

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re

[Debtor's Name],
Debtor.

Chapter 13

Case # _____

DEBTOR'S MOTION TO TEMPORARILY [REDUCE OR DEFER]
DEBTOR'S OBLIGATION TO MAKE FULL CHAPTER 13 PLAN PAYMENTS
[AND TEMPORARILY RELIEVE THE TRUSTEE OF HIS OBLIGATIONS TO FILE
A NOTICE OF DELINQUENCY AND MOTION TO DISMISS, IN THIS CMP CASE]

I, _____, the attorney for the Debtor in this case, move for an Order granting the Debtor a
90-day [reduction or deferral] of the Debtor's obligation to make full plan payments [and relieve the
Trustee of his obligations to file a notice of delinquency and a motion to dismiss this case, in which he
makes conduit mortgage payments ("CMPs"), pursuant to Vt LBR 3015-2(d)(5) & (6), for that same 90-
day period]. The Debtor is entitled to this relief based on the financial distress the Debtor is experiencing
as a result of COVID-19 and the restrictions imposed in response to the pandemic.

I attach the Debtor's affidavit setting forth the COVID-19 related circumstances that make it
impossible for the Debtor to make full plan payments at this time.

The granting of this relief is essential to the Debtor obtaining chapter 13 relief, is just, and will not
unfairly prejudice any party.

I have conferred with the Trustee and any creditors who have appeared and been active in this
case. The Trustee consents to this relief as evidenced by his signature below, and the I expect the
following active creditors will file e-consent: _____, _____, and _____.

Respectfully Submitted,

Dated: _____

[Debtor's attorney]
[Debtor's attorney's address / contact info]

Consent to Relief:

Dated: _____

Jan M. Sensenich, Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re

**[Debtor's Name],
Debtor.**

**Chapter 13
Case # _____**

**DEBTOR'S AFFIDAVIT IN SUPPORT OF
DEBTOR'S MOTION TO TEMPORARILY [REDUCE OR DEFER]
DEBTOR'S OBLIGATION TO MAKE FULL CHAPTER 13 PLAN PAYMENTS
[AND TEMPORARILY RELIEVE THE TRUSTEE OF HIS OBLIGATIONS TO FILE
A NOTICE OF DELINQUENCY AND MOTION TO DISMISS, IN THIS CMP CASE]**

I, _____, the Debtor in this case, request that the Court grant me a 90-day [reduction or deferral] of my obligation to make full plan payments [and relieve the Trustee of his obligations to file a notice of delinquency and a motion to dismiss this case, in which he makes conduit mortgage payments ("CMPs"), pursuant to Vt LBR 3015-2(d)(5) & (6), until 30 days after the expiration of this suspension or deferral the Court grants me]. I believe I am entitled to this relief based on the financial distress I am experiencing as a result of COVID-19 and the restrictions imposed in response to the pandemic.

I affirm the following statements are true and make it impossible for me to make my full plan payments at this time:

1. My confirmed Chapter 13 Plan requires me to make payments of \$____ per ____, for __ months.
2. As a result of COVID-19 and the restrictions imposed in response to the pandemic, I have suffered the following consequences: _____
_____.

3. I applied for the following benefits:

- ___ mortgage deferral of privately backed mortgage (directly)
- ___ mortgage forbearance of federally backed mortgage (through CARES Act)
- ___ unemployment
- ___ other (specify): _____

4. I expect to receive benefits of \$__ per __, starting ____, 2020, and continuing for __ months, from ____ [source] in the form of (specify, relief from mortgage payments, cash, etc.): _____.
5. Even with these benefits, I will need relief from my plan payment obligations for __ months.
6. Since __, 2020, my net monthly income has dropped from \$__ to \$____. After payment of my regular monthly living expenses (as set forth on my Schedule J or reduced to \$__), I have net monthly disposable income of \$____. This not enough for me to make my full plan payments.
7. I will be able to
 ____ make payments in the amount of \$__ for the foreseeable future OR
 ____ make no payments until [date] when I will recommence full payments.
8. I was current on my plan payments through ____, 2020.
9. [I also ask for a deferral of my obligation to make payments pursuant to a trial payment plan on my mortgage, to ____, for 90 days, without penalty; or for a 90-day deferral on the loss mitigation mortgage mediation in which I am engaged with creditor, ____.]
10. [I also ask the Court to relieve the Trustee from his obligations to file a notice of delinquency and a motion to dismiss this CMP case, pursuant to Vt LBR 3015-2(d)(5) & (6), until 30 days after the expiration of this suspension or deferral.]
11. I will file a motion to modify by ____ [date], which will extend the term of my plan by 90 days to make up for the reduced or deferred payments, so the treatment of my creditors' allowed claims is not diminished by this reduction or deferral of full plan payments.
12. Other circumstances in support of reduction or deferral of my full plan payments:
 _____.
13. My attorney has conferred with the Trustee, the Trustee consents to this relief, and the Trustee's signature is affixed to the Motion.
14. [My attorney has conferred with the attorneys for creditors, _____ (who have appeared and been active in my case), and they consent to this relief, and will file e-consent.]

Dated: _____

 [Debtor's signature]

Dated: _____

 [Co-Debtor's signature, if any]

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re

**[Debtor's Name],
Debtor.**

Chapter 13

Case # _____

**CREDITORS' AND PARTIES IN INTEREST'S CONSENT TO
DEBTOR'S MOTION TO TEMPORARILY [REDUCE OR DEFER]
DEBTOR'S OBLIGATION TO MAKE FULL CHAPTER 13 PLAN PAYMENTS
[AND TEMPORARILY RELIEVE THE TRUSTEE OF HIS OBLIGATIONS TO FILE
A NOTICE OF DELINQUENCY AND MOTION TO DISMISS, IN THIS CMP CASE]**

Optional Alternative to the Filing of E-Consent

Attorney's name and contact information
On behalf of _____

Dated: _____

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re

**[Debtor's Name],
Debtor.**

**Chapter 13
Case # _____**

[PROPOSED] ORDER

**GRANTING DEBTOR'S MOTION TO TEMPORARILY [REDUCE OR DEFER]
DEBTOR'S OBLIGATION TO MAKE FULL CHAPTER 13 PLAN PAYMENTS
[AND TEMPORARILY RELIEVE THE TRUSTEE OF HIS OBLIGATIONS TO FILE
A NOTICE OF DELINQUENCY AND MOTION TO DISMISS, IN THIS CMP CASE]**

Based on the motion and affidavit the Debtor has filed seeking ___ a reduction or ___ deferral of the Debtor's full plan payments, based on circumstances caused by COVID-19, and taking into account the consents filed in support of the Debtor's motion, THE COURT FINDS the Debtor has given adequate notice and demonstrated cause to grant the relief.

Therefore, IT IS HEREBY ORDERED the Debtor's obligation to make full plan payments is temporarily modified as follows: _____

IT IS FURTHER ORDERED that the Debtor shall appear at a status conference on _____, 2020, unless the Debtor files a status report one week before that date, to which the Trustee consents, and the Court cancels the hearing.

[IT IS FURTHER ORDERED the Trustee is relieved of the obligations to file a notice of delinquency and a motion to dismiss this CMP case, imposed by Vt LBR 3015-2(d)(5) & (6), until 30 days after the expiration of this suspension or deferral of full plan payments.]

SO ORDERED.

Dated:
Burlington, Vermont

Heather Z. Cooper
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re

**[Debtor's Name],
Debtor.**

Chapter 13

Case # _____

**CERTIFICATE OF SERVICE FOR
DEBTOR'S MOTION TO TEMPORARILY [REDUCE OR DEFER]
DEBTOR'S OBLIGATION TO MAKE FULL CHAPTER 13 PLAN PAYMENTS
[AND TEMPORARILY RELIEVE THE TRUSTEE OF HIS OBLIGATIONS TO FILE
A NOTICE OF DELINQUENCY AND MOTION TO DISMISS, IN THIS CMP CASE]**

The Debtor must serve the Trustee, all secured creditors, and any attorneys who have appeared in the case and give them 14 days' notice of the relief sought. The Debtor may use the default procedure with this shortened notice period. Alternatively, the Debtor may file a stipulation executed by those parties.