

PROCEDURAL GUIDANCE FOR FILING A SUCCESSFUL PLAN MODIFICATION

TABLE OF CONTENTS:

PAGE 2 – ACCESSING 13NETWORK.COM

PAGE 3 – TEMPLATE OF THE INFORMATION NEEDED

PAGE 4-5 – PLAN PAYMENTS

PAGE 6 - ATTORNEY FEES

PAGE 7 -10 – PRE-PETITION ARREARS; CONDUIT; POST-PETITION ARREARS; APO; FORBEARANCE;

PAGE 11 – ADDITIONAL PLAN SECTIONS

PAGE 12 – UNSECURED PERCENTAGE; NONSTANDARD PROVISIONS

PAGE 13 - MMM

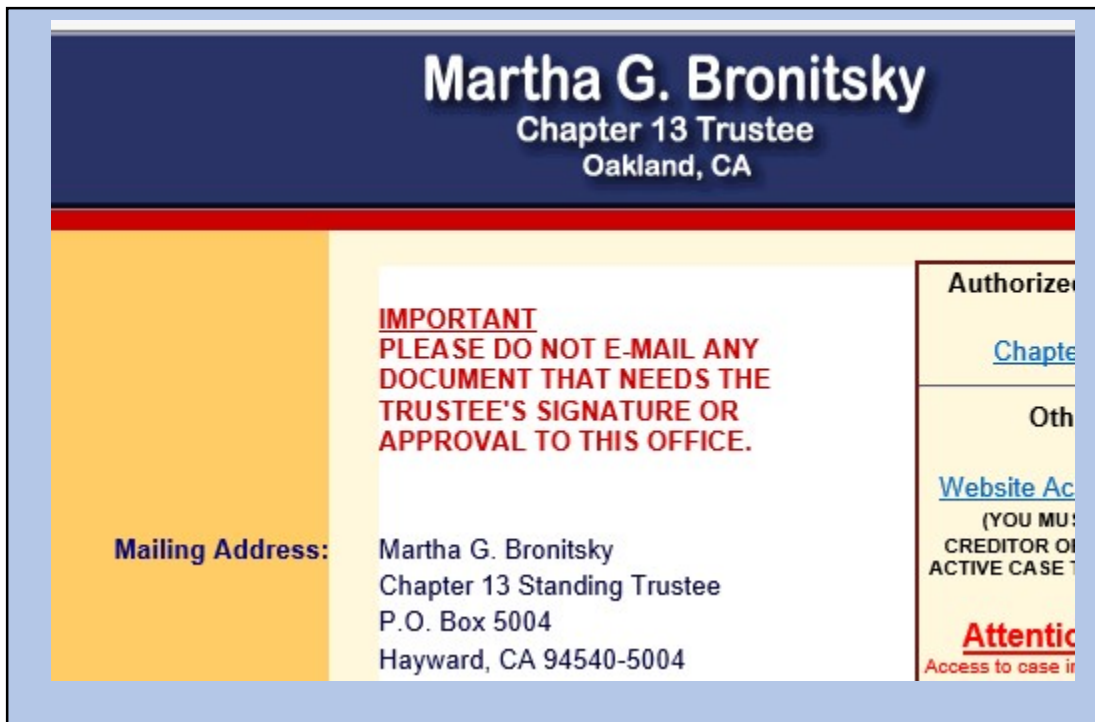
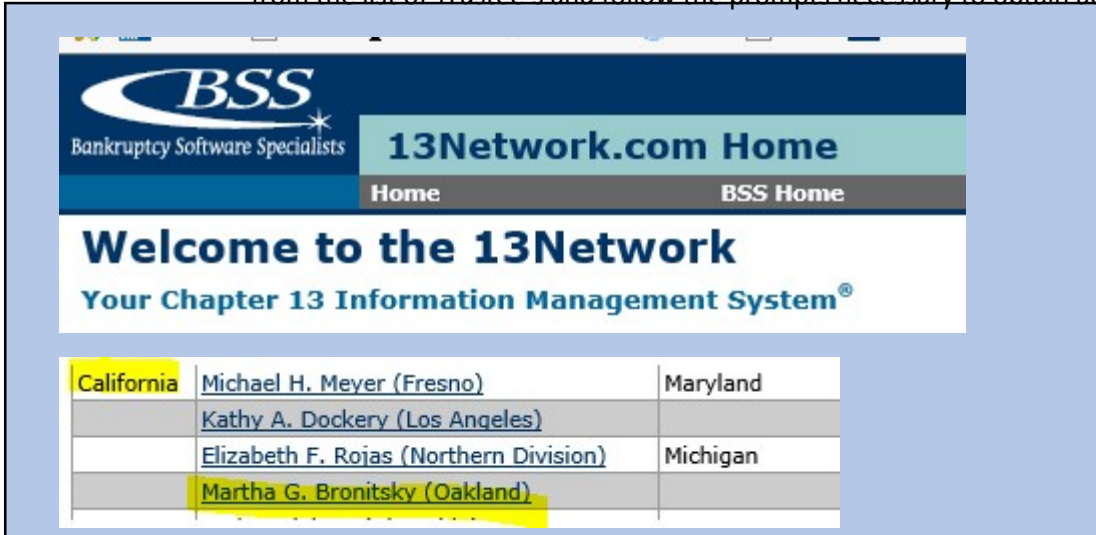
PAGE 14 – MOTION, DECLARATION, NOTICE AND OTHER SUPPORTING DOCUMENTS

PAGE 15 - 16 – CALCULATING

DISCLAIMER: The following procedural guidance is provided as a courtesy by Martha Bronitsky, Chapter 13 Standing Trustee. Following this guidance does not necessarily guarantee that the Trustee will not object to the Motion to Modify and Modified Plan. Each motion and accompanying modified plan will be reviewed and analyzed on a case by case basis and may well be opposed by the Trustee for failure to comply with §§ 1322, 1325, 1329 and any other applicable statute, rule or caselaw.

When a debtor(s) reaches out to your office in an attempt to modify their Chapter 13 plan the following steps should be taken:

- Access the Trustee’s website at 13network.com before drafting the modified plan
 - A. If you do not have a username and password – select Martha G. Bronitsky (Oakland) from the list of Trustee’s and follow the prompts necessary to obtain access.



TEMPLATE OF THE INFORMATION NEEDED TO DRAFT A MODIFIED PLAN

File Date	
Date Case Confirmed & Docket #	
Payments:	-
First payment month/year	
Total paid in Less Refunds	
Last payment made - month/year	
Month/year payments will resume	
Step payments?	
Balance on Hand (+ Fees)	
Months Left (+ Any Term Extension)	
Attorney Fees:	-
Amount Paid	
Amount Owed + Any Added Fees	
Conduit Creditor:	-
Month/year of last payment	
Month/year of next payment Due	
Payment amount	
All Mortgage payment amounts + start dates in month/year format	
Number of Mtg pmts left under plan	
Pre Petition Arrears:	-
Amount Paid in Principal & interest	
Balance owed	
Secured Creditor:	-
Amount Paid in Principal & interest	
Balance owed	
Secured Creditor:	-
Amount Paid in Principal & interest	
Balance owed	
Secured Creditor:	-
Amount Paid in Principal & interest	
Balance owed	
Balance of Priority Claims	
Unsecured:	
Required % to unsecured	
Balance of unsecured Debt	

(The sections identified on the next page will vary depending on the specific form plan)

- **Section 2.01 or 1.01:** Plan payments (view the Pay Schedules tab):
 - A. Determine whether the Debtor is current to date or delinquent.
 - Did the debtor just make a payment? If so, consider that when figuring out the amount paid.
 - Does the debtor have an upcoming TFS payment scheduled? If so, consider that when figuring out the amount paid.



B. Proposing to cure delinquent plan payments: If the debtor is delinquent and unable to catch up. You will need to modify section 2.01 or 1.01a of the modified plan. You can gather the information in two different areas:

- Go to **Financials tab** / click on Receipts / Debtor Refunds / refer to the Balance column – from here you are able to see the total amount paid by the debtor **less refunds**

Date	Payee / Batch	Payee / Reserve Name	Check / Source	Description	Receipts	Disbursements	Balance
9/18/2020	Z			NATIONWIDE TFS PAYMENT	\$2,900.00		
8/18/2020	9			NATIONWIDE TFS PAYMENT	\$2,900.00		
Totals:					\$5,800.00	\$0.00	\$5,800.00

• or you can refer to **Plan Calc 1 - TPILR**

PlanCalc 1

1-7098)

secured Interest Unse

0.00

Type

MONTHLY

0 TPILR = \$5,800.00

- C. How to **propose this in the Modified plan:**
 - i. In the plan payment section of the plan you can state: “Debtor has paid \$_____ through (month / year), \$(propose on-going payments) effective (month / year). See Example on next page

Example:

Section 2. Plan Payments and Plan Duration

- 2.01. **Monthly plan payments.** To complete this plan, Debtor shall submit to the supervision and control of Trustee on a monthly basis the sum of **\$82,768.62 Paid from Aug 2018 through June 2020, \$1350 x 3, \$4582 x 58** from future earnings. This monthly plan payment is subject to adjustment pursuant to section 3.07(b)(5) below and it must be received by Trustee not later than the 20th day of each month beginning the month after the order for relief under chapter 13. The monthly plan payment includes all adequate protection payments due on Class 2 secured claims.

- D. Proposing a decrease (temporary or permanent):
- i. Keep in mind, section 330(c) requires a minimum trustee fee of \$5.00.
 - *At 10% Trustee fee, the minimum payment amount that can be proposed by a debtor is \$50.00.*
 - When reducing plan payments, consider that Trustee may object based on 1325(a)(3)-(6) or 1325(b).

- **Section 3.05/3.06 or 2.03: Attorney's fees:** (view Payees tab)



- A. If there is a balance remaining and the debtor is current at the time of the modification, it is likely that no action is necessary. However, keep in mind that if you are reducing the plan payment the monthly dividend towards attorney's fees may need to be reduced as well.
 - ii. If the monthly dividend is being changed please refer to the examples below
- B. If there is a balance remaining on the attorney fees refer to the **'initial amount'** column. Any amount in this area should have been paid had the debtor remained current with their plan payments. (See below screen shot of the information in Trustee's system)
 - The modified plan will need to address changes to the fees/monthly dividend by indicating:
 - The **Fees remaining** on attorney's fees and **specifying when disbursements are to resume in month / year format** as well as the **monthly dividend amount**. (Also be sure to keep the original amount of the fees list, even if some have been paid)

Attorney [Perform Substitution of Counsel] [Additional Claim (Same Attorney)] [Add Prior Attorney]									
Name	Description	Steps	Level	Fee In Plan	Fee Paid Outside	Fee Paid To Date	Initial Amount	Monthly Payment	Fee Remaining
	ATTORNEY FEE	17		\$4,200.00	\$1,800.00		\$30.00	\$30.00	\$4,200.00

- The example below shows you how to include the information in section 3.05 and 3.06 of the modified plan. If you need more space, include an additional provision.

Example: (How to deal with balance of fees after default in plan payments)

- 3.05. **Debtor's attorney's fees.** Debtor's attorney was paid \$1,000 prior to the filing of the case. Additional fees of \$10,865.55 ***shall be paid through this plan upon court approval. Debtor's attorney will seek the court's approval by [**choose one**]: complying with General Order 35; or filing and serving a motion in accordance with 11 U.S.C. §§ 329 and 330, Fed. R. Bankr. P. 2002, 2016, and 2017 [if neither alternative is selected, the attorney shall comply with the latter]. ** \$3,800 paid through the plan to date. Balance of \$7,065.55 to be paid per section 3.06
- 3.06. **Administrative expenses.** In accordance with sections 5.02 and 5.03 below, \$ 15.00 effective July 2020 of each monthly plan payment shall be paid on account of: (a) compensation due a former chapter 7 trustee; (b) approved administrative expenses; and (c) approved attorney's fees. Approved administrative expenses shall be paid in full through this plan except to the extent a claimant agrees otherwise or 11 U.S.C. § 1326(b)(3)(B) is applicable.

- **Section 3.07 – Ongoing payments and Arrears:** (view Payees tab)
 - A. **Pre-petition Arrears:** If there is a balance remaining you will need to review the claim
 - Click on the arrears creditor name – this should allow you to see the claim amount, principal paid, principal owed, monthly payment, interest rate, principal due, interest due, interest paid, etc.
 - If the debtor is delinquent in their plan payments, there is likely a principal due and interest due (if the claim is interest bearing). The modified plan will need to address this by indicating 1 of 2 things:
 - The balance remaining on the claim and specifying when disbursements are to resume in month / year format as well as the monthly dividend amount.
 - Or by outlining the amount paid to date and specifying when disbursements are to resume in month / year format as well as the monthly dividend amount

**** Click the claim and review the below fields ****

Principal Owed:	\$0.00	←
Monthly Payment:	\$25.00	
Interest Rate:	0.0000	
Date Claim Filed:	8/25/2020	
Principal Due:	\$25.00	←
Interest Due:	\$0.00	←
Interest Paid (Readonly):	\$0.00	

- **Principal Owed:** Amount Left to pay
- **Principal & interest due** is any amount not disbursed but has come due.

**** Draft modified plan like below.**

	Balance	Rate	Payment	Start Date	Effective Date
1. [INSERT CRED NAME] -- PRE PET ARREARS	\$71,000 (Balance \$61,000)	0%	\$15	Resume payments 7/2020	\$3,320 effective 1/2020 \$3,327 effective 3/2020 \$0 effective 5/2020 \$3,327 effective 7/2020

- B. **Conduit:**
 - Has the Trustee made all mortgage payments? Click on the claim to verify. The field **“due date”** lets you know the **next mortgage payment** Trustee will/would pay.
 - If it says 3/20/20, March mortgage payment is due + any other mortgage payments that have come due since then.
 - Keep in mind, disbursements happen in the following month. March mortgage payment would disburse on the Trustee’s April disbursement cycle (need to receive the plan payment to be able to make the mortgage payment and disbursements are once a month)

****in the claim review the below fields****

Principal Due:	\$0.00
Interest Due:	\$0.00
Paid (Readonly):	\$0.00
Due Date:	9/20/2020

Principal Due: Mortgage payments that have come due

Due Date: Next mortgage payment

- If there are mortgage payments past due, how is the debtor going to deal with this? They have a few options
 - **Make up the plan payments to cure the missed** mortgage payments and cover any Trustee fee.
 - Example: if the debtor missed March and April plan payments, and Trustee did not pay March and April mortgage payments, but debtor wants to pay enough to cover the Trustee fee and those mortgage payments, you would propose a payment in section 2.01 sufficient to cover those mortgage payments and Debtor would need to tender the funds ASAP.
 - **Add post-petition arrears to the plan:** Unable to catch up, consider providing to pay the post-petition arrears through the plan (Keep in mind, creditor may not agree to this treatment, but Trustee will not oppose it)
 - Post-petition arrears should be included as a separate entry in section 3.07 and include an additional provision specifying that information. (The provision should include the specific months, the amount of the monthly mortgage payments, and the total amount of post-petition arrears being included in the plan and specify when the Trustee is to resume on-going monthly payments in month / year format).
 - The payments being included as post-petition arrears would then need to be reflected as zero (\$0.00) in the Post-Petition Monthly Payment column specifying the month/year of the effective date. This is necessary to reflect an accurate accounting of the on-going mortgage payments paid through the plan by the Trustee and the arrears cured.
 - When adding post-petition arrears. In this section, the post-petition monthly payment should just reference the additional provision which provides more details as to what is happening

See Example: (additional provision re: post-petition arrears)

appended to this plan.

7.01 – Regarding Section 3.07 - #2 – Post petition monthly payments of \$3,327 for the months of May and June 2020, for a total of \$6,654, will be paid as provided for in section 3.07. Trustee to resume on-going mortgage payments effective July 2020. |

Dated:

- **Adequate Protection Order (APO):** If the debtor and mortgage creditor already agreed to an APO to treat the post-petition arrears through the plan, refer to the below additional provision. And to the above example re: adding post petition arrears. The same information applies, just be sure to reference the APO in the additional provision of the plan, by including the docket number and file date of the stipulation and order.

See example: (additional provision with APO)

appended to this plan.

7.01 – Regarding Section 3.07 - #2 – Post petition monthly payments to HSBC/Mr. Cooper for the months of April 2020 through September 2020, as provided for the Adequate Protection Order filed 6/20/20 as docket #60, will be paid as provided for in section 3.07. Trustee to resume on-going mortgage payments effective October 2020 at \$3,174.83.

- **Forbearance:** Maybe the debtor received a forbearance. If so, there should be something filed with the court providing that information. *There are 3 different items that can be filed:*
 - Notice of forbearance filed by the creditor/servicer specifying the effected payments
 - Notice of mortgage payment change, showing Zero as the mortgage payment with an effective date. Additional notice will need to be filed 30 days before the payments are to resume
 - Declaration, under penalty and perjury, with attached proof of the forbearance agreement.
 - *If the debtor received a forbearance and nothing else in the plan needs to be modified, you do not need to file a modification for just that reason. Trustee will adjust the plan payments and mortgage payments per the notices and notify the debtor of the plan payment change (Let your client know that so they are prepared)*
 - All agreements should be incorporated into the additional provisions of the plan. Referencing the file

date and docket number of these agreements are helpful in the additional provision

See example: (additional provision forbearance)

7.01 – Regarding Section 3.07 - #2 – Debtor and HSBC/ Mr. Cooper have agreed to a forbearance for the months of April through July 2020. Filed with the court 4/20/20 as docket #50. Parties have also agreed to an extended forbearance period for the months of August and September 2020. Filed with the court 8/20/20 as docket #60. Post petition monthly payments to HSBC/Mr. Cooper of \$3,115.57 per month, for the months of April through July 2020 and \$3,174.83 per month for the months of August and September 2020, for a total of \$18,811.94, will be paid as provided for in section 3.07. Trustee to resume on-going mortgage payments effective October 2020 at \$3,174.83, as per the notice of mortgage payment change filed 7/9/20.

- All **post-petition payments** need to be included in the far right column of section 3.07 “Post-petition Monthly payment” or as an additional provision. This means you need to include any change to the payment per the proof of claim, notice of mortgage payment changes, or forbearance agreements.
 - You can find all of this information by going into the claim and looking at the information under “**Due date step payments**” on the right side of the screen. (It’s the information in the pink box – it shows you the Amount and the start date of that amount)
 - Debtors who have opted out of a conduit plan should still outline each payment amount

Due Date Step Payments	
Start Date	Amount
10/20/2020	\$2,271.4
8/20/2020	\$2,293.1

Outline all different payment amounts.

See example plan proposal:

(7) Post-petition monthly payments made by Trustee and received by the holder of a Class 1 claim shall be applied as if the claim was current and no arrearage existed on the date the case was filed.

(c) **No claim modification and lien retention.** Each Class 1 creditor shall retain its lien. Other than to cure arrears, this plan does not modify Class 1 claims.

Class 1 Creditor's Name/ Collateral Description	Amount of Arrears	Interest Rate on Arrears	Monthly Arrearage Dividend	Monthly Arrearage Dividend Start Date (Start Date	Post-Petition Monthly Payment
1. [INSERT CRED NAME] -- PRE PET ARREARS	\$71,000 (Balance \$61,000)	0%	\$15	Resume payments 7/2020	\$3,320 effective 1/2020 \$3,327 effective 3/2020 \$0 effective 5/2020 \$3,327 effective 7/2020
2. [INSERT CRED NAME] -- POST PETITION ARREARS	\$6,654 (May & June 2020)	0%	\$15	7/2020	** See Sect. 7.01
2.					
3.					
Totals:			\$		\$

- **Section 3.08 / 2.04 or 2.05 - Secured creditors:** (view Payees tab)
 - A. If there is a balance remaining you will need to navigate to each secured creditor
 - Click on the secured creditor name – this should allow you to see the claim amount, principal paid, principal owed, monthly payment, interest rate, principal due, interest due, interest paid, etc.
 - If the debtor is delinquent in their plan payments, there is likely a principal due and interest due (if the claim is interest bearing). The modified plan will need to address this by indicating 1 of 2 things:
 - The balance remaining on the claim and specifying when disbursements are to resume in month / year format as well as the monthly dividend amount.
 - Or by outlining the amount paid to date and specifying when disbursements are to resume in month / year format as well as the monthly dividend amount

**review the below fields **

Principal Owed:	\$0.00	←
Monthly Payment:	\$25.00	
Interest Rate:	18.0000	
Date Claim Filed:	8/21/2020	
Principal Due:	\$25.00	←
Interest Due:	\$0.00	←

Principal Owed: Amount Left to pay

Principal & interest due is any amount not disbursed but has come due.

Example: (Dealing with balance of secured claims after default in plan payments)

Class 2(A) Creditor's name and description of collateral	Purchase money security interest in personal property? YES/NO	Amount claimed by creditor	Value of creditor's interest in its collateral	Interest Rate	Monthly Dividend
Class 2(A) claims are not reduced based on value of collateral					
1. CREDITOR NAME (DESCRIPTION)	No	\$4,912.55 (balance Owed \$3,304.82)		4.75%	Resume at \$85 effective 7/2020
2.					
				Total \$	

- 3.09 – Surrendering.
 - A. If the Trustee has paid on the claim. Include the amounts paid to date in principal and interest
- 3.10 – Direct.
- 3.12 - No adjustment is likely necessary here. Trustee will pay per the claims filed
- 3.13 – nonpriority unsecured claims to be treated differently
- 3.14 – nonpriority unsecured claims
 - A. Keep in mind, when changing unsecured percentage:
 - Compliance with § 1325(a)(4)
 - Disbursements already made to unsecured creditors
- 4.01 – Executory Contracts and Unexpired Leases
- 4.02 – Rejects contracts and unexpired leases
- 6.01 – Shall Not Revest
 - A. If you are adding a motion to value or avoid this box should be checked off
- **Section 7 or Section 5 – Nonstandard Provisions** and signatures
 - A. See Courts “Plan Instructions” for approved nonstandard provisions
 - Some provisions that are not considered approved may need to be brought before the court for approval
 - B. Each provision should be identified by section number beginning with section 7.01 and indicate which section(s) of the plan it modifies
 - C. Make sure electronic or original signatures appear
 - D. If a nonstandard provision is included be sure you have checked off the option in 1.01b or in Section 5 for older form plan.
 - E. Each signatures should be *separately* dated

Example:

7.01 – Regarding Section 3.07 - #2 – Post petition monthly payments to HSBC/Mr. Cooper of \$3,115.57 per month, for the months of April through July 2020 and \$3,174.83 per month for the months of August and September 2020, for a total of \$18,811.94, will be paid as provided for in section 3.07. Trustee to resume on-going mortgage payments effective October 2020 at \$3,174.83, as per the notice of mortgage payment change filed 7/9/20.

7.02 – Regarding Section 2.01. Monthly plan payments are subject to adjustment pursuant to Section 3.07(b)(5) above and it must be received by Trustee no later than 28th day of each month pursuant to the order entered changing the due date, docket No. 77

Dated: _____

Debtor _____

Dated: _____

Debtor _____

Dated: _____

Debtor's Attorney _____

- F. **MMM** provisions vary depending on the form plan. Refer to the courts “Plan instructions” or “MMM procedures”
- Referral motion should be filed in connection with the modified plan.
 - Once the loan modification process is completed a new modification will need to be filed.

****Example:** Suggested plan language for when plan is amended/modified to incorporate trial and final loan modification terms *******

PRE 12/1/17 PLANS:

Debtor has made the following payments to the Trustee:

\$ ___ month/year; distributed to Creditor month/year (trial)

\$ ___ month/year, distributed to Creditor month/year (trial)

\$ ___ month/year; distributed to Creditor month/year (trial)

Effective month/year, Debtor to pay Trustee \$_____, to be distributed to creditor from the prior months plan payment on account of permanent loan modification (doc. #). The initial payment shall be considered timely if sent by the Chapter 13 Trustee no later than 30 days from the entry of the order approving the permanent loan modification.

- OR -

Trustee distributed “\$_____” from balance on hand on month/year to Creditor for “month/year – month/year” mortgage payments pursuant to trial loan modification (doc. #).

Effective month/year, Debtor to pay Trustee \$_____, to be distributed to creditor from the prior month’s plan payment on the Trustee’s next

12/1/17 PLANS:

Debtor has made the following payments to the Trustee:

\$ ___ month/year; distributed to Creditor month/year (trial)

\$ ___ month/year, distributed to Creditor month/year (trial)

\$ ___ month/year; distributed to Creditor month/year (trial)

Effective month/year, Debtor to pay Trustee \$_____, to be distributed to Creditor in the following calendar month’s disbursement cycle on account of permanent loan modification (doc. #).

- OR -

Trustee distributed “\$_____” from balance on hand on month/year to Creditor for “month/year – month/year” mortgage payments pursuant to trial loan modification (doc. #).

Effective month/year, Debtor to pay Trustee \$_____, to be distributed to Creditor in the following calendar month’s disbursement cycle on account of permanent loan modification (doc. #).

MOTION, DECLARATION IN SUPPORT, AND OTHER SUPPORTING DOCUMENTS

- Declaration of the debtor(s). Should include some or all of the following
 - o what happened (exp: loss of income/loss of job),
 - o what debtors were unable to do (exp. make plan payments),
 - o what the debtor can do going forward (exp. when plan payments can resume, at what amount),
 - o how debtors plan to address the issue (exp. surrender vehicle, get 2nd job, looking for employment),
 - o And/or agreements they reached with the lender (exp. forbearance/APO).
- All motions and modified plans needs to be served with 21 days’ notice and opportunity to object or set for hearing with proper notice of hearing. Both the notice and certificate of service needs to be filed with the court.
- Motion to modify to support the modified plan

Example: (Motion, declaration and notice)

1		UNITED STATES BANKRUPTCY COURT	
2		NORTHERN DISTRICT OF CALIFORNIA	
3			
4	Name of Debtor(s)		Case No.
5			
6		<u>MOTION TO MODIFY; NOTICE AND OPPORTUNITY TO OBJECT;</u>	
7		<u>DECLARATION OF DEBTOR</u>	
8		PLEASE TAKE NOTICE that Debtor, hereby moves for an order authorizing	
9		modification of the confirmed Chapter 13 Plan. NOTICE PURSUANT TO Bankruptcy	
10		Local Rule 9014-1(b) (3) (A: objection to the requested relief, or request for	
11		hearing on the matter, must be filed and served upon the initiating party	
12		within 21 days of mailing the notice.	
13		WHEREFORE, debtor(s) requests that the Court modify the Chapter 13 plan as	
14		set forth of the attached modified plan. The modified plan will outline the	
15		balance due on the claims, what the new monthly dividends will be, and the effective	
16		date payments will resume in month/year format.	
17	Date:	/s/ _____	
18		Debtor's Attorney	
19		<u>DECLARATION OF DEBTOR(s):</u> We/I request to modify the plan for the following reason(s):	
20		_____	
21		_____	
22		_____	
23		I, (_____) debtor(s) herein, declare under penalty of perjury that the foregoing	
24		is true and correct to the best of my knowledge.	
25		Executed at (_____), CA	
26	Date:	/s/ _____	
27		Debtor	
28	Date:	/s/ _____	
		Debtor	

CALCULATING A MODIFIED PLAN USING PLANCALC1 ON TRUSTEE'S WEBSITE

*** Click on the **PlanCalc 1** tab ****

- Plan calc 1 is a place where you can modify information to allow it to calculate what is needed to pay.
 - o Be sure to consider any Equity in property. Debtor should propose a modified plan that still pays this in or Trustee may object.
 - o Once you determine what has been paid on each claim, and what is still owing, you can calculate
- You will also need to calculate each different monthly payment and proposed monthly dividends to ensure the plan is administrable on a monthly basis. You cannot do this through plancalc 1
 - o Trustee fee comes off the top.
 - Example: If the plan payment is \$200 and the Trustee fee is 10%. The Trustee fee is \$20. Leaving \$180 left to disburse amongst attorney fees and secured claims.

Step 1:

- Determine how many months of payments are left. Refer to 'pay schedules' tab to see how many months have passed since the debtor's first payment see below reference for guidance.

Forgive Information		Base Amount Information		Delinquency Detail Information	
Date	Amount/Description	Base Amount:	\$0.00	Date Of Last Receipt:	10/22/2020
No Forgive Amounts Entered		Proposed Length of Plan:	60	Amount of Last Receipt:	\$2,279.00
				% of Total Received:	100.00
				Date Delinquency Last Updated:	10/23/2020
				Number Of Monthly Payments Delinquent:	0
				Number Of Periods Delinquent:	0
				Delinquency Flag 1:	
				Delinquency Flag 2:	
				Total Amount Delinquent:	\$0.00
				Total Running Delinquency:	

[Click to View Debtor schedules.](#)

Breakdown for Combined Schedules					
Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	12/2019	\$2,876.00	\$2,876.00		\$0.00
2	1/2020	\$2,876.00	\$2,876.00		\$0.00
3	2/2020	\$2,876.00	\$2,876.00		\$0.00
4	3/2020	\$2,876.00	\$2,876.00		\$0.00
5	4/2020	\$2,876.00	\$2,876.00		\$0.00
6	5/2020	\$2,876.00	\$2,876.00		\$0.00
7	6/2020	\$2,876.00	\$2,876.00		\$0.00
8	7/2020	\$2,279.00	\$2,279.00		\$0.00
9	8/2020	\$2,279.00	\$2,279.00		\$0.00
10	9/2020	\$2,279.00	\$2,279.00		\$0.00
11	10/2020	\$2,279.00	\$2,279.00		\$0.00

In this ex: the plan term is 60 mo and debtor has paid through October (60 - 11 = 49 mos remaining)

- o Consider what the debtor is able to afford and if Step payments are needed
 - Add the step payments up and include them in the "Lump Sum \$" field. You would then reduce the term by the remaining months.
 - In addition to this lump sum amount, you will need to review whether the Trustee has funds on hand. In PlanCalc 1 look for **BOH+FEES = \$50.00** (along the top of the table), these are funds that the Trustee has on hand + it adds the Trustee's fee back. This is important for the purposes of the calculation.
 - If there is an amount specified you would take the amount listed in the "BOH + FEES =" and add that to the lump sum \$ field
 - **Do not** enter just the BOH because it will take the Trustee fee twice
 - PlanCalc 1 cannot calculate multiple sets of payments.
 - Example:

- Debtor has 49 months left
- Debtor had reduced income and can only afford \$100 for 5 of those months
- The lump sum amount to be entered will = \$550 (\$100 x 5 temporary decrease in plan payments + the BOH + FEES of \$50)
- Term is then adjusted to 44 (49 mos rem – 5 temp decrease). You can then calculate to see what the payment will need to increase to in order to be feasible within the remaining plan term.

Step 2:

- If you are adding any addition attorney fees. Add the additional sum to the “coll./value” column by clicking on the Attorney name and clicking in the “Coll/Value” box and modifying the amount then click enter. The amount in the “to be paid” field should increase when you do that.

Step 3:

- Make sure all other debts with balances show up. If they do not, you will have to add them.
 - Some debts may appear twice, if that happens it is either interest due or ongoing mortgage payments that are owed.
 - Do not adjust any interest due, as the Trustee will need to catch up on this before paying any principal.

Step 5:

- Adding debts. Click on any option that says “added creditor” and insert the claim amount and the value as the same amount, add in any interest and click enter. It will automatically populate a monthly payment based on the Plan term

Step 6:

- Conduit claims: Remove any ongoing payments and past due ongoing payments that already show up in PlanCalc 1. Add the amounts yourself in a different column. The reason for this is the amount will change if you change the plan term, so if you have Step payments it will not calculate the correct amount of ongoing payments.
 - The ongoing payments will vary depending on what the debtor is proposing.
 - If debtor received a forbearance and is skipping months of payments. Those months should not be counted in the total of ongoing payments
 - If the debtor is curing ongoing payments by adding a post-petition arrears, those should be added separately
 - Example:
 - Debtor was approved a forbearance for the months of March – May (3 Payments)
 - Debtor wants to cure those by adding post-petition arrears.
 - There are 40 months left in the plan (including March – May.) So there are only 37 future ongoing payments left to pay.
 - If the mortgage payments are \$1500. $\$1500 \times 37 = \$55,500$ due in ongoing payments.
 - $\$1500 \times 3 = \$ 4,500$ due in post-petition arrears claim.
 - I would then add two “added creditors” one for \$55,500 and one for \$4500.
- Balance on pre-petition arrears should be a separate entry
- All priority debts should automatically appear, but be sure to make sure they are there