

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In re:)	FILED March 27, 1017
)	
CHAPTER 13 ADEQUATE PROTECTION)	BANKRUPTCY GENERAL
PAYMENTS PURSUANT TO THE)	ORDER NO. 175-F
BANKRUPTCY ABUSE PREVENTION AND)	
CONSUMER PROTECTION ACT)	
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The Court, having adopted a new mandatory chapter 13 plan for use in the U.S. Bankruptcy Court, Southern District of California, modifies Bankruptcy General Order No. 175-E to comply with the new mandated plan. The restated procedure for compliance with CSD 1300.1 (as implemented by General Order 186-A) is as follows:

1. The debtor must comply with 11 U.S.C. §1326 (a)(1)(B) and (C) by making payments under U.S.C. § 1326 (a)(1)(A) (“Plan Payments”) to the chapter 13 trustee pursuant to a chapter 13 plan.

2. The chapter 13 trustee will perform the debtor’s obligations under § 1326(a)(1)(B) and (C) by transmitting on a monthly basis a share of the Plan Payments actually received (“Adequate Protection Payments”) to the creditors provided for in a debtor’s chapter 13 plan (“Adequate Protection Creditors”) in the following amounts (or such greater or lesser amount as ordered by the Court):

1.5% of the amount to be paid by trustee under sections 3.2.2 or 3.3 of the plan on account of a claim secured by personal property, as required by 11 U.S.C. § 1326(a)(1)(C);

It will be presumed that a secured creditor provided for in plan sections 3.2.2 or 3.3 is entitled to Adequate Protection Payments calculated as set forth in paragraph 2 above.

3. Notwithstanding paragraph 2 above, the chapter 13 trustee must hold Adequate Protection Payments until the Adequate Protection Creditor files a proof of claim.

4. The obligation of the chapter 13 trustee to make Adequate Protection Payments will terminate upon confirmation of the chapter 13 plan, with the Creditor thereafter receiving the portion of the Plan Payments provided in the chapter 13 plan.

5. The debtor cannot propose in the chapter 13 plan Adequate Protection Payments in a lesser amount than calculated in paragraph 2 of this order without a further order of the Court.
6. The chapter 13 trustee will receive an administrative fee for effecting Adequate Protection Payments, the percentage of which is set by the United States Trustee in accordance with applicable law.

The effective date of this General Order is March 27,2017.

DATED March 27, 2017

s/ Laura S. Taylor

LAURA S. TAYLOR
Chief Judge, U.S. Bankruptcy Court

s/ Louise DeCarl Adler

LOUISE DeCARL ADLER
Judge, U.S. Bankruptcy Court

s/ Margaret M. Mann

MARGARET M. MANN
Judge, U.S. Bankruptcy Court

s/ Christopher B. Latham

CHRISTOPHER B. LATHAM
Judge, U.S. Bankruptcy Court