

LOCAL RULE 4001-2

Pre-Confirmation Adequate Protection and Lease Payments in Chapter 13 Cases

A. Payments due under personal property leases governed by 11 U.S.C. §1326(a)(1)(b): All such payments shall be made directly by the debtor to the lessor and the debtor shall furnish proof of such payments to the chapter 13 trustee, unless the debtor's plan expressly provides that such pre-confirmation payments will be made to the trustee, in which event the trustee shall pay the lessor, both before and after confirmation, or unless the Court, after motion, notice and opportunity for a hearing, orders otherwise.

B. Pre-confirmation adequate protection payments governed by 11 U.S.C. § 1326(a)(1)(c): If the debtor's proposed plan so provides, pre-confirmation adequate protection payments governed by 11 U.S.C. § 1326(a)(1)(c) shall be made by the debtor to the chapter 13 trustee as part of the total payment to the trustee, who shall pay **disburse** the amount provided for by the plan as pre-confirmation adequate protection payments to the secured party **creditor** promptly prior to confirmation, ~~unless and until the Court, after motion, notice and opportunity for a hearing, orders otherwise.~~ In the event the proposed plan makes no provision for the making of such payments or provides that such payments shall be made directly, such payments shall be made by the debtor directly to the creditor(s) entitled to receive them and the debtor shall provide proof and an accounting thereof to the trustee ~~prior to the confirmation hearing.~~ ~~In the event the amount of the proposed pre-confirmation adequate protection payment is less than the regular contractual payment due the secured creditor, the debtor, within seven (7) days after the filing of the original plan or the filing of any amended plan which would make any change in adequate protection payments affecting a secured creditor, shall serve upon such secured creditor, in a manner complying with Bankruptcy Rule 7004 (b), (c), or (h), as may be applicable, a notice stating the proposed amount, method and timing of payment of such pre-confirmation adequate protection payments, which notice shall provide an opportunity for a hearing upon objection being made thereto within fourteen (14) days of the date of service of such notice. In the event no timely objection is made, the parties will be deemed to have stipulated their agreement to the payments provided in such notice.~~