

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

STANDING ORDER FOR CHAPTER 13 CASE ADMINISTRATION  
FOR AUSTIN DIVISION

The Bankruptcy Judges for the Western District of Texas for the Austin Division have determined that the Chapter 13 practice will be more efficiently administered if confirmation hearings are not scheduled until after the bar date for filing proofs of claim. In order to provide adequate protection for creditors and to assist debtors, attorneys and the Chapter 13 Trustee in the orderly administration of cases with this delayed confirmation process, the following procedures are determined to be necessary:

1. ADOPTION OF CHAPTER 13 PLAN FORMAT:

Attached as Exhibit-1 to this Standing Order is a Chapter 13 Plan Form which shall be used by all Chapter 13 debtors in cases where the plan is filed after the effective date of this Order. The Clerk shall make available to the public the Chapter 13 Plan Form.

2. BAR DATE FOR FILING PROOFS OF CLAIM BY DEBTORS:

Pursuant to Rule 3004 and 9006(c), the time that a debtor has to file a proof of claim for creditors who fail to timely file a claim is reduced. After the effective date of this Order, debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c). All other provisions of Rule 3004 remain unaffected by this Order.

3. OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date.

4. MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date.

5. RESPONSES TO OBJECTIONS TO CLAIM:  
RESPONSES TO MOTIONS TO VALUE PROPERTY:  
OBJECTIONS TO THE DEBTOR'S PLAN OF REORGANIZATION:  
AND DATE FOR HEARING ON SAME

Any response to an objection to proof of claim or to a motion to value property as well as any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed no later than 10 days prior to the confirmation hearing date. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

6. AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the court will only consider de minimis, nonsubstantive, or technical amendments to the plan at the confirmatic

7. INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

In order to see that funds paid to the Chapter 13 Trustee are distributed as rapidly as possible to creditors, and that the creditors receive the benefit of all such payments, the Chapter 13 Trustee shall be required to disburse, in the first regular

disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until all conditions are met.

8. NOTICE TO DEBTORS AND CREDITORS:

The substantive provisions of this Standing Order shall be noticed to all debtors and their creditors by the Chapter 13 Trustee. Notice may be given by attaching a supplemental notice to the 341 Notice, in the form of the attached E

9. SERVICE OF THE PLAN:

Notwithstanding any provision of the Local Rules, the debtor shall be responsible for serving a copy of the plan as filed with the Clerk of the court, including Sections A - E, on the Chapter 13 Trustee, all creditors and other int

10. EFFECTIVE DATE:

The provisions of this Order became effective for all Chapter 13 cases where the order for relief was effective after October 1, 1991, pursuant to prior standing orders.

The above procedures are hereby adopted for the Bankruptcy Court for the Western District of Texas in the Austin Division.

The Clerk of the court shall give notice of this Order by serving a copy on the Chapter 13 Trustees for the Western District of Texas.

IT IS SO ORDERED.

DATED: April 30, 1999

**Signed** this 30th day of April 1999, by LARRY E. KELLY, CHIEF U. S. BANKRUPTCY JUDGE, LEIF M. CLARK, U. S. BANKRUPTCY JUDGE, RONALD B. KING, U. S. BANKRUPTCY JUDGE, and FRANK R. MONROE, U. S. BANKRUPTCY JUDGE.

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

**CHAPTER 13 PLAN**

This Chapter 13 plan form has been approved by the court for use in the Western District of Texas, and is required in the Austin Division.

The form may periodically be revised. The Office of the Clerk will provide the current version of the plan form to any party upon request.

Updated 09/04/02



**IV. Executory Contracts/Unexpired Leases**

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume the following executory contracts, if any:

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to reject the following executory contracts, if any:

**V. Specific Treatment for Payment of Allowed Claims**

**1. DIRECT PAYMENTS BY DEBTOR TO CREDITORS**

Creditor Name	Remarks	Debt Amount	Monthly Payment
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**2. PAYMENTS BY TRUSTEE**

**A. Administrative Expenses**

The Trustee may receive up to 10% of all sums disbursed, except on any funds returned to the debtor.

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along with Secured creditors	Remarks
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**B. Secured Creditors**

Creditor/Collateral	Est. Claim	Est. Value	Mo. Pmt or Method of Disb.	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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C. Priority Creditors

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along with Secured creditors	Remarks
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D. General Unsecured Creditors, [including claims from rejection of executory contracts] (Describe treatment for the class of general, unsecured creditors.)

E. Cure claims on Assumed Executory Contracts & Leases:

Creditor	Estimated Amount of Debt	Monthly Payment or Method of Disbursement	Remarks
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**Totals:**

**Administrative Claims** \_\_\_\_\_

**Secured Claims** \_\_\_\_\_

**Priority Claims** \_\_\_\_\_

**Unsecured Claims** \_\_\_\_\_

**Cure Claims** \_\_\_\_\_

F. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

None



## VI. General Information

**Notice: Local Rule 3002 provides, in part:**

*“Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any, to the Debtor’s Attorney (or the Debtor if the Debtor is pro se) and the Trustee appointed in the case.”*

Creditors are hereby notified that WITHOUT FURTHER NOTICE the Plan may be amended at the Meeting of Creditors (341)(a) meeting). Any amendment may affect your status as a creditor. The Debtor’s estimate of how much the Plan will pay, projected payments and estimates of the allowed claims may also change. The following information is an attempt to advise Creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the First Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the office of the United States Bankruptcy Clerk in Austin, Texas.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
Debtor  
Address

\_\_\_\_\_  
Co-Debtor  
Address

\_\_\_\_\_  
Attorney for Debtor  
Address/Phone & Fax Number

### Certificate of service

**ATTACH PROPOSED PAYMENT SCHEDULE, IF AVAILABLE**