

CHAPTER 13 GUIDELINES



February 1, 2025

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF OKLAHOMA
215 Dean A. McGee Ave., Ste. 147, Oklahoma City, OK 73102

APPENDIX C

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

GENERAL ORDER NO. 25-04

CHAPTER 13 GUIDELINES

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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 and procedures for Chapter 13 practice in this Court, and are applicable to all Chapter 13 cases. In case of a conflict between these Guidelines and the [Bankruptcy Code](#) or these Guidelines and the [Federal Rules of Bankruptcy Procedure](#), the [Bankruptcy Code](#), or if applicable, the [Federal Rules of Bankruptcy Procedure](#) shall control.

Filing of Pay Advices

In addition to the schedules, statements, and Documents required to be filed by Fed. R. Bankr. P. [1007](#), all debtors must file [Local Form 1007-1.D](#) with copies of the debtors' pay stubs, paychecks, and/or fixed income statements, if applicable, for the six months immediately prior to bankruptcy, or if applicable, copies of profit and loss statements for the two quarters immediately prior to bankruptcy within fourteen (14) days of filing the petition.

Section 341 Meeting of Creditors and Confirmation Hearing

Confirmation Hearings Concurrent with the Meeting of Creditors. The Court has determined it is in the best interest of creditors and Chapter 13 estates to confirm Chapter 13 Plans, and thereby commence payments to creditors, as early as is practicable. For these reasons, the Court has determined that at the conclusion of the Meeting of Creditors under 11 U.S.C. § [341](#), if there is no unresolved oral or written objection to confirmation, and no oral or written objection to confirmation at a date earlier than the date specified in 11 U.S.C. § [1324\(b\)](#), the Trustee shall submit the confirmation order to the Court for entry. The confirmation order will be entered by the Court, unless the Court determines the matter should be set for further hearing.

Notice of Concurrent Meeting of Creditors and Confirmation Hearing. All notices of the Meeting of Creditors will include notice of an opportunity for hearing on confirmation and will provide the deadline for the filing of written objections to confirmation and to the concurrent confirmation hearing. The notice of the Meeting of Creditors shall also specifically provide that if there are no objections to confirmation or to the concurrent confirmation hearing confirmation, or if all objections are resolved at the conclusion of the Meeting of Creditors, the Trustee will submit the confirmation order to the Court for entry.

Objections to Concurrent Confirmation Hearing. The deadline for objections to confirmation concurrently with the Meeting of Creditors is seven (7) days prior to the date set for the Meeting of Creditors. If any party objects to the concurrent confirmation hearing, the confirmation hearing will be continued no earlier than twenty (20) days and no later than forty-five (45) days after the date of the Meeting of Creditors.

Deadline for Objections to Confirmation. The deadline for the filing of written objections to confirmation is seven (7) days prior to the date set for the Meeting of Creditors. Any party who has not filed a written objection by this deadline, but desires to preserve its objection, may appear at the Meeting of Creditors and raise an oral objection. If an oral objection is raised at the Meeting of Creditors, the confirmation hearing will be continued no earlier than twenty (20) days and no later than forty-five (45) days after the date of the Meeting of Creditors. Any party raising an oral

objection at the Meeting of Creditors must still file a written objection not less than seven (7) days after the Meeting of Creditors.

Continuance of the Meeting of Creditors. The Trustee may continue or adjourn the Meeting of Creditors by oral notice given at the Meeting of Creditors, without further written notice to creditors. Continuance of the Meeting of Creditors will necessarily include continuance of any pending confirmation issues, and the deadline to object to confirmation and/or to expedited confirmation will be extended to the date that is seven (7) business days prior to the continued Meeting of Creditors. In any case in which a written objection to confirmation or to expedited confirmation is pending, or in which an oral objection to confirmation or to expedited confirmation is raised at the Meeting of Creditors, and any objection is not resolved by the conclusion of the Meeting of Creditors, the Trustee shall request the case be set for a hearing on confirmation before the Court.

Debtors Must Remain Current. 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 be recommended for dismissal.

Standard Confirmation Order. The Court has adopted a standard confirmation order. The Court may amend the standard confirmation order from time to time as it deems appropriate. Any interlineations or changes to the standard confirmation order not approved by the Trustee require notice, a hearing, and approval of the Court to be effective.

Debtor is Responsible for Serving the Confirmation Order. Upon entry of the confirmation order, it shall be timely served by the debtor(s). The confirmation order shall be served upon all parties listed on the mailing matrix, all parties who have filed a request for notices, and the assistant United States Trustee, and a certificate of service shall be filed pursuant to [Local Rule](#) 9007-1.D.

Mortgages

Delinquent Mortgages Shall Be Paid through the Plan. All mortgages extending beyond the plan under which the debtor(s) is / are not current at the time the Chapter 13 petition is filed shall be paid through the Chapter 13 Plan. In addition, all mortgages that are subject to modification are to be paid through the Chapter 13 Plan and in full during the term of the plan.

First Postpetition Payments. For long-term mortgages paid under the terms of 11 U.S.C. § [1322\(b\)\(5\)](#), the first ongoing mortgage payment that comes due before the first plan payment is required to be paid shall be set up by the Trustee as an additional arrearage claim and shall be paid at the same rate of interest as is paid on the pre-petition arrearage claim pursuant to the confirmation order.

Proofs of Claims

Claim Required to Receive Distributions. To receive disbursement from the Trustee, a creditor must file a proof of claim in the case. If the claim is secured, evidence of perfection of the security interest must be attached to the proof of claim. If post-petition interest is sought, the proof of claim must clearly and conspicuously state the rate of interest. The Trustee will pay post-petition interest as stated in the confirmation order.

Serving Claims on Pro Se Debtor(s). If the debtor(s) is / are pro se, the creditor must serve a copy of the claim on the debtor(s) by U.S. Mail and file a certificate of service.

Claims in Converted Cases. Claims filed in the case prior to the conversion are deemed filed in the Chapter 13 case.

Attorney Fees

Effect of Ethics Rules. The Court's establishment of a presumptive ("no-look") fee in no way abrogates the attorney's obligations under Oklahoma Rules of Professional Conduct, Rule 1.5 to only charge a reasonable fee.

Attorney Compensation. All requests for fees or expenses by debtors' attorneys shall be approved by the Court. Attorneys may be compensated by either accepting the Presumptive ("no-look") Fee or by hourly billing. Attorneys seeking compensation by hourly billing shall file a fee application with time records in accordance with 11 U.S.C. § [330](#), Fed. R. Bankr. P. [2016](#), and [Local Rule](#) 2016-1.B.

Disclosure Required. Pursuant to Fed. R. Bankr. P. [2016\(b\)](#), debtors' attorneys must disclose any monies paid to them from any source on behalf of the debtor(s).

Pre-petition Retainers. Debtors' attorneys are permitted to accept a reasonable retainer prior to the filing of the petition. Retainers shall be deposited in the attorney's trust account and unearned retainers may not be withdrawn without an order from the Court. Unearned retainers are property of the bankruptcy estate.

Post-petition Retainers. Attorney's fees for post-confirmation services shall be paid through the plan unless ordered otherwise. A debtors' attorney shall not accept any payment for services or a retainer from the debtor(s), or from a third party, without first obtaining an order authorizing the fees and specifically permitting direct payment by the debtor(s).

Prevailing-party Attorney Fees. Attorney's fees sought by prevailing parties in contested matters or adversary proceedings will be limited as the Court deems appropriate where the party initiating the matter or proceeding has not made reasonable attempts to resolve the matter without the necessity of instituting the contested matter or adversary proceeding.

Presumptive Fee for Pre-confirmation Services. The debtors' attorney may be awarded a fee in the confirmation order up to \$4,000, inclusive of any retainer received pre-petition, without the necessity of filing a fee application. In addition, attorneys may receive an additional \$750 for motions to avoid lien filed preconfirmation. The attorney fee approved in the confirmation order constitutes compensation for fees and expenses incurred for **all** pre-confirmation services and nominal post-confirmation services. The attorney fee approved in the confirmation order shall be paid at a rate of up to \$400 per month or fifty percent (50%) of the monthly plan payment, whichever is less.

Nominal Post-confirmation Services. Nominal post-confirmation services include, but are not limited to:

1. Answering clients' general questions;
2. Corresponding with creditors and the Trustee;
3. Reviewing notices of claims filed;
4. Reviewing annual reports;
5. Submitting monthly reports in business cases;
6. Filing financial management course certificates;
7. Filing Suggestions of Death; and
8. Filing address change notices.

Presumptive Fee for Routine Post-confirmation Services. If requested in the pleading, an attorney fee of up to \$750 may be allowed without filing a separate fee application for routine post-confirmation services. Routine post-confirmation services include, but are not limited to:

1. Responding to and resolving a motion filed by a party other than the debtor(s) whether by agreed order or modification;
2. Filing a motion to modify other than to resolve a motion filed by a party other than the debtor(s);
3. Filing a motion to incur new debt;
4. Filing any other necessary motion;
5. Objecting to a proof of claim filed by a creditor; and
6. Filing a proof of claim on behalf of a creditor.

The fee constitutes compensation for services and expenses related to the matter and will be awarded upon completion of the matter. Unless the order awarding the fee states otherwise, the fee will be paid through the confirmed plan at the rate of up to \$125 per month, beginning in the month following entry of the order awarding the fee. For fee purposes, the following are considered to be one post-confirmation service:

1. A motion to modify filed in response to a motion to dismiss or motion for relief from the automatic stay and/or co-debtor stay;
2. Multiple objections to claims;
3. Multiple motions to avoid liens; and
4. Any multiple pleadings that are substantially similar and filed at the same time.

Cases Dismissed or Converted Prior to Confirmation. Orders dismissing or converting a case prior to confirmation may allow an attorney fee up to \$2,000 without filing a separate fee application. This fee may consist of any pre-petition retainer paid by the debtor(s). **Attorneys shall refund any unearned portion of the retainer.** Funds held by the Trustee after payment of adequate protection payments and approved administrative expenses shall be returned to the debtor(s) under 11 U.S.C. § [1326\(a\)\(2\)](#) unless ordered otherwise. The Court cannot approve attorney fees for services in a Chapter 13 case after a case is dismissed or converted.

Cases Converted Post-Confirmation. An attorney may accept from the debtor(s), without filing a separate fee application, an attorney fee of up to \$1,000 for services necessary to convert the case from one under Chapter 13 to one under Chapter 7, 11, or 12. The attorney shall file a revised [Official Form](#) 2030. This fee constitutes compensation for fees and expenses relating to the conversion.

Reduction of Compensation for Neglect. If, due to delay caused by neglect of the debtors' attorney, the case is not ready for confirmation at the conclusion of the Meeting of Creditors or at the conclusion of any continued confirmation hearing, the Trustee may recommend that the attorney's fee may be reduced.

Adequate protection

Unless ordered otherwise, adequate protection payments provided for in 11 U.S.C. § [1326\(a\)](#) will be paid through the Trustee and will be paid in accordance with the following procedures:

Paid Monthly. Adequate protection payments will be paid monthly.

Motion Required. Adequate protection payments will not be paid on a claim where the claim is secured by real property or is not attributable to the purchase of the personal property unless an order is entered by the Court after the filing of a motion. [[Local Rules](#) 9007-1, 9013-1, and 9014-1 apply to motions seeking adequate protection].

Motion Not Required. Adequate protection payments will be paid on a claim where the debt is attributable to the purchase of the personal property.

Priority. Adequate protection payments shall be paid prior to the payment of outstanding attorney fees. If there are insufficient funds on hand to pay all adequate protection payments owing to creditors as well as the fee to the Trustee, the Trustee will reduce the distribution to each creditor on a pro-rata basis.

Calculation of Adequate Protection on Vehicles. Adequate protection will be calculated as 1-2% of the value of the vehicle, unless otherwise ordered by the Court.

Amount to be Paid. Unless ordered otherwise, the Trustee shall make adequate protection payments in the amount identified in Section C.1. of the Chapter 13 Plan [[Local Form 3015-1](#)].

Objections to Adequate Protection. A creditor who opposes the adequate protection amount proposed by the debtor(s) must file a written objection. It is the responsibility of the creditor filing the objection to ensure the issue is heard in a timely manner and that any order addressing the adequate protection amount to be paid to the creditor is entered prior to any order of dismissal, notice of conversion, or order of conversion. If the order is not entered in a timely manner, the funds subject to the order may be paid to other parties.

Adequate protection payments in dismissed and converted cases. Adequate protection payments in dismissed and converted cases shall not be paid to any creditor that has not filed a proof of claim with proper verification of security attached or provided, within five (5) days of the filing of any order of dismissal, notice of conversion, or order of conversion. Additionally, no payment shall be made to a creditor in a confirmed case until a proof of claim has been filed.

Surrender Collateral. Adequate protection will not be paid where the Chapter 13 Plan provides for the surrender of the collateral securing the debt. If a Chapter 13 Plan is amended to provide for

the surrender of collateral that was to be paid through the plan under an earlier plan, adequate protection payments shall be paid only through the month in which the amended plan is filed. If the amended plan is confirmed, the confirmation order shall provide for the payment of the adequate protection amount due through and including the month in which the surrender was proposed.

Insurance Required. Debtor(s) shall maintain full coverage insurance on all property serving as collateral for a claim or forming the basis of any liquidation value and shall provide proof of such insurance upon request by any interested party.

Property of the Estate

Repossessed Vehicles. Any vehicle owned by debtor(s) that has been repossessed pre-petition but not yet retitled is presumptively property of the estate. If the debtor(s) desires to have a repossessed vehicle returned, the debtor(s) must provide for the creditor's claim in the plan. The Court strongly encourages debtors and creditors to reach an agreement for the return of repossessed vehicles without the necessity of filing a motion.

The Automatic Stay

Relief from the Automatic Stay. Hearings on Motions for Relief from the Automatic Stay will be set on the Court's regular motion docket and will only be set upon the timely request of the objecting party. Hearings will be set within the requisite thirty (30) day period; however, the parties may agree to treat the first hearing date as a preliminary hearing and continue the motion for a final hearing. [[Local Rules](#) 4001-1, 9007-1, 9013-1, and 9014-1 apply to motions for relief from automatic stay].

Payments on Collateral. The Trustee shall not cease payments on a secured claim upon entry of an order granting relief from the automatic stay or upon entry of an order declaring there is no stay in effect unless an order of the Court specifically provides for such cessation of payments. Once collateral has been repossessed and sold, the creditor shall promptly amend its secured claim to reflect the receipt of sales proceeds. In the event that the secured claim has been overpaid, the creditor shall promptly return such overpayment to the Trustee.

Comfort Orders. The Court is willing to enter orders declaring there is no stay in effect (a "comfort Order") upon application by a party-in-interest attesting to the facts under which the applicant believes there is no stay in effect, unless the Court finds the application is without merit. If the application is filed by a secured creditor, the pleading must state whether the applicant believes its collateral is insured and the basis for its belief. Additionally, the application must be accompanied by proof that a security interest, if any, of the applicant has been properly perfected. Any order declaring the stay is not in effect must be promptly served by the applicant on the debtor(s), debtor's counsel, and all other interested parties.

Pending Motions to Extend or Impose the Automatic Stay. An application requesting a comfort order may not be filed if there is a pending motion to extend or impose the stay.

Fourteen-day Stay. Unless provided otherwise, any order declaring the automatic stay is not in effect must specifically provide that no action based on the order may be taken for fourteen (14) days from the date the order is entered, except that collateral the applicant believes is uninsured may be repossessed. This 14-day period is to allow debtor(s) an opportunity to dispute the facts set

forth in the application and to ask the Court to reconsider the entry of the order. This period will also allow the Trustee and other interested parties to request reconsideration for cause.

Valuation

Cramdown of Claims Secured by Real Property. Valuation of claims secured by real estate shall be accomplished by filing a motion to determine value. [[Local Rules](#) 9007-1, 9013-1, and 9014-1 apply to motions to determine value].

Cramdown of Claim Secured by Personal Property. Valuation of claims secured only by personal property must be clearly and conspicuously indicated by checking the box in Paragraph 1 and in Paragraph 5.C.(2)(b) of the Chapter 13 Plan [[Local Form 3015-1](#)].

Plan Payments

Automatic Payments Required. Debtors shall make monthly plan payments by an automatic means unless the Court permits otherwise.

Debtors with Regular Wages. Debtors that receive regular wages from employment shall make plan payment by either an Employer Wage Deduction pursuant to 11 U.S.C. § [1325\(c\)](#) or via TFS E-Wage. Any order entered that authorizes the Trustee to institute a wage deduction will also provide that the Trustee may amend or terminate such wage deduction without further order of the Court.

Self-employed Debtors and Debtors without Regular Wages. Self-employed Debtors (independent contractors, 1099) and Debtors that only receive retirement or benefits (social security, VA disability, etc.) may make monthly plan payments by recurring payments via TFS ePay.

Direct Payments. Debtors that desire to make their payments directly to the Trustee must file a motion and obtain the Court's approval to make monthly payments by another means.

Debtors' Attorney's Obligation to Assist Debtors to Set Up Payments. Debtors' attorneys are expected to be familiar with various payment options and assist Debtors in setting up payments.

Existing Cases. For cases filed prior to the effective date of these guidelines, if debtors who have not agreed to make payments by employer wage deduction fail to make a regular payment under a confirmed plan, the Trustee is authorized, pursuant to the Order Confirming Chapter 13 Plan, to implement the use of the employer wage deduction provision of 11 U.S.C. § [1325\(c\)](#) without further notice, unless, prior to the default, the Trustee was advised in writing that the debtor(s) would prefer the Trustee move for dismissal of the case.

Plan Modifications

Modification of Confirmed Plans. Modification of a confirmed Chapter 13 Plan shall be by motion in accordance with 11 U.S.C. § [1329](#). Parties shall *not* file a new plan. The motion must state the reason for the modification and the specific modifications proposed, including the effect upon distribution to each creditor class should the modification be approved. Notice of the proposed modified plan is governed by Fed. R. Bankr. P. [3015\(h\)](#) and [Local Rules](#) 2002-1, 9007-1, 9013-1 and 9014-1. If the motion is filed after the claims bar date, notice may be limited to the

Chapter 13 Trustee, any party whose interest is affected by the modification, and creditors who have filed proofs of claim.

Current Income Information Required. When a debtor(s) files a motion to modify a confirmed plan, debtor(s) shall also file [Local Form 1007-1.D](#) with copies of the debtors' pay stubs, paychecks, and/or fixed income statements for the two months immediately prior to the motion, or if applicable, copies of profit and loss statements for the two quarters immediately prior to the motion, and amended Schedules I and J. If the required Documents are not filed, the Trustee may file an application requesting the Court to strike the motion.

Incurring New Debts

Incurring New Debts Limited by the Confirmation Order. The Court's confirmation order prohibits the debtor(s) from incurring any new debt, except for medical debt, without the prior approval of the Court.

Prior to Filing a Motion to Incur New Debt. Prior to filing a motion to incur a new debt, the debtor(s) and the Trustee shall confer on the necessity and reasonableness of the debt to be incurred.

Motion to Incur a New Debt. The debtor(s) shall file a motion to obtain approval to incur a new debt or refinance an existing home loan. The debtors' motion must include:

1. The debtor(s) has / have conferred with the Trustee concerning the request, and whether the Trustee concurs that the debt is necessary and reasonable;
2. The purpose of the new debt;
3. The debtor(s) is / are current on plan payments;
4. Schedules I and J which must show debtor(s) has / have the ability to pay the plan payments, living expenses, and the new monthly loan payment;
5. The amount of the debt; and
6. Loan terms, if known.

[[Local Rules](#) 9007-1, 9013-1, and 9014-1 apply to motions to incur a new debt].

Final Reports in Chapter 13 Cases Converted to Chapter 7

In cases converted from Chapter 13 to Chapter 7, the Chapter 13 Trustee is not required to file and transmit a final report and account to the United States Trustee until all funds received in the case have been administered. In accordance with Fed. R. Bankr. P. [1019\(e\)](#), the Court directs that in converted cases, the Chapter 13 Trustee shall file and transmit his final report and account as soon as is practicable following all checks clearing the Chapter 13 Trustee's bank account.

Confirmation Docket Procedures

Morning and Afternoon Confirmation Dockets. On Chapter 13 Docket Days, the Trustee conducts two confirmation dockets in the morning. Objections to confirmation that are not resolved or continued by the conclusion of the morning docket will be set over and heard by the Court on the afternoon docket. 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 over to the afternoon docket.

Objections to Confirmation. All parties are required to make a good faith effort to resolve objections to confirmation prior to the hearing. Debtors' and creditors' attorneys must contact the Trustee's office sufficiently in advance of the confirmation hearing to resolve objections.

Witness and Exhibit Lists for Contested Confirmation Hearings. Witness and Exhibit Lists shall be filed at least seven (7) days prior to the contested Confirmation Hearing.

Exhibit Binders for Contested Confirmation Hearings. Unless ordered otherwise, parties shall provide three (3) exhibit binders to the Court at least five (5) days before the hearing. Unless a party requests a physical exhibit binder prior to the contested confirmation hearing, exhibits shall be exchanged between the parties electronically at least five (5) days prior to the hearing.

Motion Docket Procedure

Morning and Afternoon Motion Dockets. On Chapter 13 Docket Days, the Trustee conducts two motion dockets in the morning. Matters not resolved or continued by the conclusion of the morning docket will be held over and heard by Court on the afternoon docket. 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 over to the afternoon docket.

Motion Docket. All parties are required to make a good faith effort to resolve issues prior to the hearing. Parties shall submit proposed orders to the Trustee no later than 12 p.m. the day prior to the hearing.

Witness and Exhibit Lists for Contested Matters. Witness and Exhibit Lists shall be filed within seven (7) days after the expiration of the response period for the motion.

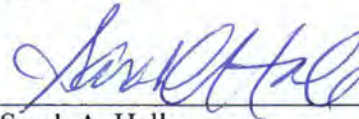
Exhibit Binders for Contested Matters. Unless ordered otherwise, the parties shall provide three (3) exhibit binders to the Court at least five (5) days before the hearing. Unless a party requests a physical exhibit binder at least ten (10) days prior to the hearing, exhibits shall be exchanged between the parties electronically at least five (5) days prior to the hearing.

Effective Date

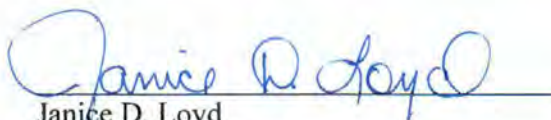
These Chapter 13 Guidelines take effect on February 1, 2025.

Dated in Oklahoma City, Oklahoma, this 23rd day of January, 2025.

By the Court.



Sarah A. Hall
Chief Bankruptcy Judge



Janice D. Loyd
Bankruptcy Judge