

CASE HEADING TO BE ADDED

NOW INTO COURT comes _____, counsel for the above captioned debtor(s), and with respect represents:

This case was filed on _____ and the first meeting of creditors was held on _____. All information requested by the Chapter 13 trustee has been delivered. The plan as proposed was filed on _____ and all proposed payments under the plan through date have been forwarded to the trustee. No additional payments will be due between today's date and confirmation.

Debtor(s) represent and counsel has no reason to dispute that debtor(s) are current with all post petition payments proposed by the plan as payable directly to third parties.

As of this date, _____ avers, on information and belief that the plan complies with the requirements of the Code and chapter 13, including, but not limited to:

The plan provides for the submission of all or such portion of future earnings or other future income of the debtor(s) to the supervision and control of the trustee as is necessary for the execution of the plan;

The debtor(s) have committed all disposable income to the repayment of allowed claims. Specifically:

Debtor(s) are ____ above the means/ ____ below the means.

If debtor(s) are above the means debtors:

1. Disposable income as provided on line 59 of Official form 122C filed in this case and adjusted as reflected on Exhibit 1 attached to this affidavit, is \$_____, an amount equal to or less than the monthly payments proposed under the plan; and
2. The plan provides for payments over a period of sixty (60) months or if less, provides for full payment of the present value of all allowed claims.

or

If debtor(s) are below the means debtors:

1. Disposable income as provided on line 20(c) of Schedule J is \$_____, an amount equal to the monthly payments proposed under the plan; and
2. The plan is for a term not less than thirty-six (36) months, or if for less than thirty-six (36) months, provides for full payment of the present value of all allowed claims. The plan does not extend for a term greater than sixty (60) months.

The plan provides for the full payment, in deferred cash payments, of all claims entitled to priority under section 507 of the Bankruptcy Code, unless (1) the holder of a particular claim agreed to a different treatment of such claim or (2) the claim is one as provided under 507(a)(1)(B) and the plan proposes to pay all of debtor's projected disposable income for a 5 year period beginning on the date that the first payment is due under the plan to said claimants;

The plan classifies claims and provides the same treatment for each claim within a particular class;

All fees, charges, or amounts required under chapter 123 of title 28, or by the plan, have been paid;

The filing of the petition was in good faith and the plan, as proposed, was submitted in good faith and not by any means forbidden by law;

If applicable, the debtor(s) have provided for the payment of all priority taxes under terms in compliance with §1322;

As of the confirmation date, the plan proposes to pay priority, administrative and secured claims under terms and in amounts that are not subject to dispute by the claimants. Specifically:

All secured and priority claimants have filed proofs of claim as of the confirmation date in amounts as provided for by the plan except:

If claims remain unfiled, debtor s plan proposes 1) repayment to the claimant in an amount which the debtor, in good faith, believes is owed; or 2) surrenders the claimant s collateral in satisfaction of the secured claim.

Debtor(s) aver on information and belief that no secured or priority claims exist other than those provided for by the plan;

The value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under chapter 7 of this title on such date. Specifically:

The liquidation value of debtor(s) estate after the payment of all administrative, priority, or secured claims as set forth on Exhibit 2 attached to this affidavit is \$_____. The plan provides for payments to nonpriority unsecured claimants in the aggregate amount of \$_____ payable over the life of the plan with a present value of \$_____ assuming a discount rate of ____%.

Debtor(s) will be able to make all payments under the plan and to otherwise comply with its terms;

Debtor(s) have paid all amounts that are required to be paid under any domestic support obligation that first became payable after the date of the filing of the petition;

Debtor(s) have filed all applicable Federal, State, and local tax returns for the five (5) years preceding the petition date and provided for the payment of any taxes outstanding in the plan.

Filed this ____ day of _____, 20__.

Debtor(s)

Debtor(s)' counsel

Bar Date

Governmental claims Bar Date