**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

|  |  |  |
| --- | --- | --- |
| **In re:****Click to enter DEBTOR and JOINT DEBTOR,** **Debtor(s).** |  | **Case No. Case number-JHH****Chapter 13** |

|  |
| --- |
| NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST HEARINGPursuant to Western Division Administrative Order No. 20-01, the court will consider the relief requested in this motion (the "Motion") without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached certificate of service, plus an additional three days for service if any party was served by U.S. Mail. If you oppose the relief requested in the Motion, then, within the time allowed, you must file a response with the clerk of court electronically (or by hand delivery or mail to the clerk's office at 2005 University Boulevard, Room 2300, Tuscaloosa, Alabama 35401), and you must serve a copy of your response on all appropriate persons. If you file and serve a response within the time permitted, the court will schedule and notify you of a hearing.If you do not file a response within the time permitted, the court will consider that you do not oppose the relief requested in the Motion; the court may deem admitted the allegations set forth in the Motion; the court will proceed to consider the Motion without further notice or hearing; and the court may grant the relief requested. |

**DEBTOR'S MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN**

The chapter 13 debtor(s) (whether a single debtor or joint debtors, the "Debtor") in the above-captioned bankruptcy case (the "Case") move the court, pursuant to 11 U.S.C. § 1329 and Rule 3015, for entry of an order substantially in the form of the proposed order attached hereto as "Exhibit A" (the "Proposed Order"),[[1]](#footnote-1) approving the below-described modification(s) (each, a "Modification") to the Debtor's confirmed chapter 13 plan (the "Plan").

**A. Modification(s)** (*Complete all subparts.*)**:**

1. **Plan Payments**. The Debtor's Plan payments are $Enter amount Select frequency. The Debtor proposes (check one):

[ ]  that Plan payments remain the same; or

[ ]  to modify Plan payments by Choose increasing or decreasing the Debtor's Plan payments to $Enter amount Select frequency.

1. **Plan Term.** The Debtor's Plan term is Enter number months. The Debtor proposes (check one):

[ ]  that the Plan term remain the same; or

[ ]  to modify the Plan term by Choose extending or reducing the Plan term to Enter number months.

1. **General Unsecured Distribution.** The Plan provides that each holder of an allowed nonpriority unsecured claim that is not separately classified by the Plan (a "General Unsecured Claim") shall receive (check one):

[ ]  Enter percentage% of the creditor's General Unsecured Claim;

[ ]  100% of the creditor's General Unsecured Claim plus interest at the annual rate of Enter percentage%;

[ ]  a pro rata share of a $Enter amount pot; or

[ ]  a pro rata share of the Plan payments (totaling $Enter amount) that remain after disbursements have been made to all other creditors provided for in the Plan, if any.

This is referred to as the "General Unsecured Distribution." The Debtor proposes (check one):

 [ ]  that the General Unsecured Distribution remain the same; or

[ ]  to Select reduce, increase, or modify the General Unsecured Distribution to each holder of a General Unsecured Claim to (check one):

[ ]  Enter percentage% of the creditor's General Unsecured Claim;

[ ]  to 100% of the creditor's General Unsecured Claim plus interest at the annual rate of Enter percentage%;

[ ]  a pro rata share of a $Enter amount pot; or

[ ]  a pro rata share of the Plan payments (totaling $Enter amount) that remain after disbursements have been made to all other creditors provided for in the Plan, if any.

1. **Monthly Fixed Payments** (check one)**.**

[ ]  The Debtor proposes that the monthly fixed payment(s) provided for by the Plan (if any) remain the same; or

[ ]  The Debtor proposes to modify certain monthly fixed payment(s) provided for by the Plan[[2]](#footnote-2) as follows (complete a separate row for each fixed payment that the Debtor proposes to modify):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Creditor Name** | **Claim Type** (secured, priority, arrearage, etc.) | **Proof of Claim Number** | **Current Monthly Fixed Payment** | **Proposed Monthly Fixed Payment** |
| Enter Creditor Name | Enter Type | Claim #  | $Amount | $Amount |

**B. Basis for Relief Requested** (*Complete all subparts.*)**:**

1. **Grounds for the Modification(s).** As grounds for the Modification(s), the Debtor states as follows (e.g., describe any pertinent changes in the Debtor's circumstances, including, without limitation, job changes):

Click here to enter text.

1. **Other Exhibit(s).** To support the relief requested in the Motion (check any and all that apply):

[ ]  the Debtor has (or will)[[3]](#footnote-3) file amended schedules I and J sworn to under penalty of perjury;

[ ]  the Debtor has attached (as "Exhibit B") an affidavit or declaration; or

[ ]  other (describe): Click here to enter text.

**WHEREFORE, PREMISES CONSIDERED,** the Debtor requests entry of an order substantially in the form of the Proposed Order.

Dated:

Signature of Attorney for Debtor or pro se Debtor

 Print Name: Enter Name

 Address: Enter Address

 Telephone No. Enter Telephone No.

**EXHIBIT A**

(Attach the Proposed Order.)

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**ORDER GRANTING DEBTOR'S MOTION TO MODIFY CONFIRMED**

**CHAPTER 13 PLAN**

 This matter is before the court on the *Debtor's Motion to Modify Confirmed Chapter 13 Plan* (Doc. Enter Doc #) (the "Motion"). Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Motion. Notice of the Motion, and of the opportunity to object to the Motion and request a hearing, was provided to the chapter 13 trustee and all creditors in the Case. No interested party timely filed an Objection, and it appears to the court that the Motion should be granted. Accordingly, it is ORDERED that the Motion is GRANTED, and the Modification(s) are approved and shall take effect on the date of this order.

Dated:

 UNITED STATES BANKRUPTCY JUDGE

**EXHIBIT B**

 (Attach the affidavit or declaration; omit if not applicable.)

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**CERTIFICATE OF SERVICE**

 I hereby certify that on the date of this certificate of service, I caused the *Debtor's Motion to Modify Confirmed Chapter 13 Plan* (the "Motion"), the exhibit(s) to the Motion (the "Exhibits"), including the proposed order on the Motion, and this certificate of service[[4]](#footnote-4) to be served on the creditors and other interested parties identified on the attached mailing matrix[[5]](#footnote-5) by First-Class United States Mail.

 I also hereby certify that on the date of this certificate of service, I caused the Motion, the Exhibit(s), and this certificate of service to be served on the parties listed below by the means specified (if none, leave blank):

|  |  |
| --- | --- |
| **Name and Address** (If any entity is served care of an officer or agent, identify the person served by name and by title.) | **Method of Service**(If service is made by certified mail, include the certified mail number.) |
| Click here to enter text. | Click here to enter text. |

Dated: Select date

Signature of Attorney for Debtor or pro se Debtor

1. The movant must submit a Word version of the Proposed Order to the court's e-orders e-mail address (orders\_jhh@alnb.uscourts.gov). If the movant fails to submit the Proposed Order within **three (3) days** after the expiration of the response period, the court may enter an order denying the Motion, without prejudice, for lack of prosecution, or notice the Motion for hearing. [↑](#footnote-ref-1)
2. This form may not be used to grant a fixed payment on a claim that is not provided for by the Plan. This form may be used to remove a fixed payment granted to the holder of a priority or nonpriority unsecured claim. [↑](#footnote-ref-2)
3. If (by the response deadline) the Debtor's schedules I and J (as amended) do not to support a requested Modification to Plan payments, the court may deny the Motion, without prejudice, or notice the Motion for hearing. [↑](#footnote-ref-3)
4. This certificate of service must be attached to, and filed with, the Motion. [↑](#footnote-ref-4)
5. Attach a current, official mailing matrix for the case. [↑](#footnote-ref-5)