustee to Make Distributions Prior to Confirmation (Form ND-MMM-105) or Paragraph (5) of an Order Granting Motion to Approve Loan Modification Agreement After Completion of Mortgage Modification Mediation Program (Form ND-MMM-107) in this case.</p> <p>f. In the event Debtor is unable to obtain a final loan modification agreement, Debtor shall, within 14 days after the mediator files the Final Report of Mortgage Modification Mediation Program Mediator (Form ND-MMM-202), file and serve an amended plan providing appropriate treatment for all pre-petition and post-petition arrearage claims or surrender of the property specified in the table above.</p> <p>g. If Debtor fails to file timely and serve an amended plan as required by Section 7.01(f), Debtor shall be deemed to be in material default under this plan and the remedies set forth in Section 6.04 shall be available to Trustee or Creditor.</p>
<p>Interest at federal rate on 100% plans due to excess equity.</p>	<p>Unsecured creditors shall receive interest at the federal judgment interest rate in effect at the time the petition was filed.</p>

5. INSERTING ADDITIONAL ROWS TO TABLES. In several tables Debtor may need to insert additional rows to include all creditors for a particular Class. If so, Debtor is authorized to modify the table to insert additional rows where necessary. For example, if a Debtor has more than three creditors to be included in Class 1, the table should be modified to increase the number of rows. The additional Class 1 creditors should not be placed in a section 7 nonstandard provision.
  
6. CONVERSION TO PDF BEFORE FILING. Once Debtor has completed the Plan, Debtor should convert the file to a Portable Document File (.pdf) before filing.