# Mont. LBF 14. CHAPTER 12 PLAN.

# [Mont. LBR 9009-1(a)]

Name of Attorney

Office Mailing Address

Telephone Number

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State Bar I.D. Number

(Attorney for Debtor(s))

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF MONTANA

|  |  |
| --- | --- |
| IN RE:    ,  ,    Debtors. | Case No.  **CHAPTER 12 PLAN**  **(date)** |

1. The future earnings and projected disposable income of the Debtor is submitted to the supervision and control of the Court, and the Debtor shall pay to the Trustee:

|  |  |
| --- | --- |
| Date | Amount |
| (i) | $ |
| (ii) | $ |
| (iii) | $ |
| (iv) | $ |
| (v) | $ |

Debtor shall pay such additional amounts as necessary for additional professional fees and costs, including Trustee fees and costs, allowed by the Court.

1. From the payments so received, the Trustee shall make disbursements as follows:
2. First to allowed claims of administration required by 11 U.S.C. § 507(a)(1) (set out projected amount). The Trustee’s Fee shall be \_\_\_\_ % of all receipts.
3. Second to secured creditors whose claims are duly proven and allowed as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name of Creditor | Allowed Secured Claim | Term | Interest Rate | Payment |
| (i) |  |  |  |  |
| (ii) |  |  |  |  |
| (iii) |  |  |  |  |
| (iv) |  |  |  |  |

(The allowed claim of each creditor shall be determined as of the Date of Confirmation or such date stipulated to by creditor and Debtor and approved by the Court.)

(All payments shall be applied first to accrued interest and the balance to principal effective the date payments are disbursed by the Trustee.)

(The allowed secured claims \_\_\_ shall, or \_\_\_ shall not, retain their liens under the Plan.)

1. Third to debts entitled to priority under and in the order prescribed by 11 U.S.C.§ 507.

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Creditor | Allowed Secured Claim | Interest Rate | Payment |
| (i) |  |  |  |
| (ii) |  |  |  |
| (iii) |  |  |  |
| (iv) |  |  |  |

1. Fourth from the disposable income remaining after the above payments, dividends to unsecured creditors whose claims are fully proven and allowed as follows:
2. unsecured creditors will receive the greater of all of the Debtor’s disposable income during the term of the plan pursuant to 11 U.S.C. § 1225(b)(1)(B), or
3. the liquidation value of the Debtor’s non-exempt assets pursuant to 11 U.S.C. § 1225(a)(4)in the amount of [insert] each year.
4. The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order. Arrearage payments will be disbursed by the trustee.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name of Creditor** | **Description of leased property or executory contract** | **Current installment payment** | **Monthly amount of arrearage to be paid** | **Treatment of arrearage (Refer to other plan section if applicable)** | **Estimated total payments by trustee** |
|  |  |  |  |  |  |

Current installment payments on [describe lease] disbursed by: \_\_\_Trustee \_\_\_Debtor(s)

4. The property described below will be surrendered to the following named creditors, and any allowed unsecured claim resulting from such surrender shall be paid under paragraph 2(d) above:

(a) [describe property that was collateral, subject to a rejected lease, or otherwise being surrendered]

5. The following creditors' claims are fully secured, shall be paid directly by the Debtor pursuant to the original contract terms, and shall receive no payments under Paragraph 2 of this Plan:

6. The property described below is to be sold, all offers received by the Debtor shall be promptly communicated to the Trustee and any lienholders, and no sale of such property shall be completed without notice to the Trustee and any lienholders and an opportunity provided for a hearing on such sale:

7. Interest on all unsecured claims shall have ceased on the date this case was filed. All allowed unsecured claims of $25.00 or less may be paid in advance of other allowed unsecured claims.

8. Except as provided in this plan or in the order confirming this plan, upon confirmation of this plan all of the property of the estate shall vest in the Debtor free and clear of any claim or interest of any creditor provided for by this plan, pursuant to 11 U.S.C. § 1227.

9. The Court may change the amount of any of the installment payments provided for by this plan, or extend or shorten the time for any such payments, where it appears, after motion and hearing upon such notice as the Court may deem appropriate, that the Debtor's change in circumstances warrants such a change.

1. Attached to this Plan are:
2. Amortization schedules;
3. Monthly cash flow from operations for period of the plan, including the Chapter 12 Plan payments;
4. Liquidation analysis showing compliance with 11 U.S.C. § 1225(a)(4).

DATED this \_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Debtor

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Debtor

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney for Debtor

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court’s ECF transmission facilities and/or by mail on the following parties:

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served.]