Name, Address, Telephone No. & I.D. No.

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| **UNITED STATES BANKRUPTCY COURT**  SOUTHERN DISTRICT OF CALIFORNIA  325 West F Street, San Diego, California 92101-6991 |
| |  | | --- | | In Re | | Debtor(s) | | BANKRUPTCY NO.  §341(a) Mtg. Date:  §341(a) Mtg. Time: |

# OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

TO THE DEBTOR, THE DEBTOR'S ATTORNEY AND THE CHAPTER 13 TRUSTEE:

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|  | Michael Koch, Chapter 13 Trustee, |  |  |
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|  | (Insert Name and Complete Mailing Address of Objecting Party) | | |
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|  |  | | |
|  | a creditor in this case, | | |

hereby objects to the Confirmation of the Chapter 13 Plan. The basis for the objection is stated below.

**(Note To Objecting Party: Your Statement of Objection must be as specific as possible. Check only those sections which are applicable to your objection and provide an explanation of your objection where requested)**:

1. The Plan discriminates unfairly against the class(es) of unsecured claims because

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. [§1322(b)(1)]

1. The Plan modifies the rights of a creditor whose claim is secured only by a security interest in real property that is the debtor's principal residence by providing that

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. [§1322(b)(2)]

1. The Plan fails to provide for the curing of a default and maintenance payments on a secured or unsecured claim on which final payment is due after the proposed final payment under the Plan. [§1322(b)(5)]

1. The Chapter 13 Plan is not proposed in good faith because

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. [§1325(a)(3)]

# This Objection to Chapter 13 Plan must be accompanied by a Notice of Hearing pursuant to LBR 3015-5

1. The debtor is distributing less to the allowed unsecured creditors than they would receive under a Chapter 7 liquidation. [§1325(a)(4)]
2. Objecting creditor has an allowed secured claim and objects because

I have not accepted the Plan. [§1325(a)(5)(A)], OR

the Plan fails to provide for a retention of lien securing my claim and the value of the property to be distributed to me is less than the allowed amount of my claim. [§1325(a)(5)(B)]

Amount of Claim $

Value of Property $      , OR

the debtor has failed to surrender to me the property securing my claim. [§1325(a)(5)(C)]

1. The debtor has no ability to make the payments proposed by the Plan because

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. [§1325(a)(6)]

1. The debtor has failed to apply all projected disposable income to Plan payments for a period of not less than three years. [§1325(b)(1)(B)]

1. The debtor has failed to begin making payments prescribed in the Plan within thirty (30) days of the filing of the Plan. [§1326(a)(1)]

1. Other [cite applicable Code section or case authority]:

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I hereby certify under penalty of perjury that I have this date mailed a true copy of this Objection to Plan to the attorney for the debtor (or the debtor) and to the assigned Chapter 13 trustee as indicated below at the following addresses:

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| Attorney for Debtor (or Debtor): |  | Chapter 13 Trustee: |
|  |  | MICHAEL KOCH, TRUSTEE  402 West Broadway, Suite 1450  San Diego, CA 92101  mkoch@ch13.sdcoxmail.com |

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| DATED: |  |
|  | (Signature of (Attorney for) Moving Party) |
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|  | (Please Type or Print Name) |
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|  | (Daytime Phone Number) |