



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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**CLERK OF COURT  
THOMAS J. HART**

**TO:** Court Users  
**FROM:** Thomas J. Hart  
**DATE:** 10/03/06  
**RE:** Model Chapter 13 Plan

**CLERK'S  
ANNOUNCEMENT  
06-102**

On July 27, 2006, this Court issued Standing Order 06-04 *Modification Of Local Rules Of Practice And Procedure In Bankruptcy Court, District Of Vermont To Amend Procedure For Modifying Chapter 13 Plans Post-Confirmation And Clarifying Procedure For Amending Chapter 13 Plans Pre-Confirmation*, which ordered "that to the extent practicable all plans, amended or modified plans filed in this District be filed in a format that comports" with a model chapter 13 plan which would become Local Form 06-04B and would be appended to Standing Order 6-04 as Exhibit B to that document at a later time. The model chapter 13 plan is now ready in its final form and is attached to this clerk's announcement. A copy of this model plan is being attached to Standing Order 06-04 which is available on our website ([www.vtb.uscourts.gov](http://www.vtb.uscourts.gov)) under the *Standing Orders* section on the *Legal Resources* page.

The model chapter 13 plan is also available in both word processing and spreadsheet formats, (with examples of each) which can be found under the *Forms* section on the same *Legal Resources* page.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

IN RE:

DEBTOR NAME  
DEBTOR SPOUSE

CASE NO. **XX-XXXXX**  
CHAPTER 13

**CHAPTER 13 PLAN**

\_\_\_\_\_ PLAN

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

**1. Payments to the Trustee.**

The debtor shall pay to the Chapter 13 Trustee \_\_\_\_\_ per month for \_\_\_\_\_ months, plus \_\_\_\_\_ from \_\_\_\_\_ to be paid by \_\_\_\_\_ for a total of \_\_\_\_\_.

Payments to the trustee shall be made in the following manner: \_\_\_\_\_.

If by employer deduction, the following amounts shall be deducted from the following employers:

**Debtor's Employer:** \_\_\_\_\_

**Spouse's Employer:** \_\_\_\_\_

**2. Disbursements to Creditors Through Plan.** After confirmation of the Plan, the Chapter 13 Trustee shall make disbursements to creditors as follows:

**A. Priority Claims.**

<b>Debtor's Attorney</b>		
<b>Internal Revenue Service</b>		
<b>Vermont Dept of Taxes</b>		
<b>Administrative Claim</b>		
<b>Support Creditor</b>		
	<b>Total to be Paid to Priority Creditors:</b>	

**B. Secured Claims.**

Monthly payments on secured claims shall be in equal monthly amounts as follows and shall commence following the month in which the debtor’s attorney’s fees are fully paid. The term of payment for the following claims is calculated based on a payment schedule of \_\_\_\_ months.

Creditor	Type of Claim	Collateral	Value	Principal	Interest	Interest Rate	Monthly Payment
<b>Totals to be Paid to Secured Claims:</b>							

Debtor surrenders the following collateral. Upon entry of the confirmation order, the stay is lifted as to the surrendered collateral.

Creditor	Collateral to be Surrendered

**C. Unsecured Claims.**

Allowed, non-priority claims shall be paid a total dividend of \_\_\_\_ to be distributed pro rata. In the event that the creditors in this case file claims in the amounts scheduled in the petition, and those claims are allowed for the scheduled amounts, the percentage dividend will be about \_\_\_\_.

In the event that the total of the allowed claims is less than the total of the scheduled claims, the actual percentage dividend will be higher. In the event that the total of the allowed claims is greater than the total of the scheduled amounts, the actual percentage will be lower. In order to determine the actual amount of the percentage dividend to be paid to unsecured creditors, creditors may contact the Chapter 13 Trustee after the claims bar date in this case has passed.

**3. Curing Defaults and Maintaining Payments**

**Direct Payments the Debtor Will Make to Creditors Outside of Plan.** The debtor shall pay the following monthly payments directly to the creditor and not through the Chapter 13 Trustee.

Creditor	Type of Payment	Amount of Monthly Payment

**4. Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed.

Creditor	Property Description	Treatment by Debtor

## 5. Trustee's Fees.

The Chapter 13 Standing Trustee's percentage fees shall be calculated per order of the Executive Office of the United States Trustee on all disbursements through the Plan. The maximum percentage shall be 10% of the disbursements to creditors in the Plan. For any disbursements during a period at which the applicable percentage is less than 10%, the dividend to unsecured creditors shall increase by the amount of any reduction in trustee's fees below the 10% maximum.

## 6. Other Provisions.

- a. Property of the Estate shall revert in the debtor upon completion of Plan payments by the debtor.
- b. Secured creditors and lessors who are continuing to receive direct payments from the debtor shall mail informational statements, notices or coupons to the debtor in conformance with the local rules of this District.
- c. The holder of a secured claim shall retain the lien securing such claim until the earlier of the payment of the underlying debt determined under nonbankruptcy law; or discharge under § 1328; and if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable non-bankruptcy law.
- d. Other.

## 7. Liquidation Analysis.

Property of the Estate	
Property Subject to Secured Claims	
Exempt Property	
Non-Exempt Equity	
Estimated Chapter 7 Costs of Sale	
Estimated Chapter 7 Trustee's Fees	
Estimated Chapter 7 Other Costs	
Total Chapter 7 Administrative Costs	
Priority Claims	
Unsecured Claims	
Available to Unsecured Creditors in Chapter 7	
Estimated Dividend to General Unsecured Creditors in Chapter 7	

## 8. Plan Payment Summary.

Plan Term	
Monthly Plan Payment	
Total to be Paid to the Chapter 13 Trustee	
Total to be Paid to Priority Claims	
Total Principal to be Paid to Secured Claims	
Total Interest to be Paid to Secured Claims	
Trustee's Percentage Fee	
Total to be Paid to Unsecured Creditors	
Anticipated % Dividend to Unsecured Creditors in Plan	

The debtors, by their signature below, affirm that they have read this Plan and understand its terms, and also affirm that to the best of their knowledge and belief:

- a. the term of this plan is consistent with the minimum commitment period required by the means test and Form B22C filed in this case;
- b. the debtor will be able to make all of the payments under the Plan and to comply with the Plan;
- c. the debtor has filed his petition in good faith;
- d. the debtor has paid all amounts required to be paid under a domestic support obligation and that became payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation; and
- e. the debtor has filed all applicable Federal, State, and local tax returns as required by §1308.

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

/s/ DEBTOR NAME  
DEBTOR NAME

/s/ DEBTOR SPOUSE NAME  
DEBTOR SPOUSE NAME

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

/s/ ATTORNEY NAME  
ATTORNEY NAME