In the United States Bankruptcy Court  
For the District of Arizona

|  |  |
| --- | --- |
| In re:  DEBTOR A  DEBTOR B  Debtor(s) | CHAPTER 13 PROCEEDINGS  Case No. 4:##-bk-#####-EWH or BMW  **STIPULATED ORDER CONFIRMING CHAPTER 13 PLAN** |
|  |  |

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

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

1. **INCOME SUBMITTED TO THE PLAN.** Debtors shall submit the following amounts of future income to the Trustee for distribution under the Plan.
   1. Future Earnings or Income. Debtors shall make the following monthly Plan payments:

Months Amount

# - ## $

The payments are due on or before the DD day of each month commencing MM DD, YYYY. Debtors are advised that when payments are remitted late, additional interest may 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. The Debtors shall provide, directly to the Trustee copies of their **federal** and **state** income tax 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.

* 1. Other Property. ***If the Debtors receive a tax refund in excess of $1,000, the debtors shall pay such refund directly to the Trustee as supplements to the plan.  In the event that other property is submitted, it shall be treated as supplemental payments.*** In no event will the term of the Plan be reduced to less than 36 months, exclusive of any property recovered by the Trustee, unless all allowed claims are paid in full.

1. **DURATION**. This Plan shall continue for       months from the first regular monthly payment described in Paragraph (A) (1) above. If at any time before the end of the Plan period all claims are paid, then the Plan shall terminate.
2. **CLASSIFICATION AND TREATMENT OF CLAIMS.** Claims shall be classified and paid as listed below. The Plan and this Order shall not constitute an informal proof of claim for any creditor. The Trustee shall receive the percentage fee on the Plan payments pursuant to 28 U.S.C. § 586(e), then the Trustee will pay creditors in the following order:
   1. Administrative expenses:

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

Flat Fee. Counsel for the Debtor has agreed to a total sum of $4,500 or less to represent the Debtor. Counsel has agreed to perform the following services through confirmation of the plan:

All of the below, except Additional Services.

Review of financial documents and information.

Consultation, planning, and advice, including office visits and telephone communications.

Preparation of Petition, Schedules, Statement of Financial Affairs, Master Mailing List.

Preparation and filing of Chapter 13 Plan, Plan Analysis, and any necessary amendments.

Attendance at the § 341 meeting of creditors.

Resolution of creditor objections and Trustee recommendations, and attendance at hearings.

Reviewing and analyzing creditor claims for potential objections, and attendance at hearings.

Responding to motions to dismiss, and attendance at hearings.

Responding to motions for relief from the automatic stay, and attendance at hearings.

Drafting and mailing of any necessary correspondence.

Preparation of proposed order confirming the plan.

Representation in any adversary proceedings.

Representation regarding the pre-filing credit briefing and post-filing education course.

* 1. Claims Secured by Real Property:
     1. Creditor, BAC HOME LOANS SERVICING, secured by a deed of trust on Debtors’ residence, is to receive regular monthly payments through the Plan as follows:

$1,070.00 per month (per what has already been paid through the Plan), shall be paid through the Chapter 13 Trustee. Payments shall begin in June 2010 and continue for 12 months, through May 2011 for a total of $12,840.00.

Payments shall then decrease to $1,068.44 per month (per creditors proof of claim) beginning June 2011 and continuing throughout the remainder of the Chapter 13 Plan for a total of 48 more payments or $51,285.12.

Arrears through May 2010 in the amount of $11,750.77 (per the proof of claim), shall be paid through the Plan as mortgage arrears.

* + 1. Creditor, HOUSEHOLD REALTY CORPORATION, secured by a 1st deed of trust on Debtors’ residence, is to receive a total of 60 regular monthly payments in the amount of $990.00 per month through the Plan beginning February 2010. Per creditor’s proof of claim, mortgage arrears through January 2010, in the amount of $10,993.46 will be paid through the Trustee with 0% interest.
    2. Maricopa County Treasurer, secured by a statutory lien in the Debtors’ residence for property taxes, shall be paid the prepetition arrearage of $2,087.22 with 16.00% interest. All post-petition property taxes shall be paid directly by the Debtors to the Maricopa County Treasurer.
    3. Creditor, **BAC HOME LOANS SERVICING**, secured by a 2nd deed of trust on Debtors’ residence located at 1234 E. Thomas Rd., Tucson, AZ  85710, has had its lien avoided through an Adversary Proceeding, **Case No. 4:11-ap-\*\*\*\*\***. Any claim filed by such creditor on the 2nd mortgage shall be classified and treated as a general unsecured claim.
  1. Claims Secured by Personal Property:
     1. 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 non-priority claim.
     2. 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 non-priority claim.
  2. Unsecured Priority Claims:
     1. The Department of the Treasury/Internal Revenue Service has an unsecured priority claim for income taxes for 2004 and 2005. This creditor will be paid $4,388.32, the total priority claim of through the plan with no interest.
     2. The Arizona Department of Revenue has an unsecured priority claim for income taxes for 2004 and 2005. This creditor will be paid $2,026.65, the total priority claim of through the plan with no interest.
  3. Surrendered Property. Upon confirmation of this plan or except as otherwise ordered by the Court, bankruptcy stays are lifted as to collateral to be surrendered. Such creditor shall receive no distribution until the creditor timely files a claim or an amended proof of claim that reflects any deficiency balance remaining on the claim. Assuming the creditor has an allowed proof of claim, should the creditor fail to file an amended claim consistent with this provision, the Trustee need not make any distributions to that creditor. Debtors surrender the following property:
     1. The Debtors will surrender furniture in which Wells Fargo Financial has a security interest.
  4. Other Provisions:
  5. Unsecured Non-priority Claims. All other claims shall be classified as unsecured and non-priority. Such claims shall be paid pro rata the balance of the payments under the Plan and any unsecured debt balance remaining unpaid at the end of the Plan may be discharged as provided in 11 U.S.C. § 1328.

1. **EFFECTIVE DATE AND VESTING**. The effective date of the Plan shall be the date of this Order. Property of the estate vests in Debtors upon confirmation.

**ORDER SIGNED ABOVE**

Approved as to Form and Content by:

Dianne Crandell Kerns, Trustee

Attorney Name

Attorney for Debtor(s)

**PLAN ANALYSIS**

1. **Plan Payment Summary**. If there is a discrepancy between the plan and the plan analysis, then the provisions of plan as confirmed control.

|  |  |
| --- | --- |
| 1. Trustee’s compensation (10% of plan payments)………………………………………………………….. | $0.00 |
| 1. Ongoing post-petition mortgage payments……………………………………………………………….... | $0.00 |
| 1. Administrative expenses and claims……………………………………………………………………….. | $0.00 |
| 1. Priority claims……………………………………………………………………………………………… | $0.00 |
| 1. Prepetition mortgage or lease arrears, or amount to cure defaults, including interest……………………... | $0.00 |
| 1. Secured personal property claims, including interest……………………………………………………… | $0.00 |
| 1. Amount to unsecured non-priority claims…………………………………………………………………. | $0.00 |
| **Total of Plan Payments**……………………………………………………………………………… | **$0.00** |

1. **Section 1325 Analysis**.
   1. Best Interest of Creditors Test:

|  |  |
| --- | --- |
| 1. Value of Debtor’s interest in nonexempt property……………………………………………………. | $0.00 |
| 1. Plus: Value of property recoverable under avoiding powers…………………………………………. | $0.00 |
| 1. Less: Estimated Chapter 7 administrative expenses………………………………………………….. | $0.00 |
| 1. Less: Amount to unsecured priority creditors………………………………………………………… | $0.00 |
| 1. Equals: Estimated amount payable to unsecured non-priority claims if Debtor filed Chapter 7……. | $0.00 |

Paragraph (2) to be completed by debtors whose current monthly income exceeds the state’s median income.

* 1. Section 1325(b) Analysis:

|  |  |
| --- | --- |
| 1. Monthly disposable income under §1325(b)(2), Form B22C, Statement of Current Monthly Income. | $0.00 |
| 1. Applicable commitment period……………………………………………………………………….. | [ x 60 ] |
| 1. Section 1325(b)(2) monthly disposable income amount multiplied by 60…………………………… | $0.00 |

1. **Estimated Amount to Unsecured Non-priority Creditors Under Plan**…………………………………..………$0.00

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