

**Chapter 13 Guidelines**  
**(as revised March 25, 2003)**

for the

**United States Bankruptcy Court**  
**Western District of Oklahoma**

**Effective April 1, 2003**

**I. Scope of Guidelines**

These Guidelines, in conjunction with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of Bankruptcy Procedure, contain the rules for Chapter 13 practice in this Court, and are applicable to cases filed April 1, 2003, and thereafter. As to Chapter 13 cases pending on April 1, 2003, the Guidelines in effect at the time those cases were filed continue to apply, except where otherwise specifically provided herein.

**II. Filing of Petition/Plan/Statement of Financial Affairs/Schedules**

A. The Chapter 13 Petition and Plan must contain the signature of the debtor(s) and if represented by an attorney, the signature of the attorney who prepared or caused the preparation of the petition and plan. If the debtor is assisted by a bankruptcy petition preparer, such person must comply with the requirements of 11 U.S.C. § 110. Debtor(s)-attorney is responsible for ensuring that the terms of the plan are fully explained to the debtor(s), including the amount of attorney's fees to be charged, and is to ensure that a copy of the Voluntary Petition and Plan is provided to debtor(s).

B. While not mandatory, counsel are urged to utilize the model plan recommended by the Chapter 13 Trustee. This plan can be downloaded for free from the Chapter 13 Trustee's website: [www.13network.com](http://www.13network.com).

C. If, pursuant to FED. R. BANKR. P. 3015, the debtor files a petition and elects to separately file a plan within fifteen days thereafter, the debtor must serve the proposed plan or a complete summary of the proposed plan on each creditor, any party in interest who has requested notice, the Chapter 13 Trustee, and the Assistant United States Trustee, and must file a certificate of service pursuant to LOC. R. BANKR. P. 9007(d). In cases in which the plan is not filed at the time the petition is filed, the due date for the first payment is the earlier of thirty (30) days after the plan is filed or forty-five (45) days after the petition is filed.

D. In any Chapter 13 case in which the proposed Plan exceeds two (2) pages, the debtor must also file a Plan Summary, not to exceed two pages, containing all material provisions of the plan. If a two-page Plan Summary cannot fully and accurately provide notice of all material plan provisions, it will be the responsibility of the debtor(s)-attorney to: (1) file with the Clerk of Court, along with the proposed Plan, a Notice that the filing of a Plan Summary is inappropriate in the case; (2) serve the multiple page plan in accordance with FED. R. BANKR. P. 2002(b); and (3) to file with the Clerk of the Court a certificate of service documenting compliance herewith.

E. Debtors and their counsel are directed to make their best efforts to ensure that the Schedules and Statement of Financial Affairs are filled out as completely and accurately as possible, including proper and full names of creditors, correct account numbers, and the address designated by the creditor for ANotices@ and ACorrespondence.@ Notices sent to a payment or lock box address are deemed insufficient, unless such address is also designated as the ANotice@ and ACorrespondence@ address.

F. If the Schedules and/or Statement of Financial Affairs are not filed with the petition, the debtor shall serve a copy of the schedules and/or statement, when filed, on the Chapter 13 Trustee

and the Assistant United States Trustee, and file a certificate of service pursuant to LOC. R. BANKR. P. 9007(d). If the late-filed schedules identify creditors not listed on the original matrix filed pursuant to LOC. R. BANKR. P. 1007(b), the debtor shall file an amended matrix containing the names and addresses of the additional creditors, shall notify these additional creditors of the date, time and place of the ' 341 Meeting and the bar date, and shall file an appropriate certificate of service relating to this notice pursuant to LOC. R. BANKR. P. 9007(d).

G. All debtors **must** include as a part of Schedule I copies of the debtor(s) pay stubs or paychecks for the two months immediately prior to bankruptcy, or if applicable, copies of profit and loss statements for the two quarters immediately prior to bankruptcy, and must clearly and accurately indicate the frequency of receipt of pay and, if applicable the exact dates, e.g. weekly (include which day of the week); bi-weekly (every two weeks and include which day of which week); monthly (include which day of the month); semi-monthly (twice a month and include which days of the month).

### **III. Section 341 Meeting of Creditors and Confirmation**

A. Attorneys attending the Meeting of Creditors under 11 U.S.C. ' 341 (hereinafter the ' 341 Meeting) must be authorized to act on behalf of the client(s) they are representing. An associate without authority to act must be accompanied by an attorney of the firm who does have authority to so act.

B. All notices of the ' 341 Meeting will include a notice of an opportunity for hearing on confirmation, and will provide a specific deadline for the filing of written objections to confirmation, which date shall be the Monday preceding the date set for the ' 341 Meeting. (*See* FED. R. BANKR. P.

9006(a) regarding Monday Federal holidays.) Any creditor who has not filed a written objection by this deadline but desires to preserve its objection must appear at the ' 341 Meeting.

C. The notice of the ' 341 Meeting will also provide that if no written objections to confirmation are timely filed or if all written and oral objections to confirmation have been resolved by the conclusion of the ' 341 Meeting, the Chapter 13 Trustee shall submit the confirmation order to the Court for entry. The confirmation order will be entered by the Court as soon as practicable thereafter. It is the responsibility of the Debtor(s)-attorney to serve the Order of Confirmation on all parties listed on the mailing matrix, all parties who have filed an entry of appearance and request for notices, and the Assistant United States Trustee, and to file an appropriate certificate of service pursuant to LOC. R. BANKR. P. 9007(d). The Chapter 13 Trustee is authorized to disburse funds pursuant to the confirmation order as soon as practicable after entry thereof.

D. During the ' 341 Meeting, the debtor will have an opportunity to voluntarily agree to make the required plan payments via employer wage deduction. While not required, payment by wage deduction significantly increases the likelihood the debtor will successfully complete the plan and therefore is strongly recommended. A debtor who does not initially elect to make payments via wage deduction may be subject to doing so if a plan payment is missed. *See* § VIII(D). Any order entered that authorizes the Chapter 13 Trustee to institute a wage deduction will also provide that the Chapter 13 Trustee may amend or terminate such wage deduction without further order of the Court.

E. The Chapter 13 Trustee is authorized to continue or adjourn the ' 341 Meeting of Creditors by oral notice without further written notice to the creditors. Continuance of the ' 341 Meeting will necessarily include continuance of any pending confirmation issues, and the deadline to

object to confirmation of the debtor(s)=plan will be extended to the Monday preceding the continued ' 341 Meeting.

F. In any case in which a timely-filed written objection is pending or in which an oral objection is raised at the ' 341 Meeting, and either type of objection is not resolved by the conclusion of the ' 341 Meeting, the Chapter 13 Trustee will request that the case be set for a hearing on confirmation before the judge (hereinafter the AConfirmation Hearing@). The Confirmation Hearing will be scheduled approximately 30-45 days after the conclusion of the ' 341 Meeting. Any party desiring to be heard at the Confirmation Hearing who has not previously filed a written objection must do so no later than eighteen (18) days after the conclusion of the meeting of creditors held pursuant to 11 U.S.C. ' 341. An objection will not be considered unless a copy of the objection has been timely served on the trustee, debtor=s counsel, and all other parties in interest.

G. If the proposed plan is not ready for confirmation at the conclusion of the ' 341 Meeting due to debtor(s)=failure to satisfy the state or federal taxing authorities or the Chapter 13 Trustee, the debtor(s)= attorney is to inform the debtor(s) that any information necessary to satisfy the taxing authorities or the Chapter 13 Trustee must be filed or timely provided prior to the time set for Confirmation Hearing or their case may, at the discretion of the Court, be dismissed.

H. Whenever a hearing on confirmation is *continued*, the debtor(s) must be current in their payments at all future confirmation hearings or the case may, at the discretion of the Court, be dismissed.

I. The confirmation order referenced herein is the form confirmation order used by the Chapter 13 Trustee (hereinafter the AForm Confirmation Order@). The Form Confirmation Order is expressly adopted by these Guidelines, with the Court reserving the right to amend such Order as it

deems appropriate. Any interlineation or change in the Form Confirmation Order not approved by Trustee requires notice, a hearing, and approval of this Court to be effective.

#### **IV. Proof of Claim Forms**

A. Interested parties may obtain proof of claim forms from the clerk's office of any Bankruptcy Court, or may download a proof of claim form from the Court's website: [www.okwb.uscourts.gov](http://www.okwb.uscourts.gov).

B. In order to receive disbursement from the Chapter 13 Trustee under a confirmed Chapter 13 Plan, a creditor must timely file a proof of claim in the case, and must provide a file-stamped copy thereof to the Chapter 13 Trustee. If the claim is secured, proper proof of perfection of the security interest must be attached to the proof of claim.

#### **V. Property of the Estate**

##### **Income Tax Refunds and Employee Bonus/Longevity Payments/Windfall Income**

##### **Vehicle Turnover Procedure**

A. Pursuant to the Order Confirming Chapter 13 Plan, all property shall remain property of the estate and shall vest in the debtor(s) only upon dismissal, discharge, conversion, or order of the Court. The debtor(s) shall be responsible for the preservation and protection of all property of the estate not transferred to, and in the actual possession of, the Trustee.

B. Included among property of the estate are: 1) the debtor's income tax refunds (excluding amounts attributable to earned income credit), bonuses, unused vacation pay, and any other irregular or incidental disposable income received during the plan term; and 2) any inheritance, non-exempt

proceeds of any lawsuit, or any other windfall in excess of \$500. Such payments are to be turned over to the Chapter 13 Trustee, and are to be distributed by the Chapter 13 Trustee upon receipt pursuant to the terms of the confirmed plan. Receipt and turnover of such additional disposable income shall not excuse the debtor from his or her obligation to make monthly payments under the confirmed plan.

C. Also presumptively included among property of the estate is any vehicle owned by debtors that has been repossessed pre-petition. If the debtor still owns the vehicle and desires to have it turned over after filing, the debtor must make a written request, and must provide to the repossessing creditor proof of full coverage insurance (comprehensive and collision), listing the creditor as loss payee, plus information regarding a source of verification. Once the repossessing creditor has verified the insurance coverage and that the tag is current and valid, absent extenuating circumstances, the creditor is to return the vehicle to the debtor as soon thereafter as possible without necessity of hearing. Where there is a post-petition insurance lapse, the payment for the replacement insurance policy must be made by cash or money order. If extenuating circumstances exist necessitating the filing of a motion for relief from the stay, creditor must do so post-haste, and upon proper request the matter will be heard on an expedited basis.

## **VI. Automatic Stay**

A. If the proposed plan is not ready for confirmation at the conclusion of the ' 341 Meeting and there is a pending Motion for Relief from the Automatic Stay (hereinafter **Motion to Lift**), the debtor and creditor may, upon agreement, request that the Motion to Lift be set for hearing concurrently with the Confirmation Hearing. If the date set for the Confirmation Hearing is outside

the requisite thirty-day period contemplated by ' 362(e), the parties' agreement must necessarily include consent for the Court to call the Motion to Lift for preliminary hearing and continue it to a final hearing to be held in conjunction with the Confirmation Hearing. *See* Appendix A. The objecting party will remain responsible for providing notice of such hearing to all interested parties as required by LOC. R. BANKR. P. 4001.

B. Otherwise, a hearing on a pending Motion to Lift will be set on the Court's regular motion docket, and will be set only upon timely request of and proper notice by the objecting party. 11 U.S.C. ' 362(e); LOC. R. BANKR. P. 4001 and 9013(g).

C. If a pending Motion to Lift is resolved prior to the day it is set for hearing, one of the attorneys (or the attorney's designee) is to immediately telephone 405.609.5678 and advise the Court that the matter should be stricken. Such information may also be conveyed after hours via voice-mail message or facsimile transmission 405.609.5679.

## **VII. Valuation**

A. Claims, including student loans and secured claims that are secured either partially or fully by real estate, may not be treated as unsecured and/or discharged simply by including language purporting to do so in the plan. Such a determination must be made in the context of an adversary proceeding or a contested matter, and counsel shall strictly adhere to applicable case law, the provisions of the Bankruptcy Code, and Federal Rules of Bankruptcy Procedure that so require. *In re Lemons*, 285 B.R. 327 (Bankr. W.D. Okla. 2002); FED. R. BANKR. P. 7001 and 9014. Valuation of claims secured by real estate may be accomplished by the filing of a Motion to Determine Value containing all pertinent information, including representations relating to the actions taken by the

attorney to ascertain the basis for the value asserted and that the motion is being served upon the ~~A~~Notice@or ~~A~~Correspondence@address of all current and proper parties in interest.

B. A creditor seeking valuation may file a Motion to Determine Value as described in paragraph 1, and may combine that motion with an objection to confirmation, so long as the title of the pleading clearly states that it is an ~~A~~Objection to Confirmation and Motion to Determine Value,@and the hearing can be conducted at the same time. If a creditor desires to have valuation issues set for hearing separately from the Confirmation Hearing, it will be the responsibility of the objecting creditor to timely file a separate written motion (if such has not previously been done), to obtain a hearing date, and to provide timely notice of the hearing on valuation to all interested parties. If the valuation hearing is set separately from confirmation, that hearing must be concluded prior to the date set for confirmation.

C. Valuation of claims secured only by personal property may be accomplished by the debtor(s) clearly and conspicuously indicating in the Chapter 13 Plan the proposed value to be paid, and by ensuring that the ~~A~~Notice@and ~~A~~Correspondence@addresses for the affected creditors are provided.

D. In the absence of an objection demonstrating the existence of special circumstances, in valuing motor vehicles the Court will follow Judge Lindsey's decision in *In re Younger*, 216 B.R. 649 (Bankr. W.D. Okla. 1998).

E. Except as set forth in paragraph VII(F), below, regarding the appropriate rate of interest, ~~A~~in the absence of special circumstances, such as the market rate being higher than the contract rate, [this Court will] use the current market rate of interest used for similar loans in the region.@*Hardzog v. Federal Land Bank (In re Hardzog)*, 901 F.2d 858, 860 (10<sup>th</sup> Cir. 1990) (footnote omitted).

F. The presumptive interest rate for tax claims owed any local, state, or federal governmental agency shall be the statutory rate applicable to that agency in effect at the time the bankruptcy case is commenced. A representative of such agency may affirmatively agree to an interest rate other than the statutory rate.

### **VIII. Plan Payments/Amendments/Modifications**

A. Proposed plans will either specify a base amount that will be paid under the plan, or will specify the percentage of the total payments to be made under the plan that will be paid to the unsecured creditors. The Confirmation Order shall reflect both a base amount and a percentage, and debtor(s) will be required to pay the greater of the two. When a base amount is specified the Chapter 13 Trustee will, for purposes of confirmation, calculate the estimated percentage to be paid to the unsecured creditors using this base amount and the claims information then available to him. If the debtor desires to include in the plan any allowed post-petition claims *not subject to automatic inclusion by the confirmation order*, the plan must be modified and the base adjusted accordingly. The failure of any creditor to timely file a proof of claim does not justify modifying the plan to reduce the number or amount of the payments or the term of the plan, so as to reduce the amount the unsecured creditors would otherwise receive.

B. Any proposed amendment or modification **must** be accompanied by (a) copies of the debtor(s) pay stubs or paychecks for the two months immediately prior to the request, or if applicable, copies of profit and loss statements for the two quarters immediately prior to the request, **and** (b) amended Schedules I and J or a completed **Amended Monthly Family Budget**. See Appendix B.

C. If a confirmed plan provides that payments to certain creditors will be made outside the plan and the debtor fails to timely make such payments, any modification proposed by the debtor must provide that such payments will henceforth be made through the plan.

D. If a debtor who has not agreed to make payments by Employer Wage Deduction fails to make a regular payment under a confirmed plan, the Chapter 13 Trustee is authorized, pursuant to the Order Confirming Chapter 13 Plan, to implement the use of the Employer Wage Deduction provision of ' 1325(c) without further notice, unless, prior to the default, the Chapter 13 Trustee was advised in writing by the debtor(s) or counsel that the debtor(s) would prefer that the Chapter 13 Trustee move for dismissal of the case.

E. Any cure order entered to resolve a motion to dismiss for missed payments must provide that the missed payment(s) will be cured within a period not to exceed six months and must provide for a ~~drop dead~~ clause. Where circumstances render a six month cure impossible or impracticable, debtor(s) may file a Motion to Modify providing for a cure period exceeding six months.

### **IX. Incurring New Debt**

A. A debtor must obtain permission pursuant to this section prior to incurring post-petition debt, except as set forth in paragraph B below. Any request by a debtor to incur post-petition debt **must** be initially submitted to the Chapter 13 Trustee in letter form. The letter is to include all necessary information for the Trustee to determine whether such transaction is reasonably necessary and feasible, and the letter **must** be accompanied by (a) copies of the debtor(s)'s pay stubs or paychecks for the two months immediately prior to the request, or if applicable, copies of profit and loss statements for the two quarters immediately prior to the request, **and** (b) amended Schedules I

and J or a completed ~~A~~ Amended Monthly Family Budget. See form attached as Appendix B. Once the Trustee has reviewed the information submitted, he may either approve the request without further order of the court, or may require the debtor to submit the request to the Court via regular motion practice.

B. A debtor may incur post-petition debt for student loans that enable the debtor to obtain additional formal education for himself/herself without obtaining the approval of the Chapter 13 Trustee or the court, so long as the repayment of such loan is not scheduled to commence until after completion of the debtor(s) Chapter 13 Plan.

## **X. Attorney Fees**

A. General Provisions - applicable to all subsequent fee provisions:

- i. Debtors=attorneys are encouraged to accept a reasonable retainer amount.
- ii. Pursuant to FED. R. BANKR. P. 2016(b), debtors=attorneys must disclose any monies paid to them from any source on behalf of debtors.
- iii. The fees set forth below are presumed to be reasonable. However, in cases where an attorney believes extraordinary circumstances justify an award of additional fees, the attorney may submit a written fee application together with attorney time records complying with the requirements set forth in *In re Seneca Oil Co.*, 65 B.R. 902 (Banker. W.D. Okla. 1986). Such application will be set for hearing by the Court, and if granted, the manner of payment will be determined by the Court.
- iv. All requests for fees or compensation by Chapter 13 debtors=attorneys shall be approved by the Court, and no attorney fees will be paid in whole or in part by the Chapter 13 Trustee before being approved by the Court unless otherwise specified in these Guidelines. More specifically, after

the filing of a petition, a debtor(s)-attorney shall not request, demand or accept from the debtor, or from any other person or entity acting on behalf of or for the benefit of the debtor, any payment for services or retainer without first obtaining a court order authorizing the fees and specifically permitting direct payment of those fees by the debtor(s). Additionally, debtors-attorneys shall not state or imply to their clients that the debtor will be billed for further services related to debtors- bankruptcy, even if intended merely to discourage future telephone calls or contact.

v. No application for attorney fees will be heard or approved prior to confirmation, conversion, or dismissal.

vi. A debtor's attorney seeking to withdraw from representation of the debtor must fully disclose in the application to withdraw the extent, if any, to which the attorney will act to protect the debtor's interests until either new counsel enters an appearance or debtor elects to proceed *pro se*. Such application must also disclose the amount, if any, of the yet unpaid fee that will be sought by the attorney.

vii. The Court presumes the conduct of the Chapter 13 Bar relating to attorney fees will be ethical and will in all respects comply with all applicable statutes, rules, and these Guidelines, all of which will be strictly enforced.

viii. The fee schedule will be reviewed every four years, or at lesser time intervals if circumstances so warrant.

**B. Pre-Confirmation:**

i. In cases filed April 1, 2003, or thereafter, upon confirmation of a case, debtor's attorney will be awarded a fee of \$1,500, inclusive of any retainer received pre-petition, without the necessity

of filing a fee application. This fee shall be \$2,000, inclusive of any pre-petition retainer, in a Trustee-identified business related case.

ii. Such fee shall constitute compensation for fees and expenses incurred for all pre-confirmation services and nominal post-confirmation services, including, but not limited to, answering clients=general questions, reviewing notice of claims filed, reviewing annual reports in a business case, filing proofs of claims on behalf of creditors, objecting to proofs of claim, serving the plan or plan summary if necessary, attending all hearings, including the ' 341 Meeting and Confirmation hearing, and serving the Order Confirming Plan.

iii. Such fee shall be paid at a rate of \$200 per month or fifty percent (50%) of the monthly plan payment, whichever is less. The fee is subject to being paid at a lesser rate if payment at such rate would not provide adequate protection and either the Chapter 13 Trustee or a creditor objects.

iv. If, due to delay caused by neglect of the debtor's attorney, the case is not ready for confirmation at the conclusion of the ' 341 Meeting, but ready for confirmation by the day of the first scheduled confirmation hearing, the allowed fee will be reduced by \$100. If the case is not confirmed by the conclusion of the first scheduled confirmation hearing due to such neglect, the allowed fee will likewise be reduced another \$100. If the case is not ready for confirmation at any of the foregoing stages and it is clear this occurred through no fault of the debtor's attorney, the Trustee is encouraged to recommend that the reduction be waived.

C. Post-Confirmation:

i. An attorney fee of up to \$250 will be allowed, without the necessity of filing a separate fee application, for each post-confirmation service. These include, but are not limited to: 1) filing, responding to, and resolving by modification a motion to dismiss; 2) filing, responding to, and

resolving by bringing the mortgage inside the plan a motion for relief from the automatic stay; 3) filing a motion to modify other than to resolve a motion to dismiss; and 4) filing a motion to incur new debt (only *after* complying with § VIII(A)). The fee includes all services related to the matter, from client interview to the filing of a response and/or motion, through resolution by agreement or appearance at a hearing, and will be awarded upon completion of the matter.

ii. Such fee will be paid through the confirmed plan at the rate of \$50 per month, beginning in the month following entry of the Order resolving the matter and awarding the fee. The fee is subject to being paid at a lesser rate if payment at such rate would not provide adequate protection and either the Chapter 13 Trustee or a creditor objects, and payment of the fee will be delayed until any delinquent post-petition ongoing mortgage payment being paid through the plan is brought current.

iii. A maximum of \$1,000 will be allowed for post-confirmation services in confirmed non-business Chapter 13 cases currently pending and in cases filed April 1, 2003 and thereafter, with the total fee, including any pre-petition retainer, for pre- and post-confirmation services in any non-business Chapter 13 case currently pending or filed April 1, 2003, or thereafter not to exceed \$2,500. A maximum of \$1,000 will be allowed for post-confirmation services in confirmed business Chapter 13 cases currently pending and in cases filed April 1, 2003 and thereafter, with the total fee, including any pre-petition retainer, for pre- and post-petition services in any business Chapter 13 case currently pending or filed April 1, 2003, or thereafter not to exceed \$3,000.

D. Cases Dismissed or Converted Prior to Confirmation:

i. An attorney fee of up to \$800 will be awarded, without the necessity of filing a separate fee application, if the case is dismissed or converted prior to confirmation. This fee may consist of any

pre-petition retainer paid by the debtor, plus monies paid to the Chapter 13 Trustee in contemplation of the plan being confirmed.

E. Cases Converted Post-Confirmation:

i. An attorney may accept from the debtor(s) or bill, without separate order, an attorney fee of up to \$400 for services necessary to convert the case from one under Chapter 13 to one under Chapter 7, 11, or 12.

ii. This fee shall include all services relating to the conversion, including the client interview, the filing of the notice of conversion, and any other pleadings necessary to effect the conversion, plus appearance at the ' 341 Meeting.

## **XI. Chapter 13 Docket Procedure**

A. Beginning April 8, 2003, Trustee shall conduct two confirmation dockets and two motion dockets on every Chapter 13 Docket Day, beginning at 8:45 a.m. and 10:00 a.m., respectively.

B. Trustee shall make his best effort to schedule any attorney who represents debtors on only one of the two dockets.

C. At the inception of each confirmation docket and motion docket, Trustee and his attorney shall first ask for announcements regarding dismissals, conversions, and agreements between opposing parties. Trustee and his attorney shall then call the scheduled debtor's counsel in order of sign in, and handle all cases for the attorney called before calling the next debtor's attorney.

D. If an attorney is not present when called and has not obtained prior permission to appear late or be excused, the case will be set upon the 2:00 p.m. hearing docket and Trustee will recommend dismissal.

E. Matters not resolved or continued by the conclusion of the morning docket shall be heard on the Court's 2:00 p.m. docket.

These Chapter 13 Guidelines are promulgated this 25<sup>th</sup> day of March, 2003, to be effective April 1, 2003.



Judge Niles Jackson  
U.S. Bankruptcy Court

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA

IN RE: )  
)  
) CASE NO. XX-XXXX-TS  
) Chapter 13  
)  
Debtor. )

**STIPULATION REGARDING MOTION FOR RELIEF FROM AUTOMATIC STAY**

Counsel for Debtor(s) and counsel for (name of Creditor) hereby notify the Court that the final hearing on the Motion for Relief from Automatic Stay (hereinafter the Motion to Lift) is scheduled concurrently with confirmation of Debtor(s) plan on (date) at (time). Counsel further stipulate that they consent to the calling of a preliminary hearing on the Motion to Lift and the extension of the thirty-day period between the conclusion of the preliminary hearing and the conclusion of the final hearing on the Motion to Lift as required by 11 U.S.C. § 362(e).

\_\_\_\_\_  
Name of counsel for Debtor(s)  
Bar number  
Address  
Telephone and facsimile information

\_\_\_\_\_  
Name of counsel for (name of Creditor)  
Bar number  
Address  
Telephone and facsimile information

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

IN RE: \_\_\_\_\_ )  
 \_\_\_\_\_ ) Case No. : \_\_\_\_\_  
 \_\_\_\_\_ ) Chapter \_\_\_\_  
 Debtors.)

**AMENDED MONTHLY FAMILY BUDGET**

<u>Expenses</u>	<u>Old</u>	<u>New</u>	<u>Income</u>	<u>Old</u>	<u>New</u>
Rent/Mortgage Payment:	_____	_____	Debtors Net Pay:	_____	_____
Utilities:			Spouse's Net Pay:	_____	_____
Elec.	_____	_____	Other Regular Income:	_____	_____
Water	_____	_____	Support/Alimony:	_____	_____
Heat	_____	_____	Pension/SS/VA:	_____	_____
Telephone	_____	_____	Misc. Income:	_____	_____
Trash	_____	_____	TOTAL INCOME (A):	_____	_____
Cable	_____	_____	Total Expenses:	_____	_____
Total Utilities:	_____	_____	Plan Payment:	_____	_____
Food	_____	_____	TOTAL EXPENSES +		
Clothing	_____	_____	PLAN PAYMENT (B):	_____	_____
Laundry/Dry Cleaning	_____	_____	Difference (A - B):	_____	_____
Newspapers, Books, Etc.	_____	_____	<u>DEPENDENTS:</u>		
Medical/Dental Expenses	_____	_____			
Transportation	_____	_____			
Insurance (not deducted from wages):					
Automobile	_____	_____			
Life	_____	_____			
Home	_____	_____			
Renters	_____	_____			
Other	_____	_____			
TOTAL INSURANCE:	_____	_____			
Taxes (not deducted from wages):	_____	_____			
Child Support	_____	_____			
Other Monthly Expenses (Explain/Itemize on back)	_____	_____	DEBTOR(S) SIGNATURE:		
Home Maintenance	_____	_____	_____		
TOTAL MONTHLY EXPENSES:	_____	_____	_____		

\*On the back of this budget worksheet, explain any increase or decrease that exceeds 10%.