

**UNITED STATES BANKRUPTCY COURT**

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

BANKRUPTCY NO.

§341(a) Mtg. Date:

§341(a) Mtg. Time:

Debtor.

**OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

TO THE DEBTOR, THE DEBTOR'S ATTORNEY AND THE CHAPTER 13 TRUSTEE:

Thomas H. Billingslea, Jr., Chapter 13 Trustee       David L. Skelton, Chapter 13 Trustee,

\_\_\_\_\_  
(Insert Name and Complete Mailing Address of Objecting Party)

\_\_\_\_\_ ,  
a creditor in this case,

hereby objects to the Confirmation of the Chapter 13 Plan. The basis for the objection is stated below.

(NOTE TO OBJECTING PARTY: YOUR STATEMENT OF OBJECTION MUST BE AS SPECIFIC AS POSSIBLE. CHECK ONLY THOSE SECTIONS WHICH ARE APPLICABLE TO YOUR OBJECTION AND PROVIDE AN EXPLANATION OF YOUR OBJECTION WHERE REQUESTED):

1.  The Plan discriminates unfairly against the class(es) of unsecured claims because

. [§1322(b)(1)]

2.  The Plan modifies the rights of a creditor whose claim is secured only by a security interest in real property that is the debtor's principal residence by providing that

. [§1322(b)(2)]

3.  The Plan fails to provide for the curing of a default and maintenance payments on a secured or unsecured claim on which final payment is due after the proposed final payment under the Plan. [§1322(b)(5)]

4.  The Chapter 13 Plan is not proposed in good faith because

. [§1325(a)(3)]

**THIS OBJECTION TO CHAPTER 13 PLAN MUST BE ACCOMPANIED BY A NOTICE OF HEARING PURSUANT TO LOCAL BANKRUPTCY RULE 3015-5**

- 5.  The debtor is distributing less to the allowed unsecured creditors than they would receive under a Chapter 7 liquidation. [§1325(a)(4)]
- 6.  Objecting creditor has an allowed secured claim and objects because
  - I have not accepted the Plan. [§1325(a)(5)(A)], OR
  - the Plan fails to provide for a retention of lien securing my claim and the value of the property to be distributed to me is less than the allowed amount of my claim. [§1325(a)(5)(B)]
    - Amount of Claim \$ \_\_\_\_\_
    - Value of Property \$ \_\_\_\_\_, OR
  - the debtor has failed to surrender to me the property securing my claim. [§1325(a)(5)(C)]
- 7.  The debtor has no ability to make the payments proposed by the Plan because \_\_\_\_\_ . [§1325(a)(6)]
- 8.  The debtor has failed to apply all projected disposable income to Plan payments for a period of not less than three years. [§1325(b)(1)(B)]
- 9.  The debtor has failed to begin making payments prescribed in the Plan within thirty (30) days of the filing of the Plan. [§1326(a)(1)]
- 10.  Other [cite applicable Code section or case authority]:

I have unsuccessfully attempted to resolve our objections at the §341 Meeting.

I hereby certify under penalty of perjury that I have this date mailed a true copy of this Objection to Plan to the attorney for the debtor (or the debtor) and to the assigned Chapter 13 trustee as indicated below at the following addresses:

Attorney for Debtor (or Debtor):

Chapter 13 Trustee (select one):

For ODD numbered Chpt. 13 cases:  
 THOMAS H. BILLINGSLEA, JR., TRUSTEE  
 530 "B" Street, Suite 1500  
 San Diego, CA 92101

For EVEN numbered Chpt. 13 cases:  
 DAVID L. SKELTON, TRUSTEE  
 525 "B" Street, Suite 1430  
 San Diego, CA 92101-4507

DATED:

\_\_\_\_\_  
(Signature of (Attorney for) Moving Party)

\_\_\_\_\_  
(Please Type or Print Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, ZIP)

( ) \_\_\_\_\_  
(Daytime Phone Number)