

# FOR PUBLIC COMMENT

## PROPOSED LOCAL BANKRUPTCY RULES FOR THE MIDDLE DISTRICT OF TENNESSEE WITH COMMENTARY

PUBLIC COMMENT PERIOD CLOSING NOVEMBER 4, 2016

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### 1007-1. Lists, Schedules, Statements, and Other Documents

**(a) Alphabetical List of Creditors.** The debtor shall file the list of creditors required by FED. R. BANKR. P. 1007(a)(1) with the petition and the list shall be in the form ~~prescribed by~~ located on the court's website at [www.tnmb.uscourts.gov/Forms/Local Bankruptcy Forms](http://www.tnmb.uscourts.gov/Forms/Local%20Bankruptcy%20Forms)> Appendix A.

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#### Comment:

Revision. The forms contained in Appendices A through I will be maintained on the court's website rather than appended to the local rules. The revision reflects this change.

### 1009-1. Amendments to Lists & Schedules

An amendment to a voluntary petition, list, schedule or statement shall include an attached Notice of Amendment stating, with specificity, the nature of the amendment being made. If an amendment to **Schedule D, E/F, G** or a List of Creditors is filed, the Notice of Amendment shall only state the creditors added or changed.

#### Comment:

Revision. The revision clarifies the notice of amendment filed with an amendment to Schedule D, E/F, or G must list amended entries, not just added creditors.

### 2002-1. Notice to Creditors and Other Interested Parties

**(a) Notice of Meeting of Creditors When Schedules and/or Creditor List Are Filed Subsequent to the Petition.** If the list required by FED. R. BANKR. P. 1007 is not filed, does not conform to Appendix A (located on the court's website at, [www.tnmb.uscourts.gov/Forms/Local Bankruptcy Forms](http://www.tnmb.uscourts.gov/Forms/Local%20Bankruptcy%20Forms)), or is amended to add creditors after the filing of the petition, the debtor shall mail a copy of the 11 U.S.C. § 341 meeting of creditors notice issued by the court to all entities on the List of Creditors or if amended, all entities not on the original List of Creditors within 7 days of the filing of the list or amendment. The debtor shall then file a certificate of mailing pursuant to LBR 9013-3.

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**Comment:**

Revision. The forms contained in Appendices A through I will be maintained on the court's website rather than appended to the local rules. The revision reflects this change.

**2015-2. Chapter 11 Trustee or Debtor-in-Possession Duties**

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**(b) Confirmed Chapter 11 Cases.** In Chapter 11 cases with a confirmed plan and until entry of a final decree closing the case, the reorganized debtor shall file and transmit to the United States Trustee a Chapter 11 Post-Confirmation Quarterly Report in the form located on the court's website at [www.tnmb.uscourts.gov/Forms/Local Bankruptcy Forms/Excel Format/Appendix I](http://www.tnmb.uscourts.gov/Forms/Local%20Bankruptcy%20Forms/Excel%20Format/Appendix%20I), which shall be due on or before April 30, July 31, October 31, and January 31.

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**Comment:**

Revision. The forms contained in Appendices B through I will be maintained on the court's website rather than appended to the local rules. The revision reflects this change.

**2082-1. Chapter 12 – General**

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**(b) Motions Modifying Chapter 12 Plans.** In addition to the requirements of LBR 9013-1, any motion or agreed order that amends or modifies a proposed or confirmed Chapter 12 plan must include a verified comparative budget and a statement of impact on creditors in the form located on the court's website at [www.tnmb.uscourts.gov/Forms/Local Bankruptcy Forms/Appendix B](http://www.tnmb.uscourts.gov/Forms/Local%20Bankruptcy%20Forms/Appendix%20B). This provision includes but is not limited to motions and agreed orders to:

- (1) suspend payments;
- (2) incur credit; or
- (3) change the amount or timing of any payment.

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**Comment:**

Revision. The forms contained in Appendices A through I will be maintained on the court's website rather than appended to the local rules. The revision reflects this change.

**3007-1. Claims – Objections**

- (a)** LBR 9013-1 is modified as follows with respect to objections to claims:

(1) ~~(a)~~ The notice of objection to claim shall provide a 30 day period for the filing of a response.

(2) ~~(b)~~ Every objection to claim and notice shall be accompanied by an affidavit or declaration under penalty of perjury that states with specificity the basis for the objection.

(3) ~~(c)~~ Every objection to a claim and notice shall identify the claim by claim number assigned on the court's claims register.

(b) ~~(d)~~ In a Chapter 12 or 13 case, ~~no~~ the trustee may partly or fully withhold distributions on account of any claim to which an objection has been ~~shall be made~~ filed until such objection is resolved.

**Comment:**

Revision. The rule is reorganized and renumbered to separate the provision regarding disbursements on claims with pending objections from the provisions modifying LBR 9013-1. The provision regarding disbursements is also made permissive and modified to permit partial withholding of disbursements. Withholding all disbursements is not always appropriate, especially when an objection to a claim does not challenge the entire claim.

**3011-1. Unclaimed Funds in Chapter 7, Chapter 12 and Chapter 13 Cases**

(a) **Motions to Withdraw Unclaimed Funds.** A motion to withdraw unclaimed funds shall be in the form ~~located on the court's web site at~~ [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)>Forms>Local Bankruptcy Forms>Appendix C.

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**Comment:**

Revision. The forms contained in Appendices A through I will be maintained on the court's website rather than appended to the local rules. The revision reflects this change.

**3015-1. Chapter 13 – Plan**

(a) **Form.** All Chapter 13 plans filed in this district shall substantially conform to the Model Plan ~~is~~ ~~located on the court's web site at~~ [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)>Forms>Local Bankruptcy Forms>Appendix D. Provisions not otherwise included in the Model Plan or deviating from it are effective only if they are included in a section of the Model Plan designated for nonstandard provisions and are also identified in accordance with any other requirements of the Model Plan form.

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**Comment:**

Revision. The forms contained in Appendices A through I will be maintained on the court's website rather than appended to the local rules. The revision reflects this change.

**3015-2. Chapter 13 - Amendments to Plans**

**(a) In General.** In addition to the requirements of LBR 9013-1, any motion filed by a debtor that modifies a confirmed Chapter 13 plan must include a verified comparative budget and statement of impact on creditors in the form **located on the court's website at <[www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)>Forms>Local Bankruptcy Forms>**Appendix B. This provision includes but is not limited to motions and agreed orders to:

- (1) suspend payments;
- (2) incur credit; or
- (3) change the amount or timing of any payment.

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**Comment:**

Revision. The forms contained in Appendices B through I will be maintained on the court's website rather than appended to the local rules. The revision reflects this change.

**3070-1. Chapter 13 - Payments.**

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**(b) Reimbursement for Chapter 13 Notices.** Debtors' attorneys will be reimbursed for actual expenses incurred in mailing notices in an amount not to exceed \$1.00 per notice (~~\$3~~ **5.00** for certified mail if required), but only upon receipt by the trustee of the certificate of service filed pursuant to LBR 9013-3.

**Comment:**

Revision. The revision adjusts the cap for certified mail expenses to reflect changes in the rates for certified mail.

**4001-1. Automatic Stay – Relief from**

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**(e) Order Granting Relief from Automatic Stay.** In Chapter 7, 12 and 13 cases, orders

granting relief from the automatic stay in 11 U.S.C. § 362(a) must comply with the following provisions.

**(1) Affected Collateral.** Order must describe the real or personal property that is security for the movant's debt.

**(2) Form of Order.** The forms located on the court's website at [located on the court's website at <www.tnmb.uscourts.gov>Forms>Local Bankruptcy Forms](http://www.tnmb.uscourts.gov) shall be used when there is Affected Collateral and: (a) no opposition to the motion for stay relief was filed; (b) any filed opposition was withdrawn; or, (c) any opposition was overruled by the court at the Scheduled Hearing.

**(3) Abandonment by Trustee.** If the motion for stay relief states that the Affected Collateral is burdensome or of inconsequential value to the estate, and the trustee does not oppose stay relief, then the applicable forms located on the court's website at [located on the court's website at <www.tnmb.uscourts.gov>Forms>Local Bankruptcy Forms>Appendix E-3 or E-4](http://www.tnmb.uscourts.gov) shall be used. Abandonment is only effective if the trustee approves the order for entry.

**(4) FED. R. BANKR. P. 4001(a)(3) Stay.** If the motion for stay relief requests that FED. R. BANKR. P. 4001(a)(3) not apply and there is no opposition to that request, then the applicable forms located on the court's website at [located on the court's website at <www.tnmb.uscourts.gov>Forms>Local Bankruptcy Forms>Appendix E-2 or E-4](http://www.tnmb.uscourts.gov) shall be used.

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**Comment:**

Revision. The forms contained in Appendices A through I will be maintained on the court's website rather than appended to the local rules. The revision reflects this change.

**LBR 4003-2. Lien Avoidance**

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**(c) Order.** A motion to avoid a lien under 11 U.S.C. § 522(f) must be accompanied by a proposed order in the form located on the court's website at [located on the court's website at <www.tnmb.uscourts.gov>Forms>Local Bankruptcy Forms>Appendix F](http://www.tnmb.uscourts.gov).

**Comment:**

Revision. The forms contained in Appendices A through I will be maintained on the court's website rather than appended to the local rules. The revision reflects this change.

## 9004-2. Caption – Papers, General

### (a) In General.

(1) ~~(a)~~ All papers for filing must include in the caption the bankruptcy case number, the chapter of the case, and the name of the Judge to whom the case is assigned. The caption shall include a title that summarizes or describes the content of the document.

(2) All orders submitted for entry shall specify the relief to be granted by the order.

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### Comment:

Addition. The new provision clarifies that any submitted order must state the proposed relief (as opposed to, for example, stating, “the motion is granted”).

## 9013-1. Motion Practice

~~(a) “After Notice and a Hearing.” Whenever Title 11 of the United States Code, any rule or any order authorizes an act “after notice and a hearing” or similar phrase:~~

~~(1) Movant shall file and serve a motion together with a notice in the form of Appendix G on the parties required to receive notice and file a certificate of service pursuant to LBR 9013-3. Every notice under this rule shall include, by attachment or exhibit, a copy of the proposed order or agreed order the movant will submit in the event no response to the motion is filed.~~

(2) The hearing date, time, location, specific courtroom (if applicable), and last day to file responses must be included in the notice. The hearing date shall be obtained from the court’s website at <[www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)>. Hearings in Chapter 12 and Chapter 13 cases may only be scheduled for Chapter 13 hearing dates. Hearings in all other cases may not be scheduled for a Chapter 13 hearing date, except for the Cookeville and Columbia divisions. Unless Title 11 of the United States Code, the Federal Rules of Bankruptcy Procedure or these local rules provide otherwise, the notice shall provide for a 21 day response period to run from the placing of the notice in the U.S. mail, postage prepaid. The hearing date shall be no sooner than 7 days after the last day to file responses. Departure from this rule requires compliance with LBR 9075-1.

(3) Any response to a motion shall state prominently the deadline for filing responses, the date, time, location, and specific courtroom (if applicable) of the scheduled hearing and a description of the motion or notice to which it relates.

Any request for relief, other than one requiring a complaint resulting in the initiation of an adversary proceeding under FED. R. BANKR. P. 7001, must be made by written motion. Unless a motion is excluded pursuant to section (b), all motions must be initiated by the process indicated in this rule.

**(a) “If Objection” Process.** The majority of motions should be handled through an “if objection” process, whereby a hearing date is selected by movant’s counsel from the availability calendar found on the court’s website. A hearing will be conducted only if someone files a timely written objection to the relief sought. The procedure to be used for this type of “if objection” motion is governed by subsections (c) and (d) below.

**(b) Exclusions from “If Objection” Process.** Exclusions from the “if objection” procedure generally include certain types of motions that are set for a hearing by the court regardless of whether an objection is filed, a limited number of routine motions that are acted upon by the court without the necessity of any time period for objections or any hearing, motions requiring an expedited process under LBR 9075-1, and most motions in adversary proceedings. Motions that are excluded from the “if objection” process are identified in more detail on the court’s website at <[www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)> Local Rules > 9013-1 Motions — Exclusion List, and such list is considered to be a part of these local rules. If a motion is excluded from the “if objection” process, the Court will either act on the request without a hearing or set the matter for a hearing with appropriate notice.

**(c) Requirements for “If Objection” Process.** The “if objection” process requires the following:

(1) Movant shall file and serve a motion together with a notice in the form of ~~located on the court’s website at <[www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)>Local Rules~~ Appendix G on the parties required to receive notice, and file a certificate of service pursuant to LBR 9013-3. Every ~~notice~~ motion under this rule shall include, by attachment or exhibit, a copy of the proposed order or agreed order the movant will submit in the event no response to the motion is filed. ~~Unless the cumulative size of the document dictates otherwise, the three required components should be filed as a single PDF document with the notice first, followed by the motion and then the proposed order.~~

(2) The hearing date, time, location, specific courtroom (if applicable), and last day to file responses must be included in the notice. The hearing date shall be obtained from the court’s ~~availability calendar on its~~ website at <[www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)>. ~~Hearings in Chapter 12 and Chapter 13 cases may only be scheduled for Chapter 13 hearing dates. Hearings in all other cases may not be scheduled for a Chapter 13 hearing date, except for the Cookeville and Columbia divisions. Cases in the Cookeville and Columbia divisions should only be set on dockets for those respective divisions unless court approval is obtained to conduct the hearing in Nashville. With regard to Nashville division cases, hearings in Chapter 12 and Chapter 13 cases may only be scheduled for Chapter 13 hearing dates. Hearings in all other cases in the Nashville division may not be scheduled for a Chapter 13 hearing date.~~ Unless Title 11 of the United States Code, the Federal Rules of Bankruptcy Procedure or these local rules provide otherwise, the notice shall provide for a 21-day response period to run from the placing of the notice in the U.S. mail, postage prepaid. The hearing date shall be no sooner than 7 days after the last day to file responses. Departure from this rule requires compliance with LBR 9075-1.

(3) Any response to a motion shall state prominently the deadline for filing responses, the date, time, location, and specific courtroom (if applicable) of the scheduled hearing and a description of the motion or notice to which it relates.

(4) If a timely response is filed, the hearing will be held at the date and time in the Notice. No further notice of the hearing date is required. If a timely response is filed, LBR 9014-1 shall apply.

(5) If a timely response is filed and the contested matter is subsequently resolved by agreement of all parties, an agreed order will excuse attendance only if it is filed **submitted** prior to the hearing. Otherwise, announcement of an agreement resolving a contested matter may be made by counsel at the first call of the docket on the hearing date.

(6) The failure to file and serve a timely response shall be deemed a statement of no opposition to the relief requested.

(7) If no timely response is filed, movant or the parties to an agreed order shall file the original of the order or agreed order exhibited in the notice no later than 7 days after the hearing date. If no timely response is filed, movant or the parties to an agreed order are excused from attendance at the hearing date. If no timely response is filed, LBR 9014-1 shall not apply.

(8) After the order or agreed order has been signed and received for entry, the party submitting the order or agreed order shall serve a copy of the signed order on the parties required to receive notice. This requirement of separate service of the signed order is waived only when the notice mailed pursuant to subparagraph (1) of this rule included an **identical** copy of the order or agreed order **that was ultimately entered** and no timely response was filed.

**~~(b) Exclusions and Modifications.~~**

**~~(1) Exclusions.~~** LBR 9013-1(a) shall not apply to the following motions:

- ~~(a) Motions to Convert Chapter 12 or Chapter 13 Cases filed by the Trustee~~
- ~~(b) Motions and agreed orders under LBR 4001-1~~
- ~~(c) Motions in a case controlled by a separate case management order~~
- ~~(d) Motions in adversary proceedings, except motions for entry of default judgment whether issued by the Clerk or by the court under FED.R.CIV.P. 55(b) made applicable by FED.R.BANKR.P. 7055(b)~~
- ~~(e) Motions for withdrawal or substitution of attorneys pursuant to LBR 2091-1~~
- ~~(f) Motions to dismiss or convert a case to Chapter 7 under § 1112~~
- ~~(g) Motions for Voluntary Dismissal of a Chapter 13 Case~~
- ~~(h) Motions to approve reaffirmation agreements~~
- ~~(i) Motions under FED. R.BANKR.P. 9023 or 9024, except motions under LBR 9024-1~~
- ~~(j) Motions to Dismiss under LBR 2003-1(a)~~

~~(2)~~ **(d) Modifications.** LBR 9013-1(a) is modified to include the additional requirements provided in the following rules:

- (1) LBR 2014-1 Notice of Employment Application
- (2) LBR 2016-1 Notice of Fee Application
- (3) LBR 2082-1 Motions to Modify or Amend Chapter 12 Plans
- (4) LBR 3007-1 Objections to Claims
- (5) LBR 3011-1 Unclaimed Funds
- (6) LBR 3015-2 Motions to Modify or Amend Chapter 13 Plans
- (7) LBR 4003-2 Lien Avoidance
- (8) LBR 6005-1 Auctioneers & Real Estate Agents
- (9) LBR 6007-1 Notice of Abandonment
- (10) LBR 9019-1 Settlements and Agreed Orders

**Comment:**

The revisions are geared toward two primary goals: First, there is some added clarity in subsections (a) and (b) about the different types of motions that can be filed – the “if objection” type and others that either require a hearing regardless of objection or can be acted upon without an objection or hearing process. Second, the rule is changed to identify the exceptions on the Court website (so that the list can be more easily modified) with there being a presumption that anything not excluded will be handled through the “if objection” process. The basic notice/motion/proposed order procedures have not been changed.

There also is an addition in paragraph (d). That proposed revision is made in conjunction with the proposed revision to LBR 9019-1 refers to the additional requirements under the new LBR 9019-1.

**9014-1. Contested Matters – Pretrial Disclosures and Court Filings**

**(a) Discovery – General** – This rule applies to any contested matter – whether arising as a result of an “if objection” motion under LBR 9013-1 followed by an objection being filed or as the result of any other motion set by the court for a hearing where a response is filed opposing the relief sought. ~~Subsections~~ The timing and necessity of initial disclosures are governed by this rule, and subsections (a), (d) and (f) of FED. R. CIV. P. 26 do not apply to such contested matters.

**(b) Pretrial Orders and Conferences.** Unless provided otherwise in a notice or order, pretrial orders and pretrial conferences are not required in contested matters. At any time, any party may file a motion requesting a pretrial conference.

**(c) Response Required Deadline.** In all contested matters not controlled by a notice the “if objection” process under LBR 9013-1, ~~in which no~~ unless an order or notice provides otherwise, any party in opposition to the relief requested shall file and serve a “response” or “objection” on or before the earlier of 21 days after service of the paper commencing the contested matter or 7 days before any scheduled hearing of the contested matter. The failure to file and serve a timely

response shall be deemed a statement of no opposition to the relief requested. The court may enter an order granting the relief or may proceed with the hearing as scheduled despite the lack of a response. In the case of any contested matter set for hearing by the court and not governed by LBR 9013-1(a), the presence of movant's counsel at the hearing is required unless an order has already been entered granting the relief at the time of the hearing.

**(d) Required Pretrial Disclosures and Court Filings.** ~~When a timely response has been filed, discovery in all contested matters shall include the following:~~ Although various pretrial initial disclosures are not automatically required in contested matters pursuant to FED. R. BANKR. P. 7026, either the movant or the respondent in any contested matter may invoke certain pretrial initial disclosure requirements pursuant to subsection (1) below. Regardless of whether the initial disclosure requirements are invoked by either party, all parties must make certain pretrial filings and exchange certain information in advance of the hearing as set forth in subsection (2) below.

**(1) Required Disclosures Pretrial Court Filings.** ~~Without waiting for a discovery request, every party shall provide to every other party the information listed below. A party shall make these Required Disclosures based on the information then reasonably available and is not excused from these Required Disclosures because it has not fully completed its investigation or because it challenges the sufficiency of another party's disclosure or because another party has not made its disclosure.~~ In addition to the pretrial disclosures that may be invoked by paragraph (2) below, and regardless of whether such pretrial disclosure process has been invoked, every party shall file with the Court and provide to every other party by noon two business days prior to the hearing the following information regarding evidence it may present at a hearing or trial (other than solely for impeachment purposes):

(a) ~~The name, address and telephone number of each individual likely to have discoverable information relevant to the contested matter, identifying the subject(s) of the information~~ witness the party expects to present or may call if the need arises;

(b) ~~A copy of , or a description by category and location of, all documents, data compilations and tangible things in the possession, custody or control of the party that are relevant to the contested matter~~ the transcript of testimony or affidavit of any witness whose testimony will be offered in that form;

(c) ~~The identity of any person who may be used at trial as an expert witness under Rules 702, 703 or 705 of the Federal Rules of Evidence. This disclosure shall be accompanied by a written report prepared and signed by the witness. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor. The data or other information considered by the witness in forming the opinions. Any exhibits to be used as a summary of or support for the opinions. The qualifications of the witness. The compensation to be paid for the testimony and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.~~ A list and copy, with appropriate identification, of each document or other exhibit a party expects to offer or may offer as evidence. (For any matter to be heard in the Nashville Division, the exhibits shall be filed and exchanged utilizing the Court's Electronic Evidence Submission Application pursuant to the Electronic Evidence Procedures.)

~~(d) The disclosures required in paragraphs (a) and (b) shall be completed no later than 7 days after service of the response or 2 business days prior to the hearing, whichever occurs first. The disclosures required in paragraph (c) shall be completed no later than 14 days after service of the response or 2 business days prior to the hearing, whichever occurs first. An expert report of the type described in LBR 9014-1(c) herein for any expert expected to testify.~~

**(2) Pretrial Initial Disclosures.** ~~In addition to the disclosures required by paragraph (1) above, every party shall provide to every other party 48 hours prior to the hearing the following information regarding evidence it may present at a hearing or trial (other than solely for impeachment purposes):~~ **If the movant elects to require pretrial disclosures as set forth herein, movant shall include the following statement in bold in the first paragraph of the motion: “Disclosures pursuant to LBR 9014-1(d)(1) shall be required for this matter.”** ~~If the movant does not include such language invoking the disclosure requirement, the respondent may invoke the requirement by including the same language in bold in the first paragraph of the response. If either the movant or a respondent invokes the initial disclosure requirements herein, each party shall provide to every other party to the contested matter the information listed below in subsections (a) thru (c). A party shall make these required disclosures based on the information then reasonably available and is not excused from these required disclosures because it has not fully completed its investigation or because it challenges the sufficiency of another party’s disclosure or because another party has not made its disclosure.~~

~~(a) The name, address and telephone number of each witness the party expects to present or may call if the need arises~~ **individual likely to have discoverable information relevant to the contested matter, identifying the subject(s) of the information;**

~~(b) A copy of, the transcript of testimony or affidavit of any witness whose testimony will be offered in that form~~ **or a description by category and location of, all documents, data compilations and tangible things in the possession, custody or control of the party that are relevant to the contested matter;**

~~(c) A list and copy, with appropriate identification, of each document or other exhibit a party expects to offer or may offer as evidence.~~ **The identity of any person who may be used at trial as an expert witness under Rules 702, 703 or 705 of the Federal Rules of Evidence. This disclosure shall be accompanied by a written report prepared and signed by the witness. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor. The data or other information considered by the witness in forming the opinions. Any exhibits to be used as a summary of or support for the opinions. The qualifications of the witness. The compensation to be paid for the testimony and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.**

~~(d) The disclosures required in paragraphs (a) and (b) shall be completed no later than 7 calendar days after service of the objection or response or 4 business days prior to the hearing, whichever occurs first. The disclosures required in paragraph (c) shall be completed no later than 14 days after service of the response or 4 business days prior to the hearing, whichever occurs first.~~

### **(3) Briefs and Memoranda of Law.**

(a) Time for Filing. When a timely response is filed in any contested matter and a hearing is scheduled, parties to the contested matter may supplement any factual or legal arguments made in their motion or response by submitting briefs or memoranda of law no later than 2 business days prior to the hearing, unless a court order or notice indicates a different deadline.

(b) Citations. Currently, the court has access to Westlaw and Lexis. Any citation to any document that is in a format that allows retrieval from Westlaw or Lexis is acceptable. Otherwise, a copy of the cited document must be provided.

(e) **First Time Continuances in Contested Matters.** Except with respect to stay relief addressed by LBR 4001-1, the agreement of all parties to continue for the first time a hearing in a contested matter (but not in adversary proceedings) excuses the attendance of counsel at the first scheduled hearing of the contested matter if:

(1) An Order, or an Agreed Order for First Continuance are filed no later than noon on the second business day prior to the date of the scheduled hearing;

(2) The order or agreed order specifies the date, time and place for the continued hearing of the contested matter;

(3) If the contested matter arises in a Chapter 13 case, the agreed order is signed by the Chapter 13 trustee.

In the alternative, announcement of the agreement of all parties to continue for the first time a hearing in a contested matter may be made by counsel at the first call of the docket on the hearing date.

#### **Comment:**

The major change in 9014-1 is to make certain Rule 26 type disclosures optional rather than automatically required. It has been observed that the current rule is mostly ignored, and that hundreds of contested matters (especially in Chapter 13) are heard each week without either side ever complying with the current disclosure rules. Under the revised version, either side to a contested matter may invoke the disclosure requirements (regarding persons with knowledge, relevant documents, etc.), but the disclosures are not required unless one party or the other invokes the rule. The mandatory filings with the Court (witness list, exhibits, etc.) remain mandatory regardless of whether the pretrial disclosures were invoked.

#### **9018-1. Secret, Confidential, Scandalous or Defamatory Matter**

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(b) **Request to File Document Under Seal.** Counsel seeking to file a document or any portion under seal must:

(1) File by physical delivery to the Clerk and serve a Motion to File under Seal, accompanied by a declaration establishing that the document is sealable. The motion must specify the appropriate level of public disclosure with respect to each of the following:

(i) The docket text on CM/ECF regarding the Motion to File under Seal;

(ii) The Motion to File under Seal;

(iii) The docket text on CM/ECF regarding the Order Granting Filing Under Seal;

(iv) The Order Granting Filing Under Seal; and

(v) The docket text on CM/ECF regarding the filing of the document(s) filed under seal.

(2) Specify parties to whom the Clerk may grant access to the sealed document(s).

(3) Attach the completed form located on the court's website at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)>Forms>Local Bankruptcy Forms>Appendix H as a cover sheet to the Motion to File under Seal.

(4) File by physical delivery to the Clerk a proposed order sealing the document(s).

(5) File by physical delivery to the Clerk the document(s) in a sealed envelope or container, with a cover sheet affixed prominently displaying the notation: "DOCUMENT SUBMITTED UNDER SEAL."

(6) If only a portion of a document is sealable, the submitting party must also file, by physical delivery to the Clerk, a redacted version of the document to be placed in the public record if the Court approves the requested sealing order; and

(7) File by physical delivery to the Clerk a second copy of the document submitted under seal for delivery to the Judge's chambers by the Clerk in an identically labeled envelope or container.

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**Comment:**

Revision. The forms contained in Appendices A through I will be maintained on the court's website rather than appended to the local rules. The revision reflects this change.

**9019-1. Settlements and Agreed Orders**

Any motion or order to approve a compromise or settlement must be filed in the bankruptcy case and in any related proceeding where the complaint or action originated.

**Comment:**

This rule is new. Motions and orders to approve compromises and settlements are not being consistently filed in the underlying bankruptcy case. Filing these documents only in the related proceeding does not provide adequate notice to parties in the bankruptcy case. The new rule requires the documents to be filed in both the bankruptcy case and the related proceeding.

**9037-1. Privacy Protection for Filed Documents**

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(c) **Clerk Shall Act.** The filing of a Motion consistent with this rule shall be acted upon as soon as practicable by the Clerk before or after entry of an order. The only acts authorized by this provision are the entry by the Clerk of an order restricting public access to the affected document(s) identified in the Motion and implementing that restriction. The Clerk shall not physically redact, alter or replace any filed document. Access to the affected document(s) shall remain unrestricted to the debtor(s), the debtor's attorney, the entity that filed the affected document(s), **the attorney for the entity that filed the affected documents**, the United States Trustee and the case trustee.

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**Comment:**

Revision. The proposed revision clarifies that the attorney for an entity that has filed a document affected by a request under LBR 9037-1 may have access to the affected document.

**APPENDICES**

Appendices A through I are removed.

**Comment:**

Revision. The forms contained in Appendices A through I will be maintained on the court's website rather than appended to the local rules.

Debtor \_\_\_\_\_

United States Bankruptcy Court for the Middle District of Tennessee [Bankruptcy district]

Check if this is an amended plan

Case number: \_\_\_\_\_

Official Form 113

**Chapter 13 Plan**

**Part 1: Notices**

To Debtor(s): This form sets out options that are appropriate in some cases but not in others. The may-be-appropriate-in-some-cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

*In the following notice to creditors and statement regarding your income status, 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 at least 5 days before the meeting of creditors or raise an objection on the record at the meeting of creditors. The Bankruptcy Court may confirm this plan without further notice if no timely objection to confirmation is made. *See Bankruptcy Rule 3015.* In addition, you may need to must file a timely proof of claim must be filed before your claim will be in order to be paid under any the plan.

*The following matters may be of particular importance to you. Debtor(s) must check one box on each line to state whether the plan includes each of the following items. If an item is not checked as "Included" or if both boxes are checked, the provision will not be effective if set out later in the plan. Boxes must be checked by debtor(s) if applicable.*

1.1	<u>A limit on the amount of a secured claim, set out in § 3.2, which may result in partial payment or no payment to the secured creditor.</u>	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.2	<u>Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 3.4.</u>	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.3	<u>Nonstandard provisions, set out in Part 9.</u>	<input type="checkbox"/> Included	<input type="checkbox"/> Not included

\_\_\_\_\_ The plan seeks to limits the amount of a secured claim, as set out in Part 3, Section 3.2, which may result in a partial payment or no payment at all to the secured creditor.

\_\_\_\_\_ The plan requests the avoidance of avoids a judicial lien or nonpossessory, nonpurchase-money security interest as set out in Part 3, Section 3.4.

\_\_\_\_\_ The plan sets out contains nonstandard provisions in Part 9. Income status of debtor(s), as stated on Official Form 122-C1

Check one.

The current monthly income of the debtor(s) is less than the applicable median income specified in 11 U.S.C. § 1325(b)(4)(A).

The current monthly income of the debtor(s) is not less than the applicable median income specified in 11 U.S.C. § 1325(b)(4)(A).

**Part 2: Plan Payments and Length of Plan**

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

<u>Payments made by</u>	<u>Amount of each payment</u>	<u>Frequency of payments</u>	<u>Duration of payments</u>	<u>Method of payment</u>
-------------------------	-------------------------------	------------------------------	-----------------------------	--------------------------

Debtor 1  
 Debtor 2      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_ months

Debtor will make payment directly to trustee  
 Debtor consents to payroll deduction from:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Debtor 1  
 Debtor 2      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_ months

Debtor will make payment directly to trustee  
 Debtor consents to payroll deduction from:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ months  
[and \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ months.] *Insert additional lines as needed.*

If fewer than 60 months of payments are specified, 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.

**2.2 Regular payments to the trustee will be made from future earnings in the following manner:**

*Check all that apply.*

- Debtor(s) will make payments pursuant to a payroll deduction order.
- Debtor(s) will make payments directly to the trustee.
- Other (specify method of payment): \_\_\_\_\_.

**2.3 Income tax refunds and returns.** *Check ~~one~~ all that apply.*

**2.2**

- Debtor(s) will retain any income tax refunds received during the plan term.
- Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- Debtor(s) will treat income tax refunds as follows:

\_\_\_\_\_  
\_\_\_\_\_

**2.4 Additional payments.** *Check one.*

**2.3**

- None.** *If "None" is checked, the rest of § 2.34 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.

\_\_\_\_\_  
\_\_\_\_\_

**2.52.4** \_\_\_\_\_ The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.43 is \$ \_\_\_\_\_.

**Part 3: Treatment of Secured Claims**

**3.1—Maintenance of payments and cure of default, if any. Check one.**

**3.1**

- None.** If “None” is checked, the rest of §\_3.1 need not be completed or reproduced.
- ~~The debtor(s) will maintain the current contractual i~~ installment payments on the secured claims listed below will be maintained, and any arrearage through the month of confirmation will be paid in full as stated below, with any changes required by the applicable contract. These Both the installment payments and the amounts to cure the arrearage will be disbursed either by the trustee or directly by the debtor, as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated.

~~Unless otherwise ordered by the court, the a~~ Amounts listed stated on a proof of claim filed in accordance with the Bankruptcy Rules or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. After confirmation of the plan, the trustee shall adjust the installment payments below in accordance with any such proof of claim and any Notice of Mortgage Payment Change filed under Rule 3002.1. The trustee shall adjust the plan payment in Part 2 in accordance with any adjustment to an installment payment and shall file a notice of the adjustment and deliver a copy to the debtor, the debtor’s attorney, the creditor, and the U.S. Trustee, but if an adjustment is less than \$25 per month, the trustee shall have the discretion to adjust only the installment payment without adjusting the payments under Part 2. The trustee is further authorized to pay any postpetition fee, expense, or charge, notice of which is filed under Bankruptcy Rule 3002.1 and as to which no objection is raised, at the same disbursement level as the arrearage.

Confirmation of this Plan imposes on any claimholder listed below the obligation to:

- Apply arrearage payments received from the trustee only to such arrearages.
- Treat the obligation as current at confirmation such that future payments, if made pursuant to the plan, shall not be subject to late fees, penalties, or other charges.

~~If relief from the automatic stay is ordered as to any item of collateral listed below in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph section as to to creditors secured by 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	Collateral	Current installment payment (including escrow)	Amount of arrearage, if any	Interest rate on arrearage (if applicable)	Monthly <del>plan</del> <u>payment on arrearage, if any</u>	Estimated total payments by trustee
_____	_____	\$ _____	<u>Prepetition:</u> \$ _____ <u>Disbursed by:</u> <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s) <u>Gap payments:</u> \$ _____ <u>Last month in gap:</u> _____	_____ %	\$ _____	\$ _____ _____
_____	_____	\$ _____	<u>Prepetition:</u> \$ _____ <u>Disbursed by:</u> <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s) <u>Gap payments:</u> \$ _____ <u>Last month in gap:</u> _____	_____ %	\$ _____	\$ _____ _____

*Insert additional claims as needed.*

**3.2 Request for valuation of security and claim modification. Check one.**

**None.** If "None" is checked, the rest of §\_3.2 need not be completed or reproduced.

**The remainder of this paragraph section will be effective only if the applicable box in Part § 1.1 of this plan is checked.**

~~For each claim listed below, the debtor(s) request that the court determine the value of the creditor's interest in any property securing the secured claims listed below based on the amount stated. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as set out in the column headed Amount of Value securing claim. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, if this amount exceeds any allowed claim amount, the value of the secured claim will be paid in full with interest at the rate stated below. If the amount is less than the allowed claim amount, the claim will be paid the full value securing the claim, with interest at the rate stated below.~~

The portion of any allowed claim that exceeds the ~~amount of the value securing the claim~~ will be treated as an unsecured claim under ~~Part § 5.1 of this plan~~. If the ~~amount of a creditor's value securing a creditor's claim~~ is listed below as ~~having zero or no value~~, the creditor's allowed claim will be treated ~~in its entirety~~ as an unsecured claim under ~~Part § 5.1 of this plan~~. ~~The avoidance of any lien because it is not secured by any value must be addressed in Part 9. Unless otherwise ordered by the court, the amount of the a creditor's total claim listed stated on the a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amounts listed in this paragraph stated below.~~

The holder of any claim listed below as ~~having secured by any value in the column headed Amount of secured claim~~ will retain the lien until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) discharge under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor. ~~See Bankruptcy Rule 3015.~~

~~If relief from the automatic stay is ordered as to any collateral listed below, all payments under this section to creditors secured by that collateral will cease.~~

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of Value securing claim	Interest rate	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.**

3.3

**None.** If "None" is checked, the rest of §\_3.3 need not be completed or reproduced.

The claims listed below were either:

- (1) 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
- (2) incurred within 1 year ~~efbefore~~ the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full ~~through the trustee under the plan with interest at the rate as~~ stated below. ~~These payments will be disbursed either by the trustee or directly by the debtor, as specified below. Unless otherwise ordered by the court, the claim amount stated on a timely filed proof of claim filed in accordance with the Bankruptcy Rules 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.~~

~~If relief from the automatic stay is ordered as to any collateral listed below, all payments under this section to creditors secured by that collateral will cease.~~

Name of creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment	Estimated total payments by trustee
_____	_____	\$ _____	____%	\$ _____	\$ _____

Debtor \_\_\_\_\_

Case number \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ % \$ \_\_\_\_\_ \$ \_\_\_\_\_

Insert additional claims as needed.

**3.4 Lien avoidance.** Check one.

**None.** If "None" is checked, the rest of §-3.4 need not be completed or reproduced.

**The remainder of this paragraph-section will be effective only if the applicable box on in Part § 1.2 of this plan is checked.**

The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been be entitled under 11 U.S.C. § 522(b). A The judicial liens or security interests securing a claim listed below will be avoided to the extent that it they impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim under § 5.1 in Part 5. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
Name of creditor _____	a. Amount of lien \$ _____	Amount of secured claim after avoidance (line a minus line f) \$ _____
	b. Amount of all other liens \$ _____	
Collateral _____	c. Value of claimed exemptions + \$ _____	Interest rate (if applicable) _____ %
	d. Total of adding lines a, b, and c \$ _____	
Lien identification (such as judgment date, date of lien recording, book and page number) _____ _____	e. Value of debtor's interest in property - \$ _____	Monthly plan payment \$ _____
	f. Subtract line e from line d. \$ _____	
Extent of exemption impairment (Check applicable box):		
<input type="checkbox"/> <b>Line f is equal to or greater than line a.</b> The entire lien is avoided. (Do not complete the next column.)		
<input type="checkbox"/> <b>Line f is less than line a.</b> A portion of the lien is avoided. (Complete the next column.)		

Insert additional claims as needed.

**3.5 Surrender of collateral.** Check one.

3.5

**None.** If "None" is checked, the rest of §-3.5 need not be completed or reproduced.

The debtor(s) elect to surrender to each creditor listed below the listed collateral that secures the creditor's claim. The debtor(s) consent to termination of Upon confirmation of this plan the stay under 11 U.S.C. §-362(a) will be terminated as to the collateral only and the stay under § 1301 will be terminated in all respects with respect to the collateral, upon confirmation of the plan. Any allowed unsecured claim resulting from the disposition of the surrendered collateral will be treated in Part as an unsecured claim under § 5.1 below.

Name of creditor	Collateral	Anticipated Deficiency
_____	_____	\$ _____
_____	_____	\$ _____

*Insert additional claims as needed.*

**Part 4: Treatment of Fees and Priority Claims (including Attorney's Fees and Domestic Support Obligations)**

**4.1—General**

Trustee's fees and all allowed priority claims other than those treated in § 4.6 will be paid in full without interest.

**4.2—Trustee's fees**

Trustee's fees are estimated to be \_\_\_\_\_% of plan payments; and during the plan term, they are estimated to total \$\_\_\_\_\_.

**4.34.1 Attorney's fees.**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$\_\_\_\_\_. The remaining fees and any additional fees that may be awarded shall be paid through the trustee as specified below. Check one.

The attorney for the debtor(s) shall receive a monthly payment of \$\_\_\_\_\_.

The attorney for the debtor(s) shall receive available funds.

**Priority claims other than attorney's fees and those treated in §§ 4.5 and 4.6.**

Check one.

None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

The prepetition priority claims listed below will be paid in full. Unless otherwise ordered by the court, the amounts listed on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below.

4.4—	<u>Name of creditor</u>	<u>Estimated Amount of claim to be paid</u>
	_____	\$_____
	_____	\$_____

*Insert additional claims as needed.*

**4.2 Domestic support obligations.**

**(a) Pre- and postpetition domestic support obligations to be (including ongoing payments) other than those treated in § 4.6 paid in full.**

Check one.

None. If "None" is checked, the rest of §- 4.552(a) need not be completed or reproduced.

The debtor(s) will maintain postpetition payments on the domestic support obligation(s) listed below. These payments will be disbursed either by the trustee or directly by the debtor, as specified. Any arrearage on a listed claim will be paid in full through the trustee. If no monthly payment is stated, the trustee will disburse available funds to cure the arrearage. Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below as to the postpetition payment and arrearage.. Unless a proof of claim filed in accordance with the Bankruptcy Rules states an arrearage through a later month, the arrearage will only include amounts due as of the petition date.

<u>Name of creditor</u>	<u>Current installment monthly payment</u>	<u>Amount of arrearage, if any</u>	<u>Monthly payment on arrearage, if any</u>	<u>When ongoing obligation terminates</u>
_____	\$_____	\$_____	\$_____	_____
	Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s) _____ Debtor(s)			

Debtor \_\_\_\_\_

Case number \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_  
 Disbursed by: \_\_\_\_\_  
 Trustee  
 Debtor(s)

*Insert additional claims as needed.*

**Other priority claims other than attorney's fees and those treated in § 4.6.**

*Check one.*

None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

The prepetition priority claims listed below will be paid in full. Unless otherwise ordered by the court, the amount of the creditor's total allowed claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

Name of creditor	Estimated Amount of claim to be paid
_____	\$ _____
_____	\$ _____

*Insert additional claims as needed.*

**4.5 Priority claims other than attorney's fees and those treated in § 4.5.**

*Check one.*

None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

The debtor estimates the total amount of other priority claims to be \_\_\_\_\_.

**4.6 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount. *Check one.***

**(b)**

None. If "None" is checked, the rest of § 4.2(b) need not be completed or reproduced.

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 in 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 were liquidated under chapter 7, see 11 U.S.C. § 1325(a)(4).

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

*Insert additional claims as needed.*

**4.3 Other priority claims. *Check one.***

None. If "None" is checked, the rest of § 4.3 need not be completed or reproduced.

The priority claims listed below will be paid in full through the trustee. Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below.

Name of creditor	Estimated amount of claim to be paid
_____	\$ _____
_____	\$ _____

*Insert additional claims as needed.*

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

- The sum of \$\_\_\_\_\_.
- \_\_\_\_\_% of the total amount of these claims.
- The funds remaining after disbursements have been made to all other creditors provided for in this plan.

~~If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$\_\_\_\_\_. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.~~

**5.2 Interest on allowed nonpriority unsecured claims not separately classified. Check one.**

- None.** If "None" is checked, the rest of §\_5.23 need not be completed or reproduced.
- Interest on allowed nonpriority unsecured claims that are not separately classified will be paid at an annual percentage rate of \_\_\_\_\_% ~~under 11 U.S.C. §1325(a)(4), and is estimated to total \$\_\_\_\_\_.~~

**5.3 Maintenance of payments and cure of **any** default on nonpriority unsecured claims. Check one.**

- None.** If "None" is checked, the rest of §\_5.34 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. These payments will be disbursed ~~either by the trustee or directly by the debtor, as specified below.~~ The allowed claim for the arrearage amount will be paid in full ~~and disbursed by through the trustee.~~ Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below as to the current installment payment and arrearage. ~~The final column includes only payments disbursed by the trustee rather than by the debtor.~~

Name of creditor	Current installment payment	Amount of arrearage to be paid	Estimate d total payment s by trustee
_____	\$_____	\$_____	\$_____
	Disbursed by:		=
	<input type="checkbox"/> Trustee		=
	<input type="checkbox"/> Debtor(s)		
_____	\$_____	\$_____	\$_____
	Disbursed by:		=
	<input type="checkbox"/> Trustee		=
	<input type="checkbox"/> Debtor(s)		

*Insert additional claims as needed.*

**5.4 ~~Other s~~Separately classified nonpriority unsecured claims. Check one.**

- None.** If "None" is checked, the rest of §\_5.54 need not be completed or reproduced.
- ~~The Allowed n~~Nonpriority unsecured ~~allowed~~ claims listed below are separately classified and ~~will be~~ treated as follows:

Debtor \_\_\_\_\_

Case number \_\_\_\_\_

Name of creditor	Basis for separate classification and treatment	Amount to be paid on the claim	Interest rate (if applicable)

_____	_____	\$ _____	_____ %	\$
_____	_____	\$ _____	_____ %	\$

*Insert additional claims as needed.*

**5.5 Postpetition claims allowed under 11 U.S.C. § 1305.**

Claims allowed under 11 U.S.C. § 1305 will be paid in full through the trustee.

**Part 6: Executory Contracts and Unexpired Leases**

6.1 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.*

- None.** *If "None" is checked, the rest of §\_6.1 need not be completed or reproduced.*
- Assumed ~~items~~contracts or leases.** Current installment payments will be disbursed ~~either~~ by the trustee or directly by the debtor, as specified below. Arrearage payments will be ~~disbursed by~~ paid in full through the trustee. Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below as to the installment payment and arrearage. ~~The final column includes only payments disbursed by the trustee rather than by the debtor.~~

Name of creditor	Description of leased property or executory contract  <i>Treatment</i> <i>(Refer to other plan section if applicable)</i>	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
_____	_____	\$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$ _____	\$ _____
_____	_____	\$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$ _____	\$ _____

*Insert additional contracts or leases as needed.*

**Part 7: Order of Distribution of ~~Trustee Payments~~ Available Funds by Trustee**

7.1 The trustee will make the monthly payments disbursements of available funds required in Parts 3 through 6 in the following order specified, with payments other than those listed to be made in the order determined by the trustee. *Check one.*

7.1  Regular order of distribution:

- a. Filing fees paid through the trustee
- b. Current monthly payments on domestic support obligations
- c. Other fixed monthly payments

If available funds in any month are not sufficient to disburse all fixed monthly payments due under the plan, the trustee will allocate available funds in the order specified below or pro rata if no order is specified. If available funds in any month are not sufficient to disburse any current installment payment due under § 3.1, the trustee will withhold the partial payment amount and treat the amount as available funds in the following month.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

*Insert additional lines as needed.*

- d. Disbursements without fixed monthly payments, except under §§ 5.1 and 5.5  
The trustee will make these disbursements in the order specified below or pro rata if no order is specified.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

*Insert additional lines as needed.*

- e. Disbursements to nonpriority unsecured claims not separately classified (§ 5.1)
- f. Disbursements to claims allowed under §- 1305 (§ 5.5)

Alternative order of distribution:

- a. \_\_\_\_\_
- b. \_\_\_\_\_

*Insert additional lines as needed.*

Debtor \_\_\_\_\_

Case number \_\_\_\_\_

|

**Part 8: Vesting of Property of the Estate**

8.1 Property of the estate will vest in the debtor(s) upon discharge or closing of the case, whichever occurs earlier, unless an alternative vesting date is selected below. -Check the applicable box to select an alternative vesting date:

- plan\_confirmation.
- ~~entry of discharge.~~
- other: \_\_\_\_\_.

**Part 9: Nonstandard Plan Provisions**

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

~~Nonstandard provisions are required to must be set forth below.~~

These plan provisions will be effective only if the applicable box in Part § 1.3 of this plan is checked.

**Part 10: Signatures:**

**X** \_\_\_\_\_ Date \_\_\_\_\_

**X** \_\_\_\_\_ Date \_\_\_\_\_

Signature of Attorney for Debtor(s)

**X** \_\_\_\_\_ Date \_\_\_\_\_

**X** \_\_\_\_\_ Date \_\_\_\_\_

Signature(s) of Debtor(s) (required if not represented by an attorney; otherwise optional)

By filing this document, the Attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the form required under the Local Rules for the Bankruptcy Court for the Middle District of Tennessee, other than any nonstandard provisions included in Part 9.

## **Exhibit: Total Amount of Estimated Trustee Payments**

— The trustee will make the following estimated payments on allowed claims in the order set forth in Section 7.1:

- a. ~~Maintenance and cure payments on secured claims (Part 3, Section 3.1 total):~~      \$ \_\_\_\_\_
- b. ~~Modified secured claims (Part 3, Section 3.2 total):~~      \$ \_\_\_\_\_
- c. ~~Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total):~~      \$ \_\_\_\_\_
- d. ~~Judicial liens or security interests partially avoided (Part 3, Section 3.4 total):~~      \$ \_\_\_\_\_
- e. ~~Fees and priority claims (Part 4 total):~~      \$ \_\_\_\_\_
- f. ~~Nonpriority unsecured claims (Part 5, Section 5.2 total):~~      \$ \_\_\_\_\_
- g. ~~Interest on allowed unsecured claims (Part 5, Section 5.3 total)~~      \$ \_\_\_\_\_
- h. ~~Maintenance and cure payments on unsecured claims (Part 5, Section 5.4 total)~~      \$ \_\_\_\_\_
- i. ~~Separately classified unsecured claims (Part 5, Section 5.5 total)~~      \$ \_\_\_\_\_
- j. ~~Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total)~~      \$ \_\_\_\_\_

Total of lines a through j \_\_\_\_\_

\$ _____
=