# INSTRUCTIONS FOR THE DISTRICT WIDE MANDATORY CHAPTER 13 PLAN

### **GENERAL INFORMATION**

- 1. Pursuant to Federal Rule of Bankruptcy Procedure (the "Rules") 3015.1, Local Bankruptcy Rule 3015-1, and General Order No. 22-3, all Chapter 13 debtors proposing a plan in the Southern District of Ohio are required to use the court's district wide mandatory Chapter 13 form plan (the "Plan").
- The Plan can be found on the court's website at: <u>https://www.ohsb.uscourts.gov</u>, → Forms → Chapter 13 Form Plan.
- 3. Before filling out the Plan, download the Plan that is applicable to your case. See General Order No. 22-3.

## **COMPLETING THE PLAN**

## 1. Page One

a. **Division and Office/City**: Use the drop-down lists to select the division and office/city where the case is pending.



IVISIC	N at	-
	CINCINN	IATI
)	COLUME	BUS
)	DAYTON	I

- b. **Debtor Name**: Enter the name of each debtor, including fkas, nkas, dbas, fdbas, etc. The form accommodates up to five names.
- c. Case Number: Enter the case number (if known).
- d. Judge Name: Select the judge's name from the drop down list.



- e. Amended Plan: If filing an amended plan, select the appropriate version from the drop down.
- f. **Discharge Box**: If a debtor is **not eligible** for discharge, select the appropriate checkbox and enter the name of the applicable debtor/joint debtor.

Unless otherwise checked below, the De	btor is eligible for a discharge under § 1328(f).	
Debtor	is <b>not eligible</b> for a discharge.	S C
Joint Debtor	is not eligible for a discharge.	

g. Non-Standard and Special Plan Provisions: The checkboxes found on page 1, row 4 of the Plan and shown below, will be checked automatically if information is entered in the referenced Plan provisions.



#### 2. Throughout the Plan

- a. **Checkboxes**: Some Plan sections have mutually exclusive checkboxes, and others have multiple checkboxes.
- b. **Dates**: Dates should be entered using either MM/DD/YY or MM/DD/YYYY format. Calendar pop ups are available in all date fields.

Durchase	Est	or Proper	ty Descrip	in I	Purchase Date	Estima Secure Amout	ted d Claim at	Batesest Rate
Date	Sec			Septe	ember,	2019	0	•
	An	Sun	Mon	Tue	Wed	Thu	Fri	Sat
		25	26	27	28	29	30	31
		1	2	3	4	5	6	7
	-	8	9	10	11	12	13	14
		15	16	17	18	19	20	21
		22	23	24	25	26	27	28

- c. Creditor Name: Include the last four digits of the account number, if known, after the creditor's name (e.g., "ABC Bank (Acct. # . . .1234)").
- d. **Tables**: There are numerous tables in the Plan which, if applicable to your case, require the entry of data. Table features include the following options:
  - i. **NONE Checkboxes**: If a table is not applicable to a debtor's case, the NONE checkbox should be selected. Once selected, the table will be hidden from view. Unlike the checkboxes in Paragraph 1, row 4 of the Plan, the failure to check the NONE checkbox does not impact the effectiveness of a particular plan provision and will not result in a deficiency notification from the court.



ii. The Plan contains both single and double row tables. Both types of tables have the following buttons/functions:

NONE				
Name of Creditor	Property Address	Residence (Y/N)	Monthly Payment Amount	34
			\$	5 C

- 1. The [+] button adds another row to a table.
- 2. The **[X]** button deletes a row and/or any text contained therein from a table. (The **[X]** will not delete a solitary empty row).

iii. **Double Row Table Features**: In addition to the buttons above, double row tables have the following functions:

	+	Name of Creditor / Procedure	Property Address		Value of Property		
1	X	(Creditor name HERE) Motion Plan Claim Objection			\$		5
	SEN (Am	IOR Mortgages/Liens ount/Lienholder)	2	Estimated Secured Claim Amount	Minimum Monthly Payment	Interest Rate	
3	s	(Lienholder nan	ne HERE) +	<del>s</del> \$	\$	%	s

- 1. Multiple creditors and properties can be included in double row tables. The number to the left of the table identifies the creditor or property number. When entering data for multiple creditors or properties, you should ensure that the data for the creditor on the top half of the table tracks with the corresponding creditor on the bottom half of the table.
- 2. The [+] button following the (Lienholder name HERE) field allows you to add multiple senior lienholders as they relate to one property.

	+	Name of Cred	itor / Procedure	Property Address			Value of Pro	perty	Exemption		
1	x	Best Buy Fina	nce	120 West Third S Dayton, OH 4540	treet 2		\$300,000.00 Debtor's Interes \$300,000.00	z	\$ 125,000.00 Statutory Basis § 2329.66(A)(1)(b)	5	C
		01 (A:	THER Liens or I mount/Lienhold	Mortgages ler Name)			Judicial Lien	A. Li	mount of Judicial en to be Avoided		
13	\$15	0,000.00	Union Saving	s Bank	+ X	s C	\$1,500.00 Recorded Date	\$1 Effe	,500.00 ective Upon:	s	C
1	\$15	0,000.00	Quicken Loan	s	Ç	C	1/1/2019	dis	charge		

e. Notice of Deadline for Objecting to Plan Confirmation: The notice of deadline for objecting to plan confirmation page contains a dropdown to select the appropriate Chapter 13 Trustee.



## f. Certificate of Service

- i. The certificate of service must identify service of the Plan according to the applicable Federal Rules of Bankruptcy Procedure, the Ohio Rules of Civil Procedure, and/or the Local Bankruptcy Rules of this District.
- ii. To complete the certificate of service, enter the date of service and the names and addresses that were served by first class mail.

#### iii. Special Service

- 1. Select the **NONE** checkboxes above the special service sections if no Rule 7004 or third party notice provider service is required.
- 2. <u>Rule 7004 Service</u>: If service was made on any parties pursuant to Rule 7004, the service method, date, and name and addresses of parties should be listed on the certificate of service.

- a. If one or more parties are served using the same method of service (i.e., certified mail, registered mail, etc.), multiple party names and mailing addresses can be added by hitting the return key.
- b. If different methods of service are used, select the **[A]** button to add another Rule 7004 service paragraph.



3. <u>Third Party Notice Provider</u>: If service was made on any parties using a third-party notice provider, information on such service including the list of recipients and the date of such service should be noted in the following section of the certificate of service.

[For parties served using a Third-Party Notice Provider ap States Courts pursuant to Federal Rules of Bankruptcy Procedure 9	pproved by the Administrative Office of the United 9001(9) and 2002(g)(4), add the following language]
and the creditors and parties in interest as shown on the	attached or separately filed
Declaration of Mailing and Certificate of Service on	

iv. *Alternate Signatory - Please Note:* The signature block of the certificate of service auto-populates with the information for debtor's attorney as entered at the end of the Plan. If a person other than debtor's attorney serves the Plan, that person's name should be set out as the signatory in the signature block of the certificate of service.

### SAVING THE PLAN FOR UPLOAD

#### 1. Initial Plan

- a. Once the Plan is completed, it should be saved (or re-saved) in fillable format.
- b. To structure the Plan in the correct format for upload, the document **<u>must</u>** be flattened which ensures that all buttons, checkboxes, and drop-down lists are eliminated and the document is no longer modifiable.
- c. To flatten the Plan, click on the [**Print to PDF**] button at the top right corner of the Plan and change the Printer to **Adobe PDF**.

	Print					
	Printer: Adobe PDF	-	Properties	Advanced		Help ①
Print to PDF	Copies: 1		Print in gray	scale (black ar ser ①	nd white)	
	Pages to Print				Comments & Forms	
the Court's ECF System or by 2) first class	AI AI				Document	•

d. Select **Print** at the bottom of your print queue page and resave the flattened document in final format (i.e., "Smith, initial plan (final) 10.2.2019").

	I	Properly Form	atted			Im	properly For	matted		
ANDAT	ORY FORM PLAN (Rev	ised 09/19)			DATO	RY FORM PLAN (Re	wised 09/19)			Print to PDF
5. Ti ce cl	2.1 Secured Claims with he following claims are sec rtificates of judgment and aims objection process. Cla	No Designated Monthly Payment ured claims with no designated mo tax liens. The proof of claim amour ass 2 claims shall be paid second an	s athly payments, including mo at and interest rate shall contro d shall be paid pro rata with o	stgage arrearages, sl, subject to the other Class 2 claims.	5.2. The cent clas	1 Secured Claims with following claims are s ificates of judgment an ms objection process. C	a No Designated Monthly Paymen ecured claims with no designated m d tax liens. The proof of claim amou laws 2 claims shall be paid second a	ts onthly payments, including mo nt and interest rate shall contr nd shall be paid pro rata with o	ortgage arrearages, ol, subject to the other Class 2 claims	
F	Name of Creditor	Description of Claim	Estimated Secured	Interest Rate		Name of Creditor	Description of Claim	Estimated Secured Claim Amount	Interest Rate	
	Misc. Bank	2019 Water Softener	\$72.00		X	Misc. Bank	2019 Water Softener	\$72.00	* 8	C

e. *Caution:* If a fillable Plan is uploaded to CM/ECF, the Plan will be rejected.

# 2. Amended Plan

- a. If an amended plan needs to be filed, follow the instructions above for saving and flattening the Plan.
- b. Once an amended plan is filed, it is recommended that the fillable version of the amended plan be edited to delete any items that contain strikeouts and then saved again as a new version (i.e., "Smith, first amended plan (clean fillable) 10.3.2019) in the event that a further amended plan needs to be filed.

# 3. Making Changes/Amending a Plan

a. All additions to the Plan (or most recently filed amended plan) must be highlighted by selecting the **[C]** button nearest to the changed data.

2		OTHER Liens or Mortgages (Amount/Lienholder Name)		-
	\$150,000.00	Union Savings Bank	+	5
			x	C
	\$150,000.00	Quicken Loans	+	s
1			x	C
	\$100,000.00	USAA	+	s
			X	C

b. Any items removed from the Plan (or most recently filed amended plan) must be stricken by selecting the **[S]** button nearest the data stricken.

		OTHER Liens or Mortgages (Amount/Lienholder Name)		
	\$150,000.00	Union Savings Bank	+	s
			x	C
	<del>\$150,000.00</del>	Quicken Loans	+	s
1			x	C
	\$150,000.00	USAA	+	s
			x	C

## ENTERING EMBEDDED RELIEF REQUESTS IN CM/ECF WHEN FILING THE PLAN

- 1. If the Plan contains any of the following requests for relief, *for which you do not intend to file a separate motion or claim objection*, you must check the appropriate boxes in CM/ECF when you file the Plan:
  - Paragraph 5.1.2(A) Cramdown/Real Property
  - Paragraph 5.1.4(A) Cramdown/Personal Property
  - Paragraph 5.1.6 Assumption or Rejection of Executory Contracts and Unexpired Leases
  - Paragraph 5.4.1 Modification or Elimination of Wholly Unsecured Mortgages/Liens
  - Paragraph 5.4.2 Avoidance of Judicial Liens Impairing an Exemption in Real Property
  - Paragraph 5.4.3 Avoidance of Nonpossessory, Nonpurchase-Money Security Interests in Exempt Property
- 2. When uploading the Plan to CM/ECF, a requested relief screen will display.

3-19-bk-30008 test ad	ldcredit	
Type: bk	Chapter: 7 v	Office: 3 (Dayton)
Assets: n	Judge: grh	Case Flag: DEBTED, MEANSNO
Select any of the fol if you intend to file a	lowing requests that are included motion or a claim objection rega	with the Chapter 13 Plan. <u>Do NOT select the checkbox</u> <u>rding the request.</u> (Click Next if none of these requests
Select any of the fol if you intend to file a are included.): Request to cramdo 5.1.4(A)] and/or requ Request for rejecti	lowing requests that are included motion or a claim objection rega wn real property [Paragraph 5.1.2( <i>J</i> est to eliminate wholly unsecured m on of executory contract or unexpire	with the Chapter 13 Plan. <u>Do NOT select the checkbos</u> <u>rding the request.</u> (Click Next if none of these requests u)], request to cramdown personal property [Paragraph ortgage/lien [Paragraph 5.4.1] d lease [Paragraph 5.1.6]

3. Select the checkboxes that correspond with the relief requested in the Plan.

*Caution:* Do <u>not</u> mark checkboxes if the Plan provides for the debtor to file a motion or claim objection to effectuate the relief requested.