

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

IN RE

**AMENDMENTS TO LOCAL RULES,
INCLUDING ADOPTION OF LOCAL
FORM 3015.1, CHAPTER 13 PLAN**

No. 2017-03

GENERAL ORDER

It is hereby ORDERED that the Local Rules of the United States Bankruptcy Court for the Eastern District of Tennessee (the “Local Rules”) are amended in part as set forth on the attachment hereto and shall become effective December 1, 2017. It is further ORDERED that the clerk of court shall publish this order and attachment on the court’s website.

ENTERED: November 9, 2017

/s/ Marcia Phillips Parsons
MARCIA PHILLIPS PARSONS
Chief United States Bankruptcy Judge

/s/ Shelley D. Rucker
SHELLEY D. RUCKER
United States Bankruptcy Judge

/s/ Suzanne H. Bauknight
SUZANNE H. BAUKNIGHT
United States Bankruptcy Judge

/s/ Nicholas W. Whittenburg
NICHOLAS W. WHITTENBURG
United States Bankruptcy Judge

AMENDMENTS TO LOCAL RULES

~~RULE 1006-1. FEES — INSTALLMENT PAYMENTS~~

(Abrogated)

RULE 1007-1. LISTS, SCHEDULES, & STATEMENTS

....

(b) Certificate of Completion of Personal Financial Management Course. Fed. R. Bankr. P. 1007(b)(7) may be satisfied by an approved personal financial management provider filing a certificate bearing—

- (1) the debtor’s name;
- (2) the debtor’s case number;
- (3) a certification by such provider that it is an approved personal financial management provider and that the debtor completed an instructional course in personal financial management; and
- (4) an electronic (“/s/”) or manual signature by an authorized agent of the provider.

If a provider does not file the certificate, the debtor must complete and file, if required by Fed. R. Bankr. P. 1007(b)(7), Official Form 423, Certification About a Financial Management Course, available on the court’s website, www.tneb.uscourts.gov. If the debtor indicates on the form that completion of a personal management course is not required, the debtor must also file a motion in accordance with E.D. Tenn. LBR 9013-1(f) to seek a waiver of the requirement.

RULE 1009-1. AMENDMENTS TO PETITIONS, LISTS, SCHEDULES, & STATEMENTS

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(b) Notice of Amendment. Every amendment must be accompanied by an attached Notice of Amendment that identifies all changes between the former and amended document.

(c) Service. Every amendment along with the Notice of Amendment must be accompanied by a certificate evidencing service by the debtor on the trustee, if one has been appointed, the United States Trustee, and any affected entity. If the amendment is to a petition, Your Statement About Your Social Security Numbers (Official Form 121), or Schedule C: The Property You Claim as Exempt (Official Form 106C), the certificate of service for the amended petition, statement, or schedule must evidence service on all creditors and parties in interest because all are deemed affected by the amendment.

....

RULE 2014-1. EMPLOYMENT OF PROFESSIONALS

Unless the court orders otherwise, entry of an order approving the employment of a professional under Fed. R. Bankr. P. 2014 will be deemed to relate back to the filing date of the application to employ or, if the application to employ is filed within 7 days of the order for relief, to the date of the order for relief, provided that the application for employment and approving order reference this rule. An application to employ requesting entry of an order authorizing employment retroactive to the date services were first begun other than as provided in the foregoing sentence must include the request in the title of the application, be set for hearing in accordance with E.D. Tenn. LBR 9013-1(f), and be served along with the proposed order upon all creditors and other parties in interest.

RULE 2015-2. DEBTOR — DUTIES / OPERATING REPORTS

(a) Chapter 11 Operating Reports. Unless otherwise ordered by the court, a chapter 11 debtor in possession or trustee, if one has been appointed, must file verified operating reports in the format required by the United States Trustee, except that in a chapter 11 small business case, Official Form 425C, Small Business Monthly Operating Report, must be utilized. Prior to confirmation of a plan, the reports must be filed monthly. After confirmation, the reports may be filed quarterly instead of monthly unless the confirmed plan provides for a different reporting schedule.

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~~**RULE 2016-2. REIMBURSEMENT OF CHAPTER 13 ADMINISTRATIVE EXPENSES**~~

(Abrogated)

RULE 3002-1. CLAIMS — TIME FOR FILING / CHAPTER 13

(a) Rejection of Executory Contract or Unexpired Lease. A claim arising from the rejection by a debtor in a chapter 13 plan of an executory contract or unexpired lease must be filed within 60 days from the entry of the order confirming the plan that first rejects the executory contract or unexpired lease.

(b) Surrender of Collateral. When a debtor surrenders collateral in a chapter 13 plan for which a creditor has filed a secured claim, the creditor must amend the claim within 120 days from entry of the order confirming the plan in order for any deficiency claim to be paid under the plan.

(c) Extension. Any motion to extend the 60- or 120-day period in (a) or (b) must be filed within the relevant 60- or 120-day period to be timely.

RULE 3007-1. CLAIMS — OBJECTIONS

(Current subdivision (b) is deleted and subdivision (c) is redesignated (b).)

RULE 3015-1. CHAPTER 13 — PLAN

(a) Local Form. The use of Local Form 3015.1 is mandatory for all chapter 13 plans. When an attorney for the debtor signs a plan or otherwise consents to a plan modification, the attorney certifies that the debtor consents to its provisions and has authorized its filing.

(b) Service Generally. If the chapter 13 plan is filed with the petition, the clerk of court will serve the plan on creditors and parties in interest at the addresses listed on the debtor’s master address list. If a debtor elects to file a plan after filing the petition, the debtor must serve the plan on creditors, parties in interest, and the chapter 13 trustee, and file a certificate of service in accordance with E.D. Tenn. LBR 9013-3.

(c) Service Required by Fed. R. Bankr. P. 9014 and 7004. When a chapter 13 plan includes a request to determine the amount of a creditor’s secured claim under Fed. R. Bankr. P. 3012(b), provides for the partial or entire avoidance of a creditor’s lien under Fed. R. Bankr. P. 4003(d), or otherwise contains a provision that requires the creditor be served in the manner required by Fed. R. Bankr. P. 9014 and 7004, the debtor must—

- (1) include on the master address list required by E.D. Tenn. LBR 1007-2 the names and addresses necessary to properly effectuate service upon those affected creditors by first class mail under Fed. R. Bankr. P. 7004(b); and
- (2) if service by some manner other than first class mail is required, such as certified mail upon an insured depository institution under Fed. R. Bankr. P. 7004(h), file along with the plan a certificate evidencing service of the plan upon those affected creditors in the manner required.

RULE 3017-2. DISCLOSURE STATEMENT — SMALL BUSINESS CASES

(a) Conditional Approval. A plan proponent seeking conditional approval of a disclosure statement in a small business case must file—

- (1) an application pursuant to Fed. R. Bankr. P. 3017.1(a) for conditional approval of a disclosure statement without a hearing;
- (2) a disclosure statement that contains the information required by Official Form 425B, Disclosure Statement in Small Business Case under Chapter 11, as may be pertinent; and
- (3) a plan that contains the information required by Official Form 425A, Plan of Reorganization in Small Business Case under Chapter 11, as may be pertinent.

....

RULE 3070-1. CHAPTER 13 PAYMENTS

(a) Preconfirmation Payments to Lessor or Creditor. If entitled to preconfirmation payments under 11 U.S.C. § 1326(a)(1)(B) or (C) on personal property leases or adequate protection payments on a claim secured by personal property, the creditor may file a motion under E.D. Tenn. LBR 9013-1(g) for entry of an order directing the chapter 13 trustee to commence making a monthly payment to the creditor in an amount not to exceed \$50 after the filing fee has been paid in full, provided the creditor has filed a proof of claim and the creditor's claim is to be paid by the chapter 13 trustee under the terms of the proposed plan. If the creditor requests a monthly payment in excess of \$50, the creditor must set the motion for hearing in accordance with E.D. Tenn. LBR 9013-1(f). The trustee may assess an administrative fee for effecting payments required by this rule equal to the percentage fee fixed for the trustee under 28 U.S.C. § 586(e)(1)(B).

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RULE 4003-2. LIEN AVOIDANCE — JUDICIAL

A motion to avoid a judicial lien filed by a debtor pursuant to 11 U.S.C. § 522(f)(1)(A) must set forth the factual basis for the motion, including—

- (1) the amount of the lien;
- (2) the nature and amount of all other liens on the property, excluding any avoided lien;
- (3) the dollar amount of the claimed exemption; and
- (4) the identity and fair market value of the property subject to the liens.

RULE 5081-1. FEES — FORM OF PAYMENT

With respect to conventional paper filings, fees to the clerk of court must be paid by cash, cashier's check, money order, check drawn on a business account other than the debtor's, or check drawn on a client account or trust account of the attorney of record. For electronic filings, all required fees must be paid by the Registered User by credit card, debit card, or Automated Clearing House (ACH) as provided in E.D. Tenn. LBR 5005-4(d).

RULE 6007-1. ABANDONMENT

(a) Abandonment by Trustee in a Chapter 7 No-Asset Case. Pursuant to Fed. R. Bankr. P. 6007(a), a chapter 7 trustee in a no-asset case may, at or after the 11 U.S.C. § 341(a) meeting of creditors, abandon property of the estate without notice to creditors or the United States Trustee unless a written request for notice of an abandonment is filed at or before the § 341(a) meeting. If a request for notice of abandonment is timely filed, the trustee may limit service of a proposed abandonment to the party requesting notice.

(b) Motion to Compel Abandonment. Unless the court orders otherwise, a motion by a party in interest for an order requiring a trustee or debtor in possession to abandon property of the estate must be served upon the debtor, the debtor’s attorney, the trustee, and all creditors and parties in interest. In a chapter 7 no-asset case, however, service of a motion for entry of an agreed order that includes an abandonment of property of the estate is not required if the motion is filed after the § 341(a) meeting and no party has filed a written request for notice of abandonment or the requesting party has approved entry of the agreed order.

RULE 9013-1. MOTION PRACTICE

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(f) Hearing on Motions.

- (1) *Requirement.* Except as permitted by subdivisions (g), (h), and (i) of this rule, every motion must be set for hearing by the movant. The movant must give notice of the hearing, either by a legend prominently displayed on the face of the first page of the motion immediately below the caption or by a separate Notice of Hearing form. If the movant uses a separate Notice of Hearing form, and it is filed as a separate docket entry, the notice must be appended with or accompanied by a certificate of service complying with E.D. Tenn. LBR 9013-3. The legend or Notice of Hearing must be in a form substantially as follows:

<p>NOTICE OF HEARING</p> <p>Notice is hereby given that:</p> <p>A hearing will be held on the _____ <u>[title of motion, application, or objection]</u>, on <u>[date]</u>, at <u>[time]</u>, in <u>[identify courtroom]</u>, located at <u>[name and address of courthouse]</u>.</p> <p><u>Your rights may be affected.</u> [If the matter is an objection to claim or supplement to claim, replace the foregoing statement with the following: <u>Your claim may be reduced, modified, or eliminated.</u>] You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.</p> <p>If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the <u>[motion, application, or objection]</u> and may enter an order granting that relief.</p>

(g) Ex Parte Motions.

- (1) *Type of Motions.* Unless otherwise provided by these rules, the court may grant without a hearing on an ex parte basis a(n)—

...

(xiii) motion to redact and/or restrict public access to documents containing one or more of the personal data identifiers listed in Fed. R. Bankr. P. 9037;

...

(x) motion to limit notices as provided by Fed. R. Bankr. P. 2002(h) or (i);

...

(xix) motion for preconfirmation payments by the chapter 13 trustee to a lessor or secured creditor filed in accordance with E.D. Tenn. LBR 3070-1(a), provided the monthly payment does not exceed \$50;

....

....

(3) *Service.* Except for those ex parte motions listed in (i) through (xii) in paragraph (1) above, a movant utilizing the ex parte procedure must file a certificate evidencing service of the motion and proposed order upon all parties affected by the relief sought. For an application to employ listed in (xx) in paragraph (1) above, the debtor, the debtor's attorney, the panel or standing trustee, and the United States Trustee are parties deemed affected. For a motion for preconfirmation payments listed in (xix) in paragraph (1) above, the debtor, the debtor's attorney, and the chapter 13 trustee are parties deemed affected.

....

(h) Passive Notice (Notice and Opportunity for a Hearing) Motions.

(1) ...

(xxiv) motion by a chapter 12 or chapter 13 debtor upon plan completion for an order declaring that a secured claim has been satisfied and the lien released under the terms of the plan pursuant to Fed. R. Bankr. P. 5009(d);

....

(2) *Passive Notice Legend.* Except as provided in subdivision (d)(2) of this rule, motions filed pursuant to this passive notice procedure must contain a passive notice legend prominently displayed on the face of the first page of the motion immediately below the caption. The passive notice legend must be in a form substantially as follows:

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Notice is hereby given that:

Pursuant to E.D. Tenn. LBR 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of court at _____ [address]_____, an objection within [number] days from the date this paper was filed and serve a copy on the movant's attorney, [name and address and any other appropriate persons]____. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

Your rights may be affected. [If the matter is an objection to claim or supplement to claim, replace the foregoing statement with the following: **Your claim may be reduced, modified, or eliminated.**] **You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

- (3) *Objection deadline.* The number of days in which parties may object that is placed in the passive notice legend must be 21 days except—
- ...
 - (iii) motion in a chapter 7 case for relief from the automatic stay or for adequate protection, for which the objection time must be at least 14 days;
 - (iv) motion in a chapter 13 case for relief from the automatic stay with respect to collateral to be surrendered under the plan, for which the objection time must be at least 14 days;
 - (v) motion pursuant to Fed. R. Bankr. P. 4001(d) for approval of (A) an agreement to provide adequate protection, (B) an agreement to prohibit or condition the use, sale, or lease of property, (C) an agreement to modify or terminate the stay provided for in 11 U.S.C. § 362, (D) an agreement to use cash collateral, or (E) an agreement between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property, for which the objection time must be at least 14 days;

- (vi) notice of abandonment or motion to compel abandonment under Fed. R. Bankr. P. 6007, for which the objection time must be at least 14 days; and
- (vii) application to employ a professional that also seeks the approval and payment in full of the professional's fees not in excess of \$1,000 and evidences service of the application and proposed order upon the debtor, debtor's attorney, the panel or standing trustee, and the United States Trustee, for which the time for the objection must be at least 7 days.

Except as otherwise provided in this subdivision, when requests for more than one type of relief with respect to which the passive notice procedure is available are combined into a single motion, the objection period is the longest one applicable to any of the types of relief.

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RULE 9036-1. NOTICE BY ELECTRONIC TRANSMISSION

(a) Registered CM/ECF Users. Upon the electronic filing of a document, the ECF system will generate a Notice of Electronic Filing (NEF) that will be automatically transmitted to the filing party and all other parties in the case or adversary proceeding who are Registered Users. This electronic transmission of the NEF by the ECF system constitutes notice or service of the filed document to the Registered Users in the case or proceeding, in place of service by first class mail, postage prepaid, subject to the provisions of Fed. R. Bankr. P. 7004 and 9014(b).

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[Local Form 3015.1]
**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE EASTERN DISTRICT OF TENNESSEE**

In re **Case No. Enter Number**
Enter Name of Debtor 1 Chapter 13
 Debtor 1
(If spouse is filing:)
Enter Name of Debtor 2
 Debtor 2

Check if applicable:
 Preconfirmation Amended Plan
 Postconfirmation Modified Plan

CHAPTER 13 PLAN

Part 1: Notices

The use of this chapter 13 plan form is mandatory for chapter 13 cases filed in the Eastern District of Tennessee.

To Debtor(s): Bankruptcy law is complex; you are urged to consult an attorney. This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. **Plans that do not comply with local rules and judicial rulings may not be confirmable.**

To Creditors: Bankruptcy law is complex; you are urged to consult an attorney. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. If you oppose this plan, you or your attorney must file an objection with the clerk of court before the scheduled time of the 11 U.S.C. § 341(a) meeting of creditors, or the objection must be lodged with the chapter 13 trustee at the meeting unless otherwise ordered by the court. See E.D. Tenn. LBR 3015-3(a) or E.D. Tenn. LBR 3015-2(a)(5) and (b), as applicable. If no objection to confirmation is filed, the Bankruptcy Court may confirm this plan without further notice. See Federal Rule of Bankruptcy Procedure 3015. Regardless of plan treatment, creditors will need to file a proof of claim before any claim can be paid under the plan. See Federal Rule of Bankruptcy Procedure 3002. Further, nothing in this plan precludes or otherwise limits the filing of an objection or complaint, as appropriate, contesting the allowance of such claim or the validity of any lien or right of setoff or seeking to avoid any lien under any applicable section of the Bankruptcy Code.

This plan: *(Debtor(s) must complete the following by checking one box on each line.)*

1.1 Limits the amount of a secured claim, which may result in a partial payment or no payment at all to the secured creditor. [See plan provision in Section 3.2.]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
1.2 Avoids a judicial lien or security interest. [See plan provision in Section 3.4.]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
1.3 Contains a Nonstandard Plan Provision. [See plan provision in Section 8.1.]	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make regular payments to the trustee as follows:

Debtor 1 \$ **Enter Amount** weekly, biweekly, semi-monthly, or monthly for **Enter Number** months by payroll deduction or direct payment to the trustee *(and, complete if applicable)*

Debtor 2 \$ **Enter Amount** weekly, biweekly, semi-monthly, or monthly for **Enter Number** months by payroll deduction or direct payment to the trustee.

Future payment changes *(Complete if applicable.)*

Select Debtor Beginning **Select Date**, plan payments will change to: \$ **Enter Amount** weekly, biweekly, semi-monthly, or monthly for **Enter Number** months by payroll deduction or direct payment to the trustee.

2.2 Federal Income Tax Refunds

In addition to the payments in Section 2.1, the debtor(s) will pay to the trustee federal income tax refunds as follows:

none, all, or **Enter Amount or Description**.

If tax refunds are being paid to the trustee, the debtor(s) will furnish to the trustee a copy of each federal income tax return filed by the debtor(s) during the pendency of the case and every request for extension of time to file a return, within 14 days of the filing of the return or the mailing of the request. In order to expedite the trustee's receipt of the refunds, the trustee may request that the court enter a tax intercept order so that the IRS will send the tax refunds directly to the trustee. If an amount other than "all" is to be paid into the plan, the trustee will refund the balance to the debtor(s) within 60 days of receipt, if the debtor(s) are current in the plan payments under Section 2.1 and if the debtor(s) have provided a copy of their tax return to the trustee. Otherwise, the trustee may apply the balance due to the debtor(s) to cure any arrearage. If the trustee is unable to determine the amount due to the debtor(s) because the debtor(s) have not provided to the trustee a copy of the federal tax return within 60 days of the trustee's receipt of a tax refund, then the debtor(s) are deemed to have forfeited the amount due to them, and the trustee may disburse this amount to creditors as an additional tax refund contributed to the plan.

2.3 Additional Payments *(Complete if applicable.)*

The debtor(s) will make the following additional payments to the trustee: *(Describe the source, estimated amount, and estimated date of payment.)*

Enter Information

Part 3: Treatment of Secured Claims

3.1 Maintenance of Payments and Cure of Default, If Any *(Complete if applicable.)*

Installment payments on the secured claims listed in this section, which will extend beyond the life of the plan, will be maintained during the plan, with payments disbursed by the trustee unless "Yes" is listed under "Direct Pay by Debtor(s)?" The holders of the secured claims will retain their liens following the completion of payments under the plan, and any unpaid balance of the claims is not subject to discharge. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated. Any postpetition installment payment changes and fees, expenses, and charges noticed in conformity with Federal Rule of Bankruptcy Procedure 3002.1 will be paid without plan modification by the party designated below to make the installment payment unless otherwise ordered by the court.

The installment payment and amount of arrearage stated in an allowed claim, proof of which is filed, control over any contrary amounts listed below.

If relief from the automatic stay is ordered as to any collateral described below, all payments under this section to creditors secured solely by that collateral will cease unless otherwise ordered by the court.

Name of Creditor	Collateral Description	Principal Residence?	Installment Payment	Direct Pay by Debtor(s)?	Amount of Arrearage	Int. Rate on Arrearage	Arrearage Payment
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Enter Information

3.2 Request for Valuation of Security, Payment of Fully Secured Claims, and Modification of Undersecured Claims (Complete if applicable and check "Yes" in Section 1.1. The following provisions will be effective only if there is a check in the "Yes" box in Section 1.1.)

For each creditor listed in this section, the "Secured Amount" was calculated by valuing the creditor's collateral and subtracting superior liens. For nongovernmental creditors, the debtor(s) request that the Secured Amount be the determinative amount of the creditor's secured claim under Federal Rule of Bankruptcy Procedure 3012 and 11 U.S.C. § 506(a). For governmental creditors, the listed Secured Amount is an estimate with no binding effect; rather, the amount of the governmental creditor's secured claim under Federal Rule of Bankruptcy Procedure 3012 and 11 U.S.C. § 506(a) will be determined by the amount the creditor states in response to Question No. 9 on its proof of claim for "Amount of the claim that is secured" unless otherwise ordered by the court under Federal Rule of Bankruptcy Procedure 3012(c).

If the Secured Amount is greater than the creditor's total claim, the total allowed claim will be paid in full with interest at the rate stated below. If the Secured Amount is less than the creditor's total claim, only the allowed Secured Amount will be paid in full with interest at the rate stated below. Any portion of the creditor's total allowed claim that exceeds the Secured Amount will be treated as an unsecured claim under Section 5.1 of this plan. If the Secured Amount is listed as "Zero" or "None," the creditor's allowed claim will be treated entirely as an unsecured claim under Section 5.1 of this plan.

Monthly payments will be disbursed by the trustee unless "Yes" is listed under "Direct Pay by Debtor(s)?"

Each creditor listed below will retain its lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

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

Name of Creditor	Collateral Description	Secured Amount	Interest Rate	Monthly Payment	Direct Pay by Debtor(s)?
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[Enter Information](#)

3.3 Secured Claims Excluded from 11 U.S.C. § 506 (Complete if applicable.)

The claims listed in this section were either:

- (a) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (b) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full with interest at the rate stated below with payments disbursed by the trustee unless "Yes" is listed under "Direct Pay by Debtor(s)?" The amount of the creditor's claim stated on its proof of claim, if allowed, controls over any contrary amount listed below.

Each creditor listed below will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

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

Name of Creditor	Collateral Description	Amount of Claim	Interest Rate	Monthly Payment	Direct Pay by Debtor(s)?
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[Enter Information](#)

3.4 Lien Avoidance (Complete if applicable and check "Yes" in Section 1.2. The following provisions will be effective only if there is a check in the "Yes" box in Section 1.2.)

The judicial liens and nonpossessory, nonpurchase money security interests securing the claims listed in this section

impair exemptions to which the debtor(s) would be entitled under 11 U.S.C. § 522(b). Upon entry of an order confirming this plan, the liens listed will be avoided to the extent they impair such exemptions. The amount of a lien avoided will be treated as an unsecured claim in Section 5.1 of this plan. The amount, if any, of the lien interest that is not avoided will be paid in full as a secured claim with payments disbursed by the trustee. If multiple liens on the same collateral impairing the same exemption are being avoided, the liens should be listed and avoided in reverse order of priority, i.e., start with lowest priority lien and proceed to the highest.

If a lien has been avoided, it should not be included in (B). Add (A) plus (B) plus (C) and then subtract (D) to determine (E) Extent of Impairment. If (E) is equal to or greater than (A), the entire lien is avoided and the amount of (F) Secured Claim will be \$0. If (E) is less than (A), only the amount in (E) is avoidable. The difference between (A) and (E) is the amount of (F) Secured Claim.

	(A)	(B)	(C)	(D)	(E)	(F)		
Name of Creditor	Amount of Lien	Total of All Other Liens	Amount of Exemption	Value of Property	Extent of Impairment	Secured Claim	Interest Rate	Monthly Payment

[Enter Information](#)

Further identify below each judicial lien by property address and recordation information, and list the collateral covered by each nonpossessory, nonpurchase money security interest.

[Enter Information](#)

3.5 Surrender of Collateral *(Complete if applicable.)*

The debtor(s) surrender the collateral listed in this section. The debtor(s) request that the automatic stay under 11 U.S.C. § 362(a) be terminated as to this collateral and the codebtor stay under § 1301 be terminated in all respects upon entry of an order confirming this plan. **Any allowed deficiency balance resulting from a creditor's disposition of the collateral will be treated as an unsecured claim in Section 5.1 of this plan if the creditor amends its previously-filed claim within 120 days from entry of the order confirming this plan or by such additional time as the creditor may be granted upon motion filed within that 120-day period.**

Name of Creditor	Collateral Description
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[Enter Information](#)

3.6 Secured Claims Paid by Third Party *(Complete if applicable.)*

The following secured claims will be paid directly by the designated third party. The trustee will make no payment on the claim unless the creditor amends its previously-filed claim to assert a deficiency balance that will be treated as an unsecured claim in Section 5.1 of this plan.

Name of Creditor	Collateral Description	Third Party
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[Enter Information](#)

Part 4: Treatment of Priority Claims

4.1 General

Allowed claims entitled to priority under 11 U.S.C. § 507, including filing fees, attorney's fees for debtor(s), certain taxes, and domestic support obligations except as provided below in Section 4.3 or 8.1, will be paid in full without postpetition interest by deferred cash payments before payment of nonpriority unsecured claims in Section 5.1. Notwithstanding the foregoing, the trustee will pay in full allowed claims for prepetition real property taxes filed by a governmental entity at the applicable statutory interest rate, regardless of whether the claim is filed as priority or secured.

4.2 Attorney's Fees

The attorney for the debtor(s) requests a flat fee in the amount of:

\$ [Enter Amount](#), which will be paid in full less \$ [Enter Amount](#) previously paid by the debtor(s).

If no amounts are included, the attorney for the debtor(s) is not seeking a flat fee and will instead be filing a fee application as contemplated by E.D. Tenn. LBR 2016-1(c).

4.3 Domestic Support Obligations *(Complete if applicable.)*

The automatic stay does not preclude the establishment or modification of a domestic support obligation order as permitted by 11 U.S.C. § 362(b)(2)(A)(ii).

The debtor(s) will continue to pay directly or by payroll deduction domestic support obligations that are due and payable postpetition, regardless of whether a proof of claim is filed.

If a claim for a prepetition domestic support obligation arrearage is filed, the allowed claim will be paid in full by the trustee unless the obligation has been assigned to, or is owned by, a governmental unit and may be paid less under 11 U.S.C. § 1322(a)(4). If 11 U.S.C. § 1322(a)(4) applies, the allowed claim will be paid by the trustee as follows:

[Enter Information](#)

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority Unsecured Claims Not Separately Classified

Allowed nonpriority unsecured claims that are not separately classified will be paid:

- in full
- [Enter Percentage](#) %
- pro rata on a funds available basis after payment of all other separately-classified claims
- other: [Enter Information](#)

If more than one option is checked above, the option providing the largest payment will be effective.

5.2 Postpetition Claims

Postpetition claims allowed under 11 U.S.C. § 1305, proofs of which are filed by creditors, will be paid as follows:

- § 1305(a)(1) tax claims to be paid in full by the trustee
- § 1305(a)(1) tax claims will **not** be paid by the trustee
- § 1305(a)(2) consumer debt claims to be paid in full by the trustee
- § 1305(a)(2) consumer debt claims to be paid by the trustee as provided in Section 5.1; however, if Section 5.1 provides for pro rata distribution only, the amount of the pro rata distribution on the § 1305(a)(2) claims will be determined as of the date the postpetition claim is filed
- § 1305(a)(2) consumer debt claims will **not** be paid by the trustee

Check above all that apply.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected, with any claim arising from the rejection to be treated as an unsecured claim in Section 5.1 of this plan. *(Complete if applicable.)*

Contractual installment payments will be disbursed by the trustee unless "Yes" is listed under "Direct Pay by Debtor(s)?" Any arrearage will be paid in full with payments disbursed by the trustee. The installment payment and amount of

arrearage stated in an allowed claim, proof of which is filed, control over any contrary amounts listed below. **A claim arising from the rejection of an executory contract or unexpired lease will be paid as unsecured in Section 5.1 of this plan if the creditor files a proof of claim within 60 days from entry of the order confirming the plan that first rejects the executory contract or unexpired lease.**

Name of Creditor	Description of Contract or Lease	Installment Payment	Direct Pay by Debtor(s)?	Amount of Arrearage	Arrearage Payment
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[Enter Information](#)

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will not vest in the debtor(s) until completion of the plan as evidenced by the trustee's filing of a certificate of final payment.

Part 8: Nonstandard Plan Provisions

8.1 Nonstandard Provisions. *(Complete if applicable and check "Yes" in Section 1.3. The following provisions will be effective only if there is a check in the "Yes" box in Section 1.3.)*

[Enter Information](#)

Any nonstandard provision placed in this plan other than in this Section 8.1 is void. If there is a conflict between a provision listed in this section and a standard provision of this plan, the provision listed here controls to the extent of the conflict.

Part 9: Signatures

9.1 Signatures of Debtor(s) and Attorney for the Debtor(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. By signing, the attorney certifies that the debtor(s) consent to the provisions in the plan and have authorized its filing.)*

Signature of Debtor 1

Signature of Debtor 2

Executed on: _____

Executed on: _____

Signature of Attorney for Debtor(s)

Date: _____

By filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this plan are identical to the court's form plan, other than any nonstandard provisions included in Section 8.1.

LOCAL FORM 3015.5

/ 4 inch margin /

[CAPTION]

ORDER CONFIRMING CHAPTER 13 PLAN

The chapter 13 plan having been transmitted to scheduled creditors and it having been determined that the plan as finalized complies with 11 U.S.C. § 1325 and should be confirmed, the court directs the following:

1. The plan, a copy of which is attached, is confirmed;
2. If the plan provides for the surrender of property in which a creditor has an interest, whether as a lienholder or as a lessor, the automatic stay under 11 U.S.C. § 362(a) is terminated upon entry of this order to allow the creditor to foreclose upon, repossess, or otherwise proceed *in rem* against that property, and any request in the plan to terminate the stay imposed by § 362(a), § 1201(a), or § 1301(a) is granted;
3. Property of the estate does not vest in the debtor(s) until completion of the plan as evidenced by the trustee's filing of a certificate of final payment;
4. The attorney for the debtor(s) is awarded the fee set forth in the plan; and
5. All pending objections to confirmation, if any, are resolved, withdrawn, or overruled.

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APPROVED FOR ENTRY BY:

[SIGNATURE AND TYPED NAME
OF CHAPTER 13 TRUSTEE OR ATTORNEY
FOR TRUSTEE, ADDRESS, PHONE NUMBER,
AND BAR NUMBER]