


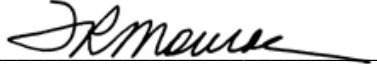




SIGNED this 7th day of November, 2005.

 Larry E. Kelly Chief United States Bankruptcy Judge	 Leif M. Clark United States Bankruptcy Judge
 Ronald B. King United States Bankruptcy Judge	 Frank R. Monroe United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AMENDED STANDING ORDER RELATING TO
CHAPTER 13 PRACTICES IN THE SAN ANTONIO DIVISION

The following Amended Standing Order supersedes the Amended Standing Order Relating to Chapter 13 Practices in the San Antonio Division and is applicable in the San Antonio Division only. It sets out certain practices and procedures relating to Chapter 13 practice and procedure.

If you are involved in Chapter 13 cases in the Western District of Texas in the San Antonio Division, please review the terms of this Order carefully. The procedures set out herein will directly affect your practice. Please note that the procedures discussed in this Standing Order apply in the San Antonio Division only. The procedures in the Austin, Waco, El Paso and Midland Divisions, may be different and may be subject to other standing orders applicable to those Divisions. Please consult the Clerk of the Court for copies of any other applicable standing orders.

1. ADOPTION OF CHAPTER 13 PLAN FORMAT

Attached as Exhibit A, 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 form plan may be revised periodically by the Court. Any proposed revision will be sent to active bankruptcy practitioners who will have 30 days to provide comments to the Judges and the Chapter

13 Trustee. The Clerk shall make available to the public the Chapter 13 Plan Form.

2. ADOPTION OF CERTAIN FORMS TO BE USED IN CHAPTER 13 CASES

a. Attached as Exhibit B, to this Standing Order, is a form entitled INTERIM RULE 4002(b)(3) EXTENSION. Such form is to be used in cases where the debtor(s) have not filed all required tax returns (of whatever kind). Use of this form will allow the Court to confirm cases wherein required tax returns have not been filed. Debtor(s) may extend the time allowed in the Supplement by filing a Motion to Extend Time to File Returns with the Court which, upon notice and hearing, may be allowed. Such Motion should be filed prior to the date the returns first come due under the Supplement to the Confirmation Order. In no case shall such extension exceed 120 days after the completion of the §341 meeting. (See 8(f) below.)

b. Attached as Exhibit C, to this Standing Order, is a DECLARATION OF THE DEBTOR(S) CONCERNING CONFIRMATION REQUIREMENTS. Such Declaration shall be completed by the Debtor(s), and presented to the person presiding at the 11U.S.C. §341 Meeting. If the case can be early confirmed (i.e. 10 days after completion of the §341 Meeting) this Document will satisfy the requirements of the Bankruptcy Code concerning domestic support obligations and tax returns.

c. Attached as Exhibit D, to this Standing Order, is a QUESTIONNAIRE FOR DEBTORS. Such Questionnaire shall be sent to all debtor(s) by the Trustee and filled out by all debtors and returned to the Trustee within 30 days of receipt. If not returned to the Trustee within the 30 day period, the Trustee will file a Motion for the debtors to appear and show cause why they have not cooperated. Upon receipt of the completed Questionnaire, the Trustee will file a Motion for Issuance of a Discharge, with negative notice language, with the Court. This Motion will be served on all creditors, all holders of domestic support obligations and any State child support agency involved. Service of this Motion shall satisfy the requirements of 11 U.S.C. §1302(d)(1)(C).

3. DEBTOR'S DUTY TO FACILITATE NOTICE REGARDING DOMESTIC SUPPORT OBLIGATION

In order to facilitate notice regarding domestic support claim holders and the applicable state agency provided for in 11 U.S.C. §1302, the debtor shall, at the same time the schedules are filed, provide to the Trustee the names, current addresses and telephone numbers, if known, of all persons to whom the debtor(s) owe a domestic support obligation. If the case is one under the auspices of a state attorney general, the address of the applicable attorney general's office may be supplied. At the same time debtor(s) shall provide to the Trustee the name, addresses and telephone numbers, if known, of the state child support enforcement agencies as set forth under §1302(d)(1)(A)(i) for the states in which the persons to whom debtor owes a domestic support obligation resides.

4. **PRE-CONFIRMATION PAYMENTS**

a. Debtors will make all pre-confirmation plan payments to the Chapter 13 Trustee.

b. Pre-confirmation adequate protection payments under 11 U.S.C. §1326(a)(1):

(1) All pre-confirmation payments required by §1326(c) will be made by the Chapter 13 Trustee. Unless the Court orders otherwise pursuant to a motion filed under paragraph 4b(4) below, the monthly installments proposed by the debtor(s) plan will be considered to provide adequate protection to such creditor.

(2) To be paid adequate protection payments, each secured creditor must file a claim, with adequate proof of security interest attached, with the Clerk of the Court, and serve it on the Chapter 13 Trustee, the debtor(s) and the debtor(s) attorney.

(3) If no claim objection is made by the debtor(s) or other party in interest, payments to secured creditors will commence, in accordance with the plan, with the next regular trustee disbursement after the 90th day following the filing of the petition if the plan has not been confirmed. The Trustee will retain one months plan payment to be paid to the attorney upon confirmation of the plan.

(4) A secured creditor may file a Motion for Adequate Protection Payment pursuant to 11 USC §363(e) if the creditor was not provided for in the plan or objects to the monthly payment proposed in the debtor's plan.

(5) If the case is dismissed prior to confirmation, the debtor(s) have filed a plan and made payments, then the money on hand with the Trustee, up to one month's plan payment, will be disbursed to the debtor's attorney and any remaining balance shall be disbursed in satisfaction of adequate protection payments in paragraph 4b(1) above, to the extent due.

(6) Any adequate protection payments made hereunder will reduce the principal amount of the recipient's claim unless otherwise ordered by the Court.

(7) The Trustee is allowed to take the statutory fee allowed on all such payments under this heading.

c. If the debtor(s) have not made a payment by the date the §341 Meeting of Creditors is first set, then the Trustee will file a Trustee's Motion to Dismiss (TMTD) and will ask the Court for an expedited hearing thereon.

5. RETIREMENT LOAN REPAYMENT

Debtor(s) are required to inform the Trustee, at the First Meeting of Creditors, of the expected final payment date of all retirement loans.

6. VALUATION OF COLLATERAL

- a. Except for the value of collateral securing the claim of a taxing authority, the value of collateral set out in the debtor's plan shall be the value fixed by the Court by confirmation of the plan, unless a timely objection is filed. The objection must specifically object to the proposed valuation and request a hearing thereon. Any objection to valuation will be heard at the confirmation hearing and no plan will be confirmed until the valuation objection is resolved, except for the value of collateral securing a claim of a taxing authority. Valuation by the Court does not relieve a secured creditor from the duty to file a proof of claim in order to be paid under the plan.
- b. In the event a creditor timely files a proof of claim which evidences a perfected security interest in collateral, which claim and collateral was not dealt with by the debtor's plan, or was treated as unsecured therein, the claim will be treated as secured and the collateral will be deemed valued by the Court at the amount set forth in the Trustee's Recommendation Concerning Claims, unless an objection or other response to the TRCC is timely filed.

7. OBJECTIONS TO CONFIRMATION

With the exception of objections to valuation of secured debt of taxing authorities, any objections to confirmation of the plan (including any objections to the valuation of specific creditors' collateral as set out in the plan), must be raised at or prior to the Meeting of Creditors (the §341 Meeting). The objection must be reduced to writing within ten (10) days after the Meeting of Creditors, or within 20 days of service of an amended Plan, and filed with the Court. Failure to affirmatively object to a proposed plan pursuant to the requirements of this paragraph constitutes acceptance of the plan under 11 U.S.C. §1325(a)(5)(A).

8. GENERAL PROCEDURES REGARDING CONFIRMATION OF CERTAIN CASES

- a. When, at the original §341 Meeting, the Trustee requires additional or corrected paperwork, the Meeting will be reset to a date two (2) weeks in the future. If the debtor(s) or their attorney can submit the required paperwork to the Trustee by the Wednesday of the week following the original §341 Meeting, neither the debtor(s) nor their attorney will be required to attend the reset meeting. If the paperwork is completed but not within the one week period, the debtor's attorney will have to attend the reset meeting and provide the required paperwork to the Trustee. If the

paperwork is not completed by the two week reset date, the debtor's attorney will be required to attend the reset §341 meeting and give the Trustee the status of the required paperwork. In the latter case, the Trustee will file an Objection to Confirmation for delay in not providing required "paperwork" and the debtor(s) and their attorney will then be required to attend the Confirmation hearing.

- b. In those cases where an Objection to Confirmation for "paperwork" has been filed by the Trustee, any paperwork which requires notice to creditors must be served, by the debtor(s) attorney or the pro se debtor(s), on all creditors and parties in interest, including the Trustee, at least 15 days prior to the scheduled confirmation hearing.
- c. In those cases where an Objection to Confirmation for "paperwork" has been filed but the necessary paperwork does not require notice to creditors, all "paperwork" needed by the Trustee must be provided to the Trustee at least 15 days prior to the scheduled confirmation hearing.
- d. In those cases where an Objection to Confirmation for "paperwork" reasons has NOT been filed but the Trustee requires documentation, such documentation must be provided to the Trustee at least 15 days prior to the scheduled confirmation hearing.
- e. In those cases where situations exist precluding confirmation, and there are "paperwork" problems (amended schedules, SOFA etc.) which would also preclude confirmation, the required documentation resolving the "paperwork" problems must be provided to the Trustee at least 15 days prior to the first confirmation hearing date.
- f. If debtor(s) have executed a Supplement to the Confirmation Order concerning unfiled tax returns, the Court may confirm a plan without all required tax returns having been filed. Should debtor(s) not timely file any required return within the time allowed by such Supplement, and the case is not confirmed, the Court may dismiss the case at the scheduled confirmation hearing on the oral motion of the Chapter 13 Trustee. The debtor(s) may request and receive an extension of time to file such returns upon showing to the Court that such failure was for cause or beyond their control.
- g. If no timely objection to confirmation is received by the Court, and the Trustee recommends confirmation, the Court may waive the confirmation hearing and an order may be submitted confirming the Plan.

9. **GENERAL PROCEDURES REGARDING AMENDED PLAN**

- a. If the plan is amended prior to Confirmation, the debtor/debtor's attorney shall file the amended plan and, when required, shall serve a copy of such amended plan prominently displaying the notice of the 20-day objection language.

- b. The amended plan shall be served, within two (2) days after filing, upon all adversely affected creditors and parties in interest, and, in all cases, upon the Chapter 13 Trustee.

10. **DUTIES OF TRUSTEES UNDER CHAPTERS 12 AND 13**

- a. Report of §341 Meeting and Recommendation Concerning Confirmation. After the conclusion of the first meeting of Creditors and prior to the scheduled hearing on confirmation of the plan, the Chapter 12 or 13 Trustee shall submit a report advising the Court of the Trustee's recommendation as to confirmation.
- b. Recommendation Concerning Claims. After the deadline for filing proofs of claims has passed, the Trustee shall file a Recommendation Concerning Claims and serve a copy thereof upon all creditors and parties in interest.
- c. No order will be entered approving the Chapter 13 Trustee's Recommendation Concerning Claims. Instead, if no objection or other response is timely filed, the Recommendation shall be binding upon all parties in interest, and the Chapter 13 Trustee is authorized to make disbursements according to the provisions of said Recommendation, without further order of the Court.
- d. If an objection or other response to the Recommendation Concerning Claims is timely filed, the Chapter 13 Trustee may nonetheless make distribution in accordance with the provisions of said Recommendation, except with respect to the claim which is the subject of the response or objection. The Chapter 13 Trustee shall reserve funds attributable to the challenged claim, until the allowance or treatment of the claim has been resolved. If as a result of the claim resolution there is a greater amount of money available for distribution to creditors, the Chapter 13 Trustee may adjust the payments to creditors accordingly, without having to file a further Recommendation Concerning Claims.
- e. The Recommendation Concerning Claims must prominently display the following notice:

NO HEARING WILL BE CONDUCTED ON THE RECOMMENDATION CONCERNING CLAIMS (OR ITS TREATMENT OF ANY CLAIM) UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE COURT AND SERVED UPON THE CHAPTER 13 TRUSTEE AT THE FOLLOWING ADDRESS: 1020 NE LOOP 410, SUITE 800, SAN ANTONIO, TEXAS 78209. SUCH RESPONSE MUST BE FILED AND SERVED WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE INDICATED ON THE RECOMMENDATION CONCERNING CLAIMS, UNLESS

THE COURT, UPON MOTION, EXTENDS THE TIME FOR SUCH FILING. IF NO RESPONSE IS TIMELY FILED AND SERVED, THE TREATMENT OF CLAIMS REFLECTED IN THIS RECOMMENDATION CONCERNING CLAIMS SHALL BE DEEMED APPROVED BY THE COURT WITHOUT FURTHER HEARING OR ORDER. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING THEREON ON NOT LESS THAN 30 DAYS NOTICE.

- f. In addition, the Recommendation Concerning Claims must contain the following paragraph, in bold face type:

By order of the Court, the Trustee's Recommendation Concerning Claims shall be deemed to set a BAR DATE for objecting to claims, for contesting the validity or priority of liens, and for challenging the priority of claims. Said BAR DATE shall be deemed to be the 30th (thirtieth) day after the service of the Recommendation Concerning Claims, as reflected in the certificate of service attached thereto. Any objection, motion or adversary proceeding contesting the validity or priority of any claim may not be filed after the expiration of the bar date except upon leave of Court, after motion requesting such leave, and upon notice of hearing to the Standing Chapter 13 Trustee, the debtor, the debtor's counsel, claimants and all parties in interest.

11. GENERAL PROCEDURES REGARDING MOTIONS TO MODIFY PLANS (INCLUDING MOTIONS FOR "MORATORIA"), MOTIONS TO CURE PLAN ARREARAGES, MOTIONS TO SELL PROPERTY, AND MOTIONS TO INCUR DEBT

- a. All post-confirmation Motions to Modify Chapter 13 Plans (other than modifications which increase plan payments without extending the plan term) must:
- (1). Be noticed to all creditors and parties in interest (including the Chapter 13 Trustee);
 - (2). Unless a hearing is specifically requested, contain negative notice language affording creditors a twenty-day opportunity to file objections to the proposed relief;

- (3). Specifically indicate the number of months (if any) which the motion proposes to extend the term of the Plan from the date of Confirmation through completion and,
 - (4). Contain an amended Schedule I and J if there are any changes. The only exception to this requirement are Motions to Modify for Suspension of Plan Payments (Moratoriums).
- b. These motions do not require "pre-approval" from the Chapter 13 Trustee. A motion for "moratorium" or to "cure plan arrearages" or "to temporarily suspend plan payments" is a motion to modify the plan.
 - c. Special procedures apply to motions to modify plan which are filed in response to a Trustee's Motion to Dismiss. See ¶ 14, *infra*.
 - d. Unless a hearing is specifically requested, all debtors' Motions to Sell Property and all Motions to Incur Debt may be filed with 20 day negative notice language. Such motions do not require the Trustee's "pre-approval."
12. **EXPEDITED PROCEDURES REGARDING MOTIONS TO MODIFY PLANS (INCLUDING MOTIONS FOR "MORATORIA"), MOTIONS TO CURE PLAN ARREARAGES, MOTIONS TO SELL PROPERTY, AND MOTIONS TO INCUR DEBT**

- a. If expedited consideration of any of the foregoing motions in ¶ 11, *supra*, is required, then the following procedures apply:
 - (1). The motion must be entitled as follows:

***Expedited Motion, with Ten (10) Day Notice,
to [Relief Requested]***
 - (2). The motion must be served on all creditors and parties in interest, including the Chapter 13 Trustee, and must contain the following notice prominently indicated on the first page of the motion:

YOU HAVE TEN (10) DAYS TO OBJECT TO THIS MOTION. IF THE COURT DETERMINES THAT THIS MOTION DOES NOT QUALIFY FOR EXPEDITED CONSIDERATION, THIS MOTION MAY BE SET FOR HEARING IN THE ORDINARY COURSE. YOU WILL RECEIVE NOTICE OF THAT SETTING.

OTHERWISE, IF NO OBJECTIONS ARE TIMELY FILED TO THIS MOTION, AND THE COURT IS SATISFIED THAT THIS MOTION

QUALIFIES FOR EXPEDITED CONSIDERATION, NO HEARING WILL BE SET, AND THE COURT WILL ENTER AN ORDER GRANTING THE RELIEF REQUESTED.

- (3). The motion must set out specific grounds for expedited consideration.
- b. These motions do not require "pre-approval" by the Chapter 13 Trustee. Failure to include either the appropriate title, as required in ¶ 12(a)(1), or to include the required notice language as set out in ¶ 12(a)(2), may result in the motion being set in the ordinary course.
- c. The foregoing procedure is to be employed in lieu of motions for expedited hearing. The Court may, in its discretion, deny the request for expedited hearing and may set the motion for hearing in the ordinary course.

13. EMERGENCY REFUNDS

- a. In a valid emergency, when the debtor can demonstrate the need for an immediate refund, the Chapter 13 Trustee is authorized to issue an immediate refund of plan payments to the debtor, upon the following conditions:

- (1). A motion must be filed which must bear the following title:

Motion for Emergency Refund

- (2). A copy of the motion is to be furnished to the Chapter 13 Trustee, accompanied by a Trustee Refund Request Form (forms available from the office of the Chapter 13 Trustee).
- (3). The motion must set out specific grounds for the emergency refund.
- (4). The motion must include provision for positive cure (i.e., affirmative repayment) of the amount refunded without an extension of plan payments.
- b. The Trustee is authorized to issue the refund prior to the Court's ruling on the motion.

14. TRUSTEE'S MOTIONS TO DISMISS CASE AND DEBTORS' MOTIONS TO MODIFY IN RESPONSE TO THE TRUSTEE'S MOTION

- a. A Trustee's Motion to Dismiss Case (TMTD) shall be set for hearing not less than 60 days from the date of service of the motion.

- b. If the debtor desires to cure the default and continue the Chapter 13 case, then the debtor must respond to the TMTD with a Motion to Modify Plan in Response to Trustee's Motion to Dismiss. The debtor's motion must be entitled:

**DEBTOR'S MOTION TO MODIFY PLAN IN
RESPONSE TO TRUSTEE'S MOTION TO DISMISS CASE**

- c. The Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case must contain the following special twenty-day notice language prominently indicated on the first page of the pleading:

IF YOU OBJECT TO THIS MOTION TO MODIFY PLAN, YOU MUST FILE A WRITTEN OBJECTION WITH THE CLERK OF THE COURT WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE OF THIS MOTION. IF AN OBJECTION IS FILED, THEN A HEARING ON THE MOTION WILL BE HELD ON [DATE OF HEARING] AT [TIME OF HEARING]. FAILURE TO FILE A TIMELY OBJECTION AND TO APPEAR AT THE HEARING MAY RESULT IN THE COURT'S GRANTING THE RELIEF REQUESTED.

- d. The foregoing notice must supply (where indicated), the date and time of hearing on the Trustee's Motion to Dismiss Case (as any objection to the Motion to Modify Plan will be heard at the same time). If no objections are timely filed, then no hearing will be held on the Motion to Modify Plan.
- e. The Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case must be filed and served not less than twenty-five (25) days prior to the scheduled hearing on the Trustee's Motion to Dismiss.
- f. If the Motion to Modify Plan in Response to Trustee's Motion to Dismiss proposes a cure for the default, the month in which the plan payment is to resume must be stated in such Response and the Plan payment must commence in the stated month.
- g. Agreed Orders in conjunction with TMTD cases, are prepared by the Trustee and must be signed by the debtor, or the debtor's attorney, and returned to the Trustee no later than ten (10) days after the TMTD hearing date. If not returned to the Trustee within the ten (10) days the Trustee will submit the agreed order to the Court without the debtor attorney's signature.
- h. The Trustee's "pre-approval" is not required for Motions to Modify Plans in Response to Motions to Dismiss Case.

- i. If a Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case fails to contain the foregoing title, requisite notice, or hearing date and time, or if the motion is not timely filed, then the Court may dismiss the debtor's motion to modify for failure to comply with these procedures.
- j. If, prior to the hearing, the debtor(s) cure the default that is the basis of the TMTD, then no written response is necessary and the Trustee and the debtor may submit an appropriate Order.

15. **FEDERAL INCOME TAX RETURNS IN CHAPTER 13 CASES**

Debtor(s) are required to send a copy of any federal income tax return that is due after the filing of the petition to the Chapter 13 Trustee at the same time the return is filed with the IRS. The Debtors may send a transcript in lieu of the actual return. Transcripts are available free from the IRS by calling 1-800-829-1040, or filing Form 4506-T. This form is located at www.irs.gov.

16. **FEES FOR ATTORNEYS REPRESENTING DEBTORS**

- a. The Bankruptcy Court for the Western District of Texas, San Antonio Division, may determine and maintain a standard benchmark fee for routine business and non-business Chapter 13 cases.
- b. In a routine non-business chapter 13 case, the following services are presumed to be included in the benchmark fee:
 - (1). All pre-confirmation conferences with the debtor(s);
 - (2). Preparation of Petition, Schedules, Statement of Financial Affairs, Plan and any amendments thereto;
 - (3). Attendance at all §341 First Meetings of Creditors and any reset meetings;
 - (4). Attendance at confirmation and discharge hearings (including any reset confirmation hearings);
 - (5). Preparation of routine motions, which are presumed to include, but not limited to, the following:
 - A. Motions to waive pay order;

- B. Motions to pay filing fees in installments;
 - C. Motion for pre-confirmation modifications for moratorium;
 - D. Motions to avoid liens.
- (6). Representing the Debtor in responding to one Motion to Lift Stay on the debtor(s) residence and modification of the plan if required.
 - (7). Responses to motions to lift stay concerning debtor(s) vehicles;
 - (8). One motion to modify for post confirmation moratorium;
 - (9). Assisting debtor(s) with the Questionnaire required at the end of the case. (See paragraph 2.c. above.)
- c. Notwithstanding the foregoing paragraphs, 1 through 9, an attorney may, for cause shown, request additional fees for the services listed. If so, the attorney must file a request for additional fees as set forth below.
 - d. An attorney in a Chapter 13 case may only request and obtain an award for fees for additional services beyond those specified above by court order, on motion, notice, and an opportunity for hearing. Such requests may be by separate motion, or in the motion which constitutes the additional services. Any such request for additional fees shall be set forth in the caption of the pleading (and in the form of order submitted), shall number the request in the caption and in the body of the motion, shall set forth the total fees requested to date (including the benchmark fee awarded, any additional fees previously awarded or pending), and the basis for the request. Absent unusual circumstances, any additional attorney fees awarded pursuant to court order will be paid monthly at the rate of \$100, or in the amount necessary to complete payment within the remaining term of the Plan.
 - e. In the first disbursement following confirmation, the Trustee shall make distribution of attorney's fees equal to one month's plan payment plus an amount equal to the monthly payment of attorney fees, not to exceed \$100.00 per month, times the number of months of payments due as monthly payments of attorney fees. In subsequent disbursements, distribution of attorney's fees shall be limited to not more than \$100 per month. The plan must specifically state the monthly amount to be disbursed in attorney's fees.

- f. Notwithstanding “e” above, debtor attorneys may receive all available funds, after Trustee expenses, where the Plan payment is sufficiently large, where no secured or higher priority creditors remain unpaid or in order to complete the term of the plan.

17. DISMISSAL

Should the debtor(s) fail to file the documents required under §521, then, upon the filing of a motion to dismiss by a party in interest, the case may be dismissed without hearing if no objections are filed.

18. DEBTOR EDUCATION

To receive a discharge from their debts, debtor(s) must attend the instructional course in personal financial management offered by the Chapter 13 Trustee immediately before the §341 First Meeting of Creditors. Exceptions to this requirement may be granted upon notice and hearing before the Court. Debtors will not be charged for attendance at this mandatory class.

19. DISCHARGE HEARINGS

- a. Within fifteen (15) days of disbursement of the final payment under the plan, the Trustee will send the Questionnaire at Exhibit “D” to the debtor(s) and the debtor(s) attorney. The debtor(s) must complete and return this Questionnaire to the Trustee within (30) days of receipt. Upon the Trustee’s receipt of the Questionnaire, and if debtor(s) qualify for such relief, the Trustee will file a Motion, with 20 day negative notice language, to Enter a Discharge. If no objections to the Trustee’s motion are filed within the 20 day negative notice period, the discharge hearing may be waived by the Court and a discharge entered.
- b. If, for some reason, the Trustee does not believe that the debtor(s) qualify for a discharge, he will file a Motion to Set Discharge Hearing and will set out therein the grounds he believes preclude discharge.

20. NOTICE

The substantive provisions of this Standing Order shall be noticed by the Chapter 13 Trustee.

The Clerk of the Court shall give notice of this Order by serving a copy on the Chapter 13 Trustee for the San Antonio Division of the Western District of Texas.

IT IS SO ORDERED

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	Case No.
Debtor(s)	§	CHAPTER 13 PLAN
	§	

To the Honorable United States Bankruptcy Judge:

Comes now the Debtor(s) herein and, as required by 11 U.S.C. §1321, files this Debtor's Chapter 13 plan, and in support thereof would show the Court as follows:

Monthly Plan Payment

Debtor(s) shall each month submit such portion of Debtor's future earnings (or other future income) to the supervision and control of the Chapter 13 Trustee as is necessary for the execution of this plan. Payments by Debtor to the Trustee shall begin within thirty (30) days after the date the Order for relief is entered unless otherwise allowed by the Court. The Debtor's monthly plan payment shall be an amount equal to the Debtor's monthly disposable income or an amount sufficient to pay the claims of general unsecured creditors in full over the term of the plan, whichever first occurs.

Duration of Plan

The term of the plan shall not exceed sixty (60) months from the date the first monthly plan payment is due or until the claims of general unsecured creditors are paid in full, whichever first occurs, provided that the term may be extended by the granting of a moratorium by the Court after proper notice and opportunity for hearing, or other modification of the plan granted by the Court after proper notice and opportunity for hearing. Regardless of the total term, unless there has been a change in circumstances, the plan shall be deemed to have been completed when the Chapter 13 Trustee has received from or on behalf of the Debtor(s) an amount equal to the number of months specified in the Plan times the monthly plan payment or an amount necessary to pay the claims of general unsecured creditors in full, whichever first occurs, and as adjusted by any post-confirmation modifications of the amount of the monthly plan payment.

Payment of Claims

Allowed claims shall be paid to the holders thereof in accordance with the terms hereof. From the monthly payments described above, the Chapter 13 Trustee shall pay the following

allowed claims in the manner and amounts specified. Claims filed by a creditor designated as secured or priority but which are found by the Court to be otherwise shall be treated as set forth in the Trustee's Recommendation Concerning Claims (TRCC).

Local Rule 3002 provides, in part, that 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.

A. Administrative Expenses: The Trustee shall pay the expenses, as prescribed by the Court, for administering the plan. The first monthly plan payment shall be paid to the Debtor's attorney as attorney's fees. The balance, if any, of Debtor's attorney's fees shall be paid concurrently with allowed secured claims in consecutive monthly installments. Such fees shall be paid in full prior to any payments being made to general unsecured creditors. Once Debtor's attorney fees are paid in full, those funds will be paid, pro rata, first to secured creditors then, to priority creditors and then to unsecured creditors.

B. Priority Claims: Other than Debtor's attorneys' fees, payment of which is provided for in the preceding paragraph, claims entitled to priority under 11 U.S.C. §507, except a claim entitled to priority under §507(a)(1)(B), shall be paid in full, pro rata, unless a specific payment amount is assigned to a particular priority claim, in deferred installments as funds become available upon completion of payment of attorneys' fees and allowed secured claims. The holder of any such claim may agree to a different treatment of such claim. Claims allowed under §507(a)(1)(B) are not dischargeable and may be paid less than the full amount only if the Debtor's disposable income is paid into the plan for 5 years.

C. Secured Claims: In the event a secured claim is treated pursuant to 11 U.S.C. § 1325(a)(5)(B), secured creditors whose claims are allowed shall be paid, in consecutive monthly installments, a principal amount equal to the value of their collateral or the amount of their net claim, whichever is less, plus interest thereon at the applicable rate. Unless objected to, the monthly installments proposed by the Debtor will be considered to provide adequate protection to such creditor during the term of the plan. The holders of such claims shall retain their liens on the collateral which is security for such claims (except for those liens which the Debtor(s) avoids by proper pleading and opportunity for hearing thereon) until the earlier of the payment of the underlying debt (determined under non-bankruptcy law) or discharge pursuant to §1328. If the case is dismissed or converted without completion of the plan, such lien is retained to the extent allowed by applicable non-bankruptcy law. The value of the collateral shall be deemed to be the value established by the Debtor, subject to objection, and, accordingly, the amount of the secured claim shall be established in the manner provided by the Local Rules and Standing Order of the United States Bankruptcy Court for the Western District of Texas, San Antonio Division, and the *Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines*. In the event a creditor timely

files a proof of claim which evidences a perfected security interest in collateral, which claim and collateral was not dealt with by the Debtor's plan, the collateral will be deemed valued by the Court at the amount set forth in the Trustee's Recommendation Concerning Claims (TRCC), unless a response and objection to the TRCC is timely filed.

D. Unsecured Claims: Unsecured claims may be separately classified provided, however, that all claims within a particular class shall be treated the same. Any unsecured claim not over \$50.00 may be paid pro rata, in equal installments or in full, at the election of the Trustee. The classes, generally, will be as follows:

1. General unsecured: The class of "general unsecured" claims shall comprise the claims of all creditors holding unsecured nonpriority claims, not otherwise designated as "special class" unsecured claims, including the unsecured portion of a secured creditor's bifurcated claim (i.e., the difference between the value of the collateral and the total amount of the claim) and secured claims the liens securing which have been avoided. Payments to general unsecured creditors shall be made on a pro rata basis as funds become available after secured and priority claims have been paid in full. The amount paid to general unsecured claimants shall depend on such factors as the total amount of claims actually filed and allowed, but the total amount paid to unsecured creditors shall be equal to or greater than the amount such creditors would receive, as of the effective date of the plan, if the Debtor's estate were liquidated under Chapter 7 of the United States Bankruptcy Code. In the event the Debtor owns non-exempt assets the liquidation of which would result in the immediate payment in full of all allowed general unsecured claims were the Debtor's estate liquidated under Chapter 7 of the United States Bankruptcy Code, then the Debtor shall pay the holders of such claim interest at the rate of five percent (5 %) per annum on allowed claims over the term of the Chapter 13 plan. Interest that would otherwise accrue during the life of the plan is discharged upon completion of the plan, except for any interest accruing on a debt to any general unsecured creditor whose debt (and/or interest) is nondischargeable under the law.

2. Special class: The class of "special class" claims shall comprise those claims that would otherwise be general unsecured claims but that the Debtor(s) has elected to pay in full despite the fact that general unsecured claims are not paid in full. Such claims include, but are not limited to, claims arising out of consumer debts for which any individual is liable with the Debtor by way of co-signature, guarantee, endorsement or otherwise ("co-signed debts"), claims based on NSF checks (or any other claims which might result in criminal prosecution), and student loans.

Vesting of Estate Property

Upon confirmation of the plan, all property of the estate shall not vest in the Debtor(s), but shall remain as property of the estate subject to the automatic stay of 11 U.S.C. §362.

Executory Contracts/Unexpired Leases:

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume or assign 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:

Direct Payments to Creditors

Certain claims may be paid directly to the holders thereof, not by the Chapter 13 Trustee, but rather by the Debtor(s) or some other party who shall be deemed acting as disbursing agent of the Trustee for payment of such claims. Creditors receiving such direct payments outside the plan may continue to issue payment books, coupons and any other method normally used to make and receive periodic payments and this shall not violate the provisions of 11 U.S.C. §362.

Such payments shall be made in addition to the payments by Debtor to the Trustee as herein set forth.

If a creditor is allowed by Court Order to foreclose on, or otherwise take back his/her property, such creditor must notify the Chapter 13 Trustee immediately upon regaining the property. Upon entry of an Order Lifting Stay, the Trustee shall stop any further payment on that claim.

Any creditor who has obtained an order lifting the automatic stay, or an inferior lienholder in the case desiring to file a deficiency claim, must file such claim by amending or replacing their claim within 90 days of the property's reversion to the first lienholder.

Long Term Debts

Any amount not paid during the term of the plan on secured debts upon which the last payment is due after the final payment under the plan is due ("long term debts") shall not be discharged. In the event the debt is secured by any real or personal property and either the holder of such secured claim obtains relief from the stay of 11 U.S.C. §362 for the purpose of foreclosing its lien on or security interest in such property or the Debtor elects to surrender the property to the creditor, then the entire debt shall be discharged pursuant to 11 U.S.C. §1328(a) or 11 U.S.C. §1328(b) and shall not be excepted from such discharge by 11 U.S.C. § 1328(a)(1) or 11 U.S.C. § 1328(c)(1). A creditor may file an unsecured claim in the amount of any resulting deficiency after the collateral is liquidated and the proceeds thereof applied against the claim within ninety (90) days of such liquidation unless the Court orders otherwise.

Additional Provisions

Additional information, provisions and requirements are set forth in the Local Rules and Standing Orders of the United States Bankruptcy Court for the Western District of Texas, San Antonio Division, and in the *Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines* which will be mailed to all parties affected hereby. These documents should be consulted in connection with any analysis of this plan and the effect thereof.

Proposed payments to individual creditors and the amount of payments to unsecured creditors may change as a result of the Meeting of Creditors or as Proofs of Claim are filed and allowed. Creditors may wish to attend the meeting of creditors and should be aware of any changes. All changes will be listed in the TRCC which will be served on all creditors after the deadline for filing proofs of claim has expired.

Specific Treatment for Payment of Allowed Claims

These are proposed treatments. Actual treatment may be different. When claims are finalized, you will be served with the "Trustee's Recommendation Concerning Claims" and the opportunity to object.

1. Direct Payments to Creditors

Creditor Name _____ Remarks _____ Debt Amount _____ Monthly Payment _____

2. SECURED CREDITORS: (Refer to paragraph C)

Creditor/Co llateral	Est. Amount	Est. Value	Unsecured Portion	Mo. Pmt or Method of Disb.	Insured (yes/no) Name of Insurance	Indicated if to be Sold or Returned	Interest Rate	Remarks
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3. PRIORITY CREDITORS: (Refer to paragraph B)

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along with Secured Creditors	Remarks
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4. SPECIAL CLASS UNSECURED CREDITORS: (Refer to paragraph D-2)

Creditor	Special Condition	Est. Debt	Mo. Pmt or Method of Disb. on Est. Value	Remarks
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5. GENERAL UNSECURED CREDITORS: (Refer to paragraph D-1)

Creditor	Estimated Debt	Remarks
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Totals:

Priority _____ Secured _____ Special Class _____ Unsecured _____

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 San Antonio, Texas.

1. The Debtor's Plan Payment is scheduled at _____ per month. Pay Order, Pay Order waived.
 2. The Plan proposes to pay in full all allowed priority, special class and secured claims to the extent of the value of the collateral and a total of no less than \$ _____ will be paid to nonpriority unsecured creditors with allowed claims during the Plan. Unsecured creditors will receive approximately ___% of allowed claims. (See Note 1).
 3. Value of non-exempt assets _____, Federal or State exemptions; Consumer Debtor or Business Debtor.
 4. Current Monthly Income _____, - Amounts Reasonably Necessary to Be Expended _____ =
Monthly Disposable Income _____ (From Form B22C)
- and/or
5. Monthly net income from Schedule I _____, - Expenses from Schedule J _____ =
Excess income
 6. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in the "Specific Treatment of Allowed Claims" set forth above.

Note 1: Creditors should note that the Debtor's projection of the percentage payment of allowed general unsecured claims is only an estimate. Such percentage is based upon the amount of debt of all classes listed by the Debtor(s) in the Debtor(s) schedules filed with the Court. If claims or amended claims are filed and allowed by the Court in an amount greater or lesser than that scheduled by the Debtor(s), the percentage paid to unsecured creditors may be different than is estimated here.

SUPPLEMENTAL PLAN PROVISIONS

The above plan is a uniform Chapter 13 plan adopted for use in the San Antonio Division of the Western District of Texas. None of its provisions can be altered except as hereinafter set forth in this Supplemental Plan Provision. To the extent any provision of the Supplemental Plan is in conflict with the provisions in the uniform plan, the Supplemental Plan shall prevail. Any provisions in the Supplemental Plan not provided for in the uniform plan shall become a part of the plan in addition to the provisions of the uniform plan.

The following are the Supplemental Plan Provisions:

Respectfully submitted this _____ day of _____, 20__.

Debtor

Debtor

EXHIBIT A

Insert with 341 Notice on cases filed *with* Schedules and Plan

Additional Court-Ordered Notices

Plan

A Plan is attached. Please review it carefully. It sets out the proposed treatment of all creditors, including the proposed valuation of all collateral. The Plan may be amended without further notice at the first meeting of creditors, and such amendments may affect your treatment as a creditor.

Amended Plan

If the plan is amended prior to Confirmation, the Debtor/Debtor's attorney shall file the Amended Plan and shall serve a copy of such Amended Plan prominently displaying the notice of 20-day objection language upon all adversely affected creditors and parties in interest, and, upon the Chapter 13 Trustee, in all cases, within two (2) days after filing. Creditors may object to confirmation of any such amended plan.

Proofs of Claim

Proofs of claim must be filed and a copy (with all attachments) shall be served on the debtor's attorney (or the debtor, if the debtor is pro se) and the Chapter 13 Trustee appointed in the case. Secured creditors must attach proof of their perfected secured status. Secured and priority creditors are strongly urged to file their claims *prior to* the meeting of creditors so that the Plan's feasibility can be determined at that time.

Objections to Confirmation

With the exception of objections to valuations of secured debt of the taxing authorities, any objections to Confirmation of the Plan (including any objections to the valuation of specific creditors' collateral as set out in the Plan Summary), must be raised *at or prior to* the meeting of creditors (the §341 meeting). The objection must be reduced to writing within ten (10) days after the completion of the meeting of creditors and filed with the Court.

Confirmation Hearings

If there are no timely objections to Confirmation of the debtor's Plan (or to the proposed valuations of creditors' collateral) and the Trustee otherwise recommends Confirmation, the actual Confirmation Hearing will be deemed waived by all parties, and the Court may enter an Order Confirming the Plan prior to the scheduled Confirmation Hearing date, and the debtor is excused from attending. Absent a specific objection to Confirmation from a taxing authority, valuation issues concerning taxing authorities will not preclude the Confirmation of a Plan and will be addressed through either the claims objection process or the Trustee's Recommendation Concerning Claims.

If there is a timely objection to the debtor's Plan or to the proposed valuation of any item of collateral, then the Confirmation Hearing will be held on the date set, at which hearing the Court may consider and decide all Confirmation and valuation issues raised by the objections. If there are no timely objections, but the Trustee *does not* recommend Confirmation, then there shall be a Confirmation Hearing.

The Debtor and the Debtor's Attorney Shall Attend This Confirmation Hearing.

Valuation of Collateral

Except for the value of collateral securing a claim of a taxing authority, the value of collateral set out in the debtor's Plan (see the Plan) shall be the value fixed by the Court by Confirmation of the Plan, unless a timely Objection to Confirmation is filed. The objection must specifically object to the proposed valuation and request a hearing thereon. Any objection to valuation will be heard at the Confirmation Hearing, and no Plan will be confirmed until the valuation objection is resolved, except for the value of collateral securing a claim of a taxing authority. The valuation of collateral by the Court shall not relieve a secured creditor from the duty to file a Proof of Claim in order to be paid under the Plan.

In the event a creditor timely files a Proof of Claim which evidences a perfected security interest in collateral, which claim and collateral were not dealt with by the debtor's Plan, the collateral will be deemed valued by the Court at the amount set forth in the Trustee's Recommendation Concerning Claims, unless a response or objection is timely filed.

Bar Date for Objection to Claims

All objections to any Proof of Claim must be filed no later than thirty (30) days after the date of service of the Trustee's Recommendation Concerning Claims (which will be served on all creditors). Absent objections, all claims will be deemed allowed as set forth in the Trustee's Recommendation Concerning Claims.

Summary Dismissal

The Court may dismiss a Chapter 13 case upon certification from the Clerk of the Court or the Chapter 13 Trustee, with notice to the debtor and/or the debtor's attorney and a ten-day opportunity to cure, for the debtor's failure to pay filing fees (including installment filing fees) when due.

The Court may dismiss a Chapter 13 case upon certification from the Chapter 13 Trustee of the debtor's failure to appear at the first meeting of creditors, when such nonappearance has not otherwise been excused by an order of this Court.

The Court may, at the Confirmation Hearing and upon request of the Chapter 13 Trustee at said hearing, dismiss a Chapter 13 case for failure of the debtor to obtain Confirmation of the Chapter 13 Plan.

**By Order of the Court
United States Bankruptcy Judge**

Insert with 341 Notice on cases filed *without* Schedules and Plan

Additional Court-Ordered Notices

SERVICE REQUIREMENTS

The Schedules and/or Plan were not filed with the original petition. The debtor and/or the debtor's attorney must file these documents and must serve a copy of the Plan on all creditors and parties in interest within two (2) days after filing. A certificate of such service shall be filed with the Clerk, and a copy thereof shall be sent to the Chapter 13 Trustee.

Notice to the Debtor and the Debtor's Attorney of reasons for Summary Dismissal

If the Plan and Schedules are not filed and either a file-stamped copy or a Declaration for Electronic Filing shall be served on the Chapter 13 Trustee within 15 days of the filing of the case (unless the time for filing has been extended by the Court), or if the debtor fails to serve the Plan as directed herein, then the Trustee may certify these facts to the Court, and the Court may summarily dismiss this case without further notice of hearing.

The Court may dismiss a Chapter 13 case upon certification from the Clerk of the Court or the Chapter 13 Trustee, with notice to the debtor and/or the debtor's attorney and a ten-day opportunity to cure, for the debtor's failure to pay filing fees (including installment filing fees) when due.

The Court may dismiss a Chapter 13 case upon certification from the Chapter 13 Trustee of the debtor's failure to appear at the first meeting of creditors, when such nonappearance has not otherwise been excused by an order of this Court.

The Court may, at the Confirmation Hearing and upon request of the Chapter 13 Trustee at said hearing, dismiss a Chapter 13 case for failure of the debtor to obtain Confirmation of the Chapter 13 Plan.

Plan

A Plan has not yet been filed but will be served on all creditors when filed or the case will be summarily dismissed. Please review the Plan carefully. It sets out the proposed treatment of all creditors, including the proposed valuation of all collateral. The Plan may be amended without further notice at the first meeting of creditors, and such amendments may affect your treatment as a creditor.

Amended Plan

If the Plan is amended prior to Confirmation, the Debtor/Debtor's attorney shall file the Amended Plan and shall serve a copy of the Amended Plan prominently displaying the notice of 20-day objection language upon all adversely affected creditors and parties in interest, and upon the Chapter 13 Trustee, in all cases, within two (2) days after filing. Creditors may object to confirmation of any such amended plan.

Proofs of Claim

Proofs of Claim must be filed and a copy (with all attachments) shall be served on the debtor's attorney (or the debtor, if the debtor is pro se) and the Chapter 13 Trustee appointed in the case. Secured creditors must attach proof of their perfected secured status. Secured and priority creditors are strongly urged to file their claims *prior* to the meeting of creditors so that the Plan's feasibility can be determined at that time.

Objections to Confirmation

With the exception of objections to valuations of secured debt of the taxing authorities, any objections to Confirmation of the Plan (including any objections to the valuation of specific creditors' collateral as set out in the Plan), must be raised *at or prior* to the meeting of creditors (the § 341 meeting). The objection must be reduced to writing within ten (10) days after the meeting of creditors and filed with the Court.

Confirmation Hearings

If there are no timely objections to Confirmation of the debtor's Plan (or to the proposed valuations of creditors' collateral), and the Trustee otherwise recommends Confirmation, the actual Confirmation Hearing will be deemed waived by all parties, and the Court may enter an Order Confirming the Plan prior to the scheduled Confirmation Hearing date, and the debtor is excused from attending. Absent a specific objection to Confirmation from a taxing authority, valuation issues concerning taxing authorities will not preclude the Confirmation of a Plan and will be addressed through either the claims objection process or the Trustee's Recommendation Concerning Claims.

If there is a timely objection to the debtor's Plan or to the proposed valuation of any item of collateral, then the Confirmation Hearing will be held on the date set, at which hearing the Court may consider and decide all confirmation and valuation issues raised by the objections. If there are no timely objections, but the Trustee *does not* recommend Confirmation, then there shall be a Confirmation Hearing.

The Debtor and the Debtor's Attorney Shall Attend This Confirmation Hearing.

Valuation of Collateral

Except for the value of collateral securing a claim of a taxing authority, the value of collateral set out in the debtor's Plan (see the Plan) shall be the value fixed by the Court by Confirmation of the Plan, unless a timely Objection to Confirmation is filed. The objection must specifically object to the proposed valuation and request a hearing thereon. Any objection to valuation will be heard at the Confirmation Hearing, and no Plan will be confirmed until the valuation objection is resolved, except for the value of collateral securing a claim of a taxing authority. The valuation of collateral by the Court shall not relieve a secured creditor from the duty to file a Proof of Claim in order to be paid under the Plan.

In the event a creditor timely files a Proof of Claim which evidences a perfected security interest in collateral, which claim and collateral were not dealt with by the debtor's Plan, the collateral will be deemed valued by the Court at the amount set forth in the Trustee's Recommendation Concerning Claims, unless a response or objection is timely filed.

Bar Date for Objection to Claims

All objections to any Proof of Claim must be filed no later than thirty (30) days after the date of service of the Trustee's Recommendation Concerning Claims (which will be served on all creditors). Absent objections, all claims will be deemed allowed as set forth in the Trustee's Recommendation Concerning Claims.

**By Order of the Court
United States Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE: § CHAPTER 13
DEBTOR(S) § CASE NO.:

INTERIM RULE 4002(b)(3) EXTENSION

If the following tax returns are not filed with the Internal Revenue Service by the deadline indicated below, and the case has not been confirmed, the Trustee may orally request Summary Dismissal of the case at the scheduled Confirmation hearing. If your case has been confirmed and the required returns are not filed by the deadline below, the Trustee will file, and move to expedite, a Motion to Dismiss the case.

(1040/940/941) Tax returns for the following tax year(s)

Other:

Deadline for filing all of the above: _____

A return is considered filed in the following circumstances:

1. Receipt of Tax Return form from the IRS or Substitute Presiding Officer stating that the return(s) were provided at the §341 Meeting of Creditors.
2. File stamped copy of the return from the local IRS office.
3. Possession of the “green card” return receipt showing the return(s) were mailed to the following address:

Special Procedures
300 E. 8th Street
Stop 5026 AUS
Austin, Texas 78701

Approved:

Debtor(s) _____

Marion A. Olson, Jr.
Chapter 13 Trustee

EXHIBIT B

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:
DEBTOR(S)

§
§
§
§

BANKRUPTCY NO:

CHAPTER 13

DECLARATION OF THE DEBTOR(S) CONCERNING CONFIRMATION REQUIREMENTS

The Debtor(s), __ (Name(s)) _____, in the above captioned case, being duly sworn upon oath, state as follows (check all applicable statements):

1. _____ A. Since the filing of this bankruptcy, I/We have not been required by a judicial or administrative order or, or by statute, to pay any domestic support obligation as defined in 11 U.S.C. §101(14A).

OR

_____ B. I/We have paid all amounts that first became due and payable after the filing of this bankruptcy, which I/We am/are required to pay under a domestic support obligation [as defined in 11 U.S.C. §101(14A)] required by a judicial or administrative order, or by statute.

2. _____ A. I/We have filed all federal, state and local tax returns required by law to be filed for all taxable periods ending during the 4 year period prior to the filing of this bankruptcy.

OR

_____ B. I/We have signed an Interim Rule 4002(b)(3) Extension certifying that all required tax returns will be filed no later than _____.

By signing this affidavit, I/We acknowledge that all statements contained herein are true and accurate and that the Court may rely on the truth of each of these statements in determining whether to confirm the Chapter 13 Plan. The Court may revoke confirmation of the Chapter 13 Plan if the statements relied upon are not accurate. Debtor(s) understand that, should any of the above declarations change prior to entry of a confirmation order, they will have to present an updated Declaration to the Chapter 13 Trustee. I/We declare under penalty of perjury that I/we have read the answers contained in the foregoing Declaration and that they are true and correct.

/s/ _____
Debtor

/s/ _____
Co-Debtor

EXHIBIT C

DEBTOR(S) QUESTIONNAIRE UPON COMPLETION OF PLAN
PAYMENTS IN BANKRUPTCY # _____

CIRCLE THE CORRECT ANSWERS

1. YES/NO I/We have completed an instructional course concerning personal financial management described in 11 U.S.C. §111 provided by the following entity:

Marion A. Olson, Jr _____
Chapter 13 Trustee _____
1020 N. E. Loop 410, Suite 800 **OR** _____
San Antonio, Texas 78239 _____

2. YES/NO I/We have not received a discharge in a Chapter 7, 11 or 12 bankruptcy case within 4-years of the date I/We filed this Chapter 13 bankruptcy.

3. YES/NO I/We have not received a discharge in another Chapter 13 bankruptcy case within 2-years of the date I/we filed this Chapter 13 bankruptcy.

4. YES/NO Did you elect to use state exemptions? If yes then the following two questions must be answered.

YES/NO a. I/We did not have either at the time of filing this bankruptcy or at the present time, equity in excess of \$125,000.00 (\$250,000 if married filing jointly) in the type of property described in 11 U.S.C. §522(p)(1)[generally your homestead]

YES/NO b. There is not currently pending any proceeding in which I [in an individual case] or either of us [in a joint case] may be found guilty of a felony (A felony is an offense punishable by a minimum term of imprisonment of more than one year) of the kind described in 11 U.S.C. § 522 (q)(1)(A) (circumstances of the felony demonstrated that the filing was an abuse of the bankruptcy code) or liable for a debt of the kind described in 11 U.S.C. §522 (q)(1)(B) (violation of the Federal or State Securities Laws or regulations or orders issued thereunder; fraud, deceit or manipulation in a position of trust in connection with the purchase or sale of certain registered securities; civil remedies under the racketeering statute; or criminal acts, intentional civil injuries, or willful or reckless misconduct causing serious physical injury or death to another in the preceding 5 years.)

5. YES/NO a. I/We have been required by judicial or administrative order, or by statute to pay any domestic support obligation as defined in 11 U.S.C. §101(14A) (a debt owed to or recoverable by a spouse, former spouse, or child or the child's parent or legal guardian, or a government unit, for alimony, maintenance or support of those persons/entities, that was established by a separation agreement, divorce decree, property settlement, order of a court or, where applicable, a governmental entity) either before this bankruptcy was filed or at any time after the filing of this bankruptcy.

IF THE ANSWER TO 5.a IS YES, THEN ALL OF THE FOLLOWING QUESTIONS MUST BE COMPLETED/ANSWERED

- YES/NO b. I/We certify that prior to the date of this Questionnaire I/We have paid all amounts due under any domestic support obligation [as defined in 11 U.S.C. §101(14A)] required by a judicial or administrative order, or by statute including amounts due before this bankruptcy was filed, to the extent provided for by the plan. The name and address of each holder of a domestic support obligation are as follows:
 (NAME) _____
 (ADDRESS) _____

- c. My/Our most recent address is as follows:
 (ADDRESS) _____

- d. The name and address of my/our most recent employer(s) is as follow:
 (NAME) _____
 (ADDRESS) _____

- e. The following creditors hold a claim that is not discharged under 11 U.S.C. §523 (a)(2) or (a)(4) or a claim that was reaffirmed under 11 U.S.C. §524(c) (if more than 2 attach a continuation sheet):
 (NAME) _____
 (NAME) _____

I/We acknowledge that all of the statements contained herein are true and accurate. The Court may rely on the truth of each of these statements in determining whether to grant me/us a discharge in this Chapter 13 Bankruptcy case. The Court may revoke my discharge if the

statements relied upon are not accurate. I/We declare under penalty of perjury that I/we have read the answers contained in the foregoing Declaration and that they are true and correct.

/s/ _____
Debtor

/s/ _____
Co-Debtor

EXHIBIT D