


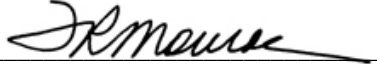




SIGNED this 17th day of November 2005.

 _____ 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

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

**STANDING ORDER FOR
CHAPTER 13 CASE ADMINISTRATION
FOR THE MIDLAND-ODESSA DIVISION**

The Bankruptcy Judges for the United States Bankruptcy Court for the Western District of Texas have determined that the following procedures are necessary for the efficient and orderly administration of Chapter 13 cases in the Midland-Odesa Division.

1. ADOPTION OF CHAPTER 13 PLAN FORMAT:

Attached as Exhibit #1 to this Standing Order is a Chapter 13 Plan Form that shall be used by all Chapter 13 debtors in cases filed after the effective date of this Standing Order.

The form plan may be revised periodically. The Clerk shall make available to the public the Chapter 13 Plan Form.

The current form plan is additionally a Motion to Value Collateral and a Motion to Avoid Liens under 11 U.S.C. Section 522. Objections to the Valuation or Lien Avoidance features of the Plan/Motion must be in writing and filed no later than ten (10) days prior to the confirmation hearing date. All other confirmation objections must be filed no later than ten (10) days prior to the confirmation hearing date.

2. BAR DATE FOR FILING SECURED CLAIMS:

A proof of claim by a secured creditor, other than a governmental agency, is timely filed by the creditor not later than ninety (90) days after the first date set for the meeting of creditors called under Section 341 of the Bankruptcy Code.

3. TRUSTEE RECOMMENDATION CONCERNING CLAIMS:

After the deadline for filing proofs of claims has passed, the Chapter 13 Trustee (hereinafter, "Trustee") shall file a Recommendation Concerning Claims and serve a copy upon the debtor, debtor's counsel, all creditors and other parties in interest. No Order will be entered approving the Recommendation Concerning Claims. Instead, if no objection or other response is timely filed, then the Recommendation Concerning Claims shall be binding upon all creditors and other parties in interest, and the Trustee is authorized to make disbursements according to the provisions of the Recommendation Concerning Claims without further Order of the Court. Claims not filed by the deadline to file proofs of claim shall be deemed disallowed and will not be paid by the Trustee except as otherwise allowed in the Recommendation Concerning Claims or other Orders of the Court.

If an objection or other response to the Recommendation Concerning Claims is timely filed, the Trustee may nonetheless make distribution in accordance with the provisions of the Recommendation Concerning Claims, except with respect to the claim that is the subject of an objection or response. The Trustee shall reserve funds attributable to the challenged claim until the allowance or treatment of the claim has been resolved. If, as result of the claim resolution, there is a greater or lesser amount of money available for distribution to other creditors, the Trustee may adjust the payments to creditors accordingly without having to file a further Recommendation Concerning Claims.

The Recommendation Concerning Claims must prominently display the following notice:

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

NO HEARING WILL BE CONDUCTED ON THIS RECOMMENDATION CONCERNING CLAIMS (OR ITS TREATMENT OF ANY CLAIM) UNLESS A WRITTEN RESPONSE IS FILED WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE.

A TIMELY RESPONSE IS NECESSARY FOR A HEARING TO BE HELD. IF NO RESPONSE IS TIMELY FILED, THE TREATMENT OF CLAIMS REFLECTED IN THIS RECOMMENDATION SHALL BE DEEMED APPROVED BY THE COURT WITHOUT FURTHER HEARING OR ORDER.

BY ORDER OF THE COURT, THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS SHALL SET A BAR DATE FOR OBJECTING TO CLAIMS, FOR CONTESTING THE VALIDITY OR PRIORITY OF LIENS, AND FOR CHALLENGING THE PRIORITY OF CLAIMS. THE BAR DATE SHALL BE THE TWENTIETH (20TH) DAY AFTER THE SERVICE OF THIS RECOMMENDATION OF CLAIMS

AS SHOWN IN THE CERTIFICATE OF SERVICE ATTACHED HERETO. ANY OBJECTION, MOTION, OR ADVERSARY PROCEEDING CONTESTING THE VALIDITY OR PRIORITY OF ANY CLAIM REFLECTED IN THIS RECOMMENDATION CONCERNING CLAIMS 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 CHAPTER 13 TRUSTEE, THE DEBTOR, THE DEBTOR'S COUNSEL, AND ALL PARTIES IN INTEREST.

4. OBJECTIONS TO CLAIMS:

Objections to proofs of claims must be in writing and filed no later than twenty (20) days after service of the Trustee's Recommendation Concerning Claims.

5. MOTIONS TO VALUE PROPERTY INDEPENDENT OF THE PLAN:

Motions to value property or to avoid a lien may be filed as part of the debtor's plan as provided in Section III of the Plan Form. Any request by the debtor to value property of the estate or to avoid a lien under 11 U.S.C. Section 522(f), independent of the plan, must be in writing and filed no later than twenty (20) days after service of the Trustee's Recommendation Concerning Claims.

6. RESPONSES TO OBJECTIONS TO CLAIMS;
RESPONSES TO MOTIONS TO VALUE PROPERTY:

Responses to objections to claims and motions to value property must be filed by the deadline provided in the notice included in such objection or motion pursuant to Local Bankruptcy

Rule 9014. If no such notice is included, no response is necessary and the objection to claim or motion to value property shall be set for hearing.

7. AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than thirty (30) days prior to the date scheduled for hearing on the confirmation of the plan. The Court will only consider de minimis, non-substantive, or technical amendments to the plan at the confirmation hearing.

8. SERVICE OF THE PLAN AND PRE-CONFIRMATION AMENDMENTS:

- A. Whether or not the plan is filed with the Chapter 13 petition at the commencement of the case, debtor shall be responsible for serving the plan on all creditors, parties in interest, and the Trustee.
- B. Whenever a Chapter 13 plan is amended prior to confirmation, debtor shall serve the amended plan on all creditors, parties in interest and the Trustee within two (2) business days after filing with the Court.
- C. A certificate of service must be filed with the Clerk of the Court by debtor or debtor's attorney reflecting service of any plan or amended plan and should indicate service was made pursuant to L. Rule 9013.

9. DEBTOR'S DUTY TO FACILITATE NOTICE REGARDING DOMESTIC SUPPORT OBLIGATIONS:

In order to facilitate expedient notice to domestic support claimholders and to the applicable state agency provided for in 11 U.S.C. Section 1302, debtor shall, at the same time the schedules are filed, provide to the Trustee the names, current addresses and telephone numbers of all persons to whom debtor owes a domestic support obligation. At the same time, debtor shall provide to the Trustee the names, addresses, and telephone numbers of the state child support enforcement agencies as set forth under 11 U.S.C. Section 1302(d)(1)(A)(i) for the states in which the persons to whom debtor owes a domestic support obligation reside.

10. MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY:

Unless the Court orders otherwise, the Trustee will cease disbursement on a claim sixty (60) days after an Order for Relief from the Stay or Notice of Termination of Stay is entered OR once the Trustee receives a Notice of Repossession or Foreclosure, whichever is earlier. The creditor retains the right to file an amended unsecured deficiency claim after the foreclosure has occurred, except to the extent otherwise provided in any confirmed plan. Unless otherwise provided by an Order of the Court, any such deficiency claim shall be filed no later than ninety (90) days after the automatic stay is terminated, as determined by the Order granting Relief from the Stay or the Notice of Termination of Stay.

11. CERTIFICATION REGARDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS AND TAX RETURNS:

No later than twenty (20) days prior to the first scheduled confirmation hearing, debtor shall file an affirmation pursuant to F.R.C.P. 43(d) affirming:

- A. As required by 11 U.S.C. Section 1325(a)(8), that debtor has paid all amounts required to be paid under a domestic support obligation, and that first become payable after the date of the filing of the petition if debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation; and
- B. As required by 11 U.S.C. Section 1325(a)(9), that debtor has filed all applicable Federal, State, and local tax returns as required by 11 U.S.C. Section 1308.

In the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, debtor shall also file with the Court the certification required by 11 U.S.C. Section 1328(a) within twenty (20) days after the completion by the debtor of all payments under the plan.

12. ATTORNEY'S FEES:

The United States Bankruptcy Court for the Western District of Texas, Midland-Odessa Division, may determine and maintain a standard benchmark fee for routine non-business Chapter 13 cases and a standard benchmark fee for routine business Chapter 13 case.

In a routine non-business Chapter 13 case, the following services shall be included in the benchmark fee:

- A. All conferences with debtor(s);
- B. Preparation and service of the petition, schedules, statement of financial affairs, and the plan and all amendments thereto;
- C. Attendance at the Section 341 meeting of creditors;
- D. Attendance at the confirmation and discharge hearings (including reset confirmation and discharge hearings); and
- E. Preparation and service of routine motions, which shall be deemed to include the following:
 - 1. Requests for moratorium (whether by motion or by administrative procedure);
 - 2. Motions to waive pay order;
 - 3. Motions to pay filing fees in installments;
 - 4. Objections to claims and motions to value or avoid liens; and
 - 5. Motion and Affidavit requesting issuance of Discharge Order.
- F. Notwithstanding the foregoing subparagraph E., debtor's attorney may, for cause shown, request additional fees for the services listed. If so, debtor's attorney must make the request as a request for fees for additional services as set out below.

Debtor's attorney in a Chapter 13 case may only request and obtain an award of fees for additional services beyond those specified above by Court Order, on motion, notice and opportunity for hearing. Such request may be by separate motion or in the motion that 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 captions and in the body of the motion, shall set forth the total fees requested to date (including the benchmark fee awarded and any additional fees previously awarded or pending), and the basis for the request.

Attorney's fees will be disbursed according to the provisions of the plan. The plan must specifically state the monthly amount to be disbursed in attorney's fees. Unless specifically ordered otherwise by the Court upon motion, notice and opportunity for hearing, such monthly amount shall not exceed \$500.00 for the first disbursement following confirmation, and then \$100.00 per month thereafter.

13. APPLICATIONS TO INCUR CONSUMER DEBT;
REQUESTS FOR MORATORIUM:

Debtor shall not incur consumer debt without written approval of either the Court or the Trustee.

The debtor shall make written application to the Trustee for approval to incur consumer debt. The debtor shall not file the application with the Clerk of the Court. If approved by the Trustee, the Trustee shall file the approval with the Clerk. If not approved by the Trustee within ten (10) days, debtor may then file with the Clerk a motion to incur consumer debt and the motion shall contain as an attachment the Trustee's denial of the application to incur debt.

The Trustee shall have the authority to grant, in Trustee's discretion, one (1) sixty (60) day moratorium. No motion, notice, or other Court approval shall be required, but the circumstances shall be documented in the Trustee's records. Any further suspensions of Chapter 13 plan payments require

motions that must be served on the Trustee, all creditors, and parties in interest.

14. DISPOSITION OF FEDERAL INCOME TAX REFUNDS IN CHAPTER 13 CASES:

The Internal Revenue Service (hereinafter the "IRS") is authorized to apply any tax refunds of debtors to the payment of any tax obligations due and owing by such debtors, regardless of whether such tax obligations or tax refunds arose before or after the filing of such debtor's case, so long as the tax claims are entitled to priority status under 11 U.S.C. Section 507(a). The base amount of the plan will not be adjusted by reason or any IRS offset.

The balance of any income tax refund issued after the petition date and before debtor has made the final payment under the plan or the debtor's case is converted or dismissed, may be issued and delivered by the IRS directly to the Trustee. If the IRS returns the tax refund to the debtor, the debtor shall immediately forward the refund to the Trustee. The base amount of the plan shall be increased to include the amount of this additional receipt (whether received directly from the IRS or the debtor), less that amount of the tax refund returned by the Trustee to debtor or applied to any plan delinquency.

The Trustee shall return to debtor one thousand two hundred dollars (\$1,200.00) of any such tax refund (or all of the refund if less than \$1,200.00) which is received by the Trustee either directly from the IRS or from the debtor; provided, however, if debtor is delinquent in plan payments the Trustee shall apply any such amount otherwise to be returned to the debtor first to the delinquency. Notwithstanding anything to the contrary herein, if joint debtors file separate tax returns (whether married filing separately or otherwise) for any tax

period, only one (1) single \$1,200.00 amount shall apply to such debtors for that tax period.

The Trustee is hereby authorized to receive, endorse, deposit, and apply as set forth herein to debtor's plan and any plan delinquency, any tax refund issued to debtor by the IRS after the petition date and before the debtor has made the final payment under the plan, or the debtor's case is converted or dismissed.

15. SUMMARY DISMISSAL OF CASE:

A Chapter 13 case may be summarily dismissed upon submission of an Order by the Trustee for any one of the following causes:

- A. Debtor's failure to timely file a plan;
- B. Debtor's failure to timely file schedules;
- C. Debtor's unexcused failure to appear at the scheduled Section 341 meeting of creditors (including unexcused failure by either debtor to attend the Section 341 meeting of creditors in a joint case);
- D. Debtor becomes sixty (60) or more days delinquent in payments under a confirmed plan;
- E. Debtor's failure to comply with the provisions of a prior Order that provides for such relief;
- F. Debtor's failure to submit tax returns pursuant to 11 U.S.C. Section 521(e)(2); or
- G. Debtor's failure to submit payment advices pursuant to 11 U.S.C. Section 521(a)(1)(B)(iv).

16. ADEQUATE PROTECTION PAYMENTS:

Unless otherwise ordered by the Court, in lieu of adequate protection payments by debtor as provided in 11 U.S.C. Section 1326, debtor shall make debtor's full plan payment to the Trustee, who shall hold the funds until confirmation or denial of confirmation of the plan. In the first regular disbursement following confirmation or denial of confirmation of the plan, the Trustee shall distribute to the secured creditors with filed and allowed claims the funds that are payable to such secured creditors under the provisions of the plan. The Trustee's fee and expense allowance shall apply with respect to such payments whether or not the plan was confirmed.

If the plan is denied confirmation and funds on hand are not sufficient to pay each such secured creditor all full specific monthly payment(s) otherwise provided for in the plan, then such funds shall be paid, after deduction of the Trustee's fee and expense allowance, to the secured creditors on a pro rata basis based upon the principal balances of their filed and allowed claims.

17. DISCHARGE HEARINGS:

Attached as Exhibit #2 to this Standing Order is a form Motion and Affidavit Requesting Issuance of Discharge Order. If debtor is eligible to receive a discharge, debtor shall complete and file the Motion and Affidavit within twenty (20) days of receipt of notification from the Trustee of debtor's completion of all payments under the plan.

The Motion and Affidavit shall be served by debtor on the Trustee, all creditors, and other parties in interest, including all holders of domestic support obligations and applicable state child support enforcement agencies. Service of

the Motion and Affidavit shall satisfy the requirements of 11 U.S.C. Section 1302(d)(1)(C).

If there are no timely filed objections to debtor's Motion and Affidavit, the Court may waive the discharge hearing and enter a discharge Order.

18. EFFECTIVE DATE:

The above procedures are hereby adopted for the United States Bankruptcy Court for the Western District of Texas, Midland-Odessa Division. The provisions of this Standing Order become effective for all Midland-Odessa Division Chapter 13 cases in which an Order for relief was entered on or after October 17, 2005.

IT IS SO ORDERED.

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Exhibit #1

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

In re: }
 } }
 } Case No. }
 } } (Chapter 13)
 } }
 Debtor(s) }

**DEBTOR(S)' CHAPTER 13 PLAN [] AMENDED PLAN
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

Plan Summary

- A. Debtor's Plan payment is scheduled at \$_____ per month for ___ months [___ Pay Order, ___ Direct Pay]. The gross amount to be paid into the Plan is \$_____.
- B. The Plan proposes to pay in full all allowed priority, special class, secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section III hereof, and approximately ___% of the unsecured allowed claims. **THIS PLAN DOES NOT ALLOW CLAIMS.** You must file a proof of claim to receive distributions under any Plan that may be confirmed.
- C. The value of Debtor's non-exempt assets is \$_____.
- D. Debtor's current monthly income of \$_____, less monthly expenses of \$_____ equals \$_____, which is the amount available monthly for the Plan.
- E. The total amount to be paid into the Plan shall be increased for tax refunds as set forth in the Standing Order for Chapter 13 Case Administration in this Division. These additional receipts shall be disbursed according to the provisions of the Plan.

Plan Provisions

I. Vesting of Estate Property

Upon confirmation of the Plan, all property of the estate shall (shall not) vest in the Debtor and shall (shall not) remain as property of the estate subject to the automatic stay of 11 U.S.C. Section 362.

II. Executory Contracts / Unexpired Leases / Contracts for Deed

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

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

III. Specific Treatment for Payment of Allowed Claims

1. Direct Payments by Debtor to Creditors; Surrender of Collateral.

A. Debtor shall pay the following creditors directly:

Creditor	Remarks	Debt Amount	Monthly Payment
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B. Debtor shall surrender the following collateral:

Creditor	Remarks	Debt Amount	Monthly Payment
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2. Payments by Trustee.

A. Administrative Expenses (including attorney's fees):

The Trustee shall receive up to 10% of all sums disbursed, except on any funds returned to the Debtor(s).

Creditor	Estimated Amount of Debt	Payment Method: 1. Before 2. After 3. Along with secured creditors	Remarks
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B. Arrearage Claims - Direct Pay Creditors:

Creditor/ Collateral	Est. claim	Est. Value of Collateral	Mon. Pmt. or Method of Dis- bursement	Interest Rate	Anticipa- ted Total to Pay	Other Treatment / Remarks
-------------------------	---------------	--------------------------------	--	------------------	----------------------------------	---------------------------------

C. Secured Creditors; **MOTIONS TO VALUE COLLATERAL:**

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in this Section, plus interest thereon at the rate specified in this Plan. **Failure of the secured creditor to object to the Plan will be deemed acceptance of the Plan under 11 U.S.C. Section 1325(a)(5)(A).** Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral indicated shall be treated as an unsecured claim under Section III(2)(E).

Unless otherwise ordered by the Court upon objection to the Plan, the payments provided herein for secured creditors shall be deemed to provide adequate protection to such creditors during the term of the Plan.

Debtor moves to value collateral described below in the amounts indicated. Debtor affirms that the values as stated in the Plan for the secured debt are accurate and to the best of Debtor's knowledge represent the replacement value, pursuant to 11 U.S.C. Section 506(a)(2), of the assets held for collateral.

Objections to Valuation of collateral proposed by this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor/ Collateral	Est. claim	Est. Value of Collateral	Monthly Payment	Interest Rate	Anticipa- ted Total to Pay	Other Treatment / Remarks
-------------------------	---------------	--------------------------------	--------------------	------------------	----------------------------------	---------------------------------

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under 11 U.S.C. Section 1328. In addition, if this case is dismissed or converted without completion of the Plan, such liens shall also be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

D. Priority Creditors:

Creditor	Estimated Amount of Debt	Payment Method: 1. Before 2. After 3. Along with secured creditors	Remarks
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E. General Unsecured Creditors (including claims from rejection of contracts, leases, and contracts for deed):

Unless otherwise provided below, payments to creditors with allowed general unsecured claims shall be made on a pro rata basis as funds become available after payment of other creditors. It is estimated that distribution to the general unsecured creditors will commence in the ____ month of the Plan.

F. Cure claims on Assumed Executory Contracts, Contracts for Deed, and Leases:

Creditor	Estimated Amount of Debt	Monthly Payment or Method of Disbursement	Remarks
----------	-----------------------------	---	---------

TOTALS:

Administrative Claims	\$
Arrearage Claims	\$
Secured Claims	\$
Priority Claims	\$
Unsecured Claims	\$
Cure Claims	\$

G. Supplemental Plan Provisions:

(1). **MOTION TO AVOID LIENS UNDER 11 U.S.C. SECTION 522(f)**:

Debtor moves to avoid the following liens that impair exemptions. Objections to Lien Avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section III(2)(E).

Debtor must list the specific exempt property said lien impairs and the basis of the lien, e.g., judicial, nonpurchase-money security interest, etc.

Creditor	Property Subject to Lien	Amount of Lien to be Avoided	Remarks
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(2). Secured claims not otherwise provided for herein:

In the event a creditor timely files a proof of claim that evidences a perfected security interest in collateral, which claim and collateral were not dealt with elsewhere herein, the collateral shall be deemed valued by the Court and the claim shall be paid at the amount set forth in the Trustee's Recommendation Concerning Claims, unless a response is timely filed to such Recommendation. The interest rate to be paid on any such claim shall be ____% per annum.

(3). The following additional Supplemental Plan Provisions:

None.

IV. 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."

- A. Use of the singular word "Debtor" in this Plan includes the plural in a joint case.
- B. **Creditors are hereby notified that WITHOUT FURTHER NOTICE** the Plan may be amended in the Meeting of Creditors. Any amendment may affect your status as a creditor. 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 Meeting of Creditors and such other actions as may be appropriate under the circumstances.
- C. For information on deadlines for filing proofs of claims, creditors are referred to the Federal Rules of Bankruptcy Procedure, the local bankruptcy rules for the Western District of Texas, and the Standing Order for Chapter 13 Case Administration in this Division.
- D. The deadline for the filing of objections to confirmation is ten (10) days prior to the confirmation hearing. More detailed information is on file at the office of the United States Bankruptcy Clerk in Midland, Texas. Local bankruptcy rules and the Standing Order for Chapter 13 Case Administration are available at the United States Bankruptcy Clerk's office and online at www.txwb.uscourts.gov.

Respectfully submitted this ____ day of _____, 20__.

Debtor
Address

Debtor
Address

Attorney for Debtor(s)
Address
Telephone Number
Fax Number

CERTIFICATE OF SERVICE

Debtor(s) are responsible for service of the Plan on the Chapter 13 Trustee, the creditors, and all parties-in-interest.

ATTACH PROPOSED PAYMENT SCHEDULE, IF AVAILABLE.

Exhibit #2

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

In re:

}
}
} Case No. (Chapter 13)
}
Debtor(s) }

**MOTION AND AFFIDAVIT REQUESTING
ISSUANCE OF DISCHARGE ORDER**

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the above-named Debtor(s) and request the Court to issue a Discharge Order in this Chapter 13 bankruptcy case. In furtherance thereof, Debtor(s) make the following affidavit:

- ___ 1. I (or we, in a joint case) received notice from the Chapter 13 Trustee of final payment in this case and I/we request the Court to issue a discharge in this case.

__ 2. I (or we, in a joint case) completed an instructional course concerning personal financial management described in 11 U.S.C. Section 111 provided by the following entity:

NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

___ 3.A. I (or we, in a joint case) have not been required by a judicial or administrative order, or by statute, to pay any domestic support obligation as defined in 11 U.S.C. Section 101(14A) either before this bankruptcy was filed or at any time after the filing of this bankruptcy.

OR

(NOTE: If 3.B. is applicable, all information required in questions 3.B.1 through 3.B.4 must be provided.)

___ 3.B.1. I (or we, in a joint case) certify that, prior to the date of this affidavit, I/we have paid all amounts due under any domestic support obligation [as defined in 11 U.S.C. Section 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 is as follows:

NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

___ 3.B.2. My/Our most recent address(es) is:

ADDRESS: _____

CITY/STATE/ZIP: _____

___ 3.B.3. The name and address of my/our most recent employer(s)
is: NAME: _____
 ADDRESS: _____
 CITY/STATE/ZIP: _____

MOTION AND AFFIDAVIT
REQUESTING ISSUANCE OF DISCHARGE ORDER
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___ 3.B.4. The following creditor(s) hold claim(s) that are not discharged under 11 U.S.C. Section 523(a)(2) or Section 523(a)(4) or a claim that was reaffirmed under 11 U.S.C. Section 524(c):

NAME: _____

NAME: _____

NAME: _____

NAME: _____

___ 4. I (or we, in a joint case) have not received a discharge in a Chapter 7, 11, or 12 bankruptcy case within four (4) years prior to filing this Chapter 13 case.

___ 5. I (or we, in a joint case) have not received a discharge in another Chapter 13 bankruptcy case within two (2) years prior to filing this Chapter 13 case.

___ 6.A. I (or we, in a joint case) did not have, either at the time of filing of this bankruptcy case or at the present time, equity in excess of \$125,000.00 in the type of property described in 11 U.S.C. Section 522(p)(1) [generally, the debtor's homestead];

OR

___ 6.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 of the kind described in 11 U.S.C. Section 522(q)(1)(A) or liable

for a debt of the kind described in 11 U.S.C. Section
522(q)(1)(B).

MOTION AND AFFIDAVIT
REQUESTING ISSUANCE OF DISCHARGE ORDER
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By signing this affidavit, I (or we, in a joint case) acknowledge that all of the 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 grant me/us a discharge in this Chapter 13 bankruptcy case. The Court may revoke my/our discharge if the statements relied upon are not true and accurate.

FURTHER AFFIANT(S) SAYETH NOT.

Debtor

Debtor

STATE OF _____ }
COUNTY OF _____ }

Subscribed and sworn to before me this ____ day of _____, 20__.

____/____/____

Notary Public
State of _____
My Commission Expires:

WHEREFORE, Debtor(s) pray that this Court enter a Discharge Order in this case and grant such other and further relief to which Debtor(s) may be entitled.

Respectfully submitted this ____ day of _____, 20__.

Name:

Address:

Phone/Fax:

CERTIFICATE OF SERVICE

Debtor(s) shall be responsible for service of this Motion and Affidavit on the Chapter 13 Trustee, the creditors, and all parties-in-interest including all holders of domestic support obligations and applicable state child support enforcement agencies.

MOTION AND AFFIDAVIT
REQUESTING ISSUANCE OF DISCHARGE ORDER

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