

PROPOSED RED-LINED<sup>1</sup> AMENDMENTS TO LOCAL  
RULES AND FORMS  
PUBLISHED FOR COMMENT IN DECEMBER, 2007

PROPOSED LOCAL RULE 2002-5: Editor's Note: The existing Local Rule 2002-5 will be deleted in its entirety and replaced by the following:

RULE 2002-5.      CONTENT OF NOTICES OF SALE

A notice of proposed sale of estate property shall be in accordance with MLBR 6004-1.

PROPOSED LOCAL RULE 6004-1(a)(2) and (3): Editor's Note: Subparagraphs (2) and (3) of paragraph (a) of the existing Local Rule 6004-1 will be deleted in their entirety and replaced by the following:

(2) (Contents of Notice of Sale)

- (A) Subject to the requirements of Fed. R. Bankr. P. 2002, Fed. R. Bankr. P. 6004 and any other applicable Federal Rules of Bankruptcy Procedure, including any interim rules, a notice of proposed private sale of property shall: conform substantially to Official Local Form 2A suited to the particular circumstances of the case; include the name and address of the purchaser; the consideration for the purchase; the time and place of the proposed sale; the terms and conditions of the proposed sale; the time fixed for filing higher offers and/or objections to the proposed sale; the hearing date fixed by the Court; a general description of the property to be sold; an itemized list of the asset or assets to be sold; and the relationship, if any, of the buyer and the seller. The notice shall state whether the sale shall be free and clear of liens or interests, the method of auction proposed by the estate representative, including without limitation by sealed bid or open auction, and that the method for auction shall be determined by the Court at or prior to the hearing on the proposed sale. The notice shall state that any objection, higher offer, or request for hearing must be filed and served within the time established by the Court, which time shall be conspicuously stated in the notice. A notice of the proposed sale or lease of personally identifiable information under § 363(b)(1)(A) or (B) of the Code shall state whether the sale is consistent with a policy prohibiting the transfer of such information.

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<sup>1</sup> The amendments have been red-lined except where indicated. Red-lining has not been inserted where a) the provision is new or b) red-lining would, in the opinion of the Court, interfere with the reading of the provision.

- (B) The proposed notice shall be attached to the motion to sell filed with the Court and shall contain blank spaces for the deadline for filing objections and higher offers, as well as a blank space for the date and time of the hearing on the sale. Higher offers, together with any requisite deposit required by the notice, shall be submitted to the estate representative by the deadline established by the Court and a copy of any higher offer shall be filed with the Court. Upon receipt of the proposed notice, the Clerk shall assign a deadline for filing objections and making higher offers, schedule a hearing date, and transmit such dates to the moving party by telephone or such other means as the Clerk deems appropriate. The estate representative shall then serve the motion to sell and completed notice as required by subsection (a)(3) of this rule.
- (C) Unless the movant requests or is required to obtain advance approval of the form of notice and/or the terms of the proposed sale pursuant to subsection (a)(1)(B) of this rule, the proposed notice need not be served on any party.

### (3) (Service of Motion to Sell and Completed Notice)

- (A) Unless the Court orders otherwise, the motion to sell and the completed notice of proposed private sale shall be served in accordance with Fed. R. Bankr. P. 2002 and Fed. R. Bankr. P. 6004. A copy of the completed notice should also be served on parties regarded by the estate representative as potential purchasers, including, if appropriate, dealers in the property and competitors of the debtor. The motion and completed notice shall be served no less than twenty (20) days (plus such additional time as may be provided in Fed. R. Bankr. P. 9006(f)) prior to the deadline for filing objections or higher offers. The motion to sell need not be served on any party until the Clerk has provided the information necessary to serve the completed notice.
- (B) The estate representative shall file a certificate of service within seven (7) days of service of the motion to sell and the completed notice.

## RULE 3007-1. OBJECTIONS TO CLAIMS

- (a) A party who files an objection to the allowance of any proof of claim shall state in the objection, with particularity, the factual and legal grounds for the objection, and shall make a recommendation to the Court as to whether the claim should be disallowed or allowed in an amount or with a priority other than as filed. Subject to the provisions of Fed. R. Bankr. P. 3007, a party may file objections to up to 100 claims in any one pleading. The provisions of this rule shall apply to single as well as multiple objections to claims
- (b) The procedures for motion practice and contested matters set forth in Fed. R. Bankr. P. 9013 and 9014 and MLBR 9013-1 shall govern objections to claims. Upon the filing of an objection to a proof of claim, the Clerk shall assign a deadline for a claimant to file a response to the objection and a hearing date. The party objecting to the claim shall serve upon the claimant at the address noted on the proof of claim or any subsequent address provided to the Court by the

claimant and upon any other party entitled to notice a copy of the objection and the notice of response deadline and hearing date at least 30 days prior to the hearing, and shall file a certificate of service with respect to the notice.

(c) If a claimant contests an objection to claim, the claimant shall file with the Clerk a written response to the objection, which response shall state with particularity why the objection to the claim should be overruled. The response shall be served on the party objecting to the claim and any other party entitled to notice of the response. In addition, at the time of the service of the response, the claimant should also serve on the party objecting to the claim documentation in support of the allowance of the claim not already appended to the claim. A claimant who does not file a timely response to a properly served objection to claim will be deemed to have agreed that the objection to claim may be sustained. The Court, in its discretion, may cancel the hearing on any properly served objection to claim to which a timely response has not been filed and may sustain the objection to claim without further notice or hearing.

(d) A party in interest shall not include a demand for relief of a kind specified in Fed. R. Bankr. P. 7001 in an objection to the allowance of a claim, but an objection to the allowance of a claim may be included in an adversary proceeding.

(e) In the event of one or more timely responses to objections to claims, within ten (10) days after the deadline for responses, and at least two (2) days prior to the hearing on objections to claims, the party filing the objection(s) to claims shall file a "Report and Hearing Agenda", setting forth 1) a list of the objections to claims to which no timely responses were filed and the objecting party's recommendations with respect to those claims; 2) a report on the settlement of any objections to claims; 3) the status of any objection to claim to which a timely response was filed and which remains unresolved; 4) whether the objection is likely to be resolved; and 5) the objecting party's recommendation for further proceedings on the objection to claim. If a creditor timely files a response to an objection to claim, the initial hearing on the objection shall be a preliminary nonevidentiary hearing, at which the parties shall appear and be prepared to discuss the need for an evidentiary hearing, discovery, scheduling and settlement.

(f) Within seven (7) days after the Court's action on any objection to claim, the objecting party shall submit a proposed order on the objections to claims.

RULE 3017-1. APPROVAL OF DISCLOSURE STATEMENTS IN CHAPTER 11 CASES **OTHER THAN SMALL BUSINESS CASES**

**Editor's Note: Only the title was changed. The balance of the rule remains unchanged.**

RULE 3017-2. FILING OF PLAN AND DISCLOSURE STATEMENT IN SMALL BUSINESS CHAPTER 11 REORGANIZATION CASES

(a) — ~~Election to be Considered a Small Business in a Chapter 11 Case~~

~~In a chapter 11 case, a debtor that is a small business may elect to be considered a small business within the meaning of 11 U.S.C. § 1121(e) by filing a written statement of election no later than sixty (60) days after the date of the order for relief or at such later date as the Court, for cause, may fix. If the debtor seeks to extend the time period within which it may make the election, the debtor shall file an appropriate motion with the Court before the expiration of the election time period.~~

~~(b) — Approval of Disclosure Statement to Chapter 11 Plan in Small Business Case~~

~~(1) — Conditional Approval~~

~~If the debtor is a small business and has made a timely election to be considered a small business in a chapter 11 case, the Court may, on application of the debtor, conditionally approve a disclosure statement filed in accordance with Fed. R. Bankr. P. 3016. On or before conditional approval of the disclosure statement, the Court shall:~~

~~(A) — fix a time within which the holders of claims and interests may accept or reject the plan;~~

~~(B) — fix a time for filing objections to the disclosure statement;~~

~~(C) — fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and~~

~~(D) — fix a date for the hearing on confirmation.~~

~~(2) — Application of Fed. R. Bankr. P. 3017~~

~~If the disclosure statement is conditionally approved, Fed. R. Bankr. P. 3017(a), (b), (c), and (e) shall not apply. Conditional approval of the disclosure statement is considered approval of the disclosure statement for the purpose of applying Fed. R. Bankr. P. 3017(d).~~

(a) In cases filed prior to October 17, 2005, Fed.R.Bank.P. 3017.1 shall apply.

(b) In cases filed on and after October 17, 2005, Interim Fed.R.Bankr.P. 3017.1 shall apply.

## RULE 9013-1. MOTIONS

Editor's Note: Only section (d) is changed

(d) The Court, in its discretion, may schedule a motion for hearing or establish a deadline for filing objections or responses to a motion. Any party opposing entry of the order requested by a motion must file a response to the motion no later than the response date

set in the hearing notice, or if no response date is set in the hearing notice, within ten (10) days of service of the motion, inclusive of the three (3) day mailing period set forth in Fed. R. Bankr. P. 9006(f). **The Clerk shall set** ~~A~~ all hearing dates and response deadlines ~~shall be set by the Clerk~~. The Clerk shall notify the movant of the hearing date and/or response deadline and the manner of service. Unless otherwise specified in the Court's notice of hearing, the initial hearing on any motion shall be a preliminary, non-evidentiary hearing; however, **a any notice of a hearing on a proposed sale or confirmation of a plan of reorganization shall include the following language: "The Court may take evidence at any sale or plan confirmation hearing to resolve issues of fact."**

#### **RULE 9018-1. IMPOUNDMENT OF PAPERS**

- (a) For **good and sufficient** cause ~~reflecting a genuine risk of substantial harm to any party in interest~~, the court may order that some or all of the papers in the case be impounded by the Clerk. Such impounded papers shall be maintained under Clerk custody separate and apart from files to which the public has access; no computer or other images thereof shall be made for public viewing.

**Editor's Note: Sections (b)-(e) are unchanged.**

- (f) **The Court may, sua sponte, for good and sufficient cause, impound any document pursuant to this Rule or order that the document not be released for on-line viewing.**

#### **RULE 9036-1. ELECTRONIC FILING RULES**

**Editor's Note: See Rule 1 of Appendix 8 for clarification.**

All cases open as of the effective date of these rules or filed thereafter will be administered through the Electronic Case Filing System (the "ECF System"). The procedures for electronic filing set forth in Appendix 8 hereof, as amended from time to time, shall be known as the Electronic Filing Rules of the United States Bankruptcy Court for the District of Massachusetts, and shall be referred to in abbreviation as "MEFR." Except as expressly provided in MEFR 1, parties in interest shall file all petitions, motions, applications, memoranda of law or other pleadings, **proofs of claim** or documents only through the ECF System. To the extent that the MEFR conflict with any other provision of the Massachusetts Local Bankruptcy Rules or their appendices, the provisions of the MEFR shall govern.

## APPENDIX 1

### 13-7. PROFESSIONAL FEES; PREPETITION RETAINERS

Editor's note: Section (a) remains unchanged.

- (b) Unless otherwise ordered by the Court, if debtor's ~~attorney's counsel's~~ total compensation prior to confirmation of a plan is ~~\$2,500~~ **\$3,500** or less, the disclosure of the compensation in the Rule 2016(b) Statement shall be sufficient notwithstanding compensation for post confirmation services in amount not exceeding \$500, and the filing of an itemized application for compensation shall be excused, unless the Court orders otherwise.
- (c) Application for Additional Attorney's Fees. An attorney who proposes to charge a debtor more than ~~\$2,500~~ **\$3,500** in the aggregate for legal services in a chapter 13 case prior to confirmation, or \$500 in the aggregate for such services after confirmation, shall file an application for compensation in accordance with Fed. R. Bankr. P. 2016 and MLBR 2016- 1. Unless otherwise ordered by the Court, debtor's ~~Counsel~~ **attorney** shall serve a copy of the application on all creditors, parties requesting service of all pleadings, and the Chapter 13 trustee and shall file a certificate of Service to that effect with the application. If no objections are filed within twenty (20) days of service, the Court shall award fees in its discretion, with or without a hearing, in accordance with applicable law.
- (d) **Nothing in this rule shall be construed to limit the Court's discretion to review the amount of fees paid to or agreed to be paid to a debtor's attorney, and to enter appropriate orders allowing, disallowing, or reducing such attorney's fees.**

### 13-8. OBJECTIONS TO CONFIRMATION

- (a) Deadline for filing. Any objection to confirmation of a chapter 13 plan shall be filed no later than the later of (i) ~~fifteen (15)~~ **thirty (30)** days after the first date set for the section 341 meeting or (ii) ~~fifteen (15)~~ **thirty (30)** days after service of a modified plan, unless otherwise ordered by the Court.

Editor's Note: Section (b) remains unchanged.

### 13-14. SALE OF ESTATE PROPERTY

Editor's Note: Sections (a) and (b) remain unchanged.

- (c) **Within forty-five (45) days after the entry of an order approving a private sale of real estate which is property of the estate, the chapter 13 debtor's attorney or the debtor (if the debtor is unrepresented), shall file with the court a " Status Report Regarding Sale of**

Estate Property (the “Report”). The Report shall contain the following information: 1) the date of the closing of the sale, or if no closing has been held as of the date of the Report, the reasons for delay in the closing of the sale; 2) a detailed itemization of the disbursements made at the closing, or in the alternative, the Report shall attach as an exhibit a copy of the executed settlement statement for the closing of the sale. The closing attorney and the debtor’s attorney (or the debtor, if the debtor is unrepresented) shall ensure compliance with the terms of the order of the Court approving the sale.

## 13-2. COMMENCEMENT OF CASE

Editor’s Note: No red-lining – complete revision.

- (a) In addition to the requirements of MLBR 1007-1, the debtor shall:
  - (1) file with the Court and submit to the Chapter 13 trustee:
    - (A) with the petition:
      - (i) evidence of current and sufficient liability and property insurance (not including insurance obtained by any secured party) with respect to any real property or vehicle in which the debtor has an interest; and
      - (ii) an executed copy of the engagement agreement by and between the debtor and any attorney retained by the debtor in the form set forth on Official Local Form 8.
      - (iii) If the debtor does not file these documents as specified, the Court shall issue an order notifying the debtor and the debtor’s attorney that, if the missing documents are not filed within fifteen (15) days from the date of commencement of the case and the Court has not allowed a motion to extend the time for filing the missing documents, filed pursuant to subsection (b) below, the Court may dismiss the case pursuant to 11 U.S.C. §§ 109(g) or 1307 at the expiration of that period.
    - (B) within three (3) court days after the commencement of the case, a matrix of creditors. Failure to file the matrix within (3) court days after the commencement of the case shall result in the case being dismissed without further notice.
  - (2) if the debtor is a debtor engaged in business, submit to the Chapter 13 trustee:
    - (A) within five (5) days after the commencement of the case:

- (i) evidence of current and sufficient business insurance; and
    - (ii) evidence that appropriate debtor in possession checking accounts were opened at the time of the filing of the petition;
  - (B) within fifteen (15) days after the commencement of the case, a profit and loss statement for the calendar year or fiscal year, whichever is applicable, preceding the year in which the case is filed, and a profit and loss statement for the period from the end of the calendar or fiscal year to the date of the filing of the petition; and
  - (C) within thirty (30) days of the close of each quarter, a statement of quarterly income and expenses incurred; and
- (b) Any motion requesting an extension of time to file documents required under this paragraph shall be filed before the expiration of the filing deadline, shall set forth the specific cause for the request, the amount of additional time requested and the date the petition was filed, and shall include a certificate of service evidencing that the motion was served on the chapter 13 trustee.
- (c) Any motion to amend a voluntary petition or statement shall be served upon all parties affected by the amendment and the chapter 13 trustee. The motion and proposed amendment shall be accompanied by a certificate of service identifying those parties served. A motion to amend to add a creditor to the debtor's schedules shall be served upon the creditor being added and the chapter 13 trustee. An amendment adding a creditor or party in interest shall be accompanied by 1) the fee prescribed by the Administrative Office of the United States Courts, if applicable, and 2) an amended matrix including the names and addresses of the added parties.

## 13-21 CHAPTER 13 TRUSTEE'S FINAL ACCOUNT

**Editor's Note: No red-lining – complete revision.**

When the chapter 13 trustee determines that the plan has been completed or the Court otherwise orders, the trustee shall file and serve a final report and account on all creditors with allowed claims, all attorneys who have filed appearances and requested service of pleadings in the case, the debtor, and debtor's attorney. The report shall state the allowed amount of each claim and the amount paid on each claim. The chapter 13 trustee shall file a certificate of service reflecting service of the final report and account and providing an objection deadline. In the absence of a timely filed objection, the Court may approve the final report and account without a hearing.



## APPENDIX 8 ELECTRONIC FILING RULES

### **RULE-1. SCOPE OF ELECTRONIC FILING**

Electronic filing of petitions, motions, applications, memoranda of law or other pleadings, **proofs of claim** or documents (hereafter "documents") shall be mandatory as set forth in MLBR 9036-1, except for documents:

- (a) constituting proofs of claim **filed by a party in interest or creditor other than the United States Internal Revenue Service or the Commonwealth of Massachusetts Department of Revenue;**

**Editor's Note: Sections (b) through (e) remain unchanged.**

### **RULE-7. STATEMENTS UNDER OATH; RETENTION REQUIREMENTS**

(a) Unless the Court orders otherwise, all electronically filed documents, (including, without limitation, affidavits or a debtor's petition, schedules, statement of affairs, or amendments thereof) requiring signatures **of a non-Registered User** under the penalties of perjury shall also be executed in paper form, **together with a Declaration Re: Electronic Filing in the form of Official Form 7. The Declaration Re: Electronic Filing shall be filed with the Court as an imaged, and not electronically created, document, together with or in addition to the document electronically filed with the Court. Said Declaration shall be valid for the declarant for all subsequently filed documents requiring a signature in the case.**

(b) Notwithstanding subsection (a) above, the paper forms of the electronically filed document(s) and the Declaration Re: Electronic Filing shall be retained by the Registered User until five (5) years after the closing of the case. Said paper documents shall be deemed property of the Court and not property of the declarant or the Registered User. The Registered User must produce all such original documents for review or filing at the request of a party in interest or upon order of the Court.

**(c) Any document electronically filed which is signed by a non-Registered User shall be filed as an imaged, and not electronically created, document.**

**(d) No document signed by a non-Registered User may be electronically filed unless (1) it is accompanied by a Declaration Re: Electronic Filing in the form of Official Form 7 or (2) a Declaration Re: Electronic Filing of Official Form 7**

has previously been filed in the case which shall be valid for the declarant for all subsequently filed documents requiring a signature in the case.

(d) A non-Registered User may file a Declaration Re: Electronic Filing in the form of Official Form 7 at any time prior to the electronic filing of a document in the case bearing his or her signature which shall be valid for the declarant for all subsequently filed documents requiring a signature in the case.

## **RULE-8. SIGNATURES**

(a) The user log-in and password required to submit documents to the ECF System serve as the Registered User's signature on all electronic documents filed with the Court **including those requiring signatures under the penalties of perjury** . They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required. Electronically filed documents must set forth the name, address, telephone number, email address of a Registered User and, if an attorney, his or her BBO or PHV number (see MLBR 9010-3(b)). In addition, the document must include a signature block where the name of the Registered User and/or affiant is typed but preceded by an "/s/," or is set forth as an imaged or electronically created signature.

**Editor's Note: Sections (b) through (d) remain unchanged.**

**OFFICIAL FORM 3  
PRE-CONFIRMATION CHAPTER 13 PLN**

Editor's Note: No red-lining – complete revision.

CHAPTER 13 PLAN

Docket No.: \_\_\_\_\_

DEBTORS: (H) \_\_\_\_\_ SS#: \_\_\_\_\_

(W) \_\_\_\_\_ SS#: \_\_\_\_\_

I. PLAN PAYMENT AND TERM:

Debtor(s) shall pay monthly to the Trustee the sum of \$ \_\_\_\_\_ for the term of :

36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);

60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);

60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:

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

\_\_\_\_\_; or

\_\_\_\_ Months. The Debtor states as reasons therefore: \_\_\_\_\_

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

II. SECURED CLAIMS:

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Total of secured claims to be paid through the Plan: \$ \_\_\_\_\_

B. Claims to be paid directly by debtor to creditors (Not through Plan):

Creditor	Description of Claim
_____	_____
_____	_____
_____	_____

C. Modification of Secured Claims:

Creditor	Details of Modification (Additional Details May Be Attached)	Amt. of Claim to Be Paid Through Plan
_____	_____	_____
_____	_____	_____

D. Leases:

- i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of \_\_\_\_\_; or
- ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of \_\_\_\_\_.
- iii. The arrears under the lease to be paid under the plan are \_\_\_\_\_.

III. PRIORITY CLAIMS:

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
_____	_____	\$ _____

B. Other:

Creditor	Description of Claim	Amount of Claim
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
Total of Priority Claims to Be Paid Through the Plan:		\$ _____

IV. ADMINISTRATIVE CLAIMS:

A. Attorneys Fees (to be paid through the plan): \$ \_\_\_\_\_

B. Miscellaneous Fees:

Creditor	Description of Claim	Amount of Claim
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of \_\_\_\_\_% of their claims.

A. General unsecured claims \$ \_\_\_\_\_

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of claim	Amount of claim
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of claim
_____	_____	\$ _____
_____	_____	\$ _____

Total of Unsecured Claims (A + B + C): \$ \_\_\_\_\_

D. Multiply total by percentage: \$ \_\_\_\_\_

(Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of claim
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Total amount of separately classified claims payable at \_\_\_\_\_%: \$ \_\_\_\_\_

V. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund plan: \_\_\_\_\_

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B. Miscellaneous Provisions:

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VI. CALCULATION OF PLAN PAYMENT:

- a) Secured claims (Section I-A Total): \$ \_\_\_\_\_
- b) Priority claims (Section II-A & B Total): \$ \_\_\_\_\_
- c) Administrative claims (Section III-A&B Total): \$ \_\_\_\_\_
- d) Regular unsecured claims (Section IV-D Total): + \$ \_\_\_\_\_
- e) Separately classified unsecured claims: \$ \_\_\_\_\_
- f) Total of a + b + c + d + e above: = \$ \_\_\_\_\_
- g) Divide (f) by .90 for total including Trustee's fee:  
Cost of Plan = \$ \_\_\_\_\_

(This represents the total amount to be paid into the Chapter 13 Plan.)

- h) Divide (g), Cost of Plan, by Term of Plan, \_\_\_\_\_ months
- i) Round up to nearest dollar for Monthly Plan Payment: \$ \_\_\_\_\_  
(Enter this amount on page 1)

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make preconfirmation adequate protection payments directly to the secured creditor.

VII. LIQUIDATION ANALYSIS

A. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
_____	\$ _____	\$ _____

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Total Net Equity for Real Property: \$ \_\_\_\_\_

Less Total Exemptions (Schedule C): \$ \_\_\_\_\_

Available Chapter 7: \$ \_\_\_\_\_

B. Automobile (Describe year, make, model):

\_\_\_\_\_ Value \$ \_\_\_\_\_ Lien \$ \_\_\_\_\_ Exemption \$ \_\_\_\_\_

\_\_\_\_\_ Value \$ \_\_\_\_\_ Lien \$ \_\_\_\_\_ Exemption \$ \_\_\_\_\_

Total Net Equity: \$ \_\_\_\_\_

Less Total Exemptions (Schedule C) \$ \_\_\_\_\_

Available Chapter 7: \$ \_\_\_\_\_

C. All other Assets: (All remaining items on schedule B) : (Itemize as necessary)

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

Total Net Value: \$ \_\_\_\_\_

Less Exemptions (Schedule C): \$ \_\_\_\_\_

Available Chapter 7: \$ \_\_\_\_\_

D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: \$ \_\_\_\_\_

E. Additional Comments regarding Liquidation Analysis:

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

### VIII. SIGNATURES

Pursuant to the Chapter 13 rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.



\_\_\_\_\_ Debtor's Attorney

\_\_\_\_\_ Date

Attorney's Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tel. # (    ) \_\_\_\_\_ - \_\_\_\_\_

Email Address: \_\_\_\_\_

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

\_\_\_\_\_ Debtor

\_\_\_\_\_ Date

\_\_\_\_\_ Debtor

\_\_\_\_\_ Date

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

**OFFICIAL FORM 3A**  
**POST-CONFIRMATION AMENDED CHAPTER 13 PLAN**

Editor's Note: No red-lining – New Form

POST-CONFIRMATION \_\_\_\_\_ AMENDED CHAPTER 13 PLAN  
(Insert First, Second etc.)

Docket No.: \_\_\_\_\_

DEBTORS: (H) \_\_\_\_\_ SS#: \_\_\_\_\_

(W) \_\_\_\_\_ SS#: \_\_\_\_\_

**I. AMENDED PLAN PAYMENT AND TERM:**

TERM OF THE PLAN: \_\_\_\_\_ Months (Total length of Plan – not no. of months remaining.) If the plan is longer than thirty-six (36) months, a statement of cause under 11 U.S.C. § 1322(d) must be attached hereto.

AMENDED PLAN PAYMENT: Debtor(s) to pay monthly: \$ \_\_\_\_\_

EFFECTIVE: \_\_\_/\_\_\_/\_\_\_ (Insert new payment beginning date.)

The claims listed below must include amounts previously disbursed by the Trustee on all claims which have subsequently been withdrawn or disallowed.

**II. SECURED CLAIMS:**

**A. Claims to be paid through the plan (including arrears):**

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Total of secured claims to be paid through the Plan: \$ \_\_\_\_\_

B. Claims to be paid directly by debtor to creditors (Not through Plan):

Creditor	Description of Claim
_____	_____
_____	_____
_____	_____

C. Modification of Secured Claims:

Creditor	Details of Modification (Additional Details May Be Attached)	Amt. of Claim to Be Paid Through Plan
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. Leases:

i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of \_\_\_\_\_; or

ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of \_\_\_\_\_.

iii. The arrears under the lease to be paid under the plan are \_\_\_\_\_.

III. PRIORITY CLAIMS:

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
_____	_____	\$ _____

B. Other:

Creditor	Description of Claim	Amount of Claim
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
Total of Priority Claims to Be Paid Through the Plan:		\$ _____

IV. ADMINISTRATIVE CLAIMS:

A. Attorneys Fees (to be paid through the plan): \$ \_\_\_\_\_

B. Miscellaneous Fees:

Creditor	Description of Claim	Amount of Claim
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of \_\_\_\_\_% of their claims.

A. General unsecured claims: \$ \_\_\_\_\_

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of claim	Amount of claim
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of claim
_____	_____	\$ _____
_____	_____	\$ _____

Total of Unsecured Claims (A + B + C): \$ \_\_\_\_\_

D. Multiply total by percentage: \$ \_\_\_\_\_  
(Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of claim
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Total amount of separately classified claims payable at \_\_\_\_\_%: \$ \_\_\_\_\_

VI. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund plan: \_\_\_\_\_

\_\_\_\_\_

B. Miscellaneous Provisions:

\_\_\_\_\_

\_\_\_\_\_

C. Set forth below, all changes from the previously Confirmed Plan:

Secured: \_\_\_\_\_

Priority: \_\_\_\_\_

Unsecured: \_\_\_\_\_

Term: \_\_\_\_\_

Plan Payment: \_\_\_\_\_

#### VII. CALCULATION OF AMENDED PLAN PAYMENT:

a) Secured claims (Section II-A Total): \$ \_\_\_\_\_

b) Priority claims (Section III-A & B Total): \$ \_\_\_\_\_

c) Administrative claims (Section IV-A&B Total): \$ \_\_\_\_\_

d) Regular unsecured claims (Section V-D Total): + \$ \_\_\_\_\_

e) Separately classified unsecured claims: \$ \_\_\_\_\_

f) Total of a + b + c + d + e above: = \$ \_\_\_\_\_

g) Divide (f) by .90 for total including Trustee's fee: \_\_\_\_\_

Cost of Plan = \$ \_\_\_\_\_

(This represents the total amount to be paid into the Chapter 13 Plan.)

h) Subtract the total amount of payment the Debtor has paid to the Trustee to date: \$ \_\_\_\_\_

i) Total amount left to be paid (g minus h) \$ \_\_\_\_\_

j) Divide (i) by # of months remaining

(Example: Original effective date of Confirmation – December 21, 1995 through current month- December 1996, equals 13 months. Term is 60 months. Subtract 13 from 60 to arrive at 47 months remaining, therefore the Amended Plan payment would begin January 21, 1997)

k) Round up to nearest dollar: Amended Monthly Plan Payment \$ \_\_\_\_\_

Date Amended Payment to begin: \_\_\_/\_\_\_/\_\_\_\_\_

#### VII. LIQUIDATION ANALYSIS

The Debtor avers that there have been no material changes to the total amount set forth in the Summary of the Liquidation Analysis of the Debtor's previously Confirmed Plan.

A. Real Estate:

List Each Address	Fair Market Value	Total Amt. of Recorded Liens (Schedule D)
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
Total Net Equity for Real Property:		\$ _____
Less Total Exemptions (Schedule C):		\$ _____
Available Chapter 7:		\$ _____

B. Automobile (Describe year, make, model):

_____	Value \$ _____	Lien \$ _____	Exemption \$ _____
_____	Value \$ _____	Lien \$ _____	Exemption \$ _____
Total Net Equity:			\$ _____
Less Total Exemptions (Schedule C)			\$ _____
Available Chapter 7:			\$ _____

C.. All other Assets: (All remaining items on schedule B) : (Itemize as necessary)

_____		
_____		
Total Net Value:		\$ _____
Less Exemptions (Schedule C):		\$ _____
Available Chapter 7:		\$ _____





**OFFICIAL FORM 9**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re

Chapter  
Bankruptcy No.

,

Debtor(s)

~~CERTIFIED REQUEST~~ **MOTION** PURSUANT TO 11 U.S.C. §109(h)(3)  
FOR EXTENSION OF TIME TO FILE CREDIT COUNSELING CERTIFICATE

Pursuant to 11 U.S.C. §109(h)(3), the Debtor(s) certify (ies) that he/she/they did not obtain the credit counseling briefing pursuant to 11 U.S.C. 109(h)(1) and ~~requests~~ **moves** that the Court extend the time to file and/or obtain a credit counseling certificate, based upon the following grounds:

- 1. The following exigent circumstances exist preventing compliance (for example, foreclosure, eviction, incarceration, medical or other problems):

\_\_\_\_\_  
\_\_\_\_\_.

- 2. I/We (Check whichever applies)

\_\_\_\_\_ did request credit counseling services from an approved agency but was/were unable to obtain said services during the 5-day period following the request.

\_\_\_\_\_ did not request credit counseling services.

- 3. I/We request an extension of time to a date no longer than 45 days after the date of the filing of the bankruptcy petition because:

\_\_\_\_\_.

Signed under the pains and penalties of perjury on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Debtor

Joint Debtor

ORDER

The Request Motion is denied.

The Request Motion is approved. The time for filing the certificate is extended to

\_\_\_\_\_.

Dated:

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United States Bankruptcy Judge