

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

IN RE:

**CHAPTER 13 CASES GOVERNED BY
THE BANKRUPTCY ABUSE PREVENTION
AND CONSUMER PROTECTION ACT
OF 2005.**

**STANDING
ORDER
CHAPTER 13**

Upon due deliberation of 11 USC 1326 as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), pursuant to §1326(a)(1), this Court orders that:

- 1) Adequate Protection Payments required to be made by the debtor pursuant to §1326(a)(1)(C) shall be paid from plan payments paid to the Trustee upon commencement of the case;
- 2) That within 15 days of the filing of the order for relief the debtor shall file a statement with this Court detailing how each pre-confirmation adequate protection payment was calculated;
- 3) Such notice shall also be sent by written notice to any creditor who prior to the filing of said statement has filed with the Court either a proof of claim or a notice of appearance;
- 4) For the purposes of this Order, unless the parties agree otherwise, adequate protection for motor vehicles shall equal (a) at a minimum the retail value of said motor vehicle pursuant to 11 USC §506 without interest, divided by 60; or (b) in the alternative, the statement may designate the proposed monthly payment to said creditor in the plan as adequate protection if it is at least equal to the designated monthly payment in subsection (a).
- 5) Nothing in this Order shall prevent an affected creditor from bringing a motion pursuant to §1326(a)(3) for an order changing said adequate protection payments;
- 6) Nothing in this Order shall prevent the parties from stipulating to different treatment of the adequate protection payments to be made pursuant to §1326. For the purposes of these stipulations, a stipulation entered into prior to the

filing of the petition shall be effective if filed with the Court within 15 days of the order for relief.

- 7) Upon the filing of the statement of adequate protection described above, the Trustee shall be authorized to commence payment of adequate protection payments pursuant to said statement to the affected creditors; and
- 8) From the disbursements so made, the Chapter 13 Trustee shall be allowed his compensation and expenses at the rate set by the United States Trustee.

DATED: October 12 , 2005
Rochester, NY



Honorable John C. Ninfo, II
Chief Bankruptcy Judge



Honorable Michael Kaplan
Bankruptcy Judge



Honorable Carl Bucki
Bankruptcy Judge