**ANDREA E. CELLI**

**Chapter 12 & 13 Standing Trustee**

7 Southwoods Boulevard, Albany, New York 12211

telephone: (518) 449-2043

email: inquiries@ch13albany.com

**Chapter 12 & 13 Trustee Loan Approval Request Form**

You should use this form only when seeking the trustee’s approval to:

1. borrow no more than $18,000 to purchase a motor vehicle, or spend no more than $300 per month to lease a motor vehicle;
2. borrow or spend no more than $7,000 for an extraordinary expense that is (i) reasonable and (ii) necessary to maintain the health and general welfare of you and/or your dependents; or
3. borrow no more than $20,000 to purchase farm equipment in a chapter 12 case.

# To incur any other type or amount of debt, you must file a motion and obtain court approval.

The trustee will not consider your request for approval to enter into a new loan, auto lease, or refinancing, until after you have notified your attorney, if any, of your intentions to incur new debt and determined, with their advice, whether the new debt will adversely impact your plan or require court approval or modification of your plan. If you are represented by an attorney, they must sign this request form.

For a farm equipment loan in a chapter 12 case, you must also notify all secured creditors affected by the proposed borrowing (including creditors with blanket security agreements and creditors holding liens on any equipment being replaced or traded in) of your intentions to incur new debt, and they must each sign this request form.

Please provide the following information:

Date of request: Debtor’s name:

Debtor’s case number: Debtor’s phone number:

Name of proposed lender/lessor:

Proposed loan amount: Proposed monthly payment:

Proposed interest rate: Proposed down payment:

Item to be: [ ] purchased, [ ] leased, or [ ] refinanced (please specify):

Reason loan / lease / refinance is necessary:

If you propose to refinance a current loan, what is the interest rate, remaining term, and monthly payment

on the current loan?

Has there been any change in your income or employment since you filed your bankruptcy case or since

the Court confirmed your plan? (Please specify):

**Debtor’s Signature**

The above information is complete and accurate to the best of my knowledge.

Date: Debtor’s signature:

**Approval of Debtor’s Attorney**

*For use in all cases where the Debtor is represented by an attorney.*

As the above debtor’s attorney, I have reviewed the above request, discussed it with the debtor, and believe:

1. it is necessary for the debtor to incur this debt/enter into this refinance or lease,
2. the debtor can afford to incur this debt, and
3. this will not adversely affect the debtor’s ability to make payments under their chapter 13 plan.

Date: Signature:

Phone number: Name (please print):

Email address:

Mailing address:

**Consent of Secured Creditor**

*For proposed chapter 12 farm equipment loan only. Please complete for each secured creditor.*

As the secured creditor (or an authorized representative thereof), I consent to the purchase/lease and financing described above.

Nature of secured creditor’s interest:

[ ] holder of a blanket lien on all the debtor’s farm equipment

[ ] holder of a lien on the following farm equipment the debtor proposes to replace or trade in (please

specify):

[ ] other interest affected by the borrowing (please specify):

Date: Signature:

Secured creditor’s name (please print):

Signatory/authorized representative’s name (please print):

**Consent of Secured Creditor**

*For proposed chapter 12 farm equipment loan only. Please complete for each secured creditor.*

As the secured creditor (or an authorized representative thereof), I consent to the purchase/lease and financing described above.

Nature of secured creditor’s interest:

[ ] holder of a blanket lien on all the debtor’s farm equipment

[ ] holder of a lien on the following farm equipment the debtor proposes to replace or trade in (please

specify):

[ ] other interest affected by the borrowing (please specify):

Date: Signature:

Secured creditor’s name (please print):

Signatory/authorized representative’s name (please print):

**Trustee Approval / Denial of Loan Approval Request**

I, Jan M. Sensenich, as the chapter 12 & 13 trustee, have reviewed the above information and:

[ ] approve the foregoing loan approval request because it will not require a material modification of the debtor’s budget and is in the best interest of the debtor and the bankruptcy estate.

[ ] deny approval of the foregoing loan approval request because:

Date: Signature:

***Note:*** The trustee’s approval of a loan does not replace Court approval. If Court approval is necessary, the debtor must file a motion.