

NEBRASKA RULES OF BANKRUPTCY PROCEDURE

Adopted by the United States District Court
for the District of Nebraska
April 15, 1997

Effective Date April 15, 1997

APPENDIX "H"

CHAPTER 13 FORM 13-A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)
)
) CASE NO. BK _____
)
) CHAPTER 13
)
 Debtor(s).)

MOTION TO CONFIRM CHAPTER 13 PLAN

The debtor moves the Court for an order confirming plan and in support thereof states as follows:

1. The requirements for confirmation are met.

A. The total debt and administrative expenses provided for under the plan are as follows:

a. Total Priority Claims

1. Unpaid attorney's fees
\$ _____

2. Taxes
\$ _____

3. Other
\$ _____

b. Total payments on secured claims
\$ _____

c. Total payments on unsecured claims
\$ _____

- d. Subtotal
\$ _____
- e. Total Trustee's Compensation
(10% of debtor's payments)
\$ _____
- f. Total debt and administrative
expenses
\$ _____

(B) In accordance with the requirements of § 1325(a)(4), debtor asserts that as of the effective date of the plan, the value of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under Chapter 7, Title 11, United States Code, on such date. This contention is based upon the facts set forth below:

a. As of the date of the petition, the debtor owned property which should be part of the property of the estate, as defined by 11 U.S.C. § 541, if a petition had been filed under Chapter 7 of Title 11 of the United States Code. That property has a liquidation value after deduction of the amount of liens and encumbrances against such property of:

\$ _____

b. If debtor had filed a petition for relief under Chapter 7 on said date, debtor would be entitled to exempt from the estate property having a value of:

\$ _____

Debtor has claimed such property as exempt in the manner required by law.

c. If debtor had filed a petition under Chapter 7 on said date:

1. Debtor would owe debts entitled to priority under 11 U.S.C. § 507, including costs of administration, in the total amount of:

\$ _____

2. Debtor would owe allowed unsecured claims in the total amount of:

\$_____

d. There would be available, after payment of priority claims, for distribution to creditors holding allowed unsecured claims an amount of:

\$_____

e. It is estimated that distribution under Chapter 7 to each creditor holding an unsecured claim as of said date would be _____ % of each claim.¹

f. The Chapter 13 plan provides that creditors holding allowed unsecured claims will receive _____ % of each claim.¹

- 2. Debtor further requests pursuant to § 1322(C), that the confirmation order permit debtor to make payments for a period of more than 36 months.

The plan requires payment over a period of approximately _____ months. Cause exists for the payment over a period of more than three years but not longer than five years because:

DATED: _____

[Debtor]

[Debtor's Spouse]

[Attorney for Debtor]

VERIFICATION

¹The actual percentage paid depends on the allowance of claims. For purposes of this motion it is assumed that all listed undisputed claims are allowed.

Under penalty of perjury, I do hereby adopt the statements contained in this motion and state that those statements are true to the best of my knowledge and belief.

DATED: _____

[Debtor]

[Debtor's Spouse]