

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF ILLINOIS  
235 U.S. COURTHOUSE  
600 EAST MONROE STREET  
SPRINGFIELD, ILLINOIS 62701

CHAMBERS OF  
MARY P. GORMAN  
CHIEF JUDGE

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July 12, 2017

To: Central District Chapter 13 Practitioners

From: Mary P. Gorman, Chief Judge, and Thomas L. Perkins, Judge

Re: Model Chapter 13 Plan Form

Several anticipated changes and additions to the Federal Rules of Bankruptcy Procedure and official forms are expected to be implemented in December 2017. Among the major rule changes, amended Rule 3015 will require the use of the new Official Form 113, which will be the national plan form unless a district-wide local form has been adopted in its place. After careful consideration, we have decided to adopt a local plan form for use in the Central District.

The local model plan form ("Local Form") can only be adopted if it meets several requirements under the new bankruptcy rules. One requirement is that the Local Form be publicly noticed and made available for review and comment. All practitioners in the Central District are encouraged to take the time to review the Local Form and submit any comments in writing to Adrienne Atkins, Clerk of Court, U.S. Bankruptcy Court, Central District of Illinois, 600 East Monroe Street, Room 226, Springfield, Illinois 62701, or via email at [adrienne\\_atkins@ilcb.uscourts.gov](mailto:adrienne_atkins@ilcb.uscourts.gov), no later than September 15, 2017. All comments will be considered before the final draft of the Local Form becomes mandatory. We plan to adopt the final draft of the Local Form for mandatory use in December 2017, in tandem with the implementation of the new Bankruptcy Rules.

In reviewing the Local Form, practitioners should be aware that several of the provisions are required under the new rule changes. Under the new bankruptcy rules, a plan form used in a district must include an initial paragraph for the debtor to indicate whether the plan: (a) contains any nonstandard provisions; (b) limits the amount of a secured claim based on a valuation of the collateral for the claim; or (c) avoids a security interest of lien. In addition, the plan form must contain separate paragraphs for: (1) curing any default and maintaining payments on a claim secured by the debtor's principal residence; (2) paying a domestic-support obligation; (3) paying a claim described in the final paragraph of §1325(a) of the Code; and (4) surrendering property that secures a claim with a request that the stay under §§362(a) and 1301(a) be terminated as to the surrendered collateral. Finally, the plan form must contain a final paragraph for the placement of nonstandard provisions, as defined in Rule 3015(c), along with a statement that any nonstandard provision placed elsewhere in the plan is void and a certification by the debtor's attorney or by an unrepresented debtor that the plan contains no nonstandard provision other than those set out in the final paragraph.

Several other rule changes explicitly allow debtors to raise certain matters through the plan provisions rather than by a separate motion or proceeding. For instance, under the new rules, debtors are able to request a determination of the amount of a secured claim through the plan and without filing a separate motion. There are, however, exceptions to the rule. Most notably, a request to determine the amount of a secured claim of a governmental unit may only be made by motion or in an objection to claim after such claim is filed or the time for doing so has expired. This distinction is noted in the language of the section of the Local Form dealing with secured claims. In addition, the new rules allow debtors to commence a proceeding under §522(f) to avoid a lien or other transfer of property exempt under the Code through the plan and by serving the plan containing such provision upon the affected creditors. Practitioners are encouraged to carefully review the anticipated changes and additions to the bankruptcy rules to fully understand their impact on Chapter 13 practice going forward.

Practitioners familiar with the plan form currently required in the Springfield Division will see many similarities in the Local Form. Like the Springfield model plan form, the Local Form is a fillable PDF and contains instructions for its technical completion within the document itself. The Local Form should be compatible with the current versions of Adobe Acrobat that most practitioners have and use to participate in our CM/ECF system. While the Local Form may be longer and more detailed than many practitioners are accustomed to, we have tried to format it in a way that meets the requirements under the new rules and includes sufficient detail to avoid confusion about the meaning of its terms but is still easy to use. To that end, many sections are collapsible, meaning that they disappear when a box is checked indicating nothing to list, which should shorten the plans considerably in less complex cases. Our IT department worked very hard on the technical aspects of the Local Form. Leslie Crosby is available to provide technical assistance to practitioners on the use of the Local Form and may be contacted at 217-993-7817 or via email at [leslie\\_crosby@ilcb.uscourts.gov](mailto:leslie_crosby@ilcb.uscourts.gov). We believe we have worked through all glitches in terms of technical aspects of the Local Form, but it would be very helpful if practitioners would take the time to create a test plan using the Local Form and let us know what problems, if any, they encounter in filling the form or printing and saving the form. The Local Form is not to be filed in Chapter 13 cases at this time. A separate announcement will be made when the Local Form is authorized for filing.

Thank you.