

FINAL CHECKLIST BEFORE FILING YOUR CHAPTER 13 PLAN

15 Common Mistakes that Affect Confirmation

- Section 1: Is there a limit on the amount of a secured claim? If so, check the box! Are there non-standard provisions in the Plan? If so, check the box!
- Section 3: Is the debtor above or below median? Compare to the 22C.
- Section 3.2: CHECK THE MATH! Will the proposed payment amortize and pay everything that needs to be paid at the proposed amount and term?
- Section 3.3: If above the median (AMI) then make sure the amount provided in this section matches the amount from line 45 of the 22C (Line 45 Amount x 60 months = amount to be included in section 3.3).
- For Below Median debtors, the form plan defaults to 3 years. If you want a plan term longer than 3 years, add language in Section 3.5. ie: "The plan term shall be extended to sixty months".
- Section 4: Make sure the attorney fees charged and received match the Attorney Disclosure Statement, the Statement of Financial Affairs and the Plan. They should all be consistent.
- Section 7: If the debtor has a DSO, check the box AND be sure that we have the name and address for the DSO Recipient (Information should be on Schedule E).
- Section 7.2: List the DSO recipient, if current arrearage amounts and if to be paid thru the plan.
- Section 8.1: Priority - List the priority creditor AND an approximate amount. Secured county tax claims do NOT go in this section.
- Section 10.2: List the real estate creditor and provide plan provision whether it's a conduit RE payment or if paying direct. Plan must provide treatment for ALL secured creditors.
- Section 10.4: Real Estate – cannot use this section if you have escrow payments.
- Section 11.5: Personal Property Secured Claims make sure that the minimum EMA for the secured creditors works with the plan payment. NOTE: Similar class creditors should be paid the same percentage of their debt as EMA. If you have 2 cars and paying pro rata the creditors will receive the same percentage of the debt amount.
- Section 11.6: 910 Car Loans Secured claims. Make sure it really is a 910 loan! Check the Doc's.
- Section 15: Best Interest of Creditors Test - list collateral and provide explanation of how the Chapter 7 liquidation amount is calculated.
- Section 18: Non-standard provisions. CHECK THE BOX IN SECTION ONE, AND SECTION 18. Be clear to which section the non-standard provisions apply. Be clear and specific.