

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

In re:)	Filed: September 12, 2017
)	
REVISED MANDATORY CHAPTER 13)	BANKRUPTCY GENERAL
PLAN, CHAPTER 13 RIGHTS AND)	
RESPONSIBILITIES, AND GUIDELINE FEES)	ORDER NO. 173-B
_____)	

The Court having considered the requirements of amended Federal Rule of Bankruptcy Procedure 3015, effective December 1, 2017, proposes changes to its mandatory Chapter 13 Plan (currently CSD 1300.1 to be renumbered CSD 1300). In addition, the court also has completed a review of the Chapter 13 Rights and Responsibilities documents for both consumer and business cases including the presumptive fees. Attached are redline and non-redline versions of the three documents.

Local Bankruptcy Rule 3015-1 will be amended on the effective date for these forms to reflect the change to the form number of the Mandatory Chapter 13 plan.

IT IS ORDERED that the period for comment extends through October 13, 2017. Except as set forth in a further order of this Court, the effective date for these changes is December 1, 2017. Comments concerning these documents may be submitted by E-mail to LBRcomments@casb.uscourts.gov [please include the name, firm name (if any), E-mail address, and phone number of the person submitting the comment] or by mail to the Clerk of Court at 325 West F Street, San Diego, California 92101-6991. Please note on the envelope “Chapter 13”

DATED: September 12, 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

**United States Bankruptcy Court
Southern District of California**

Debtor(s): _____

Case Number: _____

Check if this is an amended plan, and list below the sections of the plan that have been changed.

Mandatory Chapter 13 Plan
Dated: _____

Part 1: Notices

To All Parties in Interest:

The court has provided guidelines for use of this form that can be found in CSD 1300A. This plan does not provide for avoidance of a lien which impairs an exemption. This must be sought by separate motion.

To Debtors:

In some places this form provides you with options. You should carefully consider whether you need to elect among the options. If you do, you should carefully consider which option is appropriate.

In the following notice to creditors, you must check each box that applies.

To Creditors:

Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation in accordance with Southern District of California Local Bankruptcy Rule 3015-5 within 7 days after the filing of the Notice of Meeting of Creditors Held and Concluded. Untimely objections may not be considered. Any such objections must be noticed for hearing at least 28 days after filing the objection. The Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015(f). In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. *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, the provision will be ineffective if set out later in the plan.*

- 1.1 A limit on the amount of a secured claim, set out in § 3.2, which may result in a partial payment or no payment at all to the secured creditor Included Not included
- 4.2 Avoidance of a judicial lien or nonpossessory, non-purchase-money security interest set out in § 3.4 Included Not included
- 1.2 Nonstandard provisions, set out in Part 9 Included Not included

Part 2: Plan Payments and Length of Plan**2.1 Regular payments.**

Debtor(s) will make regular payments to the trustee as follows:

Complete one.

\$ _____ per month for 36 months (Applicable commitment period for below median debtor(s))

\$ _____ per month for 60 months (Applicable commitment period for above median debtor(s))

\$ _____ per month for _____ months (Despite applicable commitment period of 36 months, debtor(s) seek additional time to cure secured or priority arrearages **or to make necessary payments to meet the liquidation test specified in § 5.2.2.) If fewer than 60 months of payments are required, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in Parts 3 through 6 of this plan. If the debtor(s) fail to make these additional payments, the plan will go into default.**)

2.2 Irregular payments.

Debtor(s) will change the payment amount at different time periods as follows:

\$		per		from		to	
----	--	-----	--	------	--	----	--

Insert additional payments as needed.

2.3 Manner of payments.

Regular payments **must be made directly** to the trustee ~~will be made~~ from future earnings **unless the court issues an earnings withholding order. in the following manner: Any other manner of payment must be specified by checking the box below.**

Check all that apply.

- ~~Debtor(s) will make payments directly to the trustee unless an earnings withholding order is issued by the court.~~
- Other (specify method of payment): _____ .

2.4 Income tax issues.

Check all that apply.

- Debtor(s) will retain any federal or state tax refunds received during the plan term.
- Debtor(s) will supply the trustee with a copy of each federal and state tax return filed during the plan term within 14 days of filing the return.
- Debtor(s) will turn over to the trustee all federal and state income tax refunds, other than earned income or child care tax credits, received during the plan term.
- Debtor(s) will supply the trustee with federal and state tax returns filed during the plan term and will turn over to the trustee a portion of any federal and state income tax refunds received during the plan term as specified below.

Debtor(s) must not change their withholding exemptions during the plan term unless there is an appropriate change in circumstances and will timely pay all post-confirmation tax liabilities directly to the appropriate taxing authority as they become due.

2.5 Additional payments.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 2.5 need not be completed or reproduced.
- Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

2.6 The total amount of estimated payments to the trustee provided for in §§ 2.1 through 2.5 is
 \$ _____ .

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of any default.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- The debtor(s) will maintain the contractual installment payments on the claims listed below, with any changes required by the applicable contract, and cure any default in payments on the secured claims listed below. The allowed claim for any arrearage amount will be paid under the plan, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claim or amended proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. A tardily filed proof of claim will be disallowed unless it is estimated below or unless the debtor(s) brings a motion to allow the claim. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of creditor with last 4 digits of account number	Collateral	Amount of arrearage	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage	Estimated total payments by trustee
		\$	%	\$	\$
		\$	%	\$	\$
		\$	%	\$	\$

Insert additional claims as needed.

3.2 Request for valuation of security and claim modification.

To determine the proper valuation of real estate secured claims, the debtor(s) must timely file a motion in accordance with Local Bankruptcy Rule 3015-8 in addition to including the creditor in this section of the plan. No such motion is necessary for valuation determinations for personal property secured claims.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan unless the claim is entitled to priority status, in which case it will be provided in Part 4. If the amount of a creditor’s secured claim is listed below as having no value, the creditor’s allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor’s total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien until the earlier of the following events as applicable to the particular secured creditor: 1) payment of the underlying debt determined under nonbankruptcy law; 2) discharge under 11 U.S.C. § 1328, or 3) completion of payments under the plan if the debtors(s) are not entitled to a discharge. After the date applicable to termination of the lien, it will be released by the creditor unless the claim is a nondischargeable claim owed to a governmental entity. See Local Bankruptcy Rule 3015-8.

Check one. *If neither box is checked, “None” applies.*

None. *If “None” is checked, the rest of § 3.2 need not be completed or reproduced.*

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

The debtor(s) request that the court determine the value of the secured claims to be treated in the manner below. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as stated below in the column headed *Amount of secured claim*. For secured claims of governmental units, unless otherwise ordered by the court pursuant to a claim objection, the amounts listed in proofs of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below. For each listed secured claim, the controlling amount of the claim will be paid in full under the plan with interest at the rate stated below.

3.2.1 Identify creditor and collateral.

Name of creditor with last 4 digits of account number	Estimated amount of creditor's total secured claim	Collateral	Value of collateral	Amount of claims senior to creditor's secured claim
	\$		\$	\$
	\$		\$	\$
	\$		\$	\$

Insert additional claims as needed.

3.2.2 Treatment of creditor.

Name of creditor with last 4 digits of account number	Amount of allowed secured claim	Interest rate as provided by law	Monthly payment to creditor	Estimated total of monthly payments
	\$	%	\$	\$
	\$	%	\$	\$
	\$	%	\$	\$

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one. *If neither box is checked, "None" applies.*

None. *If "None" is checked, the rest of § 3.3 need not be completed or reproduced.*

The claims listed below were either:

- (1) secured by real estate and matured pre-petition;
- (2) secured by real estate and will mature during the term of the plan;
- (3) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s); or
- (4) incurred within 1 year of the petition date and secured by a purchase money security interest in any other property of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of creditor with last 4 digits of account number	Collateral	Amount of claim	Interest rate	Monthly payment	Estimated total payments
		\$	%	\$	\$
		\$	%	\$	\$
		\$	%	\$	\$

Insert additional claims as needed.

3.4 Surrender of collateral to secured creditors.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.
- The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. ~~The debtor(s) request termination of the stay~~ The stays under 11 U.S.C. § 362(a) and § 1301 will terminate with respect to the surrendered property collateral upon confirmation of the plan, but on the effective date of the plan without the requirement of any further order. ~~the stay~~ The stays will otherwise remain in effect. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor with last 4 digits of account number	Collateral
_____	_____
_____	_____
_____	_____

3.5 Intentional exclusion of claim from treatment under the plan.

Secured and partially secured creditors who received proper notice but who do not timely file a proof of claim, and who are not provided for elsewhere in the plan, will be considered excluded creditors and treated in this section.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.
- The claims held by creditors listed below, ~~and creditors which do not timely file a proof of claim,~~ will not be provided for under the plan, and the plan will not affect any of the claimant's rights under applicable law.

Name of creditor and description of claim	Description of claim
_____	_____
_____	_____
_____	_____

Insert additional claims as needed.

Part 4: Treatment of Priority Claims

4.1 Treatment of priority claims.

All allowed priority claims other than those treated in §§ 4.5 and 4.6 of the plan will be paid in full without interest.

4.2 Interest exception.

If the plan provides interest to unsecured nonpriority creditors, that same rate of interest will be paid to all creditors for which interest is not otherwise specifically provided under this plan.

4.3 Trustee’s fees.

The trustee will receive a fee, the percentage of which is set by the United States Trustee in accordance with applicable law. The trustee’s fees are estimated to be _____ % of plan payments; and during the plan term, they are estimated to total \$ _____.

4.4 Adequate protection payments.

The trustee will make pre-confirmation adequate protection payments to secured creditor, identified in General Order ~~175-E~~ 175-F, from plan payments received from the debtor(s), as this order may be amended from time to time.

4.5 Domestic support obligations.

Check one. *If neither box is checked, “None” applies.*

None. *If “None” is checked, the rest of § 4.5 need not be completed or reproduced.*

The allowed priority claims listed below are based on a domestic support obligation owed to a spouse or a dependent as scheduled or in the amount set forth in a proof of claim, which will control in the event of a conflict.

Name of creditor	Amount of claim to be paid by trustee
_____	\$ _____
_____	\$ _____
_____	\$ _____

Insert additional claims as needed.

4.6 Assigned domestic support obligations.

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 under 11 U.S.C. § 1322(a)(4), but not less than the amount that would have been paid on such claim if the estate of the debtor(s) were to be liquidated under chapter 7. See 11 U.S.C. § 1325(a)(4).

Name of creditor	Amount of claim to be paid by trustee
_____	\$ _____
_____	\$ _____
_____	\$ _____

Even if a domestic support obligation claim is not listed here, debtor(s) must nevertheless pay it in full to receive a discharge.

Insert additional claims as needed.

4.7 Attorney's fees.

The total amount of attorney's fees to be paid under the plan is estimated to be \$_____. The balance of the fees awarded by court order to professionals for debtor(s) under 11 U.S.C. § 330 will be paid as follows:

Check one

- on a *priority* basis before other priority claims other than trustee's fees and adequate protection payments.
- in installment payments of \$_____.

4.8 Other priority claims and secured segment of federal and state tax claims.

All priority claims identified in 11 U.S.C. § 507, including unsecured priority tax claims, are included in this section of the plan. The secured portion of a federal or California tax claim is also included in this section unless specifically provided for elsewhere in this plan.

Check one. If neither box is checked, "None" applies.

- None.** *If "None" is checked, the rest of § 4.8 need not be completed or reproduced.*
- The debtor(s) estimate the total amount of **other priority and secured tax** claims to be paid under **this section of the plan** to be \$_____. This sum is a total of all of the priority payments listed below **to be paid in accordance with this section**. Priority claim payments are owed to the following creditors in the following amounts:

Check all that apply.

- Internal Revenue Service in the estimated amount of \$_____.
- Franchise Tax Board in the estimated amount of \$_____.
- State Board of Equalization in the estimated amount of \$_____.
- Employment Development Department in the estimated amount of \$_____.
- County Property Tax Assessor (**not real estate**) in the estimated amount of \$_____.
- Other in the estimated amount of \$_____.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 General.

Nonpriority unsecured claims will be paid to the extent allowed as specified in this Part.

5.2 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified in this plan will be paid, pro rata, all funds remaining after payment of all other creditors provided under the plan. Payments to unsecured creditors will be allowed to the extent paid if an allowed amended, late filed, or late added claim reduces the amount available to unsecured creditors under this section.

5.2.1 Projected payment to general unsecured creditors.

Based upon the total payments to the trustee listed in § 2.6 of the plan, minus the payments under the plan on the claims scheduled by the debtor(s) that are provided for in §§ 3.1 through 3.3, Part 4, §§ 5.3 through 5.5, and Part 6 of the plan, the estimated payment to allowed nonpriority unsecured claims not separately classified under the plan is \$_____. This amount will be shared on a pro-rata basis on these claims. This amount will not be reduced by claims arising under 11 U.S.C. § 1305 and §§ 507(a)(1)(A) and (B) that are not fully addressed in the plan, but may otherwise increase or decrease.

5.2.2 Required payment to nonpriority unsecured creditors due to the liquidation test.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$_____. The total of the payments on allowed nonpriority unsecured claims will be made in at least this amount, **and debtor(s) will be required to make payments in addition to those specified in Part 2 to prevent the plan from going into default.**

5.3 Interest on allowed nonpriority unsecured claims not separately classified.

Check one. *If neither box is checked, "None" applies.*

- None.** *If "None" is checked, the rest of § 5.3 need not be completed or reproduced.*
- ~~Interest on allowed~~ Nonpriority unsecured claims ~~that are not separately classified~~ will be paid **100 % with interest** at an annual percentage rate of _____% **for claims included in § 5.2.2 under 11 U.S.C. §1325(a)(4)** and the interest is estimated to total \$_____.

5.4 Non-filing co-debtor claim treatment for maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 5.4 need not be completed or reproduced.
- The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. The allowed claim for the arrearage amount will be paid under the plan. Filed proof of claim amounts will control over scheduled amounts of claims.

Name of creditor with last 4 digits of account number	Collateral Estimated Arrearages	Interest Rate On Arrearage
_____	\$ _____	_____ %
_____	\$ _____	_____ %
_____	\$ _____	_____ %

Insert additional claims as needed.

5.5 Other separately classified nonpriority unsecured claims.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 5.5 need not be completed or reproduced.
- The **nonpriority** unsecured allowed claims listed below are separately classified and will be treated as follows:

Name of creditor	Basis for separate classification and treatment	Amount of claim to be paid over life of plan	Interest rate (if applicable)
_____	_____	\$ _____	_____ %
_____	_____	\$ _____	_____ %
_____	_____	\$ _____	_____ %

Insert additional claims as needed.

Part 6: Executory Contracts and Unexpired Leases

The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.
- Assumed items.** The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Property description	Treatment (Refer to other plan section if applicable)	Current installment payment (Disbursed by Debtor(s))	Amount of arrearage to be paid by trustee
			\$	\$
			\$	\$
			\$	\$

Insert additional contracts or leases as needed.

Part 7: Order of Distribution of Trustee Payments

Trustee will have discretion to determine the order of distribution within the requirements of applicable law and whether to reserve payment to claims that are subject to a pending objection.

Part 8: Vesting of Property of the Estate

Property of the estate will not revert in the debtor(s) until a Chapter 13 discharge is granted or the case is dismissed or closed without a Chapter 13 discharge. Before then, the debtor(s) must seek approval of the court to purchase, sell, or refinance property of a material value, or to enter into loan modifications. Revestment will be subject to all liens and encumbrances in existence when the case was filed, except those liens avoided by court order or extinguished by operation of law. In the event the case is converted to a case under chapter 7, 11, or 12 of the Bankruptcy Code, the property of the estate will vest in accordance with applicable law.

Part 9: Nonstandard Plan Provisions

Check "None" or List Nonstandard Plan Provisions

None. If "None" is checked, the rest of Part 9 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.2.

Part 10: Signatures

Signatures of Debtor(s) and Debtor(s)' Attorney

If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; otherwise the Debtor(s) signatures are optional. The attorney for the Debtor(s), if any, must sign below.

x _____
Signature of Debtor 1

x _____
Signature of Debtor 2

Executed on _____
MM / DD / YYYY

Executed on _____
MM / DD / YYYY

x _____
Signature of Attorney for Debtor(s)

Date _____
MM / DD / YYYY

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 9.

**United States Bankruptcy Court
Southern District of California**

Debtor(s): _____

Case Number: _____

Check if this is an amended plan, and list below the sections of the plan that have been changed.

Mandatory Chapter 13 Plan
Dated: _____

Part 1: Notices

To All Parties in Interest:

The court has provided guidelines for use of this form that can be found in CSD 1300A. This plan does not provide for avoidance of a lien which impairs an exemption. This must be sought by separate motion.

To Debtors:

In some places this form provides you with options. You should carefully consider whether you need to elect among the options. If you do, you should carefully consider which option is appropriate.

In the following notice to creditors, you must check each box that applies.

To Creditors:

Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation in accordance with Southern District of California Local Bankruptcy Rule 3015-5 within 7 days after the filing of the Notice of Meeting of Creditors Held and Concluded. Untimely objections may not be considered. Any such objections must be noticed for hearing at least 28 days after filing the objection. The Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015(f). In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. *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, the provision will be ineffective if set out later in the plan.*

1.1 A limit on the amount of a secured claim, set out in § 3.2, which may result in a partial payment or no payment at all to the secured creditor Included Not included

1.2 Nonstandard provisions, set out in Part 9 Included Not included

Part 2: Plan Payments and Length of Plan**2.1 Regular payments.**

Debtor(s) will make regular payments to the trustee as follows:

Complete one.

\$ _____ per month for 36 months (Applicable commitment period for below median debtor(s))

\$ _____ per month for 60 months (Applicable commitment period for above median debtor(s))

\$ _____ per month for _____ months (Despite applicable commitment period of 36 months, debtor(s) seek additional time to cure secured or priority arrearages or to make necessary payments to meet the liquidation test specified in § 5.2.2.)

2.2 Irregular payments.

Debtor(s) will change the payment amount at different time periods as follows:

\$		per		from		to	
----	--	-----	--	------	--	----	--

Insert additional payments as needed.

2.3 Manner of payments.

Regular payments must be made directly to the trustee from future earnings unless the court issues an earnings withholding order. Any other manner of payment must be specified by checking the box below.

Other (specify method of payment): _____ .

2.4 Income tax issues.

Check all that apply.

- Debtor(s) will retain any federal or state tax refunds received during the plan term.
- Debtor(s) will supply the trustee with a copy of each federal and state tax return filed during the plan term within 14 days of filing the return.
- Debtor(s) will turn over to the trustee all federal and state income tax refunds, other than earned income or child care tax credits, received during the plan term.
- Debtor(s) will supply the trustee with federal and state tax returns filed during the plan term and will turn over to the trustee a portion of any federal and state income tax refunds received during the plan term as specified below.

Debtor(s) must not change their withholding exemptions during the plan term unless there is an appropriate change in circumstances and will timely pay all post-confirmation tax liabilities directly to the appropriate taxing authority as they become due.

2.5 Additional payments.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 2.5 need not be completed or reproduced.
- Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

2.6 The total amount of estimated payments to the trustee provided for in §§ 2.1 through 2.5 is

\$ _____ .

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of any default.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- The debtor(s) will maintain the contractual installment payments on the claims listed below, with any changes required by the applicable contract, and cure any default in payments on the secured claims listed below. The allowed claim for any arrearage amount will be paid under the plan, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claim or amended proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. A tardily filed proof of claim will be disallowed unless it is estimated below or unless the debtor(s) brings a motion to allow the claim. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of creditor with last 4 digits of account number	Collateral	Amount of arrearage	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage	Estimated total payments by trustee
		\$	%	\$	\$
		\$	%	\$	\$
		\$	%	\$	\$

Insert additional claims as needed.

3.2 Request for valuation of security and claim modification.

To determine the proper valuation of real estate secured claims, the debtor(s) must timely file a motion in accordance with Local Bankruptcy Rule 3015-8 in addition to including the creditor in this section of the plan. No such motion is necessary for valuation determinations for personal property secured claims.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan unless the claim is entitled to priority status, in which case it will be provided in Part 4. If the amount of a creditor’s secured claim is listed below as having no value, the creditor’s allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor’s total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien until the earlier of the following events as applicable to the particular secured creditor: 1) payment of the underlying debt determined under nonbankruptcy law; 2) discharge under 11 U.S.C. § 1328, or 3) completion of payments under the plan if the debtors(s) are not entitled to a discharge. After the date applicable to termination of the lien, it will be released by the creditor unless the claim is a nondischargeable claim owed to a governmental entity. See Local Bankruptcy Rule 3015-8.

Check one. If neither box is checked, "None" applies.

None. *If "None" is checked, the rest of § 3.2 need not be completed or reproduced.*

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

The debtor(s) request that the court determine the value of the secured claims to be treated in the manner below. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as stated below in the column headed *Amount of secured claim*. For secured claims of governmental units, unless otherwise ordered by the court pursuant to a claim objection, the amounts listed in proofs of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below. For each listed secured claim, the controlling amount of the claim will be paid in full under the plan with interest at the rate stated below.

3.2.1 Identify creditor and collateral.

Name of creditor with last 4 digits of account number	Estimated amount of creditor's total secured claim	Collateral	Value of collateral	Amount of claims senior to creditor's secured claim
	\$		\$	\$
	\$		\$	\$
	\$		\$	\$

Insert additional claims as needed.

3.2.2 Treatment of creditor.

Name of creditor with last 4 digits of account number	Amount of allowed secured claim	Interest rate as provided by law	Monthly payment to creditor	Estimated total of monthly payments
	\$	%	\$	\$
	\$	%	\$	\$
	\$	%	\$	\$

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one. If neither box is checked, "None" applies.

None. *If "None" is checked, the rest of § 3.3 need not be completed or reproduced.*

The claims listed below were either:

- (1) secured by real estate and matured pre-petition;
- (2) secured by real estate and will mature during the term of the plan;
- (3) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s); or
- (4) incurred within 1 year of the petition date and secured by a purchase money security interest in any other property of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of creditor with last 4 digits of account number	Collateral	Amount of claim	Interest rate	Monthly payment	Estimated total payments
		\$	%	\$	\$
		\$	%	\$	\$
		\$	%	\$	\$

Insert additional claims as needed.

3.4 Surrender of collateral to secured creditors.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.
- The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The stays under 11 U.S.C. § 362(a) and § 1301 will terminate with respect to the surrendered property on the effective date of the plan without the requirement of any further order. The stays will otherwise remain in effect. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor with last 4 digits of account number	Collateral
_____	_____
_____	_____
_____	_____

3.5 Intentional exclusion of claim from treatment under the plan.

Secured and partially secured creditors who received proper notice but who do not timely file a proof of claim, and who are not provided for elsewhere in the plan, will be considered excluded creditors and treated in this section.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.
- The claims held by creditors listed below will not be provided for under the plan, and the plan will not affect any of the claimant's rights under applicable law.

Name of creditor and description of claim	Description of claim
_____	_____
_____	_____
_____	_____

Insert additional claims as needed.

Part 4: Treatment of Priority Claims

4.1 Treatment of priority claims.

All allowed priority claims other than those treated in §§ 4.5 and 4.6 of the plan will be paid in full without interest.

4.2 Interest exception.

If the plan provides interest to unsecured nonpriority creditors, that same rate of interest will be paid to all creditors for which interest is not otherwise specifically provided under this plan.

4.3 Trustee’s fees.

The trustee will receive a fee, the percentage of which is set by the United States Trustee in accordance with applicable law. The trustee’s fees are estimated to be _____ % of plan payments; and during the plan term, they are estimated to total \$ _____.

4.4 Adequate protection payments.

The trustee will make pre-confirmation adequate protection payments to secured creditor, identified in General Order 175-F, from plan payments received from the debtor(s), as this order may be amended from time to time.

4.5 Domestic support obligations.

Check one. If neither box is checked, “None” applies.

- None.** If “None” is checked, the rest of § 4.5 need not be completed or reproduced.
- The allowed priority claims listed below are based on a domestic support obligation owed to a spouse or a dependent as scheduled or in the amount set forth in a proof of claim, which will control in the event of a conflict.

Name of creditor	Amount of claim to be paid by trustee
_____	\$ _____
_____	\$ _____
_____	\$ _____

Insert additional claims as needed.

4.6 Assigned domestic support obligations.

- 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 under 11 U.S.C. § 1322(a)(4), but not less than the amount that would have been paid on such claim if the estate of the debtor(s) were to be liquidated under chapter 7. See 11 U.S.C. § 1325(a)(4).

Name of creditor	Amount of claim to be paid by trustee
_____	\$ _____
_____	\$ _____
_____	\$ _____

Even if a domestic support obligation claim is not listed here, debtor(s) must nevertheless pay it in full to receive a discharge.

Insert additional claims as needed.

4.7 Attorney’s fees.

The total amount of attorney's fees to be paid under the plan is estimated to be \$_____. The balance of the fees awarded by court order to professionals for debtor(s) under 11 U.S.C. § 330 will be paid as follows:

Check one

on a *priority* basis before other priority claims other than trustee’s fees and adequate protection payments.

in installment payments of \$_____.

4.8 Other priority claims and secured segment of federal and state tax claims.

All priority claims identified in 11 U.S.C. § 507, including unsecured priority tax claims, are included in this section of the plan. The secured portion of a federal or California tax claim is also included in this section unless specifically provided for elsewhere in this plan.

Check one. If neither box is checked, “None” applies.

None. *If “None” is checked, the rest of § 4.8 need not be completed or reproduced.*

The debtor(s) estimate the total amount of priority and secured tax claims to be paid under this section of the plan to be \$_____. This sum is a total of all of the priority payments listed below to be paid in accordance with this section. Priority claim payments are owed to the following creditors in the following amounts.

Check all that apply.

Internal Revenue Service in the estimated amount of \$ _____.

Franchise Tax Board in the estimated amount of \$ _____.

State Board of Equalization in the estimated amount of \$ _____.

Employment Development Department in the estimated amount of \$ _____.

County Property Tax Assessor (not real estate) in the estimated amount of \$_____.

Other in the estimated amount of \$_____.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 General.

Nonpriority unsecured claims will be paid to the extent allowed as specified in this Part.

5.2 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified in this plan will be paid, pro rata, all funds remaining after payment of all other creditors provided under the plan. Payments to unsecured creditors will be allowed to the extent paid if an allowed amended, late filed, or late added claim reduces the amount available to unsecured creditors under this section.

5.2.1 Projected payment to general unsecured creditors.

Based upon the total payments to the trustee listed in § 2.6 of the plan, minus the payments under the plan on the claims scheduled by the debtor(s) that are provided for in §§ 3.1 through 3.3, Part 4, §§ 5.3 through 5.5, and Part 6 of the plan, the estimated payment to allowed nonpriority unsecured claims not separately classified under the plan is \$ _____. This amount will be shared on a pro-rata basis on these claims. This amount will not be reduced by claims arising under 11 U.S.C. § 1305 and §§ 507(a)(1)(A) and (B) that are not fully addressed in the plan, but may otherwise increase or decrease.

5.2.2 Required payment to nonpriority unsecured creditors due to the liquidation test.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ _____. The total of the payments on allowed nonpriority unsecured claims will be made in at least this amount, and debtor(s) will be required to make payments in addition to those specified in Part 2 to prevent the plan from going into default.

5.3 Interest on allowed nonpriority unsecured claims not separately classified.

Check one. If neither box is checked, "None" applies.

- None.** *If "None" is checked, the rest of § 5.3 need not be completed or reproduced.*
- Nonpriority unsecured claims will be paid 100 % with interest at an annual percentage rate of _____ % for claims included in § 5.2.2, and the interest is estimated to total \$ _____.

5.4 Non-filing co-debtor claim treatment for maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one. If neither box is checked, "None" applies.

- None.** *If "None" is checked, the rest of § 5.4 need not be completed or reproduced.*
- The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. The allowed claim for the arrearage amount will be paid under the plan. Filed proof of claim amounts will control over scheduled amounts of claims.

Name of creditor with last 4 digits of account number	Estimated arrearage	Interest rate on arrearage
_____	\$ _____	_____ %
_____	\$ _____	_____ %
_____	\$ _____	_____ %

Insert additional claims as needed.

5.5 Other separately classified nonpriority unsecured claims.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 5.5 need not be completed or reproduced.
- The **nonpriority** unsecured allowed claims listed below are separately classified and will be treated as follows:

Name of creditor	Basis for separate classification and treatment	Amount of claim to be paid over life of plan	Interest rate (if applicable)
_____	_____	\$ _____	_____ %
_____	_____	\$ _____	_____ %
_____	_____	\$ _____	_____ %

Insert additional claims as needed.

Part 6: Executory Contracts and Unexpired Leases

The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one. If neither box is checked, "None" applies.

- None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.
- Assumed items.** The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Property description	Treatment (Refer to other plan section if applicable)	Current installment payment (Disbursed by Debtor(s))	Amount of arrearage to be paid by trustee
			\$	\$
			\$	\$
			\$	\$

Insert additional contracts or leases as needed.

Part 7: Order of Distribution of Trustee Payments

Trustee will have discretion to determine the order of distribution within the requirements of applicable law and whether to reserve payment to claims that are subject to a pending objection.

Part 8: Vesting of Property of the Estate

Property of the estate will not revert in the debtor(s) until a Chapter 13 discharge is granted or the case is dismissed or closed without a Chapter 13 discharge. Before then, the debtor(s) must seek approval of the court to purchase, sell, or refinance property of a material value, or to enter into loan modifications. Revestment will be subject to all liens and encumbrances in existence when the case was filed, except those liens avoided by court order or extinguished by operation of law. In the event the case is converted to a case under chapter 7, 11, or 12 of the Bankruptcy Code, the property of the estate will vest in accordance with applicable law.

Part 9: Nonstandard Plan Provisions

Check "None" or List Nonstandard Plan Provisions

None. If "None" is checked, the rest of Part 9 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.2.

Part 10: Signatures

Signatures of Debtor(s) and Debtor(s)' Attorney

If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; otherwise the Debtor(s) signatures are optional. The attorney for the Debtor(s), if any, must sign below.

x _____
Signature of Debtor 1

x _____
Signature of Debtor 2

Executed on _____
MM / DD / YYYY

Executed on _____
MM / DD / YYYY

x _____
Signature of Attorney for Debtor(s)

Date _____
MM / DD / YYYY

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 9.

Revised: (Draft: 12/01/17)
Name, Address, Telephone No. & I.D. No.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re

BANKRUPTCY NO.

Last four digits of Soc. Sec. or Debtor.
Individual-Taxpayer I.D.(ITIN)/Complete EIN:

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS
AND THEIR ATTORNEY
(Consumer Case)**

It is important for debtors ~~who file a bankruptcy case under~~ in Chapter 13 ~~bankruptcy~~ to understand their rights and responsibilities. It is also important that ~~the debtors~~ they know what their attorney's responsibilities are, and ~~understand~~ appreciate the importance of communicating with their attorney to make the case successful. ~~Debtors can expect their attorney to provide certain services for them. Debtors should also know that they may expect certain services to be performed by their attorney. It is also important for debtors to~~ And they should know the costs of attorneys' fees through the life of a plan. To assure that debtors and their attorney understand their rights and responsibilities in the bankruptcy process, the ~~Bankruptcy Court has made following the following~~ rights and responsibilities ~~binding on them under Local Bankruptcy Rule 1002-1(c) and General Order 180-A.~~ (Nothing in this agreement should be construed to excuse an attorney from any ethical duties or responsibilities under ~~any other applicable law.~~)

Debtors' attorneys can be paid in one of two ways: through guideline fees; or by formal fee application. The choice, agreed upon by the debtors and their attorney, must be made at the start of the representation. Once an attorney accepts any type of guideline fee in any amount, guideline fees will apply for the duration of the case. In this case, the attorney [check one]:

- will be paid guideline fees (subject to increase through a fee application only in atypical cases as discussed below).
- waives guideline fees and will instead prepare fee applications for all work done.

UNLESS THE COURT ORDERS OTHERWISE, in every case – regardless of fee regime – the following rights and responsibilities apply:

The debtor must:

1. Provide accurate financial information.
2. Provide information in a timely manner.
3. Cooperate and communicate with the attorney.
4. Discuss with the attorney the debtor's objectives in filing the case.
5. Keep the trustee and attorney informed of the debtor's address and telephone number.
6. Inform the attorney of any wage garnishments or attachments of assets which occur or continue after the filing of the case.
7. Contact the attorney promptly if the debtor loses his/her job or has other financial problems.
8. Let the attorney know immediately if the debtor is sued before or during the case.
9. Inform the attorney if any tax refunds the debtor is entitled to are seized or not returned to the debtor by the IRS or Franchise Tax Board.
10. Contact the attorney before buying, refinancing, or selling real property or before entering in to any long-term loan agreements to find out what approvals are required.
11. Pay any filing fees and filing expenses that may be incurred directly to the attorney.
12. Pay appropriate attorney's fees commensurate with this agreement and the United States Bankruptcy Court Guidelines regarding Chapter 13 Attorney Fees. **Any future increase or other change in "additional fees" under the guidelines will also automatically apply to this case until it is finally closed.** If a court order is entered regarding attorney's fees, fees should be paid in accordance with the court's order.

To receive \$3,900 ~~3,600~~, which is within the United States Bankruptcy Court's parameters for in "initial fees," under the guidelines, or in the case of all fee applications, the attorney must:

1. Meet with the debtor to review the debtor's assets, liabilities, income and expenses.
2. Analyze the debtor's financial situation, and render advice to the debtor in determining whether to file a petition in bankruptcy.
3. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
4. Explain to the debtor how the attorney's fees and trustee's fees are paid.
5. Explain what payments will be made directly by the debtor **and when to make those payments**, and what payments will be made through the debtor's chapter 13 plan; (with particular attention to mortgage and vehicle loan payments, as well as any other claims with accrued interest).
6. Explain to the debtor how, when, and where to make the chapter 13 plan payments.
7. Explain to the debtor that the first plan payment must be made to the Trustee within 30 days of the date the plan is filed.
8. Advise the debtor of the requirement to attend the § 341(a) Meeting of Creditors, and instruct the debtor as to the date, time and place of the meeting.
9. Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.
10. Timely prepare, file and serve the debtor's petition, plan, schedules, statement of financial affairs, and any necessary amendments thereto, which may be required.
11. Provide an executed copy of the Rights and Responsibilities of Chapter 13 Debtors and their Attorneys and a copy of the Court's Guidelines regarding Chapter 13 Attorney Fees to the debtor.
12. Appear and represent the debtor at the § 341(a) Meeting of Creditors and any confirmation hearings.

13. Respond to the objections to plan confirmation, and where necessary, prepare, file and serve an amended plan.
14. Provide Certification of Eligibility for Discharge pursuant to Local Bankruptcy Rule 4004-1.
15. Provide such other legal services as are necessary for the administration of the case before the Bankruptcy Court, which include, but are not limited to, a continuing obligation to assist the debtor by returning telephone calls, answering questions and reviewing and sending correspondence.

Additional services may be required, but are not included in the guideline “initial fees” of \$3,600 3,900. If necessary and when appropriate, the attorney, at the debtor’s request and only with the debtor’s cooperation, must provide the following services for “additional fees” described below:

1. Prepare, file and serve necessary modifications to the plan post-confirmation, which may include suspending, lowering or increasing plan payments.
2. Prepare, file and serve necessary motions to buy, sell or refinance real property and authorize use of cash collateral or assume executory contracts or unexpired leases.
3. Object to improper or invalid claims.
4. Represent the debtor in motions for relief from stay.
5. Prepare, file and serve necessary motions to avoid liens on real or personal property.
6. Prepare, file and serve necessary oppositions to motions for dismissal of case.
7. Provide such other legal services as are necessary for the administration of the case before the Bankruptcy Court, which include but are not limited to, presenting appropriate legal pleadings and making appropriate court appearances.

Should additional services be provided and “additional fees” requested, the attorney must:

1. Provide proper notice in accordance with Federal Rule of Bankruptcy Procedure 2002.
2. Advise the debtor of all “additional fees” requested and file a declaration with the court stating that counsel has so advised the debtor of the fees requested and the debtor has no objection to the requested fees.

The “Guidelines Regarding Chapter 13 Attorney Fees” provide for “additional fees” within the United States Bankruptcy Court’s parameters for “additional fees” in the following amounts and include all court appearances required to pursue described actions. **The Bankruptcy Court, however, has discretion to allow lesser amounts depending on the case’s circumstances.**

Modified Plan (Post-Confirmation)

\$650 685

for fees and expenses for services rendered post-confirmation for **opposing**, preparing, filing, noticing, and attending hearings **on any motion to modify** debtor’s plan under section 1329 of the Bankruptcy Code (including the preparation of amended income and expenses statements and providing proof of income). (These fees should be less for modification due to clerical error or other administrative issues.)

Opposition to Motions for Relief from Stay

\$490 500 (Personal property)

\$625 675 (Real property)

for fees and expenses of all services rendered in opposition to motions to modify or vacate automatic stay.

Obtaining Orders re: Sale or Refinance of Real Property

\$545 570(By stipulation or noticed hearing) for fees and expenses of all services rendered for order authorizing the sale or refinancing of real estate, but not including loan modifications.

Objections to Claim

\$270 (Uncontested objections without hearing) for fees and expenses of all services rendered for preparing, filing and noticing objections to a claim. (Fees must not exceed 50% of the amount the trustee would have otherwise paid.)
\$380 400 (Contested objections with a hearing)

Oppositions to Dismissal/Motions to Avoid Lien/ Loan Modifications/Other Routine Pleadings **\$490 515**

for fees and expenses of all services rendered for preparing, filing, noticing, and attending hearings in opposition to a motion to dismiss the case, for motions to avoid lien or to approve a loan modification, and for other routine pleadings.

Motions to Value Real Property, Treat Claim as Unsecured and Avoid Junior Lien (Lien Strips) **\$625 655**

for fees and expenses of all services rendered for preparing, filing, noticing, and attending hearings when there is opposition to a motion to value real property, treat claim as unsecured and avoid junior lien.

Motions to Impose/Extend Automatic Stay

\$380 390 (Unopposed) for fees and expenses of all services rendered for preparing, filing, noticing and attending hearings in regard to a motion to impose or extend the automatic stay.
\$545 575 (Opposed)

Novel and Complex Motions and Oppositions to Motions

These types of motions and oppositions may be billed at hourly rates, and counsel must file a fee application in compliance with Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules 2002 and 2016.

Initial fee charged in this case is \$_____

~~All post-filing fees will be paid through the plan, unless the court orders otherwise. The attorney may not receive fees directly from the debtor other than the initial retainer, unless the court orders otherwise. All "additional fees," as described above, may only be paid upon court authorization after compliance with the "Guidelines Regarding Chapter 13 Attorney Fees." The attorney may seek fees above the additional fees provided a fee application is noticed, filed and approved by the court.~~

~~If the debtor disputes the legal services provided or the fees charged by the attorney, the debtor may file an objection with the court and set the matter for hearing. The attorney may move to withdraw or the debtor may discharge the attorney at any time.~~

Requirements for a fee application:

Once the attorney receives any guideline fee in the case, a later fee application must be based on atypicality. That requires showing that the case presented issues more difficult than those faced by Chapter 13 practitioners on a regular basis. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Filing a novel and complex motion, or opposing one, may meet that description. All fee applications must comply with applicable rules, including Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules 2002 and 2016, and all United States Trustee guidelines.

Debtor’s objection to a fee application:

The debtor has the right to timely object to a fee application, and may be heard in connection with any other party’s fee objection. If the debtor disputes the legal services provided or the fees charged by the attorney, the debtor may file an objection with the court and set the matter for hearing.

Dismissal or withdrawal of the attorney:

Any change of debtor’s attorney must be approved by court order. This requirement applies to all substitutions and withdrawals of counsel, including where: (1) debtor seeks to discharge the attorney; (2) the attorney seeks permission to withdraw as counsel; and (3) debtor and their attorney file a stipulation to substitute or withdraw counsel.

Payment of fees:

By signing this document, debtor agrees that their attorney can be paid guideline fees in the amounts listed above, if guideline fees have been chosen. All post-filing fees will be paid through the plan unless the court orders otherwise. The attorney may not receive fees – guideline or otherwise – from estate property directly from the debtor, other than the initial retainer, except upon court order. Consequently, “additional fees” as described above may be paid only with court authorization after compliance with the “Guidelines Regarding Chapter 13 Attorney Fees.” The bankruptcy judge has discretion in approving fees, and may allow less than the requested amount.

The initial guideline fee may not exceed \$3,900 in consumer cases. The initial fee charged in this case is \$ _____.

I acknowledge the foregoing.

Dated:

Debtor

Dated:

Debtor

Dated:

Attorney for Debtor(s)

Revised: (Draft: 12/01/17)
Name, Address, Telephone No. & I.D. No.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re

BANKRUPTCY NO.

Last four digits of Soc. Sec. or Debtor.
Individual-Taxpayer I.D.(ITIN)/Complete EIN:

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS
AND THEIR ATTORNEY
(Consumer Case)**

It is important for debtors in Chapter 13 bankruptcy to understand their rights and responsibilities. It is also important that they know what their attorney's responsibilities are, and appreciate the importance of communicating with their attorney to make the case successful. Debtors can expect their attorney to provide certain services for them. And they should know the costs of attorneys' fees through the life of a plan. To assure that debtors and their attorney understand their rights and responsibilities in the bankruptcy process, the Bankruptcy Court has made the following rights and responsibilities binding on them under Local Bankruptcy Rule 1002-1(c) and General Order 180-A. (Nothing in this agreement should be construed to excuse an attorney from any ethical duties or responsibilities under any other applicable law.)

Debtors' attorneys can be paid in one of two ways: through guideline fees; or by formal fee application. The choice, agreed upon by the debtors and their attorney, must be made at the start of the representation. Once an attorney accepts any type of guideline fee in any amount, guideline fees will apply for the duration of the case. In this case, the attorney [check one]:

will be paid guideline fees (subject to increase through a fee application only in atypical cases as discussed below).

waives guideline fees and will instead prepare fee applications for all work done.

UNLESS THE COURT ORDERS OTHERWISE, in every case – regardless of fee regime – the following rights and responsibilities apply:

The debtor must:

1. Provide accurate financial information.
2. Provide information in a timely manner.
3. Cooperate and communicate with the attorney.
4. Discuss with the attorney the debtor's objectives in filing the case.
5. Keep the trustee and attorney informed of the debtor's address and telephone number.
6. Inform the attorney of any wage garnishments or attachments of assets which occur or continue after the filing of the case.
7. Contact the attorney promptly if the debtor loses his/her job or has other financial problems.
8. Let the attorney know immediately if the debtor is sued before or during the case.
9. Inform the attorney if any tax refunds the debtor is entitled to are seized or not returned to the debtor by the IRS or Franchise Tax Board.
10. Contact the attorney before buying, refinancing, or selling real property or before entering in to any long-term loan agreements to find out what approvals are required.
11. Pay any filing fees and filing expenses that may be incurred directly to the attorney.
12. Pay appropriate attorney's fees commensurate with this agreement and the United States Bankruptcy Court Guidelines regarding Chapter 13 Attorney Fees. Any future increase or other change in "additional fees" under the guidelines will also automatically apply to this case until it is finally closed. If a court order is entered regarding attorney's fees, fees should be paid in accordance with the court's order.

To receive \$3,900 in "initial fees," under the guidelines, or in the case of all fee applications, the attorney must:

1. Meet with the debtor to review the debtor's assets, liabilities, income and expenses.
2. Analyze the debtor's financial situation, and render advice to the debtor in determining whether to file a petition in bankruptcy.
3. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
4. Explain to the debtor how the attorney's fees and trustee's fees are paid.
5. Explain what payments will be made directly by the debtor and when to make those payments, and what payments will be made through the debtor's chapter 13 plan (with particular attention to mortgage and vehicle loan payments, as well as any other claims with accrued interest).
6. Explain to the debtor how, when, and where to make the chapter 13 plan payments.
7. Explain to the debtor that the first plan payment must be made to the Trustee within 30 days of the date the plan is filed.
8. Advise the debtor of the requirement to attend the § 341(a) Meeting of Creditors, and instruct the debtor as to the date, time and place of the meeting.
9. Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.
10. Timely prepare, file and serve the debtor's petition, plan, schedules, statement of financial affairs, and any necessary amendments thereto, which may be required.
11. Provide an executed copy of the Rights and Responsibilities of Chapter 13 Debtors and their Attorneys and a copy of the Court's Guidelines regarding Chapter 13 Attorney Fees to the debtor.
12. Appear and represent the debtor at the § 341(a) Meeting of Creditors and any confirmation hearings.

13. Respond to the objections to plan confirmation, and where necessary, prepare, file and serve an amended plan.
14. Provide Certification of Eligibility for Discharge pursuant to Local Bankruptcy Rule 4004-1.
15. Provide such other legal services as are necessary for the administration of the case before the Bankruptcy Court, which include, but are not limited to, a continuing obligation to assist the debtor by returning telephone calls, answering questions and reviewing and sending correspondence.

Additional services may be required, but are not included in the guideline “initial fees” of \$3,900. If necessary and when appropriate, the attorney, at the debtor’s request and only with the debtor’s cooperation, must provide the following services for “additional fees” described below:

1. Prepare, file and serve necessary modifications to the plan post-confirmation, which may include suspending, lowering or increasing plan payments.
2. Prepare, file and serve necessary motions to buy, sell or refinance real property and authorize use of cash collateral or assume executory contracts or unexpired leases.
3. Object to improper or invalid claims.
4. Represent the debtor in motions for relief from stay.
5. Prepare, file and serve necessary motions to avoid liens on real or personal property.
6. Prepare, file and serve necessary oppositions to motions for dismissal of case.
7. Provide such other legal services as are necessary for the administration of the case before the Bankruptcy Court, which include but are not limited to, presenting appropriate legal pleadings and making appropriate court appearances.

Should additional services be provided and “additional fees” requested, the attorney must:

1. Provide proper notice in accordance with Federal Rule of Bankruptcy Procedure 2002.
2. Advise the debtor of all “additional fees” requested and file a declaration with the court stating that counsel has so advised the debtor of the fees requested and the debtor has no objection to the requested fees.

The “Guidelines Regarding Chapter 13 Attorney Fees” provide for “additional fees” within the United States Bankruptcy Court’s parameters for “additional fees” in the following amounts and include all court appearances required to pursue described actions. The Bankruptcy Court, however, has discretion to allow lesser amounts depending on the case’s circumstances.

Modified Plan (Post-Confirmation)

\$685

for fees and expenses for services rendered post-confirmation for opposing, preparing, filing, noticing, and attending hearings on any motion to modify debtor’s plan under section 1329 of the Bankruptcy Code (including the preparation of amended income and expenses statements and providing proof of income). (These fees should be less for modification due to clerical error or other administrative issues.)

Opposition to Motions for Relief from Stay

\$500 (Personal property)

\$675 (Real property)

for fees and expenses of all services rendered in opposition to motions to modify or vacate automatic stay.

Obtaining Orders re: Sale or Refinance of Real Property

\$570 (By stipulation or noticed hearing) for fees and expenses of all services rendered for order authorizing the sale or refinancing of real estate, but not including loan modifications.

Objections to Claim

\$270 (Uncontested objections without hearing) for fees and expenses of all services rendered for preparing, filing and noticing objections
\$400 (Contested objections with a hearing) to a claim. (Fees must not exceed 50% of the amount the trustee would have otherwise paid.)

Oppositions to Dismissal/Motions to Avoid Lien/ Loan Modifications/Other Routine Pleadings

\$515

for fees and expenses of all services rendered for preparing, filing, noticing, and attending hearings in opposition to a motion to dismiss the case, for motions to avoid lien or to approve a loan modification, and for other routine pleadings.

Motions to Value Real Property, Treat Claim as Unsecured and Avoid Junior Lien (Lien Strips)

\$655

for fees and expenses of all services rendered for preparing, filing, noticing, and attending hearings when there is opposition to a motion to value real property, treat claim as unsecured and avoid junior lien.

Motions to Impose/Extend Automatic Stay

\$390 (Unopposed) for fees and expenses for all services rendered for preparing, filing, noticing and attending hearings
\$575 (Opposed) on motion to impose or extend the automatic stay.

Novel and Complex Motions and Oppositions to Motions

These types of motions and oppositions may be billed at hourly rates, and counsel must file a fee application in compliance with Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules 2002 and 2016.

Requirements for a fee application:

Once the attorney receives any guideline fee in the case, a later fee application must be based on atypicality. That requires showing that the case presented issues more difficult than those faced by Chapter 13 practitioners on a regular basis. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Filing a novel and complex motion, or opposing one, may meet that description. All fee applications must comply with applicable rules, including Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules 2002 and 2016, and all United States Trustee guidelines.

Debtor's objection to a fee application:

The debtor has the right to timely object to a fee application, and may be heard in connection with any other party's fee objection. If the debtor disputes the legal services provided or the fees charged by the attorney, the debtor may file an objection with the court and set the matter for hearing.

Dismissal or withdrawal of the attorney:

Any change of debtor's attorney must be approved by court order. This requirement applies to all substitutions and withdrawals of counsel, including where: (1) debtor seeks to discharge the attorney; (2) the attorney seeks permission to withdraw as counsel; and (3) debtor and their attorney file a stipulation to substitute or withdraw counsel.

Payment of fees:

By signing this document, debtor agrees that their attorney can be paid guideline fees in the amounts listed above, if guideline fees have been chosen. All post-filing fees will be paid through the plan unless the court orders otherwise. The attorney may not receive fees – guideline or otherwise – from estate property directly from the debtor, other than the initial retainer, except upon court order. Consequently, "additional fees" as described above may be paid only with court authorization after compliance with the "Guidelines Regarding Chapter 13 Attorney Fees." The bankruptcy judge has discretion in approving fees, and may allow less than the requested amount.

The initial guideline fee may not exceed \$3,900 in consumer cases. The initial fee charged in this case is \$ _____.

I acknowledge the foregoing.

Dated:

Debtor

Dated:

Debtor

Dated:

Attorney for Debtor(s)

Revised: (Draft: 12/01/17)
Name, Address, Telephone No. & I.D. No.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re

BANKRUPTCY NO.

Last four digits of Soc. Sec. or Debtor.
Individual-Taxpayer I.D.(ITIN)/Complete EIN:

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS
AND THEIR ATTORNEY
(Business Case)**

It is important for debtors ~~who file a bankruptcy case under~~ in Chapter 13 **bankruptcy** to understand their rights and responsibilities. It is also important that ~~the debtors they~~ know what their attorney's responsibilities are, and **understand appreciate** the importance of communicating with their attorney to make the case successful. **Debtors can expect their attorney to provide certain services for them. Debtors should also know that they may expect certain services to be performed by their attorney. It is also important for debtors to** And they should know the costs of attorneys' fees through the life of a plan. To assure that debtors and their attorney understand their rights and responsibilities in the bankruptcy process, the **Bankruptcy Court has made following the following** rights and responsibilities **binding on them under Local Bankruptcy Rule 1002-1(c) and General Order 180-A.** (Nothing in this agreement should be construed to excuse an attorney from any ethical duties or responsibilities under **any other applicable law.**)

Debtors' attorneys can be paid in one of two ways: through guideline fees; or by formal fee application. The choice, agreed upon by the debtors and their attorney, must be made at the start of the representation. Once an attorney accepts any type of guideline fee in any amount, guideline fees will apply for the duration of the case. In this case, the attorney [check one]:

- will be paid guideline fees (subject to increase through a fee application only in atypical cases as discussed below).
- waives guideline fees and will instead prepare fee applications for all work done.

UNLESS THE COURT ORDERS OTHERWISE, in every case – regardless of fee regime – the following rights and responsibilities apply:

The debtor must:

1. Provide accurate financial information.
2. Provide information in a timely manner.
3. Cooperate and communicate with the attorney.
4. Discuss with the attorney the debtor's objectives in filing the case.
5. Keep the trustee and attorney informed of the debtor's address and telephone number.
6. Inform the attorney of any wage garnishments or attachments of assets which occur or continue after the filing of the case.
7. Contact the attorney promptly if the debtor loses his/her job or has other financial problems.
8. Let the attorney know immediately if the debtor is sued before or during the case.
9. Inform the attorney if any tax refunds the debtor is entitled to are seized or not returned to the debtor by the IRS or Franchise Tax Board.
10. Contact the attorney before buying, refinancing, or selling real property or before entering into any long-term loan agreements to find out what approvals are required.
11. Pay any filing fees and filing expenses that may be incurred directly to the attorney.
12. Pay appropriate attorney's fees commensurate with this agreement and the United States Bankruptcy Court Guidelines regarding Chapter 13 Attorney Fees. **Any future increase or other change in "additional fees" under the guidelines will also automatically apply to this case until it is finally closed.** If a court order is entered regarding attorney's fees, fees should be paid in accordance with the court's order.

To receive \$~~4,350~~ 4,400, which is within the United States Bankruptcy Court's parameters for "initial fees," the attorney must:

1. Meet with the debtor to review the debtor's assets, liabilities, income and expenses.
2. Analyze the debtor's financial situation, and render advice to the debtor in determining whether to file a petition in bankruptcy.
3. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
4. Explain to the debtor how the attorney's fees and trustee's fees are paid.
5. Explain what payments will be made directly by the debtor **and when to make those payments**, and what payments will be made through the debtor's chapter 13 plan; (with particular attention to mortgage and vehicle loan payments, as well as any other claims with accrued interest).
6. Explain to the debtor how, when, and where to make the chapter 13 plan payments.
7. Explain to the debtor that the first plan payment must be made to the Trustee within 30 days of the date the plan is filed.
8. Advise the debtor of the requirement to attend the § 341(a) Meeting of Creditors, and instruct the debtor as to the date, time and place of the meeting.
9. Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.
10. Timely prepare, file and serve the debtor's petition, plan, schedules, statement of financial affairs, and any necessary amendments thereto, which may be required.
11. Prepare a Questionnaire for Chapter 13 Business Owners.
12. Provide documents and information requested by the Chapter 13 Trustee and the Court, including, but not limited to, an itemized list of all business assets and a profit and loss statement for each of the three months prior to the filing.
13. Attend on-site inspections of business at the Chapter 13 Trustee's request.

14. Provide an executed copy of the Rights and Responsibilities of Chapter 13 Debtors and their Attorneys and a copy of the Court's Guidelines regarding Chapter 13 Attorney Fees to the debtor.
15. Appear and represent the debtor at the § 341(a) Meeting of Creditors and any confirmation hearings.
16. Respond to the objections to plan confirmation, and where necessary, prepare, file and serve an amended plan.
17. Assist the Debtor in performing duties pursuant to 11 U.S.C. § 1304, including but not limited to, the filing of periodic operating reports.
18. Provide Certification of Eligibility for Discharge pursuant to Local Bankruptcy Rule 4004-1.
19. Provide such other legal services as are necessary for the administration of the case before the Bankruptcy Court, which include, but are not limited to, a continuing obligation to assist the debtor by returning telephone calls, answering questions and reviewing and sending correspondence.

*Additional services may be required, but are not included in the **guideline** "initial fees" of ~~\$4,350~~ **4,400**. If necessary and when appropriate, the attorney, at the debtor's request and only with the debtor's cooperation, must provide the following services for "additional fees" described below:*

1. Prepare, file and serve necessary modifications to the plan post-confirmation, which may include suspending, lowering or increasing plan payments.
2. Prepare, file and serve necessary motions to buy, sell or refinance real property and authorize use of cash collateral or assume executory contracts or unexpired leases.
3. Object to improper or invalid claims.
4. Represent the debtor in motions for relief from stay.
5. Prepare, file and serve necessary motions to avoid liens on real or personal property.
6. Prepare, file and serve necessary oppositions to motions for dismissal of case.
7. Provide such other legal services as are necessary for the administration of the case before the Bankruptcy Court, which include but are not limited to, presenting appropriate legal pleadings and making appropriate court appearances.

Should additional services be provided and "additional fees" requested, the attorney must:

1. Provide proper notice in accordance with Federal Rule of Bankruptcy Procedure 2002.
2. Advise the debtor of all "additional fees" requested and file a declaration with the court stating that counsel has so advised the debtor of the fees requested and the debtor has no objection to the requested fees.

The "Guidelines Regarding Chapter 13 Attorney Fees" provide for "additional fees" within the United States Bankruptcy Court's parameters for "additional fees" in the following amounts and include all court appearances required to pursue described actions. **The Bankruptcy Court, however, has discretion to allow lesser amounts depending on the case's circumstances**

Modified Plan (Post-Confirmation)

\$650 685

for fees and expenses for services rendered post-confirmation for **opposing**, preparing, filing, noticing, and attending hearings **on any motion to modify** debtor's plan under section 1329 of the Bankruptcy Code (including the preparation of amended income and expenses statements and providing proof of income). (These fees should be less for modification due to clerical error or other administrative issues.)

Opposition to Motions for Relief from Stay

~~\$490 500~~ (Personal property) for fees and expenses of all services rendered in
~~\$625 675~~ (Real property) opposition to motions to modify or vacate automatic
Stay

Obtaining Orders re: Sale or Refinance of Real Property

~~\$545 570~~(By stipulation or for fees and expenses of all services rendered for
noticed hearing) order authorizing the sale or refinancing of real estate,
but not including loan modifications.

Objections to Claim

~~\$270~~ (Uncontested objections for fees and expenses of all services rendered for
without hearing) preparing, filing and noticing objections
~~\$380 400~~ (Contested objections to a claim. (Fees must not exceed 50% of the
with a hearing) amount the trustee would have otherwise paid.)

**Oppositions to Dismissal/Motions to Avoid Lien/
Loan Modifications/Other Routine Pleadings** \$490 515

for fees and expenses of all services rendered for preparing, filing, noticing, and attending
hearings in opposition to a motion to dismiss the case, for motions to avoid lien or to
approve a loan modification, and for other routine pleadings.

**Motions to Value Real Property, Treat Claim as
Unsecured and Avoid Junior Lien (Lien Strips)** \$625 655

for fees and expenses of all services rendered for preparing, filing, noticing, and attending
hearings when there is opposition to a motion to value real property, treat claim as unsecured
and avoid junior lien.

Motions to Impose/Extend Automatic Stay

~~\$380 390~~ (Unopposed) for fees and expenses ~~of~~ for all services rendered for
~~\$545 575~~ (Opposed) preparing, filing, noticing and attending hearings ~~in~~
~~regard to a~~ on motion to impose/ or extend the
automatic stay.

Novel and Complex Motions and Oppositions to Motions

These types of motions and oppositions may be billed at hourly rates and counsel must file
a fee application in compliance with Federal Rules of Bankruptcy Procedure and Local
Bankruptcy Rules 2002 and 2016.

Initial fee charged in this case is \$_____

~~All post-filing fees will be paid through the plan, unless the court orders otherwise. The attorney may not receive fees directly from the debtor other than the initial retainer, unless the court orders otherwise. All “additional fees,” as described above, may only be paid upon court authorization after compliance with the “Guidelines Regarding Chapter 13 Attorney Fees.” The attorney may seek fees above the additional fees provided a fee application is noticed, filed and approved by the court.~~

~~If the debtor disputes the legal services provided or the fees charged by the attorney, the debtor may file an objection with the court and set the matter for hearing. The attorney may move to withdraw or the debtor may discharge the attorney at any time.~~

Requirements for a fee application:

Once the attorney receives any guideline fee in the case, a later fee application must be based on atypicality. That requires showing that the case presented issues more difficult than those faced by Chapter 13 practitioners on a regular basis. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Filing a novel and complex motion, or opposing one, may meet that description. All fee applications must comply with applicable rules, including Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules 2002 and 2016, and all United States Trustee guidelines.

Debtor’s objection to a fee application:

The debtor has the right to timely object to a fee application, and may be heard in connection with any other party’s fee objection. If the debtor disputes the legal services provided or the fees charged by the attorney, the debtor may file an objection with the court and set the matter for hearing.

Dismissal or withdrawal of the attorney:

Any change of debtor’s attorney must be approved by court order. This requirement applies to all substitutions and withdrawals of counsel, including where: (1) debtor seeks to discharge the attorney; (2) the attorney seeks permission to withdraw as counsel; and (3) debtor and their attorney file a stipulation to substitute or withdraw counsel.

Payment of fees:

By signing this document, debtor agrees that their attorney can be paid guideline fees in the amounts listed above, if guideline fees have been chosen. All post-filing fees will be paid through the plan unless the court orders otherwise. The attorney may not receive fees – guideline or otherwise – from estate property directly from the debtor, other than the initial retainer, except upon court order. Consequently, “additional fees” as described above may be paid only with court authorization after compliance with the “Guidelines Regarding Chapter 13 Attorney Fees.” The bankruptcy judge has discretion in approving fees, and may allow less than the requested amount.

The initial guideline fee may not exceed \$4,400 in business cases. The initial fee charged in this case is \$_____.

I acknowledge the foregoing.

Dated:

Debtor

Dated:

Debtor

Dated:

Attorney for Debtor(s)

Revised: (Draft: 12/01/17)
Name, Address, Telephone No. & I.D. No.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re

BANKRUPTCY NO.

Last four digits of Soc. Sec. or Debtor.
Individual-Taxpayer I.D.(ITIN)/Complete EIN:

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS
AND THEIR ATTORNEY
(Business Case)**

It is important for debtors in Chapter 13 bankruptcy to understand their rights and responsibilities. It is also important that they know what their attorney's responsibilities are, and appreciate the importance of communicating with their attorney to make the case successful. Debtors can expect their attorney to provide certain services for them. And they should know the costs of attorneys' fees through the life of a plan. To assure that debtors and their attorney understand their rights and responsibilities in the bankruptcy process, the Bankruptcy Court has made the following rights and responsibilities binding on them under Local Bankruptcy Rule 1002-1(c) and General Order 180-A. (Nothing in this agreement should be construed to excuse an attorney from any ethical duties or responsibilities under any other applicable law.)

Debtors' attorneys can be paid in one of two ways: through guideline fees; or by formal fee application. The choice, agreed upon by the debtors and their attorney, must be made at the start of the representation. Once an attorney accepts any type of guideline fee in any amount, guideline fees will apply for the duration of the case. In this case, the attorney [check one]:

___ will be paid guideline fees (subject to increase through a fee application only in atypical cases as discussed below).

___ waives guideline fees and will instead prepare fee applications for all work done.

UNLESS THE COURT ORDERS OTHERWISE, in every case – regardless of fee regime – the following rights and responsibilities apply:

The debtor must:

1. Provide accurate financial information.
2. Provide information in a timely manner.
3. Cooperate and communicate with the attorney.
4. Discuss with the attorney the debtor's objectives in filing the case.
5. Keep the trustee and attorney informed of the debtor's address and telephone number.
6. Inform the attorney of any wage garnishments or attachments of assets which occur or continue after the filing of the case.
7. Contact the attorney promptly if the debtor loses his/her job or has other financial problems.
8. Let the attorney know immediately if the debtor is sued before or during the case.
9. Inform the attorney if any tax refunds the debtor is entitled to are seized or not returned to the debtor by the IRS or Franchise Tax Board.
10. Contact the attorney before buying, refinancing, or selling real property or before entering into any long-term loan agreements to find out what approvals are required.
11. Pay any filing fees and filing expenses that may be incurred directly to the attorney.
12. Pay appropriate attorney's fees commensurate with this agreement and the United States Bankruptcy Court Guidelines regarding Chapter 13 Attorney Fees. Any future increase or other change in "additional fees" under the guidelines will also automatically apply to this case until it is finally closed. If a court order is entered regarding attorney's fees, fees should be paid in accordance with the court's order.

To receive \$4,400, which is within the United States Bankruptcy Court's parameters for "initial fees," the attorney must:

1. Meet with the debtor to review the debtor's assets, liabilities, income and expenses.
2. Analyze the debtor's financial situation, and render advice to the debtor in determining whether to file a petition in bankruptcy.
3. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
4. Explain to the debtor how the attorney's fees and trustee's fees are paid.
5. Explain what payments will be made directly by the debtor and when to make those payments, and what payments will be made through the debtor's chapter 13 plan (with particular attention to mortgage and vehicle loan payments, as well as any other claims with accrued interest).
6. Explain to the debtor how, when, and where to make the chapter 13 plan payments.
7. Explain to the debtor that the first plan payment must be made to the Trustee within 30 days of the date the plan is filed.
8. Advise the debtor of the requirement to attend the § 341(a) Meeting of Creditors, and instruct the debtor as to the date, time and place of the meeting.
9. Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.
10. Timely prepare, file and serve the debtor's petition, plan, schedules, statement of financial affairs, and any necessary amendments thereto, which may be required.
11. Prepare a Questionnaire for Chapter 13 Business Owners.
12. Provide documents and information requested by the Chapter 13 Trustee and the Court, including, but not limited to, an itemized list of all business assets and a profit and loss statement for each of the three months prior to the filing.
13. Attend on-site inspections of business at the Chapter 13 Trustee's request.

14. Provide an executed copy of the Rights and Responsibilities of Chapter 13 Debtors and their Attorneys and a copy of the Court's Guidelines regarding Chapter 13 Attorney Fees to the debtor.
15. Appear and represent the debtor at the § 341(a) Meeting of Creditors and any confirmation hearings.
16. Respond to the objections to plan confirmation, and where necessary, prepare, file and serve an amended plan.
17. Assist the Debtor in performing duties pursuant to 11 U.S.C. § 1304, including but not limited to, the filing of periodic operating reports.
18. Provide Certification of Eligibility for Discharge pursuant to Local Bankruptcy Rule 4004-1.
19. Provide such other legal services as are necessary for the administration of the case before the Bankruptcy Court, which include, but are not limited to, a continuing obligation to assist the debtor by returning telephone calls, answering questions and reviewing and sending correspondence.

Additional services may be required, but are not included in the guideline "initial fees" of \$4,400. If necessary and when appropriate, the attorney, at the debtor's request and only with the debtor's cooperation, must provide the following services for "additional fees" described below:

1. Prepare, file and serve necessary modifications to the plan post-confirmation, which may include suspending, lowering or increasing plan payments.
2. Prepare, file and serve necessary motions to buy, sell or refinance real property and authorize use of cash collateral or assume executory contracts or unexpired leases.
3. Object to improper or invalid claims.
4. Represent the debtor in motions for relief from stay.
5. Prepare, file and serve necessary motions to avoid liens on real or personal property.
6. Prepare, file and serve necessary oppositions to motions for dismissal of case.
7. Provide such other legal services as are necessary for the administration of the case before the Bankruptcy Court, which include but are not limited to, presenting appropriate legal pleadings and making appropriate court appearances.

Should additional services be provided and "additional fees" requested, the attorney must:

1. Provide proper notice in accordance with Federal Rule of Bankruptcy Procedure 2002.
2. Advise the debtor of all "additional fees" requested and file a declaration with the court stating that counsel has so advised the debtor of the fees requested and the debtor has no objection to the requested fees.

The "Guidelines Regarding Chapter 13 Attorney Fees" provide for "additional fees" within the United States Bankruptcy Court's parameters for "additional fees" in the following amounts and include all court appearances required to pursue described actions. The Bankruptcy Court, however, has discretion to allow lesser amounts depending on the case's circumstances

Modified Plan (Post-Confirmation)

\$685

for fees and expenses for services rendered post-confirmation for opposing, preparing, filing, noticing, and attending hearings on any motion to modify debtor's plan under section 1329 of the Bankruptcy Code (including the preparation of amended income and expenses statements and providing proof of income). (These fees should be less for modification due to clerical error or other administrative issues.)

Opposition to Motions for Relief from Stay

\$500 (Personal property) for fees and expenses of all services rendered in
\$675 (Real property) opposition to motions to modify or vacate automatic
Stay

Obtaining Orders re: Sale or Refinance of Real Property

**\$570 (By stipulation or
noticed hearing)** for fees and expenses of all services rendered for
order authorizing the sale or refinancing of real estate,
but not including loan modifications.

Objections to Claim

**\$270 (Uncontested objections
without hearing)** for fees and expenses of all services rendered for
preparing, filing and noticing objections
**\$400 (Contested objections
with a hearing)** to a claim. (Fees must not exceed 50% of the
amount the trustee would have otherwise paid.)

**Oppositions to Dismissal/Motions to Avoid Lien/
Loan Modifications/Other Routine Pleadings** **\$515**

for fees and expenses of all services rendered for preparing, filing, noticing, and attending
hearings in opposition to a motion to dismiss the case, for motions to avoid lien or to
approve a loan modification, and for other routine pleadings.

**Motions to Value Real Property, Treat Claim as
Unsecured and Avoid Junior Lien (Lien Strips)** **\$655**

for fees and expenses of all services rendered for preparing, filing, noticing, and attending
hearings when there is opposition to a motion to value real property, treat claim as unsecured
and avoid junior lien.

Motions to Impose/Extend Automatic Stay

\$390 (Unopposed) for fees and expenses for all services rendered for
\$575 (Opposed) preparing, filing, noticing and attending hearings
on motion to impose or extend the automatic stay.

Novel and Complex Motions and Oppositions to Motions

These types of motions and oppositions may be billed at hourly rates and counsel must file
a fee application in compliance with Federal Rules of Bankruptcy Procedure and Local
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The debtor has the right to timely object to a fee application, and may be heard in connection with any other party’s fee objection. If the debtor disputes the legal services provided or the fees charged by the attorney, the debtor may file an objection with the court and set the matter for hearing.

Dismissal or withdrawal of the attorney:

Any change of debtor’s attorney must be approved by court order. This requirement applies to all substitutions and withdrawals of counsel, including where: (1) debtor seeks to discharge the attorney; (2) the attorney seeks permission to withdraw as counsel; and (3) debtor and their attorney file a stipulation to substitute or withdraw counsel.

Payment of fees:

By signing this document, debtor agrees that their attorney can be paid guideline fees in the amounts listed above, if guideline fees have been chosen. All post-filing fees will be paid through the plan unless the court orders otherwise. The attorney may not receive fees – guideline or otherwise – from estate property directly from the debtor, other than the initial retainer, except upon court order. Consequently, “additional fees” as described above may be paid only with court authorization after compliance with the “Guidelines Regarding Chapter 13 Attorney Fees.” The bankruptcy judge has discretion in approving fees, and may allow less than the requested amount.

The initial guideline fee may not exceed \$4,400 in business cases. The initial fee charged in this case is \$ _____.

I acknowledge the foregoing.

Dated:

Debtor

Dated:

Debtor

Dated:

Attorney for Debtor(s)