

**Section A Procedures for Motions for Relief from the Automatic Stay in Chapter 13  
Cases in which the Debtor's Plan Was Confirmed and the Debt at Issue is  
Recognized as a Secured Debt under the Plan**

The creditor's motion must allege that

- (1) the debt is secured, and
- (2) the Debtor has agreed to pay the creditor as a secured creditor under the plan.

If the above is alleged, the creditor must attach an affidavit of the creditor attesting to

- (1) An account of the amounts itemized as to principal, accrued interest, and other charges and the respective due dates;
- (2) The payment history since the petition date;
- (3) The rate of interest since the filing of the case, and under the terms of the plan. If the interest rate is adjustable, all applicable rates charged since the date of last payment along with the period during which the rate was in effect;
- (4) If the movant is not the obligee shown on the document evidencing the obligation, a full recitation of the chain of title from original to movant;
- (5) An allegation that the Debtor has agreed to pay the creditor as a secured creditor under the plan.

And the creditor must attach the following documents to the affidavit:

- (1) Proof of ownership of the debt including the following when applicable:
  - (a) a true and correct copy of the promissory note;
  - (b) documents showing chain of title from the original obligee to the movant;
- (2) A copy of the Chapter 13 plan.

If the Debtor did not agree to pay the creditor as a secured creditor under the plan, the creditor must follow the Section A Procedures for Motions for Relief from Stay that apply prior to confirmation.

The following persons must receive service of the motion, with all the attachments and the notice of hearing:

The debtor, debtor's attorney, any co-debtor, the trustee, and if applicable any

other party holding a security interest upon, or claiming an interest in, the property against which the movant seeks relief from the stay.