

Brown Bag Meeting

MINUTES

APRIL 3, 2013

12:00 P.M.

NORTH BANK BLDG.
432 N. SAGINAW ST. STE 300
FLINT MI

MEETING CALLED BY	Chapter 13 Trustee's Office-Kris Ennis
FACILITATOR	Kris Ennis, Chapter 13 Trustee-Office Operation Manager
NOTE TAKER	Karen Newman & Katie Quinn
ATTENDEES	Jack Tubbs, Lynnmarie Johnson, Kris Ennis, Tenee Smith, Cindy Amey, Stephanie Foust, Mark Plude, Katie Quinn, Sara Skutt, Melissa Caouette, Melissa DiGamberdine, Juanita Johnson, John Topping, Beth Hudson, Leo Foley, Sr., Leo Foley, Jr., Peter Mooney, Lisa Lanxton, Susan Lackey, Jill Kreiner, Rochelle Stevens and Karen Newman

INTRODUCTION:	<p>Kris Ennis welcomes everyone for attending!</p> <ul style="list-style-type: none"> -New procedures: Meeting of Creditors will be adjourned if Trustee's Office has not received the Tax Returns and Pay Stubs 7 days before the hearing. -Voluntary Dismissals-Court now requires an Order be filed. -Chapter 13 Trustee's newest attorney for our Outreach and Debtor Education, Leo Foley, Jr. He will be responsible for creating classes for debtors.
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Agenda topics: Debtor Education Updates, New Forms and Tax Returns

DISCUSSION	<p>Leo Foley, Jr. Debtor Education Updates-hand outs (Posted on our website: www.flint13.com)</p> <p>The required Debtor Financial Course will now also be offered free through the Chapter 13 Trustee's Office one Saturday a month-starting April 20, 2013 at 9:00 am to 12:00 pm. Other available dates May 18, 2013 and June 15, 2013. The Saturday classes will be held at the Northbank Center 432 N. Saginaw St. Suite 300, Flint MI. Please contact Leo Foley at lfoley@flint13.com.</p> <p>Non-Mandatory debtor education classes will now be offered free through the Chapter 13 Trustee's Office one Thursday a month-starting April 25, 2013 at 6:00 pm to 7:00 pm. There will be different topics each month. Classes will be held at the Northbank Center 432 N. Saginaw St. Suite 300, Flint MI. Please contact Leo Foley at lfoley@flint13.com. Classes: How to Re-Establish and Improve Your Credit: on April 25 and June 20. So, Your Plan is Confirmed, What is Next?: on May 9 and July 11.</p> <p>Future classes: Budgeting, Identity Theft, Auto Financing, Loan Modifications. If you have any specific class topics that would be beneficial to your Debtor(s) please contact Leo.</p>
DISCUSSION	<p>Melissa Caouette-New Forms to the Trustee's website: www.flint13.com.</p> <p>The Trustee's Office will be providing new pleadings on our website to make the attorney's job easier. If there is a document you would like added or have any questions on the new forms, please contact Melissa at mcaouette@flint13.com. The 3 new documents:</p> <ol style="list-style-type: none"> 1) Stipulation and Order to Incur Post-Petition Debt 2) Motion, Order, Notice, Cover Sheet for Motion and Proof of Service to Incur Post Petition Debt 3) Motion for Order Allowing Insurance Company to Remit Insurance Proceeds <p>Stipulation Allowing Debtor to Incur Post-Petition: This stipulation and order can be used when the debt has no adverse effect to the creditors or the Chapter 13 Plan.</p> <p>Motion, Order, Notice, Cover Sheet for Motion and Proof of Service to Incur Post Petition Debt: This Motion should be used when the debt causes a decrease in disposable income and decreasing to the plan payments. Along with this motion a Plan Modification to show feasibility and an amended Schedules I and J.</p> <p>Motion for Order Allowing Insurance Company to Remit Insurance Proceeds: Insurance proceeds should go to the Trustee to pay off the claim and would send balance to Debtor. A motion could be filed to allow the use of cash collateral, where Trustee would keep paying the totaled vehicle payment & debtor would get the proceeds to purchase another vehicle.</p> <p>Another hand out Automobile Dealers: This is a list of dealerships that knows the bankruptcy program and will give affordable interest rates. This list has been borrowed from Thomas McDonald, Chapter 13 Trustee-Saginaw. We are currently in discussions with local dealers and financiers in our local area. Our findings will be posted to our website soon.</p>
DISCUSSION:	<p>Mark Plude- Tax Returns Review: 400 to 500 tax returns have been reviewed. If Debtors' income has increased by 15% or \$15,000 an email might be sent to debtor's attorney requesting a plan modification. Reminder that the Trustee's Office needs the COMPLETE Federal tax returns. It would be very helpful to provide a coversheet explaining the change in circumstances if there is an increase.</p>
HANDOUTS:	<p>Weekend Education and Orientation Classes/Additional Classes with map of location The above 3 noted new Forms Automobile Dealers</p>

CARL L. BEKOFKSKE
STANDING CHAPTER 13 TRUSTEE

400 N. Saginaw St., Ste. 331
Flint, Michigan 48502
Telephone: (810) 238-4675
Fax: (810) 238-4712
www.flint13.com

April 2, 2013

The Office of the Standing Chapter 13 Trustee, Carl Bekofske, is happy to announce additional times for our existing Debtor Orientation and Education Classes as well as a series of free workshops for people in the Chapter 13 Process. Based on demand by previous debtors we are offering a class on **Credit Rehabilitation** as well as a class that covers a number of **Frequently Asked Questions Following Confirmation**. Over the next several months we will add classes on other topics. The additional classes and the weekend debtor education classes will be held in our classroom at Northbank Center 432 N. Saginaw St. Flint, MI Suite 300. Please see attached map.

WEEKEND EDUCATION AND ORIENTATION CLASSES

If you cannot attend the Mandatory Education and Orientation classes on the morning of your 341 hearing the Chapter 13 trustee will be offering weekend classes approximately once monthly. The upcoming weekend dates are **4/20/13**, **5/18/13** and **6/15/13**. The weekend classes will be held from 9 AM until 12 PM at the Northbank Center 432 N. Saginaw St. Flint, MI Suite 300. Please note this is a different location than the Federal Courthouse where the 341 hearings are held! Please see attached Map.

If you and a guest want to attend one of these sessions please contact the Trustee's office at (810) 238-4675 or email lfoley@flint13.com to reserve a space. Please indicate the number of people that will be attending. These classes are also held at **NO** cost.

If you elect to attend one of the Weekend Education classes **YOU ARE STILL REQUIRED TO ATTEND** your scheduled 341 hearing.

ADDITIONAL CLASSES

The now offering a series of NON MANDATORY educational classes to Chapter 13 debtors.

There is **NO** charge for these classes.

How to Re-Establish and Improve Your Credit

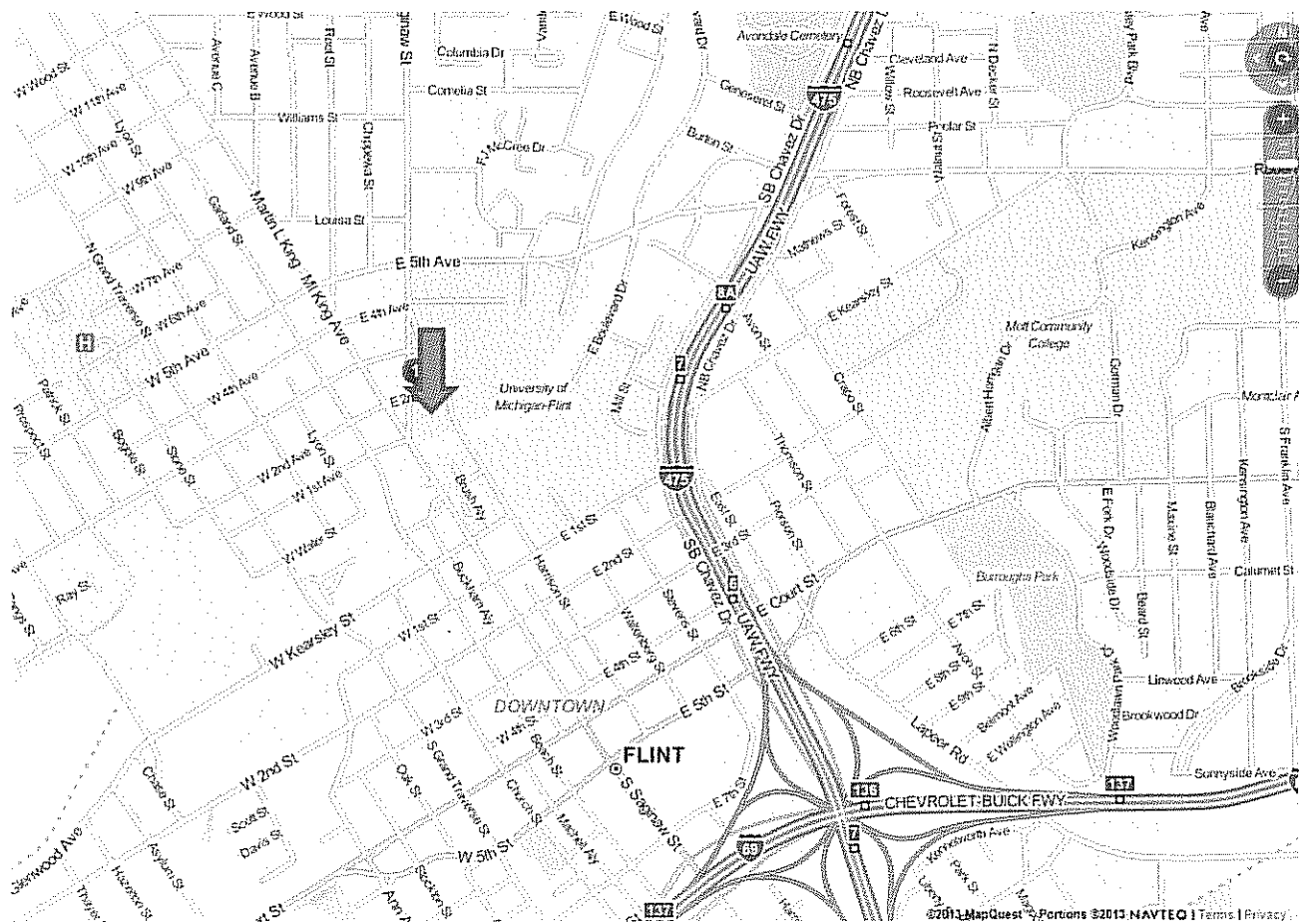
- Covering Credit Rehabilitation
- Discuss the purpose of Credit Rating, how it is determined and how it can be improved.
- Offered **4/25/13** and **6/20/13**

So, Your Plan is Confirmed. What is next?

- Frequently Asked Questions Post Confirmation
- How to Interpret your Documents and keep your case on target.
- Offered **5/9/13** and **7/11/13**

The additional classes will be held at the Northbank Center 432 N. Saginaw St. Flint, MI Suite 300 **from 6 PM until 7 PM.**

If you want to attend one of these sessions please contact the Trustee's office at (810) 238-4675 or email lfoley@flint13.com to reserve a space. These classes are also held at **NO** cost.



The Northbank Center is located at the arrow. Approximately 15 minutes prior to the scheduled start time a staff member will be waiting in the lobby of the Northbank Center to direct you to the classroom. Our classroom, Suite 300, is located on the third floor next to the elevators.

Parking is available on the street and at the Northbank Center Parking Garage which is located off 2nd Avenue between Saginaw and Harrison Streets. There is a \$2.00 charge to park in the garage.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Case No.
Chapter 13
HON. Daniel S. Opperman

Debtor(s).

_____ /

STIPULATION ALLOWING DEBTOR(S) TO INCUR POST-PETITION DEBT

The above-captioned Debtor(s) and Carl L. Bekofske, Standing Chapter 13 Trustee, hereby stipulate and agree to the entry of an Order Allowing Debtor(s) to Incur Post-Petition Debt, which is attached hereto as Exhibit A. Debtor(s) require the incurrence of additional debt for the following reasons: _____

Notice is not required as the incurrence of post-petition debt does not adversely affect creditors or the Chapter 13 plan.

CARL L. BEKOFKSKE (P10645)
Chapter 13 Standing Trustee
400 N. Saginaw Street, Ste. 331
Flint, MI 48502
(810) 238-4675
ect@flint13.com

Attorney for Debtor(s)

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

In Re:

Case No.
Chapter 13
HON. Daniel S. Opperman

_____ Debtor(s). /

ORDER ALLOWING DEBTOR(S) TO INCUR POST-PETITION DEBT

The above captioned Debtor(s) having filed a Petition for relief under Chapter 13 of the Bankruptcy Code, having sought to obtain post-petition debt and consent of the Chapter 13 Standing Trustee having been obtained, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the Debtor(s) are hereby authorized to enter into a credit contract pursuant to the following terms:

Type of Transaction:	<u>(indicate whether Purchase or Lease)</u>
Type of Vehicle:	<u>(List the year, make and model)</u> or similar vehicle
Finance Company:	_____ or similar Finance Co.
Term:	_____
Amount Financed:	_____
Monthly Payment:	_____
Interest Rate:	_____
Payment Method:	<u>Direct by Debtor(s)</u>
Down Payment Source:	_____

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

IT IS FURTHER ORDERED that this Order shall be valid for only ninety (90) days after entry with the Court and Debtors shall provide the Trustee with copies of financing documents evidencing the terms of the credit contract including the name and address of the creditor within 14 days of purchase.

Exhibit A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Debtor(s).
_____ /

Case No. _____ -DOF
Honorable Opperman
Chapter 13

MOTION TO INCUR POST PETITION DEBT

NOW COMES _____, Debtor(s) herein, through his/her/their attorney(s),
_____, for the purpose seeking court permission to allow Debtor(s) to incur post-petition debt as follows:

1. That the within Chapter 13 Petition was commenced _____.
2. That the Chapter 13 Plan was confirmed _____.
3. That the confirmed Chapter 13 plan requires the Debtor(s) to obtain court permission prior to incurring debt in excess of \$1,000.00.
4. That it is necessary for the Debtor(s) to incur post-petition debt of more than \$1,000.00 for the reason that Debtor(s) wish to purchase a _____ or similar vehicle. Debtor(s) prior vehicle a _____ is no longer operational for the reason that _____.
5. The amount of post-petition debt to be incurred is \$ _____ which will be paid directly by the Debtor(s) to _____ or similar finance company in monthly installments of \$ _____, with interest at the rate of _____ % for a term of _____ months. Debtors will contribute a down payment of \$ _____ which will come from _____.
(See Exhibit 6-1: Good Faith Estimate)

WHEREFORE, the Debtor(s) pray(s) that the court grant the relief requested and allow Debtor(s) to incur post-petition debt as specified above.

/s/ _____
By: Debtor(s) Attorney

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Debtor(s).
_____ /

Case No. _____ -DOF
Honorable Opperman
Chapter 13

ORDER ALLOWING THE INCURRENCE OF POST PETITION DEBT

This matter having come on for consideration based upon the filing of a Motion to Incur Post-Petition Debt pursuant to E.D. Mich. L.B.R. 9014-1, a Certification of Non Response having been filed, the required notice having been provided, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that Debtor(s) is/are allowed to incur post-petition debt in in order to purchase a _____ or similar vehicle in the amount of \$ _____ which will be paid directly by the Debtor(s) to _____ or similar finance company in monthly installments of \$ _____, with interest at the rate of _____ % for a term of _____ months. Debtors will contribute a down payment in the amount of \$ _____ which will come from _____.

IT IS FURTHER ORDERED that this Order shall be valid for 90 days after entry with the Court and Debtor(s) shall provide the Trustee with copies of financing documents evidencing the terms of the purchase including the name and address of the secured creditor within 14 days of purchase.

Exhibit 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Debtor(s).
_____ /

Case No. -DOF
Honorable Opperman
Chapter 13

NOTICE OF MOTION TO INCUR POST PETITION DEBT

The Debtor(s) has/have filed papers with the Court allowing Debtor(s) to incur post-petition debt in the amount of \$ _____.

Your rights may be affected. You should read these papers carefully and discuss them 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 do not want the Court to grant the Motion to Incur Post-Petition Debt, or if you want the Court to consider your views on the motion **within 14 days** 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 West Second Street
Flint, MI 48502

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 FOURTHTEENTH (14th) day from the date of this motion.

You must also mail a copy to:

Carl L. Bekofske Standing Chapter 13 Trustee 400 North Saginaw Street, Suite 331 Flint, MI 48502;
Debtor Attorney _____.

2. **If a response or answer is timely filed and served, the court will schedule a hearing on the matter and you will be notified as to the time and date of the hearing.**

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, and may enter an order granting that relief.

Dated:

/s/ _____
By: Debtor(s) Attorney

Exhibit 2

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

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

IN RE:

Debtor(s).
_____ /

Case No. _____ -DOF
Honorable Opperman
Chapter 13

**COVER SHEET FOR MOTION TO USE CASH
COLLATERAL OR TO OBTAIN CREDIT**

The Debtor(s) has/have filed a motion to use cash collateral or to obtain post-petition financing, which is attached to this Cover Sheet. In accordance with LBR 4001-2(b) (E.D.M.), the Debtor(s) has/have identified below, by page and paragraph number, the location in the proposed order accompanying the motion of each of the following provisions:

Provision	Contained in Proposed Order	Location in Proposed Order
(1) Provisions that grant liens on the estate's claims and causes of action arising under Chapter 5 of the Code.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(2) Provisions that grant cross-collateralization protection to the prepetition secured creditor (i.e., clauses that secure prepetition debt with categories of collateral that were not covered by the secured party's lien prepetition) other than liens granted solely as adequate protection against diminution in value of a prepetition creditor's collateral.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(3) Provisions that establish a procedure or conditions for relief from the automatic stay.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(4) Provisions regarding the validity or perfection of a secured creditor's prepetition liens or that release claims against a secured creditor.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(5) Provisions that prime any lien without that lienholder's consent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(6) Provisions that relate to a sale of substantially all of the debtor's assets.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __

(7) Provisions for the payment of professional fees of the debtor or any committees, including any carve-outs for such payments.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(8) Provisions for the payment of prepetition debt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(9) Provisions that waive the debtor's exclusive right to file or solicit acceptances of a plan during the time periods specified in 11 U.S.C. § 1121.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(10) Provisions that require the debtor's plan to be on terms acceptable to the secured creditor.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(11) Provisions that require or prohibit specific terms in the debtor's plan.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(3) Provisions that establish a procedure or conditions for relief from the automatic stay.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(4) Provisions regarding the validity or perfection of a secured creditor's prepetition liens or that release claims against a secured creditor.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(5) Provisions that prime any lien without that lienholder's consent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(6) Provisions that relate to a sale of substantially all of the debtor's assets.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(7) Provisions for the payment of professional fees of the debtor or any committees, including any carve-outs for such payments.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(8) Provisions for the payment of prepetition debt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(9) Provisions that waive the debtor's exclusive right to file or solicit acceptances of a plan during the time periods specified in 11 U.S.C. § 1121.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(10) Provisions that require the debtor's plan to be on terms acceptable to the secured creditor.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __

(11) Provisions that require or prohibit specific terms in the debtor's plan.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(12) Provisions establishing that proposing a plan inconsistent with the order constitutes a default.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(13) Provisions that waive surcharge under 11 U.S.C. § 506(c).	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(14) Provisions that address the rights and obligations of guarantors or co-obligors.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(15) Provisions that prohibit the debtor from seeking approval to use cash collateral without the secured creditor's consent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(16) Provisions that purport to bind a subsequent trustee.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(17) Provisions that obligate the debtor to pay any of a secured creditor's professional fees.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __

Date: _____

[Debtor(s) Attorney]

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Debtor(s).

Case No. -DOF
Honorable Opperman
Chapter 13

_____ /

CERTIFICATE OF SERVICE

I hereby certify that on _____ I served a copy of Motion to Incur Post Petition Debt, Notice of Motion to Incur Post Petition Debt, and proposed Order to:

Carl L. Bekofske
400 N. Saginaw St.
Ste. 331
Flint, MI 48503
ecf@flint13.com

All interested parties on the attached Matrix

Electronically pursuant to the court notice of service and to those not electronically registered by placing documents in an envelope, addressed and placing same in U.S. Mail with prepaid postage.

/s/ _____

Exhibit 4

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Debtor(s).
_____ /

Case No. 07-33893-DOF
Honorable Opperman
Chapter 13

**MOTION FOR ORDER ALLOWING INSURANCE COMPANY TO
REMIT INSURANCE PROCEEDS TO THE CHAPTER 13 TRUSTEE, ALLOW DISBURSEMENT ON
SECURED CLAIM AND
ALLOWING THE CHAPTER 13 TRUSTEE TO REFUND REMAINING INSURANCE PROCEEDS
TO THE DEBTOR(S) FOR THE PURPOSE OF PURCHASING VEHICLE**

Now Comes the Debtor(s) Name of Debtors by and through his/her/their attorney, Name of Debtor(s) Attorney, and moves this Court to allow Name of Insurance Company to remit insurance proceeds to the Chapter 13 Trustee as follows:

1. That on Date of Petition, the within Debtor(s) commenced these proceedings for relief under Chapter 13 of the Bankruptcy Code.
2. That on Date of Confirmation, the Court confirmed the Debtor(s) Plan.
3. That on or about Date of loss Debtor(s) became eligible to receive a check from the Name of Insurance Company in the amount of \$ _____ as proceeds due under its insurance agreement from loss due to the total destruction of collateral securing a loan from Name of Secured Creditor and consisting of Debtor(s) vehicle to wit: a year, make and model of vehicle. Vin Number: _____.
4. That Name of Insurance Company shall make the insurance proceeds check payable to the Chapter 13 Standing Trustee in the amount of \$ _____, or in such other amount that Name of Insurance Company determines the claim to be. The insurance proceeds check shall include Debtor(s) name and case number _____ on the insurance proceeds check. Name of Insurance Company shall mail the insurance proceeds check to the following address:

Chapter 13 Trustee – Flint
P.O. Box 2175
Memphis TN 38101-2175
5. That the Chapter 13 Trustee shall disburse from such proceeds, funds in an amount not to exceed full payment of Name of secured creditor's, secured claim, in the amount shown on the Chapter 13 Trustee's records.
6. That upon receipt of their portion of the insurance proceeds Name of secured Creditor shall promptly present a release of lien to Name of Insurance Company in a form satisfactory to Name of Insurance Company.

7. That the Chapter 13 Trustee shall refund the remaining insurance proceeds, if any, less applicable trustees fees, to the Debtors who shall be authorized to use the proceeds solely to purchase a replacement vehicle and any incidental costs and expenses of that purchase. Should the purchase of a replacement vehicle require the incurrence of a new loan which exceeds \$1,000.00 Debtor(s) shall file a separate motion or seek the concurrence via Stipulation from the Chapter 13 Trustee detailing the terms of the new loan.

WHEREFORE, Debtor(s) pray as follows:

- A. That Name of Insurance Company shall make the insurance proceeds check payable to the Chapter 13 Standing Trustee in the amount of \$ _____, or in such other amount that Name of Insurance Company determines the claim to be.
- B. That Name of Insurance Company shall make the insurance proceeds check payable to the Chapter 13 Standing Trustee in the amount of \$ _____, or in such other amount that Name of Insurance Company determines the claim to be. The insurance proceeds check shall include Debtor(s) name and case number _____ on the insurance proceeds check. Name of Insurance Company shall mail the insurance proceeds check to the following address:
- Chapter 13 Trustee – Flint
P.O. Box 2175
Memphis TN 38101-2175
- C. That the Chapter 13 Trustee shall disburse from such proceeds, funds in an amount not to exceed full payment of Name of secured creditor's, secured claim, in the amount shown on the Chapter 13 Trustee's records.
- D. That upon receipt of their portion of the insurance proceeds Name of secured Creditor shall promptly present a release of lien to Name of Insurance Company in a form satisfactory to Name of Insurance Company.
- E. That the Chapter 13 Trustee shall refund the remaining insurance proceeds, if any, less applicable trustees fees, to the Debtors who shall be authorized to use the proceeds solely to purchase a replacement vehicle and any incidental costs and expenses of that purchase. Should the purchase of a replacement vehicle require the incurrence of a new loan which exceeds \$1,000.00 Debtor(s) shall file a separate motion or seek the concurrence via Stipulation from the Chapter 13 Trustee detailing the terms of the new loan.

Date:

/s/

Debtors counsel name and address

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Debtor(s).
_____ /

Case No.
Honorable Opperman
Chapter 13

**ORDER ALLOWING INSURANCE COMPANY TO
REMIT INSURANCE PROCEEDS TO THE CHAPTER 13 TRUSTEE, ALLOW DISBURSEMENT ON
SECURED CLAIM AND
ALLOWING THE CHAPTER 13 TRUSTEE TO REFUND REMAINING INSURANCE PROCEEDS
TO THE DEBTOR(S) FOR THE PURPOSE OF PURCHASING VEHICLE**

This matter having come on to be heard upon the Motion Allowing Insurance Company to Remit Insurance Proceeds to the Chapter 13 Trustee, Allow Disbursement on Secured Claim and Allowing the Chapter 13 Trustee to Refund Remaining Insurance Proceeds to the Debtor(s) for the Purpose of Purchasing a new vehicle;

NOW, THEREFORE IT IS HEREBY ORDERED that That Name of Insurance Company shall make the insurance proceeds check payable to the Chapter 13 Standing Trustee in the amount of \$ _____, or in such other amount that Name of Insurance Company determines the claim to be.

IT IS FURTHER ORDERED that That Name of Insurance Company shall make the insurance proceeds check payable to the Chapter 13 Standing Trustee in the amount of \$ _____, or in such other amount that Name of Insurance Company determines the claim to be. The insurance proceeds check shall include Debtor(s) name and case number _____ on the insurance proceeds check. Name of Insurance Company shall mail the insurance proceeds check to the following address:

Chapter 13 Trustee – Flint
P.O. Box 2175
Memphis TN 38101-2175

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall disburse from such proceeds, funds in an amount not to exceed full payment of Name of secured creditor's, secured claim, in the amount shown on the Chapter 13 Trustee's records.

IT IS FURTHER ORDERED that upon receipt of their portion of the insurance proceeds Name of secured Creditor shall promptly present a release of lien to Name of Insurance Company in a form satisfactory to Name of Insurance Company.

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall refund the remaining insurance proceeds, if any, less applicable trustees fees, to the Debtors who shall be authorized to use the proceeds solely to purchase a replacement vehicle and any incidental costs and expenses of that purchase. Should the purchase of a replacement vehicle require the incurrence of a new loan which exceeds \$1,000.00 Debtor(s) shall file a separate motion or seek the concurrence via Stipulation from the Chapter 13 Trustee detailing the terms of the new loan

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No.
Honorable Opperman
Chapter 13

Debtor(s).
_____ /

**NOTICE OF MOTION ALLOWING INSURANCE COMPANY TO
REMIT INSURANCE PROCEEDS TO THE CHAPTER 13 TRUSTEE, ALLOW DISBURSEMENT ON
SECURED CLAIM AND
ALLOWING THE CHAPTER 13 TRUSTEE TO REFUND REMAINING INSURANCE PROCEEDS
TO THE DEBTORS FOR THE PURPOSE OF PURCHASING VEHICLE**

The Chapter 13 Trustee has filed papers with the Court allowing Insurance Company to Remit Insurance Proceeds to the Chapter 13 Trustee, Allow Disbursement on Secured Claim and Allowing the Chapter 13 Trustee to Refund Remaining Insurance Proceeds to the Debtor(s) for the purpose of Purchasing of Vehicle.. **Your rights may be affected.** You should read these papers carefully and discuss them 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 do not want the Court to grant the Motion Allowing Insurance Company to Remit Insurance Proceeds to the Chapter 13 Trustee, Allow Disbursement on Secured Claim and Allowing the Chapter 13 Trustee to Refund Remaining Insurance Proceeds to the Debtor(s) for the Purpose of Purchasing a new vehicle, or if you want the Court to consider your views on the motion **within 14 days** 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 West Second Street
Flint, MI 48502

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 **FOURTHTEENTH (14th)** day from the date of this motion.

You must also mail a copy to:

Carl L. Bekofske Standing Chapter 13 Trustee 400 North Saginaw Street, Suite 331 Flint, MI 48502;

2. **If a response or answer is timely filed and served, the court will schedule a hearing on the matter and you will be notified as to the time and date of the hearing.**

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, and may enter an order granting that relief.

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

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No.
Honorable Opperman
Chapter 13

Debtor(s).

_____ /

CERTIFICATE OF SERVICE

I hereby certify that on _____ I electronically filed the Motion Allowing Insurance Company to Remit Insurance Proceeds to the Chapter 13 Trustee, Allow Disbursement on Secured Claim and Allowing the Chapter 13 Trustee to Refund Remaining Insurance Proceeds to the Debtor(s) for the Purpose of Purchasing a new vehicle 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 posting affixed thereto:

All interested parties on the attached Matrix

Debtor's Attorney

Automobile Dealers

'that know the program'

Dealership	Address	NAME	phone	ext.	fax	toll-free
Garber	5925 State Street, Saginaw	John Weiss	989-497-5280		989-497-8391	877-387-5677
		Thomas Ward	989-497-2222	1602	989-497-8365	877-387-5677
	5330 Bay Road, Saginaw	Eddie Laponsie	989-399-8550		989-792-3379	
Mike Young	312 N. Main Street, Frankenmuth	Ken Wolverton	989-652-5064		989-652-0114	877-987-0101
		Dan Kennedy				
Martin Chevy	8800 Gratiot Road, Saginaw	Roy Miller	989-781-4590	337	989-781-9278	