

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF LOUISIANA**

**IN RE:**

**CASE NO.**

**CHAPTER 13**

**DEBTOR(S)**

**Section A**

**Motion to Modify Confirmed Plan of Reorganization**

**NOW INTO COURT** comes \_\_\_\_\_, debtor(s) in the above titled and numbered case (“Debtors”), who with respect represent(s):

1.

On \_\_[filing date]\_\_\_\_\_, Debtor(s) filed a voluntary petition for relief under Title 11, chapter 13 of the Bankruptcy Code.

2.

This Court has jurisdiction over the matters presented herein, which are core in nature, pursuant to 28 U.S.C. §157(b)(2)(A), 28 U.S.C. §1334, and 11 U.S.C. §1329.

3.

On \_\_[confirmation date]\_\_\_\_\_, this Court confirmed Debtor(s)’ plan of reorganization (“Plan”). Under the terms of the plan as originally confirmed, Debtor(s) proposed to make \_\_[number] of payments at \$\_\_\_\_\_ per month to the chapter 13 trustee (“Trustee”) for \_\_\_ months. Debtor(s) also agreed to make payments, in the amount of \$\_\_\_\_\_ per month directly to their secured lender, \_\_\_name\_\_\_\_\_. At the time of confirmation, the liquidation analysis indicated that unsecured, nonpriority claimants would receive \$\_\_\_\_\_ in a chapter 7 proceeding. The plan provided for \$\_\_\_\_\_ in total payments, with a present value of \$\_\_\_\_\_, to unsecured, non-priority claimants.

4.

Thereafter, the plan was modified as follows:

1. On \_\_\_date\_\_\_\_\_, an Order was entered modifying the Plan. The modification changed the monthly payment amount by [reducing/ increasing] the payments to \$\_\_\_\_\_ beginning in \_\_\_month/year\_\_\_\_\_ and [extending/ reducing] the term of the Plan to \_\_\_[number]\_\_\_\_\_ months. A modification to the Plan was required because \_\_\_\_\_.

[add additional paragraphs as needed]

(the confirmed plan and all subsequently approved modifications are hereinafter collectively referred to as the "Plan.")

5.

As of \_[date]\_\_\_\_\_ Debtor(s)' Plan is in month \_\_\_ with \_\_\_\_\_ months remaining. Debtor(s) is/are [current/ not current] with payments to the Trustee.

6.

Debtor(s) require(s) further modification the Plan because Debtor(s) fell behind with [Plan payments to the Trustee and/or direct payments to \_[secured lender]\_\_\_\_. Debtor(s) is/are delinquent for the months of \_\_\_[months/year]\_\_\_\_\_ for a total arrearage of \$\_\_\_\_\_.

OR proofs of claim filed after confirmation by \_\_\_\_\_ indicated [secured/priority/unsecured] claims greater than [provided in/ anticipated by] Debtors' Plan. In order to accommodate these claims, the Plan must be modified.

7.

[If applicable] Debtor(s) failed to make their required payments to \_[Trustee or lender] because \_\_\_\_\_. Debtor(s) has/have provided proof of \_\_\_\_\_ to the [Trustee or lender] who [has/ has no] objection to the terms of this modification.

Note: If default is due to medical costs, proof of condition and/or costs incurred must be provided to the Trustee *at the time the motion is filed*. Additionally, the motion must provide if these costs were covered by insurance, and if Debtor received wages or disability payments during the time of disability.

Note: If default is due to unemployment, proof of job loss must be provided to the Trustee *at the time the motion is filed*. Additionally, the motion must provide if unemployment benefits were received, the amount and term of the benefits.

Note: If default is due to death, divorce, or other change of circumstance, proof of the change and its effect on Debtor(s)' monthly income or expenses must be provided to the Trustee *at the time the motion is filed*.

Note: Motions filed due to permanent or long term changes in income or expenses must be accompanied with amended and filed schedules I & J. If Debtor(s)' plan was confirmed based on Official Form 122 disposable income, proof of change in circumstances must be substantiated by documented expenses or income.

8.

[select if appropriate] Filed with this Motion is a modified plan which adds \$\_\_\_\_\_ in [pre/post petition arrears/ priority debt] owed to [lender/priority claimant] to the amounts payable under the Plan. The [pre/post petition arrears/ priority debt] is to be added to \$\_\_\_\_\_ in [pre-petition arrears originally owed to lender/ priority claimants] and originally scheduled for payment under the Plan. The total amounts now payable to [lender/priority claimant] under the Plan are \$\_\_\_\_\_.

9.

The [additional arrears due lender/ past due payments under the Plan/ priority or unsecured claims] will be satisfied by modifying the payments due under the Plan. Payments shall be [increased/decreased] to \$\_\_\_\_\_ beginning with the payment due for [month/year] through [month/year]. The term of Debtor(s)' Plan shall [remain the same] or [increase/decrease from \_\_\_\_\_ months to \_\_\_\_\_ months.]

OR Payments for the [month/year] through [month/year] shall be suspended and the payments for [month/year] through [month/year] shall be [increased/decreased] to \$\_\_\_\_\_ per month. The term of Debtor(s)' Plan shall [remain the same] or [increase/decrease from \_\_\_\_\_ months to \_\_\_\_\_ months].

10.

Distributions to unsecured, non-priority claimants [shall/ shall not] be affected by this modification. The present value of total distributions to unsecured, non-priority claimants, after giving effect to this modification will be \$\_\_\_\_\_, [an amount greater than that required by Debtor(s)' liquidation analysis at the time of confirmation or an amount greater than that required by Debtor(s)' modified liquidation analysis of \$\_\_\_\_\_ after adjusting for additional pre-petition priority/ secured claims].

WHEREFORE, \_\_\_\_\_, debtor(s) in the above captioned proceedings, pray(s) that after notice, the expiration of all legal delays, and hearing, that this Motion to Modify Plan be granted and that Debtor(s)' Plan be modified to [increase/decrease/suspend] the payments due for [month/year] through [month/year]; that modified payments of \$\_\_\_\_\_ for [month/year] through [month/year] be approved; and for all other general and equitable relief.

Respectfully submitted,