

Fill in this information to identify your case:

Debtor 1 George Winston Lewis  
First Name Middle Name Last Name

Debtor 2 Delia Marie Lewis  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Northern District of Georgia  
(State)

Case number \_\_\_\_\_  
(If known)

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed.

Official Form 113

Chapter 13 Plan **1**

12/17

Part 1: Notices

**To Debtors:** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

*In the following notice to creditors, you must check each box that applies.*

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. **Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 8	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

Part 2: Plan Payments and Length of Plan

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

\$ 575 per mo for 60 months

[and \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ months.] *Insert additional lines if needed.*

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

**2.2 Regular payments to the trustee will be made from future income in the following manner:**

Check all that apply.

- ☒ Debtor(s) will make payments pursuant to a payroll deduction order. **3**
- ☐ Debtor(s) will make payments directly to the trustee.
- ☐ Other (specify method of payment): \_\_\_\_\_

**2.3 Income tax refunds.**

Check one.

- ☒ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income tax refunds as follows:
- \_\_\_\_\_
- \_\_\_\_\_

**2.4 Additional payments.**

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced. **4**
- ☐ Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.
- \_\_\_\_\_
- \_\_\_\_\_

**2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$** 34,500.

**Part 3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of default, if any. 5**

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☒ The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Collateral debtors'	Current installment payment (including escrow )	Amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage	Estimated total payments by trustee
Goldstar Mortgage	home	\$ 2,370	\$ 19,440	_____%	\$ 324	\$ 19,440
Disbursed by:						
<input type="checkbox"/> Trustee						
<input checked="" type="checkbox"/> Debtor(s)						
_____	_____	\$ _____	\$ _____	_____%	\$ _____	\$ _____
Disbursed by:						
<input type="checkbox"/> Trustee						
<input type="checkbox"/> Debtor(s)						

Insert additional claims as needed.

**3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.****6**

☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

**The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.**

☒ The debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as set out in the column headed *Amount of secured claim*. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of creditor	Estimated amount of creditor's total claim	Collateral debtors'	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
Oculus Financial	\$ 39,000	home	183,500	254,000	0	12%	0	0
	\$		\$	\$	\$	%	\$	\$

*Insert additional claims as needed.*

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

Check one.

☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

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☐ The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment	Estimated total payments by trustee
		\$	%	\$	\$
		\$	%	\$	\$

Disbursed by:

☐ Trustee

☐ Debtor(s)

*Insert additional claims as needed.*

**3.4 Lien avoidance.** 8

Check one.

☐ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

**The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.**

☒ The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). *If more than one lien is to be avoided, provide the information separately for each lien.*

Information regarding judicial lien or security interest	Calculation of lien avoidance		Treatment of remaining secured claim
<b>Name of creditor</b>	a. Amount of lien	\$ <u>5,300</u>	<b>Amount of secured claim after avoidance</b> (line a minus line f) \$ _____
<u>Discover</u>	b. Amount of all other liens	\$ <u>254,000</u>	
<b>Collateral</b>	c. Value of claimed exemptions	+ \$ <u>5,000</u>	<b>Interest rate</b> (if applicable)  _____ %
<u>Debtors' home</u>	d. Total of adding lines a, b, and c	\$ <u>264,300</u>	
<b>Lien identification</b> (such as judgment date, date of lien recording, book and page number)	e. Value of debtor(s)' interest in property	- \$ <u>183,500</u>	<b>Monthly payment on secured claim</b> \$ _____
<u>10/15/2015</u>	f. Subtract line e from line d.	\$ <u>80,800</u>	<b>Estimated total payments on secured claim</b> \$ _____
<u>Bk 104, Page 1134</u>	Extent of exemption impairment (Check applicable box): <input checked="" type="checkbox"/> <b>Line f is equal to or greater than line a.</b>  The entire lien is avoided. (Do not complete the next column.) <input type="checkbox"/> <b>Line f is less than line a.</b>  A portion of the lien is avoided. (Complete the next column.)		

*Insert additional claims as needed.*

**3.5 Surrender of collateral.**

Check one.

☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☐ The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor	Collateral
_____	_____
_____	_____

*Insert additional claims as needed.*

**Part 4: Treatment of Fees and Priority Claims** **9****4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

**4.2 Trustee's fees**

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be 6.6 % of plan payments; and during the plan term, they are estimated to total \$ 2,277.

**4.3 Attorney's fees**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$ 3,000.

**4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

Check one.

- ☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.
- ☒ The debtor(s) estimate the total amount of other priority claims to be 6,400.

**4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

Check one.

- ☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). *This plan provision requires that payments in § 2.1 be for a term of 60 months; see 11 U.S.C. § 1322(a)(4).*

Name of creditor	Amount of claim to be paid
_____	\$ _____
_____	\$ _____

Insert additional claims as needed.

**Part 5: Treatment of Nonpriority Unsecured Claims****5.1 Nonpriority unsecured claims not separately classified.** **10**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

- ☐ The sum of \$ \_\_\_\_\_.
- ☐ \_\_\_\_\_ % of the total amount of these claims, an estimated payment of \$ \_\_\_\_\_.
- ☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ 0.  
Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

**5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.**

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

☐ The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
_____	\$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$ _____	\$ _____
_____	\$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$ _____	\$ _____

*Insert additional claims as needed.*

**5.3 Other separately classified nonpriority unsecured claims. Check one.****11**

☐ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

☒ The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows

Name of creditor	Basis for separate classification and treatment	Amount to be paid on the claim	Interest rate (if applicable)	Estimated total amount of payments
Dept. of Education	Debtor wishes to stay enrolled in PAYE plan	\$ currently \$80/mo *	5 %	\$ 4,800
_____	_____	\$ _____	_____ %	\$ _____

*Insert additional claims as needed.*

\* Debtor will make direct payments to DOE under PAYE plan.

**Part 6: Executory Contracts and Unexpired Leases****6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**

☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

☒ **Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

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Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage (Refer to other plan section if applicable)	Estimated total payments by trustee
Auto Credit of Atlanta	2016 Honda Accord	\$ 450	\$ 0	0	\$ 0
		Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)			
Verizon	Mobile contract	\$ 129	\$ _____		\$ _____
		Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)			

Insert additional contracts or leases as needed.

**Part 7: Vesting of Property of the Estate****7.1 Property of the estate will vest in the debtor(s) upon**

Check the applicable box:

- ☐ plan confirmation. **13**
- ☐ entry of discharge.
- ☒ other: closing of case.

**Part 8: Nonstandard Plan Provisions****8.1 Check "None" or List Nonstandard Plan Provisions**

☐ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

**The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.**

**14**

The postpetition payments on Delia Lewis' student loan debt, as determined under the Pay as You Earn program, will be paid directly to the Department of Education, beginning with the payment due on April 1, 2022.

The Department of Education shall accept and apply payments made by the debtor in accordance with the Pay as You Earn program while this case is pending.

**Part 9:** Signature(s):

**9.1 Signatures of Debtor(s) and Debtor(s)' Attorney**

*If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; otherwise the Debtor(s) signatures are optional. The attorney for the Debtor(s), if any, must sign below.*

**X** /s/ George Winston Lewis  
 Signature of Debtor 1  
 Executed on 03/02/2022  
 MM / DD / YYYY

**X** /s/ Delia Marie Lewis  
 Signature of Debtor 2  
 Executed on 03/02/2022  
 MM / DD / YYYY

**X** /s/ Dawn Carter Date 03/02/2022  
 Signature of Attorney for Debtor(s) MM / DD / YYYY

**By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.**



# Exhibit: Total Amount of Estimated Trustee Payments

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a.	Maintenance and cure payments on secured claims (Part 3, Section 3.1 total)	\$ 19,440
b.	Modified secured claims (Part 3, Section 3.2 total)	\$ 0
c.	Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total)	\$ 0
d.	Judicial liens or security interests partially avoided (Part 3, Section 3.4 total)	\$ 0
e.	Fees and priority claims (Part 4 total)	\$ 11,677
f.	Nonpriority unsecured claims (Part 5, Section 5.1, highest stated amount)	\$ 0
g.	Maintenance and cure payments on unsecured claims (Part 5, Section 5.2 total)	\$ 0
h.	Separately classified unsecured claims (Part 5, Section 5.3 total)	\$ 0
i.	Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total)	\$ 0
j.	Nonstandard payments (Part 8, total)	+ \$ 0
Total of lines a through j		\$ 31,117

## Annotations to Completed Sample Form 113

1. Official Form 113 should not be used in districts that have adopted a local form plan that complies with Bankruptcy Rule 3015.1. Practitioners should check their local court's website to determine whether Official Form 113 or a local form plan is required, and to review any related local rule. See § 7.3.12.2, *supra*. This completed sample chapter 13 plan using Official Form 113 may be helpful to practitioners even in opt-out districts, as many of the approved local form plans have provisions similar to Official Form 113. [BACK](#)
2. Part I of the form is intended to give creditors notice that certain provisions of the plan may affect their lien rights or that the plan contains nonstandard provisions. The Lewises have checked the boxes in this part indicating that the plan intends to request valuation of secured claims, seeks avoidance of judicial liens, and includes nonstandard provisions. Because the plan contains a request that property be valued to determine an allowed secured claim under Rule 3012, and a request for avoidance of a lien under Rule 4003(d), it must be served under the procedures set forth in Rule 7004, usually by first class mail, except for service on insured depository institutions, which under Rule 7004(h) must be made by certified mail directed to an officer of the institution. [BACK](#)
3. Official Form 113 gives the debtor the option to specify how payments to the trustee will be made. The practice in many districts is that plan payments are made through a wage order if the debtor is employed. 11 U.S.C. § 1325(c); § 12.6.1, *supra*. [BACK](#)
4. If debtors have reported their income on Schedule I as being reduced by withholding taxes that are more than necessary, resulting in a tax refund, most courts require that some or all of that refund be counted as disposable income. In some courts, debtors' plans are expected to commit all or a part of future tax refunds to the plan, at least absent a showing of some necessary expenses for which those refunds will be used. See § 12.3.4.4.5, *supra*. The Lewises have made adjustment to their withholding in order to minimize tax refunds and have sought to retain any refunds during the plan. If an objection to the plan is filed by the trustee, the debtors may need to modify the plan to provide that the portion of any refund over a certain amount will be turned over to the trustee. [BACK](#)
5. Section 3.1 of Part 3 is the cure and maintain provision of the plan for secured claims being treated under 11 U.S.C. § 1322(b)(5). See § 11.6.2, *supra*. At the time this chapter 13 case was filed, the Lewises were eight months behind on mortgage payments, resulting in a prepetition arrearage with costs of \$19,440. The Lewises' plan proposes to pay this amount under the plan without interest because the applicable mortgage agreement does not provide for payment on interest on arrearages. See § 11.6.2.7.2, *supra*. This provision also provides that the debtors will make the postpetition mortgage

payments directly to Goldstar Mortgage rather than having them disbursed by the trustee. See § 11.6.2.6, *supra*. [BACK](#)

6. Section 3.2 of Part 3 is used to request a determination of the amount of an allowed secured claim. While such a request can be made separately by a motion or claim objection, Bankruptcy Rule 3012(b) permits the debtor to obtain a determination through confirmation of a chapter 13 plan, except for claims held by governmental units. See § 11.2.2.1, *supra*. This is generally the preferred method at least when the only issue is valuation of property. However, practitioners should check their local rules as some courts will not confirm a plan containing this provision even though it is clearly permitted under Rule 3012(b). The Lewises' plan proposes to value the secured claim of Oculus Financial in the amount of \$0, asserting that it is a wholly unsecured lien that may be "stripped off" and voided through the plan. See § 11.6.1.2.2.2, *supra*. This provision makes clear that upon valuation of its secured claim, Oculus Financial will be left with a general unsecured claim of \$39,000 that will be paid under Part 5 of the plan, depending upon the amount, if any, paid to such creditors. When utilizing this method the plan must be served in the manner provided for service of a complaint and summons under Bankruptcy Rule 7004, which in most cases means first class mail. Insured depository institutions must be served by certified mail directed to an officer of the institution, as provided in Rule 7004(h). Any determination of the secured claim amount made in this manner (through confirmation of a chapter 13 plan) is binding on the creditor, even if the creditor files a proof of claim in a different amount and no objection to the claim is filed. Fed. R. Bankr. P. 3015(g)(1). Upon completion of the plan, the debtors should request under Bankruptcy Rule 5009(d) the entry of an order declaring the lien satisfied and void, which may be recorded in the land records office. See § 8.7.4, *supra*. [BACK](#)
7. Section 3.3 of Part 3 deals with claims that are subject to the provision at the end of 11 U.S.C. § 1325(a). This provision states that for purposes of section 1325(a)(5), Code section 506 shall not apply to certain secured claims. See § 11.6.1.4, *supra*. The Lewises do not have a purchase money security interest in a motor vehicle for a debt incurred within 910 days before the petition date or in any other thing of value for a debt incurred within one year before the petition date, and so they have checked the box for "none." [BACK](#)
8. Section 3.4 of Part 3 is used to request the avoidance of liens under 11 U.S.C. § 522(f). Bankruptcy Rule 4003(d) provides that lien avoidance under section 522(f) shall be by motion in accordance with Rule 9014, or by serving a chapter 12 or chapter 13 plan on the lienholder in the manner provided for in Rule 7004. See § 10.4.2.2, *supra*. The plan form contains the arithmetic formula the debtor can use to calculate whether a lien can be avoided. See § 10.4.2.3.1, *supra*. The Lewises have filled out this section to request the avoidance of the judicial lien on their home held by Discover. [BACK](#)

9. Part 4 of the plan form deals with unsecured priority claims. Consistent with 11 U.S.C. § 1322(a)(2), section 4.1 provides that all priority claims will be paid in full without postpetition interest. See § 12.3.6, *supra*. The Lewises have administrative priority claims consisting of the balance of fees owed to their attorney and the estimated trustee's fees. Also provided for in this section is the priority tax claim of the IRS that the Lewises listed on Schedule E/F. [BACK](#)
10. Section 5.1 of Part 5 of the plan form gives several options for the debtor to propose payment of unsecured nonpriority claims. The debtor can propose to pay a fixed sum, a percentage of the unsecured claims, or the funds that remain after disbursements have been made to all other creditors (which the Lewises have selected). What the debtor proposes will be determined by the disposable income and best interest of creditor tests set out in 11 U.S.C. § 1325(b), and also influenced by local practice. See § 12.3, *supra*. The end of section 5.1 contains statements related to the best interest of creditor test. See § 12.3.2, *supra*. The Lewises have indicated that if they had filed a chapter 7 case and their property were liquidated, unsecured nonpriority claims would not receive any distributions. [BACK](#)
11. Section 5.3 of Part 5 can be used to separately classify unsecured nonpriority claims. See § 12.4, *supra*. This provision is most commonly used for claims that have been co-signed or that are owed to student loan creditors. Delia Lewis has proposed to separately classify her student loans so that she may stay enrolled in the Pay As Your Earn income driven repayment plan provided by the department of Education. She has indicated that she will disburse the \$105 per month payments directly to the creditor. If an objection to this provision is filed, the Lewises will need to show that this separate treatment does not unfairly discriminate against other general unsecured creditors. See § 12.4.3, *supra*. [BACK](#)
12. Section 6.1 of Part 6 deals with executory contracts and unexpired leases. See § 12.9, *supra*. The debtor may propose to assume executory contracts and unexpired leases by listing them here and filling out the applicable information, including any arrearage that will be paid under the plan. The plan form states that all other executory contracts and unexpired leases not listed are rejected. The Lewises have proposed to assume the lease for their Honda Accord and the executory contract for their mobile phone service. [BACK](#)
13. Section 7.1 of Part 7 gives the debtor several options for proposing when property of the estate will vest in the debtor. Once a chapter 13 plan is confirmed, property of the estate vests in the debtor unless the plan or order confirming the plan provides otherwise. 11 U.S.C. § 1327(b); § 12.8.5, *supra*. The plan form lists two of the most commonly used options, that estate property will vest in the debtor either at plan confirmation or upon entry of the discharge. However, the form permits the debtor to select some other option, by listing it under "other." To ensure that their home will be protected by the automatic stay

for as long as possible, particularly if there is a proceeding after entry of the discharge to determine that they have fully cured the arrearage on their mortgage, the Lewises have listed under “other” that property of the estate will vest in them upon the closing of their case. See 11 U.S.C. § 362(c). [BACK](#)

14. Section 8.1 of Part 8 can be used to include “nonstandard” provisions that the debtor may add or substitute for the plan form’s provisions. A “nonstandard provision” is defined in Bankruptcy Rule 3015(c) as a “provision not otherwise included in the Official or Local Form or deviating from it.” As only the debtor has the right to file a plan as stated in 11 U.S.C. § 1321, the plan may include any provision not inconsistent with the Bankruptcy Code. Numerous examples of nonstandard provisions are contained in Appendix G.3, *infra*. Delia Lewis has included a provision that deals with her continued payment of her student loans under a Department of Education income driven repayment plan. Additional provisions for the treatment of such student loan repayment plans are provided in Appendix G.3, *infra*. [BACK](#)