

The background of the slide is a light blue gradient with several autumn leaves and acorns scattered across it. The leaves are in various colors including red, orange, yellow, and green. There are also a few acorns, some with their caps on and some without. The title text is centered in the upper half of the slide.

(Hopefully) Helpful Hints for Chapter 13 Plans

**Neil Berman, Law Clerk to
Bankruptcy Judge Guy R. Humphrey
Colleen Militello, Law Clerk to
Bankruptcy Judge Beth A. Buchanan**



What We Will Be Covering

- 🍂 Service Issues for Plans and Related Filings
- 🍂 Local Rule Changes Impacting 13's
- 🍂 HELOCs
- 🍂 Federal Rule of Bankruptcy Procedure 5009
- 🍂 Walking Through the Chapter 13 Plan




Service Issues: What Needs 7004 Service?

Plans that will Cram Down or Avoid (unless by separate motion/
claim objection)

Motions to Avoid

Claim Objections that Avoid – See General Order 22-2

Claim Objections – United States and FDIC Banks

-  See Federal Rule of Bankruptcy Procedure 3007(a)(2)(A)
-  Notice Address AND 7004 service – see Judge Humphrey
handout on service on United States and FDIC Banks
-  Do not have to serve counsel because she filed the proof of
claim anymore – See General Order 22-2

Possibly Other Motions that Particularly Affect Specific Creditors



Rule 7004 Service Requirements – Specific Issues

Corporations v. FDIC Banks:

See Judge Humphrey handout– distinguish between rules for corporations and FDIC banks.



Is the Party an FDIC Bank? –

<https://research.fdic.gov/bankfind/>



Service Information on Ohio Corporations needed? –

<https://businesssearch.sos.state.oh.us/>



Service Information on Federal and State Government Units

needed? – Clerk’s Register of Mailing Addresses of Federal and State Government Units is available on the court’s web page (updated yearly) – <https://www.ohsb.uscourts.gov/clerks-register>. See Fed. R. Bankr. P. 5003(e).

Represent a government unit? – form available to add preferred address to register.



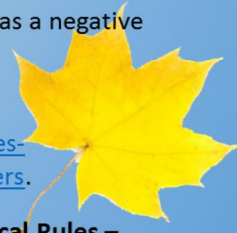
Other Service and Notice Issues

Consider Debtor Electronic Bankruptcy Noticing (DeBN) –
debtors can receive all orders and court notices electronically – SEE HANDOUT.

Motions to shorten time –
Needs to be a persuasive reason that waiting 24 days has a negative effect on the merit motion – SEE LBR 9073-1(a)(2).

Third Party Notice Providers –
Approved providers at <http://www.uscourts.gov/services-forms/bankruptcy/approved-bankruptcy-notice-providers>.

New Form Certificate of Service to be added to the Local Rules –
will account for Rule 7004 service and use of third party notice providers.



New Form Certificate of Service

LBR 9013-3 – NOT YET APPROVED

Sample Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing (specific name of filing) was served electronically on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and

For parties served by ordinary U.S. Mail:

by ordinary U.S. Mail on (month), (day), (year) addressed to:

(Name)
(Mailing address)

For parties served other than by ordinary U.S. Mail pursuant to Federal Rule of Bankruptcy Procedure 7004:

By [certified mail or other method of service] on (month), (day), (year) addressed to:

(Name)
(Mailing address)

For parties served using a Third-Party Notice Provider approved by the Administrative Office of the United States Courts pursuant to Federal Rules of Bankruptcy Procedure 9001(b) and 2002(g)(4), add the following language:

And The Creditors and Parties in Interest as shown on the (attached or separately filed) Declaration of Mailing and Certificate of Service on (month), (day), (year).

Name





Proposed LBR Changes – Coming in 2019

[NOT FINALIZED YET, THIS IS NOT A COMPLETE LIST OF THE CHANGES]

LBR 1016-1 – requiring debtor counsel to file a statement of death of a debtor and the date of death, allowing for a motion to waive certification requirements for discharge, and automatically waiving the financial management class requirement.

Rule 2016-1(b)(2)(iv) – incorporating GO allowing separate fees for avoiding liens in the plan, but not for a Rule 5009(d) motion.

Rule 3015-1 – incorporating GO providing for the district-wide plan and service by the debtor.

Rule 3015-3(a) – any timely objection within 7 days of the confirmation date will require a rescheduled confirmation hearing.


Rule 3015-3(e) – any party granted a rescheduled confirmation hearing before the originally scheduled confirmation hearing date shall serve a notice on all creditors and parties in interest of the rescheduled hearing.

Rule 3022-2 – Local form [LBR Form 3022-2] for Certification Regarding Issuance of Discharge must be filed within 21 days of the Certification of Final Payment or the case may be closed without issuance of a discharge.

Rule 9072-1 – All Filing Parties service designation being eliminated from use in Orders: Use Default List, Default List Plus Additional Parties, or All Creditors and Parties in Interest.



General Order 22-2 will be incorporated into the changes to the Local Bankruptcy Rules. Those LBR changes are likely to come into effect in 2019.

<p>FILED</p> <p>UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF OHIO</p> <p>2017 NOV 22 AM 9:11</p>	<p>compliance. The certificate of service shall specify the method of service as to each entity served.</p> <p>SO ORDERED.</p> <p>Date: <u>Nov 15, 2017</u></p> <p>FOR THE COURT</p> <p> Jeffrey P. Hopkins, Chief Judge United States Bankruptcy Court</p>
<p>In re: REVISED DISTRICT WIDE MANDATORY FORM CHAPTER 13 PLAN</p> <p>General Order No. 22-2 (Effective December 1, 2017)</p> <p>Effective December 1, 2017, any chapter 13 plan or amended plan filed in this District must conform to the revised District Wide Mandatory Form Chapter 13 Plan adopted in this District, which is available on the Court's website at www.usdb.uscourts.gov. Provided, if an initial chapter 13 plan was filed before December 1, 2017, and it is necessary to amend that chapter 13 plan, then the Mandatory Form Chapter 13 Plan (Revised 5/24/17 version) shall be used.</p> <p>In conjunction with the adoption of the revised Mandatory Form Chapter 13 Plan:</p> <ul style="list-style-type: none">• LBR 2016-1(b)(2)(A) and LBR Form 2016-1(b) are amended to increase the no-look fee from \$3,500 to \$3,700.• LBR 2016-1(b)(2)(A)(ii) and LBR Form 2016-1(b) (Section II.5.d) are amended in their entirety to state as follows: preparation and filing of the chapter 13 plan and any preconfirmation amendments thereto that may be required, provided, legal services performed relative to Paragraphs 5.4.1, 5.4.2 and 5.4.3 of the chapter 13 plan are not covered by the no-look fee and may be compensated through a separate application for fees; however, in such event, no additional compensation will be allowed for the preparation and filing of a motion pursuant to Rule 509(d).• LBR 3097-1(a) is amended in its entirety to state as follows: Service. An objection to a proof of claim that seeks to affect a secured claim under Paragraph 5.1.2, 5.1.4 or 5.4.1 of the chapter 13 plan shall be served pursuant to Rule 7004.• LBR 3012-1(a) is abrogated.• LBR 3015-1(a) is amended in its entirety to state as follows: (a) Mandatory Form Chapter 13 Plan. In all cases filed under chapter 13, the plan filed by the debtor shall conform to the mandatory chapter 13 plan adopted in this District (the "Mandatory Form Plan"). The Mandatory Form Plan, which is available on the Court's website at www.usdb.uscourts.gov, may be amended from time to time.• LBR 3015-1(b) is amended in its entirety to state as follows: (b) Service of Plan. The debtor shall serve the chapter 13 plan on the trustee and all creditors and parties in interest. The debtor shall file a certificate of service evidencing	

HELOC CHANGE

PROPOSED AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE¹

1 **Rule 3002.1 Notice Relating to Claims Secured by**
2 **Security Interest in the Debtor's Principal**
3 **Residence**

4 *****

5 (b) NOTICE OF PAYMENT CHANGES;

6 **OBJECTION.**

7 (1) Notice. The holder of the claim shall file
8 and serve on the debtor, debtor's counsel, and the
9 trustee a notice of any change in the payment amount,
10 including any change that results from an interest-rate
11 or escrow-account adjustment, no later than 21 days
12 before a payment in the new amount is due. If the
13 claim arises from a home-equity line of credit, this
14 requirement may be modified by court order.

¹ New material is underlined; matter to be omitted is lined through.

2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

15 (2) Objection. A party in interest who objects
16 to the payment change may file a motion to determine
17 whether the change is required to maintain payments
18 in accordance with § 1322(b)(5) of the Code. If no
19 motion is filed by the day before the new amount is
20 due, the change goes into effect, unless the court
21 orders otherwise.

22 *****

23 (e) DETERMINATION OF FEES, EXPENSES, OR
24 CHARGES. On motion of ~~a party in interest~~ ~~the debtor or~~
25 ~~trustee~~ filed within one year after service of a notice under
26 subdivision (c) of this rule, the court shall, after notice and
27 hearing, determine whether payment of any claimed fee,
28 expense, or charge is required by the underlying agreement
29 and applicable nonbankruptcy law to cure a default or
30 maintain payments in accordance with § 1322(b)(5) of the
31 Code.

COMMITTEE NOTE 3002.1

FEDERAL RULES OF BANKRUPTCY PROCEDURE 3

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Committee Note

Subdivision (b) is subdivided and amended in two respects. First, it is amended in what is now subdivision (b)(1) to authorize courts to modify its requirements for claims arising from home equity lines of credit (HELOCs). Because payments on HELOCs may adjust frequently and in small amounts, the rule provides flexibility for courts to specify alternative procedures for keeping the person who is maintaining payments on the loan apprised of the current payment amount. Courts may specify alternative requirements for providing notice of changes in HELOC payment amounts by local rules or orders in individual cases.

Second, what is now subdivision (b)(2) is amended to acknowledge the right of the trustee, debtor, or other party in interest, such as the United States trustee, to object to a change in a home-mortgage payment amount after receiving notice of the change under subdivision (b)(1). The amended rule does not set a deadline for filing a motion for a determination of the validity of the payment change, but it provides as a general matter—subject to a contrary court order—that if no motion has been filed on or before the day before the change is to take effect, the announced change goes into effect. If there is a later motion and a determination that the payment change was not required to maintain payments under § 1322(b)(5), appropriate adjustments will have to be made to reflect any overpayments. If, however, a motion is made during the time specified in subdivision (b)(2), leading to a suspension of the payment change, a determination that the payment

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change was valid will require the debtor to cure the resulting default in order to be current on the mortgage at the end of the bankruptcy case.

Subdivision (e) is amended to allow parties in interest in addition to the debtor or trustee, such as the United States trustee, to seek a determination regarding the validity of any claimed fee, expense, or charge.

Pending LBR change that would implement the national change regarding HELOC:

3002.1-1 CLAIMS — SECURED BY A SECURITY INTEREST IN THE DEBTOR'S PRINCIPAL RESIDENCE – NOTICE AND DETERMINATION

If a claim arises from a home-equity line of credit, the notice of any change in payment amount may be filed and served on the debtor, debtor's counsel, and the trustee no later than six months after entry of the order for relief, and not less frequently than every six months thereafter, provided that any notice of change in payment amount must be filed and served no later than 21 days before a payment in the new amount is due. The payment amount shall be fixed until a subsequent notice of change in payment amount is filed. A subsequent notice of change in payment amount shall include any reconciliation needed to account for interest rate adjustments or balance changes since the last notice was filed.



New Option for Addressing Liens at the End of the Chapter 13 Case

Federal Rule of Bankruptcy Procedure 5009(d) - Order Declaring Lien Satisfied. *In a chapter 12 or chapter 13 case, if a claim that was secured by property of the estate is subject to a lien under applicable nonbankruptcy law, the debtor may request entry of an order declaring that the secured claim has been satisfied and the lien has been released under the terms of a confirmed plan. **The request shall be made by motion and shall be served on the holder of the claim and any other entity the court designates in the manner provided by Rule 7004 for service of a summons and complaint.***



2017 Amendments

Subdivision (d) is added to provide a procedure by which a debtor in a chapter 12 or chapter 13 case may request an order declaring a secured claim satisfied and a lien released under the terms of a confirmed plan. A debtor may need documentation for title purposes of the elimination of a second mortgage or other lien that was secured by property of the estate. Although requests for such orders are likely to be made at the time the case is being closed, the rule does not prohibit a request at another time if the lien has been released and requirements for entry of the order have been met.

Local form motions pursuant to Rule 5009(d) regarding both real property and personal property are being drafted and will be made available on the court's website.

Motion 1009(d) Real Property

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

In re) Case No. _____
) Chapter 12/13
Debtor(s)) Judge []

MOTION FOR ORDER DECLARING MORTGAGE LIEN SATISFIED AS TO REAL PROPERTY

Debtor(s) (the "Debtor," whether individually or collectively) moves the court pursuant to Federal Rule of Bankruptcy Procedure 5009(d) for an order declaring that the secured claim of _____ (the "Creditor(s)") has been satisfied and the mortgage lien has been released under the terms of the confirmed plan.

Memorandum In Support

(1) The Debtor filed a voluntary petition under chapter 12/13 of the Bankruptcy Code on _____ (the "Petition Date").

The Debtor's case was converted to a case under Chapter 13 of the Bankruptcy Code on _____

(2) The plan was confirmed on _____

(3) The Debtor is the owner of real property located at _____ (the "Property").

A legal description of the Property is attached as Exhibit _____

Creditor _____ holds a mortgage lien on the Property recorded on _____ in the office of the Recorder, _____ County, at Instrument Number _____

Under the terms of the Plan, the mortgage lien of this creditor was satisfied pursuant to the [check one]:

Real property standstill provision in Section 5.4.2;

Fully Secured Mortgage or Lien provision in Section 5.4.1; or

Lien Impairing an Exception in Real Property provision in Section 5.4.3 and released upon _____ completion of the plan or other satisfaction of the creditor's claim under the plan.

(4) The plan has been completed [OR] the claim has otherwise been satisfied under the plan. Specify: _____

WHEREFORE, the Debtor requests that the court grant the Motion for Order Declaring that the Lien Has Been Satisfied as to Real Property.

Respectfully submitted,

[] NAME
NAME / STATE BAR NUMBER, IF ANY
LAW FIRM NAME

MAILING ADDRESS
Pb: TELEPHONE NUMBER
Fb: FAX NUMBER
EMAIL ADDRESS

Notice of Motion

Debtor has filed a Motion for Order Declaring Mortgage Lien Satisfied as to Real Property.

Your rights may be affected. You should read the Plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court the court to grant the relief sought in the motion, then on or before twenty-one (21) days from the date set forth in the certificate of service for the motion, you must file with the court a response explaining your position by mailing your response by ordinary U.S. Mail to:

OR your attorney must file a response using the court's ECF System.

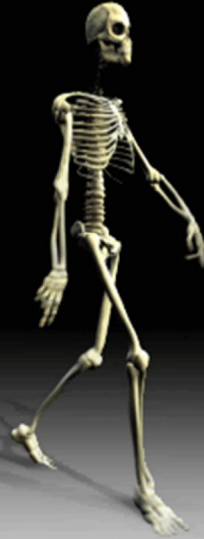
The court must receive your objection on or before the above date.

You must also send a copy of your objection either by 1) the Court's ECF System or by 2) regular U.S. Mail to:

If you or your attorney does not take these steps, the Court may decide that you do not oppose the terms of the Plan and may enter an order confirming the Plan without further hearing or notice.

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WALKING THROUGH THE PLAN



MANDATORY FORM PLAN (Revised 01/22/2018) Print to PDF

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO

DIVISION at

In re) Case No.
)
) Chapter 13
) Debtor(s)) Judge

CHAPTER 13 PLAN

1. NOTICES

The Debtor has filed a case under chapter 13 of the Bankruptcy Code. A notice of the case (Official Form 309F) will be sent separately.

This is the Mandatory Form Chapter 13 Plan adopted in this District. Local Bankruptcy Rule ("LBR") 3013.1 "Debtor" means either a single debtor or joint debtors as applicable. "Trustee" means Chapter 13 Trustee. Section "F" numbers refer to sections of Title 11 of the United States Bankruptcy Code. "Rule" refers to the Federal Rules of Bankruptcy Procedure.

Unless otherwise checked below, the Debtor is eligible for a discharge under § 1328(f):

Debtor is not eligible for a discharge
 Joint Debtor is not eligible for a discharge

Initial Plan
 Amended Plan The filing of this Amended Plan shall supersede any previously filed Plan or Amended Plan and must be served on the Trustee, the United States trustee and all adversely affected parties. If the Amended Plan adversely affects any party, the Amended Plan shall be accompanied by the twenty-one (21) day notice: Rule 2002(a)(9). Any changes (additions or deletions) from the previously filed Plan or Amended Plan must be clearly reflected in bold, italics, strike-through or otherwise in the Amended Plan filed with this Form 3013.1(a)(1). If an item is not checked, the provisions will be ineffective if not otherwise in the Plan.

This Plan contains nonstandard provisions in Paragraph 13.

The Debtor proposes to limit the amount of a secured claim based on the value of the collateral securing the claim. See Paragraph(s) 5.1.2 and/or 5.1.4.

The Debtor proposes to create or credit a security interest or lien. See Paragraph(s) 5.4.1 and/or 5.4.2 and 5.4.3.

NOTICES TO CREDITORS: You should read this Plan carefully, including Paragraph 13 (Nonstandard Provisions), and discuss it with your attorney if you have one in this case. If you do not have an attorney, you may wish to consult one. Except as otherwise specifically provided in this confirmation, you will be bound by the terms of this Plan. Your claim may be reduced, modified, or otherwise affected. Court may confirm this Plan if no timely objection to confirmation is filed.

2. PLAN PAYMENT AND LENGTH

2.1 Plan Payment. The Debtor shall pay to the Trustee the amount of \$ per month. [Enter step payments below, if any.] The Debtor shall commence payments within thirty (30) days of the petition date.

2.1.1 Step Payments, if any:

Is the plan the current version?

Plan needs to be filed with a complete caption, including the Judge and case number. Do not file the plan until after the petition is filed and the case number and Judge is assigned.

If more than one amended plan is filed, highlight only the changes from the previously filed plan.

Check the boxes on page 1 when they apply. National Rules require this provision in the Plan

5.1.2 Modified Mortgages or Liens Secured by Real Property ["Cramdown/Real Property"]

The following claims are subject to modification as (1) claims secured by real property that is not the Debtor's principal residence, (2) claims secured by other assets in addition to the Debtor's principal residence, or (3) claims for which the last payment on the original payment schedule for a claim secured only by a security interest in real property that is the Debtor's principal residence is due before the date on which the final payment under the plan is due. 11 U.S.C. §§ 1322(b)(2), (b)(7). To the extent that a claim is in excess of the value of the property, the balance in excess of the value of the property shall be treated as a Class 4 unsecured claim. See Paragraph 4 for more information.

Name of Creditor / Procedure	Property Address	Value of Property	Interest	Minimum
(Creditor)			% \$	\$
<input type="checkbox"/> Motion				
<input checked="" type="checkbox"/> Plan				
<input type="checkbox"/> Claim Objection				

Always fill in name of the creditor.

5.1.3 Claims Secured by Personal Property for Which § 506 Determination is Not Applicable ["910 Claims/Personal Property"]

The following claims are secured by a purchase money security interest in either (1) a motor vehicle acquired by the Debtor's personal use within 910 days of the petition date or (2) a consumer good acquired within 910 days of the petition date. The proof of claim amount will control, subject to the court's review.

Name of Creditor	Property Description	Purchase Date	Estimated Claim Amount	Interest Rate	Minimum Monthly Payment Including Interest
(Creditor)			\$	%	\$
<input type="checkbox"/> Motion					
<input checked="" type="checkbox"/> Plan					
<input type="checkbox"/> Claim Objection					

Rule 7004 service only required when cramdown pursuant to the Plan; Always choose one of the options.

5.1.4 Claims Secured by Personal Property for Which § 506 Determination is Applicable ["Cramdown/Personal Property"]

The following claims are secured by personal property described above in Paragraph 5.1.3. To the extent that a claim is in excess of the value of the property, the balance in excess of the value of the property shall be treated as a Class 4 unsecured claim. See Paragraph 4 for more information.

Name of Creditor / Procedure	Property Description	Purchase/Transaction Date	Value of Property	Interest Rate	Minimum Monthly Payment Including Interest
(Creditor)			\$	%	\$
<input type="checkbox"/> Motion					
<input checked="" type="checkbox"/> Plan					
<input type="checkbox"/> Claim Objection					

MANDATORY FORM PLAN (Revised 01/22/2018) Print to PDF

5.1.5 Domestic Support Obligations (On-Going) - Priority Claims under § 507(x)(1)
 If another box is checked, then presumed to be none.
 Trustee disburse
 Debtor direct pay

The name of any holder of any domestic support obligation as defined in § 101(14A) shall be listed below. If the Debtor becomes subject to a domestic support obligation during the Plan term, the Debtor shall notify his or her attorney and the Trustee.

+	Name of Holder	State Child Support Enforcement Agency, if any	Monthly Payment Amount		
X			\$		B C

5.1.6 Executory Contracts and Unexpired Leases
 The Debtor rejects the following Executory Contracts and Unexpired Leases:

Notice to Creditor of Deadline to File Claim for Rejection Damages
 A proof of claim for rejection damages must be filed by the creditor within seventy (70) days from the date of confirmation of the Plan. Rule 3002(c)(2). Such claims shall be treated as a Class 4 unsecured unsecured claim.

+	Name of Creditor	Property Description			
X					B C

The Debtor assumes the following executory contracts and unexpired leases. Unless otherwise ordered by the Court, all motor vehicle lease payments shall be made by the Trustee. LBR 3015-1(d)(2). Any prepetition arrearage shall be cured in monthly payments prior to the expiration of the executory contract or unexpired lease. The Debtor may not cure debt to exercise an option to purchase without obtaining Trustee or Court approval. LBR 4001-3.

Trustee disburse.

+	Name of Creditor	Property Description	Regular Number of Payments Remaining as of Petition Date	Monthly Contract/Lease Payment	Estimated Arrearage as of Petition Date	Contract/Lease Termination Date	
X				\$	\$		B C

Debtor direct pay.

+	Name of Creditor	Property Description	Regular Number of Payments Remaining as of Petition Date	Monthly Contract/Lease Payment	Estimated Arrearage as of Petition Date	Contract/Lease Termination Date	
X				\$	\$		B C

Assume or Reject all Executory Contracts and Unexpired Leases Listed On Schedule G.

5.4.1 Wholly Unsecured Mortgage Liens

The following mortgage liens are wholly unsecured and may be modified and eliminated. See *In re Lane*, 200 F.3d 663 (6th Cir. 2000). Paragraph 4 for additional information. Preferred form motions and orders are available on the Court's website at www.ohio.uscourts.gov.

+ Name of Creditor / Procedure		Property Address			
(Creditor)				S	C
1	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Plan				
Value of Property	SENIOR Mortgage Liens (Amount Lenderholder)	Amount of Wholly Unsecured Mortgage Lien		S	C
1	\$ (Lenderholder)	\$	\$		

5.4.2 Judicial Liens Impairing an Exemption in Real Property

The following judicial liens impair the Debtor's exemption in real property and may be avoided under § 522(f)(6). (A) See Paragraph 4 for additional information. Preferred form motions and orders are available on the Court's website at www.ohio.uscourts.gov.

+ Name of Creditor / Procedure		Property Address		Exemption	
(Creditor)				\$	Statutory Basis
1	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Plan			\$ Debtor's Interest	\$
OTHER Liens or Mortgages (Amount Lenderholder Name)		Judicial Lien	Amount of Judicial Lien to be Avoided		
1	\$ (Lenderholder)	\$	\$	\$	Effective Upon

5.4.3 Nonpurchase Money Security Interest in Exempt Property

The following nonpurchase money security interests impair the Debtor's exemption in personal property and may be avoided under § 522(f)(2). See Paragraph 4 for additional information. Preferred form motions and orders are available on the Court's website at www.ohio.uscourts.gov.

+ Name of Creditor / Procedure		Property Description	Value of Property	Exemption	Amount of Security Interest to be Avoided
(Creditor)			\$	\$	\$
1	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Plan			Statutory Basis	Effective Upon

If filing motions under these sections, be sure the legal theory in the motion is consistent with the Plan. 7004 service only required if the lien is being avoided by the Plan.

13. NONSTANDARD PROVISIONS

The nonstandard provisions listed below are restricted to those items applicable to the particular circumstances of the Debtor. Nonstandard provisions shall not contain a restatement of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules or the Mandatory Chapter 13 Form Plan. Any nonstandard provision placed elsewhere in this Plan is void and shall have no binding effect.

+	Nonstandard Provisions	
X		S C

What is Acceptable Language for a Special Plan Provision?



ACCEPTABLE


A short description or clarification of treatment being provided to creditor, identifying a) who the creditor is (“the first mortgagee on the primary residence, XYZ bank”); b) appropriate account or other identifying information (without personal identifiers listed in Rule 9037); c) value and/or amount of the claim if appropriate and applicable; d) specific treatment being provided, including whether a separate motion or adversary proceeding will be filed.




NOT ACCEPTABLE


Description of the entire history of the parties' relationship, positions of the parties, etc.

Providing for avoidance of a lien, determination of dischargeability of a debt, injunction or other relief which must be pursued by an adversary proceeding under Rule 7001.

 *In re Phile*, 490 B.R. 250 (Bankr. S.D. Ohio 2011) (Buchanan, J.) (determination of the dischargeability of a domestic relations debt must be pursued by an adversary proceeding).

 *In re Evans*, 242 B.R. 407 (Bankr. S.D. Ohio 1999) (Hopkins, J.) (dischargeability of a student loan must be pursued by an adversary proceeding).

Restatement of the law, including the Bankruptcy Code or Rules

 *In re Poff*, Case No. 11-15869, 2012 WL 7991472 (Bankr. S.D. Ohio March 16, 2012) (Buchanan, J.) (form should not include boilerplate language, and statements of the law).

