

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-FLINT**

IN RE:

CHAPTER 13

CASE NO:

JUDGE JOEL D. APPLEBAUM

Debtor(s)

_____ /

**NOTICE OF PROPOSED POST-CONFIRMATION PLAN
MODIFICATION**

NOW COMES _____ Debtor(s) herein, by and through their attorney, _____ and proposes the following post-confirmation plan modifications:

{Sample language}

- 1) To excuse the 20__ tax refund in the amount of \$_____ for the following reasons:_____. (See Exhibit 1: attach verification of receipts, estimates, etc. which justify the excusal)
- 2) To excuse missed plan payments up to the date of this plan modification for the reason that:
- 3) To decrease the Chapter 13 plan payments to \$_____ per _____ pursuant to a reduction in available disposable income as evidenced by the amended Schedules I/J filed concurrently with this modification. (See Exhibit 2: paystubs of the debtors)

- 4) To increase the Chapter 13 plan payments to \$_____ per _____ to allow for timely completion.
- 5) To reduce the unsecured base amount to \$_____ to allow for timely completion as there is less available disposable income as evidenced by the amended Schedules I/J filed concurrently with this modification. (See Exhibit 2: paystubs of the debtors)
- 6) To establish the dividend to Class 8 general unsecured creditors at no less than _____ of their duly filed claim.
- 7) That this plan modification does adversely affect the unsecured creditors for the reason that the unsecured creditors will not receive the 20__ income tax refunds they would have received had the refunds not been excused.

In all other respects, the Plan and Order Confirming Plan as last modified remain in full force and effect.

Liquidation Analysis: (use the original LQA from the Confirmed plan & if using the original Worksheet then attach a plan calculation to show the modified plan is feasible)

Type of Property	Fair Market Value	Liens	Debtor's Share of Equity	Exempt Amount	Non-Exempt Amount
Personal Residence					
Vehicles					
HHG/Personal Effects					
Jewelry					

Amount available up liquidation \$ _____

Less administrative expenses and costs \$ _____

Less priority claims \$ _____

Amount Available in Chapter 7 \$ _____

The Modifications to the Debtor(s) Chapter 13 plan will have following impact on creditors: (State with Specificity the impact that the plan modification will have on each class of creditors).

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_____ /

**Your rights may be affected. You should read these papers
carefully and discuss them with your attorney. (If you do not have an
attorney, you may wish to consult one.)**

If you do not want the court to grant the Post-Confirmation Plan Modification, or if you want the court to consider your views on the modification, within TWENTY-ONE (21) days from the date of service of this modification, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court

226 W. Second Street

Flint, MI 48502

¹ Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e)

If you mail your response to the court for filing, you must mail it early enough so the Court will **receive** it on or before the Twenty First (21st) day from the date of service of this modification.

You must also mail a copy to:

{Proponent's name, address and telephone number}

Chapter 13 Trustee, 400 N. Saginaw St., Ste. 331, Flint MI 48502

2. If a timely objection is filed, the court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection. The modification shall become effective upon the proponent filing a certification that no timely objection was filed.

Date: _____

Proponent's Name
Address

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ORDER GRANTING POST CONFIRMATION PLAN MODIFICATION

IT IS HEREBY ORDERED that the Debtor(s) Notice of Post Confirmation Plan Modification is granted.

IT IS FUTHER ORDERED that (state the relief requested in the plan modification).

IT IS FURTHER ORDERED that (state the relief requested in the plan modification).

IT IS FURTHER ORDERED that (state the relief requested in the plan modification).

IT IS FURTHER ORDERED that in all other respects, the Plan and Order Confirming Plan as last modified remain in full force and effect.

EXHIBIT A

ATTACH YOUR WORKSHEET

**UNITED STATES BANKRUPTCY COURT
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_____ /

CERTIFICATE OF SERVICE

I hereby certify that on _____, I electronically filed the Notice of Post-Confirmation Plan Modification and proposed order with the Clerk of the Court using ECF system; which will send notification to the following:

The following parties were served via First Class Mail at the address below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

/s/ _____

**UNITED STATES BANKRUPTCY COURT
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_____ /

**CERTIFICATION OF NO OBJECTION TO POST-CONFIRMATION
PLAN MODIFICATION**

_____, states that (s)he is the attorney of record for the within Debtors and that a copy of the Notice of Post Confirmation Plan Modification and proposed order granting the post confirmation plan modification was served; that more than TWENTY-ONE (21) days have elapsed since that service and that (s)he has received neither oral or written objections to the modification from any interested party.

Dated:

/s/ _____
Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT
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CASE NO:

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Debtor(s)

_____ /

CERTIFICATE OF SERVICE

I hereby certify that on _____, I electronically filed the Certificate of No Objection to the Post Confirmation Plan Modification with the Clerk of the Court using ECF system; which will send notification to the following:

The following parties were served via First Class Mail at the address below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

/s/ _____