

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

In Re:

Case #:

Debtor(s)

**CHAPTER 13 CASE MANAGEMENT ORDER
– BUFFALO –**

The Plan must be on "Official Form 113" – a non-conforming Plan will not be considered for confirmation. If you have not already used that Form, you must file an "Amended Plan" using Form 113.

All proposed Chapter 13 Plans should also conform to the following requirements and any Chapter 13 Plan that does not conform to these requirements will generally not be confirmed:

1. Section 2.3¹ – The Plan will not be confirmed if the second box in this section is checked.
2. Section 3.1 – WDNY is not a "conduit mortgage" district. Consequently, the inclusion of post-petition mortgage payments to be paid by or through the Trustee generally is prohibited. This section must provide that all post-petition mortgage payments are to be made by the Debtor directly to the mortgagee or its servicer, unless the Trustee agrees otherwise.
3. Section 3.2 – Except as indicated hereafter, all requests to determine the value of a secured claim must be brought by stand-alone motion under 11 U.S.C. § 506. Motions under § 506 must be filed and served in the manner provided for in Rule 7004 FRBP, and a certificate of service must be promptly filed. [Note: A stand-alone motion is not required if the value of a secured claim is fixed at the Meeting of Creditors at a value equal to or greater than the valuation set forth in the Plan or is negotiated by the Debtor and the affected creditor at the Section 341 Meeting of Creditors, and such valuation is made a part of the record at the confirmation hearing or by stipulation filed on the docket.]
4. Section 3.4 – If a lien is to be avoided, a stand-alone motion must be brought under 11 U.S.C. § 506 or 522(f). Motions under § 522(f) must be filed and served in the manner provided for in Rule 7004 FRBP, and a certificate of service must be promptly filed. Lien avoidance under any other provision of the Bankruptcy Code must be sought by adversary proceeding, as required by Rule 7001(2) FRBP.
5. Sections 3.3 and 4.2 – It is appropriate to use "TBD," or "Unknown" if the amounts are unknown.
6. Section 5.1 – The plan must be a fixed percentage plan, not a fixed payment plan, unless the Trustee recommends otherwise.

¹All section references are to the corresponding section of the Model Chapter 13 Plan.

7. Section 7.1 – This section must be completed so that it provides that Property of the Estate will vest in the Debtor *upon plan confirmation*.
8. Whenever the Court has not served the plan, the Debtor must serve a copy of the original Chapter 13 Plan on all creditors, the Chapter 13 Trustee, and other parties in interest, and the Debtor must file proof of service of the Chapter 13 Plan, specifying the date, manner of service, and the names and addresses of all parties upon whom the Plan was served.

To the extent that the contents of a Chapter 13 Plan contradict the "Chapter 13 Plan Confirmation Order," the provisions of the "Chapter 13 Plan Confirmation Order" supersede the terms of the Chapter 13 Plan.

ANY relief sought by the Debtor that is contrary to the provisions of the Case Management Order issued in a particular case must be brought in the appropriate manner, under the Federal Rules of Bankruptcy Procedure, accompanied by proof of service on any affected party in the manner required by Rule 7004 FRBP.

Dated: _____

_____/s/_____
Hon. _____, U.S.B.J.

