

1 [Attorney information]

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6 **UNITED STATES BANKRUPTCY COURT**

7 **DISTRICT OF ARIZONA**

8  
9 In re

Chapter 13

10 DEBTOR A,

Case No. 2:09-bk-00000-RTB

11 and

12 DEBTOR B,

**STIPULATED ORDER CONFIRMING  
CHAPTER 13 PLAN**

13  
14 Debtors.

15 The Chapter 13 Plan having been properly noticed out to creditors and any objection to confirmation  
16 having been resolved,

17 **IT IS ORDERED** confirming the Plan of the Debtors as follows:

18 (A) **INCOME SUBMITTED TO THE PLAN.** Debtors shall submit the following amounts of  
19 future income to the Trustee for distribution under the Plan.

20 (1) Future Earnings or Income. Debtors shall make the following monthly Plan payments:

<u>Months</u>	<u>Amount</u>
<b>1 - 60</b>	<b>\$1,211.00</b>

21  
22  
23  
24 The payments are due on or before the \_\_ day of each month commencing \_\_\_\_\_,  
25 200\_\_. Debtors are advised that when payments are remitted late, additional interest may  
26 accrue on secured debts, which may result in a funding shortfall at the end of the Plan term. Any  
funding shortfall must be cured before the plan is deemed completed.

27 The Debtors shall provide, directly to the Trustee copies of their **federal** and **state** income tax  
28 returns for post-petition years within 30 days of filing them. The purpose is to assist the Trustee  
in determining any change in debtor's annual disposable income.

*In re* \_\_\_\_\_  
*Case No.* \_\_\_\_\_

1 (2) Other Property. *Optional: The Debtors shall provide, directly to the Trustee their net federal*  
2 *and state income tax refunds for the years 2008, 2009, and 2010, as supplements to the plan.*  
3 *In the event that other property is submitted, it shall be treated as supplemental payments.* In  
4 no event will the term of the Plan be reduced to less than 60 months, exclusive of any property  
5 recovered by the Trustee, unless all allowed claims are paid in full.

6 (B) **DURATION.** This Plan shall continue for \_\_ **months** from the first regular monthly payment  
7 described in Paragraph (A)(1) above. If at any time before the end of the Plan period all claims  
8 are paid, then the Plan shall terminate.

9 (C) **CLASSIFICATION AND TREATMENT OF CLAIMS.** Claims shall be classified and paid  
10 as listed below. The Plan and this Order shall not constitute an informal proof of claim for any  
11 creditor. The Trustee shall receive the percentage fee on the Plan payments pursuant to 28  
12 U.S.C. § 586(e), then the Trustee will pay creditors in the following order:

13 (1) Administrative expenses:

14 Attorney Fees. John Q. Doe, shall be allowed total compensation of \$\_\_\_\_\_. Counsel  
15 received \$\_\_\_\_\_ prior to filing this case and will be paid \$\_\_\_\_\_ by the Chapter 13  
16 Trustee.

17 (2) Claims Secured by Real Property:

18 (a) Wells Fargo Financial Bank, secured by a first deed of trust in the Debtors' residence, shall  
19 be paid the prepetition arrearage of \$526.48 with 0.00% interest. Regular post-petition  
20 payments will be made directly by the Debtors to the secured creditor.

21 (b) Household Realty Corporation, secured by a second deed of trust in the Debtors' residence,  
22 shall be paid the prepetition arrearage of \$10,314.27 with 0.00% interest. Regular post-  
23 petition payments will be made by the Debtors to the secured creditor.

24 (c) Maricopa County Treasurer, secured by a statutory lien in the Debtors' residence for  
25 property taxes, shall be paid the prepetition arrearage of \$2,087.22 with 16.00% interest. All  
26 post-petition property taxes shall be paid directly by the Debtors to the Maricopa County  
27 Treasurer.

28 (3) Claims Secured by Personal Property:

(a) HSBC Auto Finance, secured by a lien in a 2007 Mercury Montego, shall be paid \$18,355.75  
with 10.89% interest. The creditor will receive adequate protection payments of \$192.00 per  
month. The balance of the claim shall be classified as an unsecured nonpriority claim.

(b) Chase Bank, secured by a lien in a 2006 Toyota Camry, shall be paid \$10,000.00 with 7%  
interest. The creditor shall receive adequate protection payments of \$100.00 per month. The  
balance of the claim shall be classified as an unsecured nonpriority claim.

1 (4) Unsecured Priority Claims:

2 (a) The Department of the Treasury/Internal Revenue Service has an unsecured priority claim  
3 for income taxes for 2004 and 2005. This creditor will be paid \$4,388.32, the total priority  
4 claim of through the plan with no interest.

5 (b) The Arizona Department of Revenue has an unsecured priority claim for income taxes for  
6 2004 and 2005. This creditor will be paid \$2,026.65, the total priority claim of through the  
7 plan with no interest.

8 (5) Surrendered Property. Upon confirmation of this plan or except as otherwise ordered by the  
9 Court, bankruptcy stays are lifted as to collateral to be surrendered. Such creditor shall receive  
10 no distribution until the creditor timely files a claim or an amended proof of claim that reflects  
11 any deficiency balance remaining on the claim. Assuming the creditor has an allowed proof of  
12 claim, should the creditor fail to file an amended claim consistent with this provision, the Trustee  
13 need not make any distributions to that creditor. Debtors surrender the following property:

14 The Debtors will surrender furniture in which Wells Fargo Financial has a security interest.

15 (6) Other Provisions: None.

16 (7) Unsecured Nonpriority Claims. All other claims shall be classified as unsecured and  
17 nonpriority. Such claims shall be paid pro rata the balance of the payments under the Plan and  
18 any unsecured debt balance remaining unpaid at the end of the Plan may be discharged as  
19 provided in 11 U.S.C. § 1328.

20 (D) **EFFECTIVE DATE AND VESTING.** The effective date of the Plan shall be the date of this  
21 Order. Property of the estate vests in Debtors upon confirmation.

22 \_\_\_\_\_  
23 ORDER SIGNED ABOVE  
24 \_\_\_\_\_

25 Approved as to Form and Content By:

26 \_\_\_\_\_  
27 Edward J. Maney, Trustee

28 \_\_\_\_\_  
John Q. Doe, Esq.  
Attorney for Debtors

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The Debtors certify: All required State and Federal income tax returns have been filed. No domestic support obligation is owed or, if owed, such payments are current since the filing of the Petition.

\_\_\_\_\_  
Debtor A

\_\_\_\_\_  
Debtor B