

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:

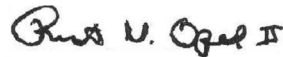
**LOCAL RULES OF THE UNITED STATES  
BANKRUPTCY COURT FOR THE MIDDLE  
DISTRICT OF PENNSYLVANIA**

Misc. No. 5-04-mp-50010 (District-wide)

**ORDER AMENDING LOCAL COURT RULES AND FORMS**

**IT IS HEREBY ORDERED** that the attached shall constitute the Local Rules and Forms of the United States Bankruptcy Court for the Middle District of Pennsylvania further amending the Local Bankruptcy Rules and Forms previously adopted by the judges of this Court. The amended Local Bankruptcy Rules and Forms are effective December 1, 2017. The judges of this Court amend the Local Bankruptcy Rules and Forms pursuant to Federal Rule of Bankruptcy Procedure 9029, and under the authority of the United States District Court for the Middle District of Pennsylvania. The amended Local Bankruptcy Rules and Forms shall be used in conjunction with the Federal Rules of Bankruptcy Procedure in all cases and proceedings under Title 11 of the United States Code, except as otherwise ordered by the presiding judge in a case or proceeding.

By the Court,



Robert N. Opel, II, Chief Bankruptcy Judge  
(BT)

Dated: November 29, 2017

## **Rule 1006-1 Fees - Installment Payments and Waiver.**

**(a) Petitions.** If a petition is filed without the required fee, without an application to pay in installments ([http://www.uscourts.gov/sites/default/files/form\\_b103a.pdf](http://www.uscourts.gov/sites/default/files/form_b103a.pdf)), and without a request for waiver (<http://www.uscourts.gov/forms/individual-debtors/application-have-chapter-7-filing-fee-waived>), it is considered deficient and may be dismissed after a hearing on notice pursuant to F.R.B.P. 1017(b)(1).

**(b) Other Filings.** The clerk must accept all pleadings for filing regardless of whether the fee required by the bankruptcy court fee schedule is paid. If the required fee is not paid at the time the pleading is filed, the clerk will notify the filing party that the party has seven (7) days to pay the fee or the pleading may be stricken by the court. Current information regarding fees and the number of copies required by the clerk may be found on the court's website ([www.pamb.uscourts.gov](http://www.pamb.uscourts.gov)).

**COMMENTS:** *L.B.R. 1006-1 was amended effective December 1, 2017 to ensure compliance with F.R.B.P. 1017(b)(1) which requires a hearing on notice to the debtor and the trustee before a case may be dismissed for failure to pay any installment of the filing fee.*

## **Rule 1007-2 Mailing List or Matrix.**

**(a) *Mailing Matrix Required.*** Unless filed electronically through the ECF system, the debtor must file with the petition a master list of creditors and other parties in interest ("mailing matrix") in the form prescribed by the clerk. Failure to file the matrix may constitute cause for dismissal of the case.

**(b) *Form of Paper Mailing Matrix.***

(1) The mailing matrix must be filed with the petition in paper form as prescribed by the clerk.

(2) Mailing matrices must be prepared so that each address is contained within five (5) lines, with each line not exceeding forty (40) characters (including spaces).

**(c) *Electronically Filed Cases.*** Electronic filers must comply with the instructions found on the court's website ([www.pamb.uscourts.gov](http://www.pamb.uscourts.gov)) when entering the matrix docket event and uploading creditors into the ECF system in lieu of filing a paper matrix.

**(d) *Accuracy of Mailing Matrix.*** The debtor is responsible for the accuracy and completeness of the mailing matrix. If debtor's counsel or a pro se debtor is notified by the Bankruptcy Noticing Center (BNC) that a document was not served on a party because of an incomplete address, counsel or the pro se debtor must notify the clerk in writing of the correct address and must refile the notice to the affected party.

## **Rule 3007-1 Claims - Objection.**

**(a) Contents.** An objection to the allowance of a claim must list in the caption or the pleading the claim number recorded on the claims register and state particular grounds for the objection, including but not limited to:

- (1) whether the claim should be disallowed in its entirety;
- (2) whether the claim should be allowed in an amount different from that requested; or
- (3) whether the classification of the claim (secured, priority unsecured, general unsecured) is incorrect.

**(b) Separate Objection.** As set forth in subdivision (c) & (d) of this rule, a separate objection and notice that substantially conforms to L.B.F. 3007-1 must be filed for each claim objected to, except for omnibus objections filed pursuant to F.R.B.P. 3007(d).

**(c) Filing and Notice for ECF Filers.** The objecting party must serve the objection to claim and a notice of same using L.B.F. 3007-1 (Notice of Objection to Claim and Deadline to Request Hearing) upon the persons specified under F.R.B.P. 3007(a)(2)(B). Unless otherwise ordered by the court, a hearing on the objection to claim will not be scheduled unless the claimant files a request for hearing or response to the objection no later than thirty (30) days from the date the notice is served. A certificate of service substantially conforming to L.B.R. 9013-2 must also be filed.

**(d) Filing and Hearing Notice for Non-ECF Filers.** A non-ECF filer must file an objection to the allowance of a claim with the clerk's office. Within five (5) days after filing the objection, the non-ECF filer must mail a copy of the objection to the claimant as set forth in F.R.B.P. 3007(a)(2)(A). A certificate of service which complies with L.B.R. 9013-2 and demonstrates service as indicated above must then be filed with the clerk's office with five (5) days of service. After the certificate of service is filed, the clerk will issue and send a notice using L.B.F. 3007-1 (Notice of Objection to Claim and Deadline to Request Hearing) to the persons specified under F.R.B.P. 3007(a)(2)(B). Unless otherwise ordered by the court, a hearing on the objection to claim will not be scheduled unless the claimant files a request for hearing or response to the objection no later than thirty (30) days from the date the notice is served.

**COMMENTS:** *L.B.R. 3007-1 was amended effective December 1, 2017, to conform to new F.R.B.P. 3007, which became effective December 1, 2017. New F.R.B.P. 3007(a) was amended to specify the manner in which an objection to a claim and notice of the objection must be served. The new rule provides specific instruction in cases where the claimant is the "United States or any of its officers or agencies" or an "insured depository institution". Changes to subdivisions (c) and (d) of the L.B.R. 3007-1 were necessary to*

*incorporate these new provisions of F.R.B.P. 3007. The burden of service established by prior L.B.R. 3007-1 has been preserved. Changes to subdivision (b) reflect the new requirement that any “notice of objection” must “substantially conform to the appropriate Official Form”. Likewise, amendments to subdivision (e) of L.B.R. 3007-1 have been made to incorporate amendments to subdivision (a) of new F.R.B.P. 3007, which no longer requires that a hearing be scheduled or held on every objection. The rule now requires the objecting party to provide notice and an opportunity for the hearing on the objection and requires the claimant to timely request a hearing or file a response in order to obtain a hearing. Amended L.B.F. 3007-1, which must be served with a copy of the objection, informs the claimant of the actions it must take to request a hearing.*

## **Rule 3015-1 Chapter 13 - Model Plan.**

**(a) Use of Plan Form.** In chapter 13 cases, the plan must conform with L.B.F. 3015-1.

**(b) Service.** If a chapter 13 plan includes either a request for determination of the amount of a secured claim or a request to avoid a lien or other transfer of property exempt under the Code, Debtor must serve the plan upon all affected parties in the manner provided for in F.R.B.P. 3012(b) and F.R.B.P. 4003(d).

***COMMENT:** L.B.R. 3015-1 was amended effective December 1, 2017 to comply with amended F.R.B.P. 3015(c) and new F.R.B.P. 3015.1. Subsection (a) formally adopts L.B.F. 3015-1 as the local chapter 13 plan form to be used in lieu of Official Form 113 pursuant to F.R.B.P. 3015(c). Subsection (b) incorporates the heightened service requirements imposed upon chapter 13 plans that contain requests for determination of the amount of a secured claim and/or request to avoid liens or other transfers of property exempt under the Code as imposed by amended F.R.B.P. Nos. 3012(b) and 4003(d).*

## **Rule 3015-2 Chapter 12 or 13 - Amendments to Plans.**

**(a) Numbering.** Amended plans must be numbered sequentially beginning with "First Amended Plan."

**(b) Amendments to the Chapter 12 or Chapter 13 Plan Prior to Confirmation.** Once a plan has been filed, any changes to the plan proposed by the debtor must be made by filing an amended plan and not by filing a stipulation between the affected parties.

**(c) Filing and Service of Chapter 12 or Chapter 13 Amended Plan - Pre Confirmation by a CM/ECF Filer.** If an amended plan is filed after the clerk's office notices the initial confirmation hearing but prior to the confirmation of the plan, a CM/ECF filer may request a new confirmation hearing date by using the self-scheduling procedures as set forth in L.B.R. 9002-1. At the time the amended plan is filed, and subject to the service requirements set forth in L.B.R. 3015-1(b) and F.R.B.P. 4003(d), the CM/ECF filer must provide a copy of the amended plan and the notice setting confirmation objection and hearing dates for the pre confirmation amended plan to each party on the mailing matrix, either by U.S. mail or electronically through the CM/ECF system. The CM/ECF Filer must also file a certificate of service, which complies with L.B.R. 9013-2.

**(d) Filing and Service of Chapter 12 or Chapter 13 Amended Plan - Pre Confirmation by a Pro Se Debtor.** A chapter 12 or chapter 13 debtor who represents him or herself must file the amended plan with the clerk's office. When the amended plan is filed, and subject to the service requirements set forth in L.B.R. 3015-1(b) and F.R.B.P. 4003(d), the pro se debtor must, within five (5) days, provide a copy of the amended plan to each party on the mailing matrix, either by U.S. mail or electronically through the CM/ECF system. The pro se debtor must also file a certificate of service, which complies with L.B.R. 9013-2. After the certificate of service is filed, the clerk will then issue and send to creditors and parties in interest a notice setting confirmation objection and hearing dates for the pre confirmation amended plan.

**(e) Modification of the Chapter 12 or Chapter 13 Plan After Confirmation by a CM/ECF Filer.** After a plan has been confirmed, a motion may be filed to modify the confirmed plan. The proposed modified plan and a proposed order must be attached to the motion to modify.

**(f) Service of Chapter 13 Amended Plan After Confirmation by a CM/ECF Filer.** Subject to the service requirements set forth in L.B.R. 3015-1(b) and F.R.B.P. 4003(d), an amended post confirmation plan and a passive notice containing the objection date must be provided to each creditor and party in interest, either by U.S. mail or electronically through the CM/ECF system. If an amended plan is filed that alters the treatment of the claims of a limited number of creditors, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing L.B.F. 3015-2(a), certifying that service has been made on the affected creditors. Further, if an amended plan is filed to alter funding of the plan or to make technical amendments, but does not affect the payment of any creditor's claim, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing L.B.F. 3015-2(b), certifying the limited changes to the confirmed plan.

**(g) Service of Chapter 12 Amended Plan After Confirmation by a CM/ECF Filer.** Subject to the service requirements set forth in L.B.R. 3015-1(b) and F.R.B.P. 4003(d), an amended post confirmation plan and a passive notice containing the objection date must be provided to each creditor and party in interest, either by U.S. mail or electronically through the CM/ECF system. If an amended plan is filed that alters the treatment of the claims of a limited number of creditors, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing L.B.F. 3015-2(c), certifying that service has been made on the affected creditors. Further, if an amended plan is filed to alter funding of the plan or to make technical amendments, but does not affect the payment of any creditor's claim, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing L.B.F. 3015-2(d), certifying the limited changes to the confirmed plan.

**(h) Filing and Service of Chapter 13 Amended Plan After Confirmation by Pro Se Debtor.** A pro se debtor who wishes to amend a confirmed plan must file a motion to modify the confirmed plan with the clerk's office. The proposed modified plan and a proposed order must be attached to the motion to modify. Subject to the service requirements set forth in L.B.R. 3015-1(b), the pro se debtor must, within five (5) days, mail a copy of the amended plan, the motion to modify, and a proposed order to each creditor and party in interest. The pro se debtor must also file a certificate of service, which complies with L.B.R. 9013-2. After the certificate of service is filed, the clerk will then issue and send to creditors and parties in interest a passive notice setting the objection date on the post confirmation amended plan.

**(i) Filing and Service of Chapter 12 Amended Plan After Confirmation by Pro Se Debtor.** A pro se debtor who wishes to amend a confirmed plan must file a motion to modify the confirmed plan with the clerk's office. The proposed modified plan and a proposed order must be attached to the motion to modify. Subject to the service



requirements set forth in L.B.R. 3015-1(b), the pro se debtor must, within five (5) days, mail a copy of the amended plan, the motion to modify, and a proposed order to each creditor and party in interest. The pro se debtor must also file a certificate of service, which complies with L.B.R. 9013-2. After the certificate of service is filed, the clerk will then issue and send to creditors and parties in interest a passive notice setting the objection date on the post confirmation amended plan.

**(j) Waiver of Objections to Chapter 12 or Chapter 13 Plans.** The failure to file a timely objection, upon notice, is deemed a waiver of all objections to the amended plan and any prior plans, and the court may confirm the amended plan without further notice or hearing.

## **Rule 5005-1 Filing and Transmittal of Papers.**

### **(a) *Electronic Filing and Signing.***

**(1) *By a Represented Entity.*** An entity represented by any attorney must file, sign, and verify documents by electronic means in accordance with the Administrative Procedures available on the court's website ([www.pamb.uscourts.gov](http://www.pamb.uscourts.gov)). However, nonelectronic filing may be allowed for good cause, or as otherwise provided for by these rules.

**(2) *By an Unrepresented Individual.*** An individual not represented by an attorney:

(A) may file electronically only if allowed by court order or through compliance with the conditions authorizing same as set forth in the Administrative Procedures adopted by this District; and

(B) may be required to file electronically only by court order or as otherwise provided for in the Administrative Procedures adopted by this District.

**(3) *Signing.*** An authorized filing through a personal electronic-filing account, together with the person's name on the signature block, constitutes the person's signature for purposes of F.R.B.P. 9011:

(A) an electronic signature must be preceded by "s/", e.g., "s/John Doe.";

(B) documents that are electronically filed and require original signatures or require verification under F.R.B.P. 1008 or contain an unsworn declaration under 28 U.S.C. 1746, must be maintained in paper form by the Filing User as set forth in the Administrative Procedures adopted by this District;

**(4) *Same as a Written Paper.*** A paper filed electronically is a written paper for purposes of these rules, the Federal Rules of Bankruptcy Procedure, and Section 107 of the Code.

**(b) *Filing of Proofs of Claims.*** Notwithstanding the requirements of L.B.R. 5005-1(a), pursuant to Miscellaneous Order 5:14-mp-00003, claims may be filed, amended, or withdrawn through the court's Electronic Proof of Claim (ePOC) system without the need to register or login as a user in the court's ECF system (CM/ECF). Any claim filed, amended, or withdrawn electronically through the ePOC system will constitute the filer's approved signature and have the same force and effect as if the authorized individual signed a paper copy of the proof of claim form, amendment, or withdrawal.

**(c) *Temporary Paper Filing.*** An attorney who is not a registered CM/ECF filer may file initial papers in person, by facsimile, or by email after seeking permission from the court as set forth in Miscellaneous Order 5:05-mp-50007. Before any additional papers are filed, the attorney must apply for and obtain a CM/ECF login and password. Registration may be completed through the court's website: [www.pamb.uscourts.gov](http://www.pamb.uscourts.gov) using "Electronic Filing Registration" under the Court Info tab.

**(d) CM/ECF Filer Systems Failure.** A registered CM/ECF filer may file papers in person, by facsimile, or by email for up to seventy-two (72) hours when electronic filing is not possible due to a failure in the CM/ECF filer's systems, including, without limitation, hardware, software, or internet connection. Any filing made by means other than CM/ECF must be accompanied by an affidavit stating why the document was not filed electronically.

**COMMENTS:** *New L.B.R.5005-1 formally adopts the electronic filing requirements set forth the Administrative Procedures adopted by this District. Reasonable exceptions are recognized and paper filing is still allowed for good cause. Compelling pro se litigants to file electronically is unrealistic and may impede their access to the Court. Therefore, filings by an individual not represented by an attorney are treated separately. Rather than mandate electronic filing, pro se litigants can only be required to file electronically by Court Order, or as otherwise provided for in the Administrative Procedures adopted by this District. This local rule tracks proposed changes to F.R.B.P 5005(a)(2) which are designed to make the rule consistent with the proposed amendment to Civil Rule 5(d)(3).*

## **Rule 7005-2 Service through Court's Transmission Facilities.**

A party may use the court's transmission facilities to make service under F.R.C.P. 5(b)(2)(e).

**COMMENTS:** *New L.B.R.7005-2 formally adopts use of the court's transmission facilities to make service as allowed and provided for by F.R.C.P. 5.*

## **Rule 7007-1 Motions in Adversary Proceedings.**

**(a) Written Motion.** A motion must be in writing unless made during a hearing or trial.

**(b) Grounds and Relief to be Stated.** A motion filed in an adversary proceeding must contain a descriptive title of the motion in addition to the complete adversary caption. The caption must be substantially in compliance with the Caption for Use in Adversary Proceeding (Official Form 416D).

**(c) Response.** No response to any motion filed in an adversary proceeding pursuant to F.R.C.P 12(b)(1)-(6) (as made applicable through F.R.B.P 7012(b)) is required unless otherwise ordered by the Court. The response to any other motion must be filed and served within fourteen (14) days after service of the motion. If a response is required and no response is timely filed, the motion may be deemed uncontested and the court may dispose of the motion.

**(d) Continuances.** A request for continuance of a trial date must be made in conformity with L.B.R. 9013-3.

**(e) Hearing.** Oral argument or hearing on a motion filed in an adversary proceeding will be held only if requested by the court.

**(f) Proposed Order.** A proposed order of court as required under L.B.R. 9013-1(b) must be filed as an attachment to any motion and other pleading requesting relief in accordance with the procedures set forth in the Miscellaneous Order 5:05-mp-50007 and the Administrative Procedures available on the court's website([www.pamb.uscourts.gov](http://www.pamb.uscourts.gov)).

*COMMENT: This Local Rule was amended in 2017 to clarify the conditions under which an answer or response is due to any motion filed within an adversary proceeding.*

## **Rule 9013-2 Certification of Service.**

Each document filed with the court must include a certificate of service containing the following information as to any paper filers on which service has been made:

- (a) the title of the paper served;
- (b) the names and addresses of all persons upon whom the paper has been served;
- (c) the entities the persons served represent; and
- (d) a description of when and how service was made.

## **Rule 9018-1 Motions to Publicly File Redacted Documents and to File Unredacted Documents Under Seal.**

**(a) *Generally.*** Unless otherwise required by these Local Rules, the Bankruptcy Rules, the Bankruptcy Code, or order of this court, requests to file under seal shall consist of two parts: (i) a motion to seal; and (ii) the documents to be sealed.

**(b) *Motion to Seal.*** The motion to seal shall include:

- (1) the grounds for sealing;
- (2) the identity of any parties other than the moving party who will have access to the documents to be sealed;
- (3) the duration of the seal;
- (4) the time when the movant will either unseal the documents or retrieve the physical documents (if any) at the conclusion of the matter;
- (5) a redacted copy of the documents sought to be sealed with only those redactions necessary to preserve confidentiality, made in good faith; and
- (6) a proposed order that contains language indicating the order is without prejudice to the rights of any party in interest, or the United States Trustee, to seek to unseal the documents, or any part thereof.

**(c) *Documents to be Sealed.*** Upon filing the motion to seal, the moving party must electronically file a copy of the unredacted documents sought to be sealed with the Clerk's Office. The documents must be electronically filed using a special ECF docket entry conspicuously marked "DOCUMENTS FILED UNDER PENDING MOTION TO SEAL." Access to Documents filed pursuant to this subparagraph shall be strictly limited to the Clerk of Court, and his or her designees, as well as to the presiding Judge and his or her chambers.

*COMMENT: This rule was amended in 2017 to provide a uniform standard procedure for how to electronically file a motion under seal. The rule distinguishes between the motion to seal, which should be filed publicly on the docket, and the documents to be sealed. The motion should include a redacted copy of the documents to be sealed. The time to file and serve the underlying motion for which purpose the motion to seal is being made should be in accordance with all applicable rules pertaining to service of the underlying motion.*

## **Rule 9036-1 Notice by Electronic Transmission.**

Unless otherwise ordered, the clerk may send notices or other information by electronic transmission.



**LOCAL BANKRUPTCY FORM 2016-2(c)**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**IN RE:**

[Redacted] : **CHAPTER 13**  
[Redacted] :  
[Redacted] : **CASE NO. [Redacted] - [Redacted]-bk- [Redacted]**  
[Redacted] :  
[Redacted] :  
**Debtor(s)** :

**REQUEST FOR PAYMENT OF CHAPTER 13 COMPENSATION AND EXPENSES**

**Instructions:** Complete **Part A** for payment of the presumptively reasonable fee, as described in L.B.R. 2016-2(c), reimbursement of expenses to be paid through a Chapter 13 plan. Complete **Part B** for payment of compensation and reimbursement of expenses to be allowed upon a separate application and Court order. Complete **Part C** for all requests for payment of compensation and reimbursement of expenses.

<b>A. Presumptively reasonable fees under L.B.R. 2016-2(c)</b>	
1. Amount agreed to by debtor	\$ [Redacted]
2. Less amount paid to attorney outside of plan distributions	\$ [Redacted]
3. Balance of compensation to be paid through plan distributions	\$ 0.00
4. Expenses advanced to be paid through plan distributions: (describe expense and amount) [Redacted]	\$ [Redacted]

<b>B. Compensation and reimbursement of expenses allowed upon application and order under LBR 2016-2(a)</b>	
1. Compensation and expenses to be approved by the Court	\$ [Redacted]
2. Less amounts paid to attorney outside of plan distributions	\$ [Redacted]
3. Balance of compensation and expenses to be paid through plan distributions	\$ 0.00

<b>C. The undersigned hereby requests payment through the plan for compensation and reimbursement of expenses under 11 U.S.C. § 503(b)(2) in the following amount based on the information above:</b>	\$ 0.00
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Dated: [Redacted]

[Redacted]  
Attorney for Debtor

**LOCAL BANKRUPTCY FORM 3007-1**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN  
RE: :

CHAPTER \_\_\_\_\_

:

CASE NO. - \_\_\_\_-bk- \_\_\_\_\_

:

Debtor(s) :

:

:

v. Objector :

:

:

Claimant :

TO: \_\_\_\_\_ (“Claimant”)

**NOTICE OF OBJECTION TO CLAIM AND DEADLINE TO REQUEST HEARING DATE**

\_\_\_\_\_ filed an objection to the proof of claim you filed in this bankruptcy case.

**NOTICE: Your claim may be reduced, modified, or eliminated. You should read this notice and the objection carefully and discuss them with your attorney, if you have one.**

If you do not want to the court to enter an order affecting your claim, then on or before [date], (30 days from the date of service), you or your lawyer must file a request for hearing or a written response to the objection explaining your position.

Those not permitted to file electronically must deliver any request for hearing or response by U.S. mail, courier, overnight/express mail, or in person at:

(select the appropriate address)

274 Max Rosenn U.S. Courthouse  
197 South Main Street  
Wilkes-Barre, PA 18701

Ronald Reagan Federal Building  
228 Walnut Street Rm 320  
Harrisburg, PA 17101

If you mail your request for hearing or response to the court, you must mail it early enough so the court will receive on or before the date stated above.

You must also send a copy of your request for hearing or response to:

(movant's attorney's name and address)

(names and addresses of others to be served)

**If you or your attorney do not take these steps, the court may decide that you do not oppose an order affecting your claim.**

\_\_\_\_\_  
Attorney for Objector

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone)

\_\_\_\_\_  
(Facsimile)

\_\_\_\_\_  
(Email)

\_\_\_\_\_  
(Attorney ID No.)

Date of Notice: \_\_\_\_\_

**LOCAL BANKRUPTCY FORM 3015-1**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

CHAPTER 13

CASE NO.

\_\_\_ ORIGINAL PLAN  
\_\_\_ AMENDED PLAN (Indicate 1ST,  
2ND, 3RD, etc.)  
\_\_\_ Number of Motions to Avoid Liens  
\_\_\_ Number of Motions to Value  
Collateral

**CHAPTER 13 PLAN**

**NOTICES**

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the plan.

1	The plan contains nonstandard provisions, set out in § 9, which are not included in the standard plan as approved by the U.S. Bankruptcy Court for the Middle District of Pennsylvania.	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
2	The plan contains a limit on the amount of a secured claim, set out in § 2.E, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
3	The plan avoids a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 2.G.	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included

**YOUR RIGHTS WILL BE AFFECTED**

READ THIS PLAN CAREFULLY. If you oppose any provision of this plan, you must file a timely written objection. This plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the plan.

**1. PLAN FUNDING AND LENGTH OF PLAN.**

**A. Plan Payments From Future Income**

1. To date, the Debtor paid \$\_\_\_\_\_ (enter \$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of

the plan the following payments. If applicable, in addition to monthly plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base plan is \$\_\_\_\_\_, plus other payments and property stated in § 1B below:

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
				Total Payments:	

2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding. Debtor must pay all post-petition mortgage payments that come due before the initiation of conduit mortgage payments.

3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the plan.

4. CHECK ONE: ( ) Debtor is at or under median income. *If this line is checked, the rest of § 1.A.4 need not be completed or reproduced.*

( ) Debtor is over median income. Debtor calculates that a minimum of \$\_\_\_\_\_ must be paid to allowed unsecured creditors in order to comply with the Means Test.

**B. Additional Plan Funding From Liquidation of Assets/Other**

1. The Debtor estimates that the liquidation value of this estate is \$\_\_\_\_\_. (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

*Check one of the following two lines.*

\_\_\_ No assets will be liquidated. *If this line is checked, the rest of § 1.B need not be completed or reproduced.*

\_\_\_ Certain assets will be liquidated as follows:

2. In addition to the above specified plan payments, Debtor shall dedicate to the plan proceeds in the estimated amount of \$\_\_\_\_\_ from the sale of property known and designated as \_\_\_\_\_. All sales shall be completed by \_\_\_\_\_, 20\_\_\_\_. If the property does not sell by the date specified, then the disposition of the property shall be as follows: \_\_\_\_\_.
3. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows: \_\_\_\_\_

**2. SECURED CLAIMS.**

**A. Pre-Confirmation Distributions. Check one.**

\_\_\_ None. If "None" is checked, the rest of § 2.A need not be completed or reproduced.

\_\_\_ Adequate protection and conduit payments in the following amounts will be paid by the Debtor to the Trustee. The Trustee will disburse these payments for which a proof of claim has been filed as soon as practicable after receipt of said payments from the Debtor.

Name of Creditor	Last Four Digits of Account Number	Estimated Monthly Payment

1. The Trustee will not make a partial payment. If the Debtor makes a partial plan payment, or if it is not paid on time and the Trustee is unable to pay timely a payment due on a claim in this section, the Debtor's cure of this default must include any applicable late charges.
2. If a mortgagee files a notice pursuant to Fed. R. Bankr. P. 3002.1(b), the change in the conduit payment to the Trustee will not require modification of this plan.

**B. Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor. Check one.**

\_\_\_ None. If "None" is checked, the rest of § 2.B need not be completed or reproduced.

\_\_\_ Payments will be made by the Debtor directly to the creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the plan if not avoided or paid in full under the plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number

**C. Arrears (Including, but not limited to, claims secured by Debtor’s principal residence). Check one.**

\_\_\_ None. If “None” is checked, the rest of § 2.C need not be completed or reproduced.

\_\_\_ The Trustee shall distribute to each creditor set forth below the amount of arrearages in the allowed proof of claim. If post-petition arrears are not itemized in an allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the creditor as to that collateral shall cease, and the claim will no longer be provided for under § 1322(b)(5) of the Bankruptcy Code:

Name of Creditor	Description of Collateral	Estimated Pre-petition Arrears to be Cured	Estimated Post-petition Arrears to be Cured	Estimated Total to be paid in plan

**D. Other secured claims (conduit payments and claims for which a § 506 valuation is not applicable, etc.)**

\_\_\_ None. If “None” is checked, the rest of § 2.D need not be completed or reproduced.

\_\_\_ The claims below are secured claims for which a § 506 valuation is not applicable, and can include: (1) claims that were either (a) incurred within 910 days of the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor, or (b) incurred

within 1 year of the petition date and secured by a purchase money security interest in any other thing of value; (2) conduit payments; or (3) secured claims not provided for elsewhere.

1. The allowed secured claims listed below shall be paid in full and their liens retained until completion of payments under the plan.
2. In addition to payment of the allowed secured claim, present value interest pursuant to 11 U.S.C. §1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below, unless an objection is raised. If an objection is raised, then the court will determine the present value interest rate and amount at the confirmation hearing.
3. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Principal Balance of Claim	Interest Rate	Total to be Paid in Plan

**E. Secured claims for which a § 506 valuation is applicable. Check one.**

None. If "None" is checked, the rest of § 2.E need not be completed or reproduced.

Claims listed in the subsection are debts secured by property not described in § 2.D of this plan. These claims will be paid in the plan according to modified terms, and liens retained until entry of discharge. The excess of the creditor's claim will be treated as an unsecured claim. Any claim listed as "\$0.00" or "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. The liens will be avoided or limited through the plan or Debtor will file an adversary action (select method in last column). To the extent not already determined, the amount, extent or validity of the allowed secured claim for each claim listed below will be determined by the court at the confirmation hearing. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Value of Collateral (Modified Principal)	Interest Rate	Total Payment	Plan or Adversary Action



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**F. Surrender of Collateral.** *Check one.*

- None. *If "None" is checked, the rest of § 2.F need not be completed or reproduced.*
- The Debtor elects to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor requests that upon confirmation of this plan the stay under 11 U.S.C. §362(a) be terminated as to the collateral only and that the stay under §1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 4 below.

Name of Creditor	Description of Collateral to be Surrendered

**G. Lien Avoidance.** *Do not use for mortgages or for statutory liens, such as tax liens. Check one.*

- None. *If "None" is checked, the rest of § 2.G need not be completed or reproduced.*
- The Debtor moves to avoid the following judicial and/or nonpossessory, non-purchase money liens of the following creditors pursuant to § 522(f) (this § should not be used for statutory or consensual liens such as mortgages).

The name of the holder of the lien.		
A description of the lien. For a judicial lien, include court and docket number.		
A description of the liened property.		
The value of the liened property.		
The sum of senior liens.		
The value of any exemption claimed.		
The amount of the lien.		
The amount of lien avoided.		

**3. PRIORITY CLAIMS.**

**A. Administrative Claims**

- Trustee's Fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee.

2. Attorney's fees. Complete only one of the following options:

- a. In addition to the retainer of \$\_\_\_\_\_ already paid by the Debtor, the amount of \$\_\_\_\_\_ in the plan. This represents the unpaid balance of the presumptively reasonable fee specified in L.B.R. 2016-2(c); or
- b. \$\_\_\_\_\_ per hour, with the hourly rate to be adjusted in accordance with the terms of the written fee agreement between the Debtor and the attorney. Payment of such lodestar compensation shall require a separate fee application with the compensation approved by the Court pursuant to L.B.R. 2016-2(b).

3. Other. Other administrative claims not included in §§ 3.A.1 or 3.A.2 above.  
*Check one of the following two lines.*

None. *If "None" is checked, the rest of § 3.A.3 need not be completed or reproduced.*

The following administrative claims will be paid in full.

Name of Creditor	Estimated Total Payment

**B. Priority Claims (including, but not limited to, Domestic Support Obligations other than those treated in § 3.C below)**. *Check one of the following two lines.*

None. *If "None" is checked, the rest of § 3.B need not be completed or reproduced.*

Allowed unsecured claims, including domestic support obligations, entitled to priority under § 1322(a) will be paid in full unless modified under § 9.

Name of Creditor	Estimated Total Payment

**C. Domestic Support Obligations assigned to or owed to a governmental unit under 11 U.S.C. §507(a)(1)(B)**. *Check one of the following two lines.*

None. *If "None" is checked, the rest of § 3.C need not be completed or reproduced.*

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and

will be paid less than the full amount of the claim. *This plan provision requires that payments in § 1.A. be for a term of 60 months (see 11 U.S.C. §1322(a)(4)).*

Name of Creditor	Estimated Total Payment

**4. UNSECURED CLAIMS**

**A. Claims of Unsecured Nonpriority Creditors Specially Classified.** *Check one of the following two lines.*

None. *If “None” is checked, the rest of § 4.A need not be completed or reproduced.*

To the extent that funds are available, the allowed amount of the following unsecured claims, such as co-signed unsecured debts, will be paid before other, unclassified, unsecured claims. The claim shall be paid interest at the rate stated below. If no rate is stated, the interest rate set forth in the proof of claim shall apply.

Name of Creditor	Reason for Special Classification	Estimated Amount of Claim	Interest Rate	Estimated Total Payment

**B. Remaining allowed unsecured claims will receive a pro-rata distribution of funds remaining after payment of other classes.**

**5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.** *Check one of the following two lines.*

None. *If “None” is checked, the rest of § 5 need not be completed or reproduced.*

The following contracts and leases are assumed (and arrears in the allowed claim to be cured in the plan) or rejected:

Name of Other Party	Description of Contract or Lease	Monthly Payment	Interest Rate	Estimated Arrears	Total Plan Payment	Assume or Reject

**6. VESTING OF PROPERTY OF THE ESTATE.**

**Property of the estate will vest in the Debtor upon**

*Check the applicable line:*

- \_\_\_ plan confirmation.
- \_\_\_ entry of discharge.
- \_\_\_ closing of case:

**7. DISCHARGE: (Check one)**

- The debtor will seek a discharge pursuant to § 1328(a).
- The debtor is not eligible for a discharge because the debtor has previously received a discharge described in § 1328(f).

**8. ORDER OF DISTRIBUTION:**

If a pre-petition creditor files a secured, priority or specially classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor.

Payments from the plan will be made by the Trustee in the following order:

- Level 1: \_\_\_\_\_
- Level 2: \_\_\_\_\_
- Level 3: \_\_\_\_\_
- Level 4: \_\_\_\_\_
- Level 5: \_\_\_\_\_
- Level 6: \_\_\_\_\_
- Level 7: \_\_\_\_\_
- Level 8: \_\_\_\_\_

*If the above Levels are filled in, the rest of § 8 need not be completed or reproduced. If the above Levels are not filled-in, then the order of distribution of plan payments will be determined by the Trustee using the following as a guide:*

- Level 1: Adequate protection payments.
- Level 2: Debtor's attorney's fees.
- Level 3: Domestic Support Obligations.
- Level 4: Priority claims, pro rata.
- Level 5: Secured claims, pro rata.
- Level 6: Specially classified unsecured claims.
- Level 7: Timely filed general unsecured claims.
- Level 8: Untimely filed general unsecured claims to which the Debtor has not objected.

**9. NONSTANDARD PLAN PROVISIONS**

**Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the plan is void. (NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Debtor

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Joint Debtor

By filing this document, the debtor, if not represented by an attorney, or the Attorney for Debtor also certifies that this plan contains no nonstandard provisions other than those set out in § 9.

**LOCAL BANKRUPTCY FORM 3015-2(a)**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**IN**  
**RE:** : **CHAPTER 13**  
:   
: **CASE NO. - \_\_\_-bk-\_\_\_\_\_**  
:   
:   
:   
**Debtor(s)** :

**CERTIFICATION REGARDING SERVICE OF AMENDED CHAPTER 13 PLAN**  
(Altering Treatment of Claims)

The undersigned, counsel for the above-captioned Debtor(s), hereby certifies that the  
\_\_\_\_\_ Amended Chapter 13 Plan filed on \_\_\_\_\_ proposes to alter the treatment  
of the claims of the following creditors included in the confirmed Chapter 13 Plan:

\_\_\_\_\_

I further certify that notice of the filing of the \_\_\_\_\_ Amended Chapter 13 Plan has  
been served on the above listed creditors and the Chapter 13 trustee, as evidenced by the attached  
certificate of service, and that no other party, other than the creditors listed above, will be  
affected by the provisions of the \_\_\_\_\_ Amended Chapter 13 Plan.

I further certify that the \_\_\_\_\_ Amended Chapter 13 Plan seeks a determination of the  
amount of a claim in favor of \_\_\_\_\_, and that service of the \_\_\_\_\_ Amended  
Chapter 13 Plan has been made upon same in accordance with Rule 3012(b).

\_\_\_\_\_  
Counsel for Debtor(s)

Dated: \_\_\_\_\_

