

LOCAL RULE 1001-1

Scope of Rules

The Supreme Court of the United States has prescribed rules of procedure in bankruptcy cases pursuant to 28 U.S.C. §2075.

Bankruptcy Rule 9029 gives the authority to the United States District Court to promulgate rules for the Bankruptcy Court. Pursuant to Order dated ~~July 18, 1988~~March 31, 2016, by the Honorable ~~James C. Turk~~Glen E. Conrad, Chief Judge of the United States District Court for the Western District of Virginia, the function of promulgating rules governing practice and procedure in the United States Bankruptcy Court has been granted to the Judges of the United States Bankruptcy Court.

These local rules are to govern practice and procedure solely in the United States Bankruptcy Court for the Western District of Virginia and are designed to clarify and assist in practices and procedures within the United States Bankruptcy Court in the Western District of Virginia in a way that is not inconsistent with any provision of federal law, Federal Rules of Civil Procedure, or the Bankruptcy Rules.

LOCAL RULE 1002-1

Petition - General

A. Filing in Proper Division: A petition seeking relief under the Bankruptcy Code shall be filed in the divisional office in which the debtor's domicile, residence, principal place of business or principal assets were located for the greater part of the 180 days immediately preceding the filing of the petition, unless an extreme hardship would result or justifiable cause can be shown.

B. Representation by Counsel: Any entity, as defined in 11 U.S.C. §101(15), other than a person, must be represented at all times by an attorney who is a member in good standing of the Bar of this Court.

C. Additional Requirements:

1. Original Signature: The original petition must include an unsworn declaration with the original signature of all debtors and the original signature of the debtor's attorney, if any.

2. Number of Debtors: More than one entity cannot be listed as the debtor, except that ~~husband and wifespouses~~ may file a joint petition.

3. Additional Documents to be filed:

(a) a schedule of assets and liabilities on the approved bankruptcy form or a Chapter 13 statement, if applicable.

(b) if the debtor is a corporation, partnership, or limited liability company, a copy of the corporate resolution or other appropriate authorization, as specified in Local Rule 1074-1.

(c) if a Chapter 11 petition, a list of 20 largest unsecured creditors (pursuant to Bankruptcy Rule 1007(d)).

(d) a mailing matrix properly formatted and uploaded pursuant to Local Rule 1007-2.

D. Electronic Filing: Requirements applicable to petitions filed with the Court in electronic format are governed by Local Rule 5005-4 and the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, which may be modified from time to time and posted on the Court's Internet website.

LOCAL RULE 1071-1

Divisions of the Western District of Virginia

A. Divisional Offices:

The Western District of Virginia consists of those counties, cities and towns as set forth in 28 U.S.C. §127. There are three (3) divisional Clerk's offices wherein all petitions, motions, schedules, statements and other documents to be filed with the Court are to be sent. The divisions are as follows:

1. Roanoke Divisional Office: Commonwealth of Virginia Building, 210 Church Avenue, Room 200, Roanoke, VA 24011, (540-857-2391) which consists of the counties of Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Lee, Montgomery, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, and the cities of Bristol, Galax, Norton, Radford, Roanoke, and Salem.

2. Lynchburg Divisional Office: U. S. Courthouse & Federal Building, 1101 Court Street, Room 166, Lynchburg, VA 24504, (434-845-0317) which consists of the counties of Albemarle, Amherst, Appomattox, Bedford, Buckingham, Campbell, Charlotte, Culpeper, Cumberland, Fluvanna, Greene, Halifax, Henry, Louisa, Madison, Nelson, Orange, Patrick, Pittsylvania, and the cities of Charlottesville, Bedford, Lynchburg, Danville, Martinsville, and South Boston.

3. Harrisonburg Divisional Office: U.S. Courthouse and Post Office, 116 N. Main Street, Room 223, Harrisonburg, VA 22802, (540-434-8327) which consists of the counties of Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah, Warren, and the cities of Harrisonburg, Staunton, Waynesboro, Winchester, Buena Vista, Lexington, Clifton Forge, and Covington.

B. Judges' Chambers: There are ~~three~~**two** Bankruptcy Judges currently sitting in the Western District of Virginia. They are as follows:

The Honorable Rebecca B. Connelly, Chief Judge
116 N. Main Street
Room 319
Harrisonburg, VA 22802
(540) 434-6747

The Honorable Paul M. Black, Judge
210 Church Avenue SW
Room 210
Roanoke, VA 24011
(540) 857-2394

LOCAL RULE 3012-1

Valuation of Securities

~~A. Motion for Valuation: Any party requesting a determination by the Court on the value of a claim secured by a lien on property in which the estate has an interest must file a motion and notice of hearing using the form and format set forth in Form 3012-1A (Motion for Valuation Hearing) and Form 3012-1B (Notice of Valuation Hearing).~~

~~B. Objections: Written objections are to be filed with the Court and copies mailed to counsel for the debtor(s) and to the trustee within thirty (30) days from the date of the Notice of Valuation Hearing. Failure to file timely objections may result in an order being entered approving the Motion for Valuation without further notice or hearing.~~

~~C. Entry of Order: The Trustee shall set forth the Court's ruling(s) on any valuation motions filed in the Order of Confirmation, unless counsel requests entry of a specific order and tenders same to the Court for entry.~~

LOCAL RULE 3015-1

Chapter 13 - Plan

A. Filing of Plan:

1. Requirement: The debtor(s) shall file a Chapter 13 plan not later than fourteen (14) days after the commencement of the Chapter 13 case. The plan shall be accompanied by proof of service.

2. Required Form Plan: ~~Chapter 13 debtors shall use Official Form 113 (Chapter 13 Plan). The Court has supplied a form plan (3015-1B) that is required to be used by Chapter 13 debtors.~~

~~3. Notice to Secured Creditors: The debtor must also properly serve on each creditor whose collateral is to be valued or whose lien is to be partially or entirely avoided the Special Notice to Secured Creditors attached to these local rules as form 3015-1C.~~

43. Extension of Time to File Plan:

(a) General Policy: Motions to extend the time for filing of a Chapter 13 plan must be in writing.

(b) Motion to Extend Time for Filing Plan: A motion to extend time for the filing of a plan shall not be considered by the Court unless the same is filed within fourteen (14) days after the date of commencement of the Chapter 13 case, or the failure to file falls under the provisions of Rule 60 of the Federal Rules of Civil Procedure.

(c) Notice of Extension of Time to File Plan: If the Court grants the debtor's motion to extend time to file a Chapter 13 plan, the debtor(s) shall forthwith notify the trustee and all creditors of the new deadline set for filing the plan and of the new objection period.

B. Distribution of Plan: The debtor(s) shall distribute a copy of the plan to all creditors, the standing trustee, and other interested parties and provide the eCourt with proof of service of the same. If the plan contains (i) a request under 522(f) to avoid a lien or other transfer of property exempt under the Code or (ii) a request to determine the amount of a secured claim, the certificate of service shall certify that the plan was served on the affected creditors in the manner provided by Rule 7004 for service of a summons and complaint.

LOCAL RULE 3015-2

Chapter 13 - Amendments to Plan

A. Pre-Confirmation Amendments:

1. Filed with the Court thirty-five (35) or more days prior to confirmation: If an amended plan is filed with the Court thirty-five (35) days or more prior to the date first set for a confirmation hearing, the debtor shall file with said amended plan proof of service as set forth in section “D” of this rule. The debtor shall also file a copy of the notice served with such plan advising all creditors and other parties in interest of the date for the confirmation hearing upon such plan and that any objection to its confirmation must be filed in writing at least ~~fourteen (14)~~seven (7) days in advance of such hearing in order to be heard.
2. Filed with the Court less than thirty-five (35) days prior to confirmation: If an amended plan is filed with the Court less than thirty-five (35) days prior to the date first set for a confirmation hearing, the debtor(s) is required to file the amended plan with the Court to allow the entry of an order setting a new date for the confirmation hearing. The debtor(s) will then be required to serve a copy of said order, along with the proposed plan as set forth in section “C” of this rule.

B. Post-Confirmation Amendments: If an amended plan is filed after confirmation, the debtor(s) is required to file the amended plan with the Court to allow the entry of an order setting a date for hearing on the proposed modifications. The debtor(s) will then be required to serve a copy of said order, along with the proposed plan, as set forth in section “C” of this rule.

C. Distribution of Amended Plan: The debtor(s) shall serve any amended plan on:

1. the standing trustee, and
2. all creditors and interested parties on the mailing matrix unless otherwise ordered by the Court.

D. Proof of Service: Contemporaneous with the distribution of an amended plan, the debtor(s) shall file a proof of service certification with the Court evidencing service on the standing trustee and all creditors on the debtor’s mailing matrix unless otherwise ordered by the Court. If the plan contains (i) a request under 522(f) to avoid a lien or other transfer of property exempt under the Code or (ii) a request to determine the amount of a secured claim, the certificate of service shall certify that the plan was served on the affected creditors in the manner provided by Rule 7004 for service of a summons and complaint.

LOCAL RULE 3015-3

Chapter 13 Confirmation Requirements

- A. Certification to the Court: Prior to a debtor(s)' confirmation hearing or the entry of an initial confirmation order, all debtor(s) shall sign the "Affidavit of Debtor(s) Requesting Confirmation of Plan" (Form 3015-3A) to certify compliance with this rule and shall file it with the Clerk of Court and shall deliver a copy to the Chapter 13 Trustee.
- ~~B. Video Presentation: The Court has prepared a video presentation and written instructions for review by Chapter 13 debtors. Prior to filing an initial Chapter 13 plan, counsel for the Chapter 13 debtor(s) shall deliver the Court's written instructions to the Chapter 13 debtor(s), review them with the Chapter 13 debtor(s), and provide the Chapter 13 debtor(s) an opportunity to ask questions about the instructions of the Court. All Chapter 13 debtors are encouraged to view the video. However, in the Court's discretion, or upon written request of any party in interest, with good cause shown, the Court may direct a mandatory view of the video by any Chapter 13 debtor.~~

CODIFIES STANDING ORDER #10

LOCAL RULE 3015-4

Chapter 13 - Objections to Confirmation

- A. Deadline for Original Plan and Related Motions: Any objection to confirmation of the original Chapter 13 Plan or any objection to a request made therein, ~~the Motion for Determination of Value, the Motion for Lien Avoidance or the Motion to Assume or Reject an Executory Contract or Unexpired Lease~~, shall be filed not later than seven (7) days prior to the date set for the confirmation hearing. Any extension of the original objection period must be requested by motion.
- B. Deadline for Modified Plans: Any objection to a modified Chapter 13 Plan or any objection to a request made therein shall be filed at least ~~fourteen (14)~~ seven (7) days in advance of the confirmation hearing for such Plan, ~~except that an objection may be filed within twenty-eight (28) days after the date of service of such Plan and accompanying notice, if later.~~
- C. Service of Objection: The objecting party shall file the original objection to confirmation with the Court and serve copies on the standing trustee, the debtor(s), and the debtor's attorney. The objection shall be accompanied by proof of service evidencing compliance with this requirement.

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 disburse the amount provided for by the plan as pre-confirmation adequate protection payments to the secured creditor promptly prior to confirmation. Unless the plan provides otherwise in Part 8 or the Court orders otherwise, the amounts for adequate protection for holders of allowed secured claims secured by purchase money security interest in personal property (see 11 U.S.C. § 1326(a)(1)(c)) shall be the amounts to be disbursed under Parts 3.2 or 3.3 of the plan. 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.

CODIFIES STANDING ORDER #9

LOCAL RULE 6004-3

Sale of Property; ~~or~~ Refinancing; Loan Modification; and the ~~e~~ of Property Incurrence of Debt in Amounts Totaling More Than \$15,000 by Chapter 13 Debtor ~~After Confirmation~~

A. A debtor seeking approval for the sale or refinance of real property or approval of a loan modification agreement ~~following confirmation of a plan that reverts such property in the debtor~~ shall provide the chapter 13 trustee and all creditors and parties in interest at least twenty-one (21) days' notice of the motion seeking such approval unless the notice period has been shortened by the Court for cause shown. The application at a minimum shall attach the proposed sale contract, proposed refinancing agreement, or proposed loan modification agreement.

B. In addition to setting forth the information required by FRBP 2002(c)(1), the notice of sale or refinancing shall state (i) the total proposed sale price or maximum amount to be secured by the refinancing, as the case may be, and, in the case of a refinancing, the amount of the secured debt to be paid thereby; (ii) the amount of the sale or loan proceeds to be applied to the debtor's obligations under the confirmed plan; (iii) whether such payment will result in full payment of all allowed claims, and (iv) if all allowed claims will not be paid in full, the amount of the sale or loan proceeds that will be paid to the debtor.

C. If no objection (and, if the motion has not already been set for hearing, a request for hearing) is filed within the objection period, the Court, in its discretion, may enter an order endorsed by the chapter 13 trustee approving the sale or refinance without holding a hearing.

D. The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$15,000 principal and interest during the term of this Plan, either unsecured or secured, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.

LOCAL RULE 7001-1

Adversary Proceedings - General Requirements for Allowed Paper Filings

- A. Venue: All complaints shall be filed in the divisional office of the Court in which the bankruptcy case is pending.
- B. Representation by Counsel: Any entity, as defined in 11 U.S.C. §101(15), other than an individual a person, must be represented at all times by an attorney who is a member in good standing of the Bar of this Court.
- C. Requirements of Form: All papers offered for filing shall meet the following requirements of form:
1. Legibility: Papers shall be plainly and legibly type-written, printed, or reproduced.
 2. Caption, Official Forms: The caption and form of all pleadings, schedules, and other papers shall be in compliance with the Bankruptcy Rules, Official Forms, and Local Rules. Each paper or set of papers filed shall bear the case number of the case to which it pertains.
 3. Size, Margins, etc.: Papers, including attachments and exhibits, shall be of standard weight and letter (8 ½ by 11 inches) size, photo-reduced if necessary, with a top margin of not less than 1 ½ inches. All multi-page pleadings and documents shall be fastened into sets at the top. All papers presented for filing at the same time shall be arranged in case number order.
 4. Address and, Telephone Number, and Email Address of Attorney: The lower left-hand portion of the signature page of the pleading shall include the name, address, telephone number, and email address, if any, of the attorney or *pro se* party filing the same.
- D. Additional Requirements: Each complaint commencing an adversary proceeding must be accompanied by:
1. Filing Fees: the proper filing fee, as prescribed by the Judicial Conference pursuant to 28 U.S.C. 1930(b).
 2. Original Signature: a properly completed and originally signed Adversary Proceeding Cover Sheet (A.O. Form B-104). (Upon request, this form will be provided by the Clerk's Office.)

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

IN RE: _____ CHAPTER 13

_____ Debtor
RE: _____ CASE NO.

_____ Creditor

MOTION FOR VALUATION HEARING

Collateral: _____

Total Debt owed to Creditor: \$ _____

Value of Collateral by Debtor \$ _____

Special Provisions of Payment of Debt: _____

— Comes now the debtor(s), by counsel, who asks that a valuation hearing be held to determine the value of the collateral upon which the above named creditor has a lien. The debtor(s) claims the collateral has a fair market value as stated above. If the Court agrees with the debtor(s) that the aforesaid secured fair market value is as shown above then the secured creditor will be paid the fair market value in accordance with the filed Chapter 13 Plan and the remaining debt after the fair market value is deducted will be treated as a general unsecured non-priority debt under the Chapter 13 Plan.

~~— ANY CREDITOR OR PARTY IN INTEREST OBJECTING TO THIS MOTION SHALL FILE WITH THE COURT, THE TRUSTEE AND COUNSEL FOR THE DEBTOR(S) ITS WRITTEN OBJECTION NOT LATER THAN THIRTY (30) DAYS FROM THE DATE BELOW.~~

Date Mailed: _____

By: _____
_____ Counsel

Counsel for Debtor(s)

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE: _____ CHAPTER 13

_____ Debtor
RE: _____ CASE NO.

_____ Creditor

NOTICE OF VALUATION HEARING

_____ The debtor(s) has filed the attached motion asking that a valuation hearing be held to determine the value of the secured collateral of the above-named creditors. The U.S. Bankruptcy Court has set a time period of thirty (30) days from the date below for the above named creditor to object in writing to the valuation of the collateral listed on the attached motion. If the above named creditor files an objection to the valuation within the time period specified in this notice, then the Bankruptcy Court has set the date of _____, 200__ at _____ o'clock in the U.S. Bankruptcy Court, located at _____, _____, Virginia, for the hearing on the said motion.

~~IF THE ABOVE NAMED CREDITOR DOES NOT OBJECT TO THE VALUATION OF THE COLLATERAL WITHIN THE THIRTY(30) DAY TIME PERIOD, AN ORDER APPROVING THE VALUATION WILL BE ENTERED WITHOUT FURTHER NOTICE AND HEARING AND THE ABOVE NAMED CREDITOR WILL BE BARRED FROM OBJECTING TO SUCH VALUATION OF THE COLLATERAL.~~

Date Mailed: _____

_____ By: _____
Counsel for Debtor(s) _____ Counsel

CERTIFICATION

_____ I hereby certify that a true copy of this foregoing Notice of Hearing was mailed by U.S. first class mail, postage prepaid this _____ day of _____, 200__ to the debtor(s), the chapter 13 Trustee, and to the creditor at their address listed above.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN
AND RELATED MOTIONS

Name of Debtor(s): _____ Case No: _____

This Plan, dated _____, is:

the *first* Chapter 13 Plan filed in this case.

a modified Plan that replaces the
_____ confirmed or unconfirmed Plan dated

_____ Date and Time of Modified Plan Confirmation Hearing:

_____ Place of Modified Plan Confirmation Hearing:

_____ The Plan provisions modified by this filing are:

_____ Creditors affected by this modification are:

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you **MUST** file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

~~The debtor(s)' schedules list assets and liabilities as follows:~~

- ~~_____ Total Assets:~~
- ~~_____ Total Non-Priority Unsecured Debt:~~
- ~~_____ Total Priority Debt:~~
- ~~_____ Total Secured Debt:~~

~~1. Funding of Plan. The debtor(s) propose to pay the Trustee the sum of \$ _____ per _____ for _____ months. Other payments to the Trustee are as follows: _____ The total amount to be paid into the Plan is \$ _____.~~

~~2. Priority Creditors. The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.~~

~~_____ A. Administrative Claims under 11 U.S.C. § 1326:~~

- ~~_____ 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).~~
- ~~_____ 2. Debtor(s)' attorney will be paid \$ _____ balance due of the total fee of \$ _____ concurrently with or prior to the payments to remaining creditors.~~

~~G. Claims under 11 U.S.C. § 507:~~

~~_____ The following priority creditors will be paid by deferred cash payments pro rata with _____ other priority creditors or in monthly installments as below, except that allowed claims _____ pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but _____ concurrently with administrative claims above:~~

~~_____ Creditor _____ Type of Priority _____ Estimated Claim _____ Payment and Term~~

~~3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims:~~

~~_____ A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein:~~

~~_____ This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:~~

~~_____ Creditor _____ Collateral _____ Purchase Date _____ Est. Debt Bal. Replacement Value~~

~~B. Real or Personal Property to be Surrendered.~~

~~Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.~~

Creditor	Collateral Description	Estimated Value	Estimated Total Claim
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~~C. Adequate Protection Payments.~~

~~The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:~~

Creditor	Collateral	Adeq. Protection Monthly Payment	To Be Paid By
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~~Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief):~~

~~D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):~~

~~This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.~~

Creditor	Collateral	Approx. Bal. of Debt or "Crammed Down" Value	Interest Rate	Monthly Payment & Est. Term
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~~G. Other Debts.~~

~~Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.~~

~~4. Unsecured Claims:~~

~~A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately _____%. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately _____%.~~

~~B. Separately classified unsecured claims.~~

Creditor Basis for Classification Treatment

~~5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5):~~

~~A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrears, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement:~~

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Arrearage Estimated</u>	<u>Interest Rate</u>	<u>Monthly Estimated Arrearage</u>	<u>Cure Period</u>
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~~B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrears on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below:~~

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Arrearage Estimated</u>	<u>Interest Rate</u>	<u>Monthly Payment on Arrearage</u>	<u>Arrearage & Est. Term</u>
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~~C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:~~

<u>Creditor</u>	<u>Collateral</u>	<u>Interest Rate</u>	<u>Estimated Claim</u>	<u>Monthly Payment & Term</u>
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~~6. Unexpired Leases and Executory Contracts. The debtor(s) move for assumption or rejection of the executory contracts and leases listed below:~~

~~A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts:~~

~~Creditor Type of Contract~~

~~B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor(s) agree to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro-rata with other priority claims or on a fixed-monthly basis as indicated below:~~

~~Creditor Type of Contract Arrearage Monthly Payment Estimated Cure Period~~

~~7. Liens Which Debtor(s) Seek to Avoid:~~

~~A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing:~~

~~Creditor Collateral Exemption Basis Exemption Amount Value of Collateral~~

~~B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only:~~

~~Creditor Type of Lien Description of Collateral Basis for Avoidance~~

~~8. Treatment and Payment of Claims:~~

- ~~a. All creditors must timely file a proof of claim to receive any payment from the Trustee.~~
- ~~b. If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the~~

~~creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.~~

- ~~c. If a claim is listed in the Plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.~~
- ~~d. The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.~~

~~9. Vesting of Property of the Estate. Property of the estate shall revert in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.~~

~~10. Incurrence of indebtedness. The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.~~

~~11. Other provisions of this Plan:~~

Signatures:

Dated: _____

_____ **Debtor**

_____ **Debtor(s)' Attorney**

_____ **Joint Debtor**

Exhibits: ~~Copy of Debtor(s)' Budget (Schedules I and J);
Matrix of Parties Served with Plan~~

Certificate of Service

~~I certify that on _____, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.~~

Signature

Address

Telephone No.

Ver. 09/17/09 [effective 12/01/09]

~~UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA~~

~~IN RE:~~ _____

~~Case No.~~ _____

~~Chapter 13~~

~~Debtor(s)~~

~~SPECIAL NOTICE TO SECURED CREDITORS~~

~~To:~~ _____, ~~Attn:~~ _____

~~Name of creditor~~

~~Description of collateral~~

~~1. The attached chapter 13 plan filed by the debtor(s) proposes (check one):~~

~~To value your collateral. See Section 3 of the plan. Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.~~

~~To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. See Section 7 of the plan. All or a portion of the amount you are owed will be treated as an unsecured claim.~~

~~2. You should read the attached plan carefully for the details of how your claim is treated. The plan may be confirmed, and the proposed relief granted, unless you file and serve a written objection by the date specified and appear at the confirmation hearing. A copy of the objection must be served on the debtor(s), their attorney, and the chapter 13 trustee.~~

~~Date objection due:~~ _____

~~Date and time of confirmation hearing:~~ _____

~~Place of confirmation hearing:~~ _____

~~Name(s) of debtor(s)~~

~~By:~~ _____

Signature

Debtor(s)' Attorney

Pro se debtor

Name of attorney for debtor(s)

Address of attorney [or pro se debtor]

Tel. # _____

Fax # _____

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Notice and attached Chapter 13 Plan and Related Motions were served upon the creditor noted above by

~~() first class mail in conformity with the requirements of Bankruptcy Rule 7004(b); or~~

~~() certified mail in conformity with the requirements of Bankruptcy Rule 7004(h)~~

on this ____ day of _____, 20__.

Signature of attorney for debtor(s)

er-06/17/05