

Appendix 3A. Chapter 12 or Chapter 13 Plan.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:) Bankr. No. 18-90000
) Chapter 13
 JANE ANNE ANONYMOUS)
 fdba Jane's Flower Shop)
 SSN/ITIN xxx-xx-0000) PLAN DATED _____ __, 20__
)
 Debtor.)

Part 1. Notice of Certain Items

The following items may be of particular importance to some creditors. Creditors and other parties in interest are given notice of them pursuant to Federal Rule of Bankruptcy Procedure 3015.1.

1.1	Nonstandard provisions.	<input type="checkbox"/> Included in Part 8	<input type="checkbox"/> Not Included
1.2	A limit on the amount of a secured claim based on a valuation of the collateral for the claim, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included in Part 5.3	<input type="checkbox"/> Not Included
1.3	Avoidance of a judicial lien or a nonpossessory, nonpurchase money security interest on property claimed exempt.	<input type="checkbox"/> Included in Part ____	<input type="checkbox"/> Not Included

Part 2. Plan Term and Debtor's(s') Payments to Trustee

2.1 Plan term. Debtor(s) will make the first plan payment on or before _____ __, 20__ and the last plan payment on or before _____ __, 20__.

2.2 Debtor's(s') payments to the trustee. Debtor(s) will pay \$ _____ per month to the chapter 13 trustee for __ months, for a total of \$ _____.

During the plan term, Debtor(s) will give the trustee a copy of each federal income tax return at the same time the return is filed. Debtor(s) will also turn over to the trustee

any federal income tax refunds Debtor(s) receives(), after any statutory set-off by the Internal Revenue Service, for tax years 20__, 20__, 20__, 20__, and 20__.

Debtor(s) also commits() to the plan any disposable income, as defined by 11 U.S.C. § 1325(b)(2), that Debtor(s) receives() during the plan term.

Part 3. Treatment of Administrative Expenses and Other Priority Claims

3.1 Trustee fees. The trustee's fees will be paid from Debtor's(s') plan payments, including any tax refunds or disposable income committed to the plan, at the rate provided by 11 U.S.C. § 326(b) and 28 U.S.C. § 586(e).

3.2 Debtor's(s') attorney fees.

No such claim owed.

After Debtor's(s') attorney files and gives notice of a fee application, the Court will enter an order awarding the attorney fees consistent with 11 U.S.C. § 330. The attorney fees awarded will be paid as follows:

Estimated total fees paid through plan	Estimated payments
\$ _____	\$ _____ per month for __ months beginning _____, 20__.

If the Court awards fees that total less than the estimate above, unsecured creditors may receive a distribution that is more than the estimate set forth in Part 6. If the Court awards fees that total more than the estimate above, Debtor(s) may file a motion to modify the confirmed plan to provide for those additional fees. If the Court approves the modification, unsecured creditors may receive a distribution that is less than the estimate set forth in Part 6. The actual amount of the monthly installment will be calculated by the trustee based on the Court's fee order.

3.3 Domestic support obligations to be paid in full.

No such claim owed.

The allowed priority claims listed below are based on a domestic support obligation that has *not* been assigned to a governmental unit or is *not* owed to a government

unit. Debtor(s) is(are) current on these obligations, and Debtor(s) will continue to directly pay these claims in full as they become due.

Brief description of claim	Total claim	Amount to be paid during plan term
_____	\$ _____	\$ _____ at \$ _____ per month.
_____	\$ _____	\$ _____ at \$ _____ per month.

3.4 Domestic support obligations assigned to or owed to a government unit and that may be paid *less than* full amount.

No such claim owed.

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. During the plan term, each may be paid less than the full amount of the claim pursuant to 11 U.S.C. § 1322(a)(4) through disbursements by the trustee.

Name of government unit	Total claim	Monthly payment	Number of payments and date payments begin
_____	\$ _____	\$ _____	_____, 20__
_____	\$ _____	\$ _____	_____, 20__

3.5 Other priority claims.

No such claim owed.

The priority claims under 11 U.S.C. § 507 listed below will be paid in full during the plan term, without interest, through disbursements by the trustee:

Name of creditor	Priority claim	Monthly payment	Number of payments and date payments begin
_____	\$ _____	\$ _____	_____, 20__
_____	\$ _____	\$ _____	_____, 20__

Part 4. Executory Contracts and Unexpired Leases

4.1 Assumptions.

None to assume.

Debtor(s) assumes() the executory contracts and unexpired leases listed below. The trustee will make any arrearage payments specified. Debtor(s) will make the remaining current installment payments.

Name of lessor or other party to contract	Description of leased property or subject of executory contract	Arrearage, if any, and payment terms	Current installment terms
_____	_____	\$ _____ total, at \$ ___ per month for __ months	\$ _____ per month for __ months
_____	_____	\$ _____ total, at \$ ___ per month for __ months	\$ _____ per month for __ months

4.2 Rejections.

None to reject.

Debtor(s) rejects() the following executory contracts and unexpired leases. Any claim arising from a rejection will be treated as a general unsecured claim in Part 6.

Name of lessor or other party to contract	Description of leased property or subject of executory contract
_____	_____
_____	_____

Part 5. Treatment of Secured Claims

5.1 Claims secured only by Debtor's(s') principal residence.

No such claim owed.

Description: [insert legal description and any street address of principal residence].

Any arrearage on the claim(s) listed below will be paid in full during the plan term through disbursements by the trustee, with interest, if any, at the rate stated. If there is no arrearage, "none" is inserted. Debtor(s) will make the current installment payments to the creditor(s) during the plan term and thereafter, as may be necessary. Unless otherwise stated, the balance owed and Debtor's(s') current installment payments, as to the amount, the rate of interest, and the length of the repayment term, will be consistent with the written agreement between Debtor(s) and the creditor and may occasionally change pursuant to the agreement's terms.

Unless otherwise ordered by the Court, the amount of the arrearage and the balance owed stated below are controlling and, if the value of the creditor's collateral exceeds the amount of its allowed claim, the balance owed includes interest and other allowances provided by 11 U.S.C. § 506(b), unless the creditor has otherwise agreed. A creditor listed below will retain its lien or other encumbrance on the collateral stated until the creditor's claim is paid in full pursuant to the written agreement between Debtor(s) and the creditor, at which time the lien or other encumbrance will terminate and shall be promptly released by the creditor.

If the Court grants a creditor listed below relief from the automatic stay regarding the Debtor's(s') principal residence, then, unless otherwise ordered by the Court, the trustee's payments to that creditor under this part will cease.

Name of creditor	Arrearage, if any, and payment terms ["none" inserted if no arrearage]	Balance, excluding any arrearage, and current installment terms
_____	\$ _____ at \$ _____ per month for __ months, which includes interest at ____%.	\$ _____ at \$ _____ per month for __ months, which includes interest at agreement rate.
_____	\$ _____ at \$ _____ per month for __ months, which includes interest at ____%.	\$ _____ at \$ _____ per month for __ months, which includes interest at agreement rate.

5.2 Claims fully secured by real or personal property, excluding claims in Parts 5.1 and 5.4.

No such claim owed.

Any arrearage on the claim(s) listed below will be paid in full during the plan term through disbursements by the trustee, with interest, if any, at the rate stated. If there is no arrearage, "none" is inserted. Debtor(s) will make the current installment payments to the creditor(s) during the plan term and thereafter, as may be necessary. Unless otherwise stated, the balance owed and Debtor's(s') installment payments, as to the amount, the rate of interest, and the length of the repayment term, will be consistent with the written agreement between Debtor(s) and the creditor and may occasionally change pursuant to the agreement's terms.

Unless otherwise ordered by the Court, the amount of the arrearage and the balance owed stated below are controlling and, if the value of the creditor's collateral exceeds the amount of its allowed claim, the balance owed includes interest and other allowances provided by 11 U.S.C. § 506(b), unless the creditor has otherwise agreed. A creditor listed below will retain its lien or other encumbrance on the collateral stated until the creditor's claim is paid in full pursuant to the written agreement between Debtor(s) and the creditor, at which time the lien or other encumbrance will terminate and shall be promptly released by the creditor.

If the Court grants a creditor listed below relief from the automatic stay regarding the collateral described below, then, unless otherwise ordered by the Court, the trustee's payments to that creditor under this part will cease.

Name of creditor and description of collateral	Arrearage, if any, and payment terms ["none" inserted if no arrearage]	Balance, excluding any arrearage, and current installment terms
_____ _____ _____	\$ _____ at \$ _____ per month for __ months, which includes interest at ____%.	\$ _____ at \$ _____ per month for __ months, which includes interest at agreement rate.
_____ _____ _____	\$ _____ at \$ _____ per month for __ months, which includes interest at ____%.	\$ _____ at \$ _____ per month for __ months, which includes interest at agreement rate.

5.3 Claims partially secured by real or personal property as provided by 11 U.S.C. § 506(a).

No such claim owed.

A creditor listed below will be paid, pursuant to 11 U.S.C. § 506(a), the secured portion of its claim to the extent of the value of its collateral. The secured portion will be paid through installment payments with interest, if any, at the rate stated. During

the plan term, the installment payments will be made by the trustee. After the plan term, any remaining installment payments will be made by Debtor(s) directly to the creditor. A creditor listed below as having a secured claim will retain its lien or other encumbrance on the collateral stated until the secured claim is paid in full, at which time the lien or other encumbrance will terminate and shall be promptly released by the creditor.

The unsecured portion of a claim held by a creditor listed below will be paid by the trustee in Part 6. If the collateral securing a claim is valued at zero, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 6.

Unless otherwise ordered by the Court, the amount of the creditor's total claim and the value of the creditor's collateral stated below are controlling.

If the Court grants a creditor listed below relief from the automatic stay regarding the collateral described below, then, unless otherwise ordered by the Court, the trustee's payments to that creditor under this part will cease.

Name of creditor and description of collateral	Value of collateral	Total amount of senior encumbrances	Amount of unsecured claim	Amount of secured claim and payment terms
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____				at \$ _____ per month for ___ months, which includes interest at ____%.
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____				at \$ _____ per month for ___ months, which includes interest at ____%.
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____				at \$ _____ per month for ___ months, which includes interest at ____%.
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____				at \$ _____ per month for ___ months, which includes interest at ____%.

5.4 Secured claims excluded from 11 U.S.C. § 506.

No such claim owed.

A creditor listed below holds a claim that either was incurred within 910 days before the petition date and is secured by a purchase money security interest in a motor vehicle acquired for personal use or was incurred within one year of the petition date and is secured by a purchase money security interest in any thing of value. These claims will be paid in full pursuant to the written agreement between Debtor(s) and the creditor. During the plan term, the installment payments will be made by the trustee. After the plan term, any remaining installment payments will be made by Debtor(s) directly to the creditor. A creditor listed below will retain its lien or other encumbrance on the collateral stated until the claim is paid in full, at which time the lien or other encumbrance will terminate and shall be promptly released by the creditor. Unless otherwise ordered by the Court, the claim amounts stated below are controlling.

If relief from the automatic stay is granted to a secured creditor listed below as to the collateral described below, then, unless otherwise ordered by the Court, all payments by the trustee under this part to that creditor will cease.

Name of creditor and description of collateral	Total claim	Current installment term
_____	\$ _____	\$ _____ per month for _____ months.
_____	\$ _____	\$ _____ per month for _____ months.

5.5 Surrender of collateral and relief from stay; continuation of co-debtor stay.

No collateral to be surrendered.

Debtor(s) elects() to surrender to the creditor(s) listed below the collateral that secures that particular creditor's claim. Pursuant to Debtor's(s') request, upon confirmation of this plan, a creditor listed below is given relief from the automatic stay imposed by 11 U.S.C. § 362(a) to exercise the creditor's nonbankruptcy law remedies regarding the collateral described below. The co-debtor stay will remain in place unless and until the creditor seeks and obtains relief from the co-debtor stay pursuant to 11 U.S.C. § 1301(c) and Bankr. D.S.D. R. 4001-4. Unless otherwise ordered by the Court, any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 6⁷ upon and the creditor's filing of a proof of claim or an amended proof of claim setting forth the amount of the unsecured claim.

Name of creditor	Description of collateral being surrendered
_____	_____
_____	_____

Part 6. Treatment of Unsecured, Nonpriority Claims.

No such claim owed.

After making the disbursements described in Parts 3, 4.1, and 5, the trustee will distribute the balance of the plan payments and other funds received from Debtor(s), including any tax refunds and disposable income committed to the plan, to creditors holding unsecured, nonpriority claims who timely file a proof of claim on or before the deadline established by Federal Rule of Bankruptcy Procedure 3002(c). If a creditor holding an unsecured, nonpriority claim receives appropriate notice of the case but fails to timely file a proof of claim, that creditor's claim will be discharged to the extent set forth in 11 U.S.C. § 1328(a) when Debtor(s) completes() all plan payments. If all unsecured, nonpriority creditors known to Debtor(s) timely file proofs of claim, each creditor holding an unsecured, nonpriority claim will receive approximately _____ % of its allowed claim.

Attached to this plan as Exhibit B and incorporated by reference is Debtor's(s') liquidation analysis showing the total payments under this section to creditors holding unsecured, nonpriority claims will be at least as much as these creditors would receive if Debtor's(s') nonexempt assets were liquidated in a case under chapter 7 of the bankruptcy code.

Part 7. Other Provisions

7.1 Property of the estate. Unless otherwise ordered by the Court, property of the bankruptcy estate will vest with Debtor(s) upon confirmation of the plan.

7.2 Changes in Debtor's(s') income and expenses.

No post-petition changes in income or expenses.

Since the petition date, Debtor's(s') income and expenses have changed. These changes are reflected in the proposed plan payments. Debtor(s) has (have) filed a Supplement Schedule I and a Supplement Schedule J reflecting these changes. A copy may be viewed on the Court's docket or obtained by request from Debtor's(s') attorney, whose contact information is provided below.

7.3 Taxes. During the plan term, Debtor(s) will timely file all tax returns required by any government entity and will provide a copy of each return to the trustee at the same time the return is filed. During the plan term, Debtor(s) will also pay when due any tax imposed by any government entity.

Part 8. Nonstandard Provisions

None.

A nonstandard provision is a provision not otherwise included in Appendix 3A of the local bankruptcy rules for the District of South Dakota. Pursuant to Federal Rules of Bankruptcy Procedure 3015(c) and 3015.1(e)(1), nonstandard provisions are set forth in this part only. Any nonstandard provision set forth elsewhere in this plan is ineffective.

This plan includes the following nonstandard provisions:

Part 9. Signatures of Debtor(s) and Attorney for Debtor(s)

By signing and filing this plan, Debtor(s), if not represented by an attorney, or the attorney for Debtor(s) certifies(y) the plan does not contain any nonstandard provisions other than any set forth in Part 8.

Dated: _____, 20__.

X _____
Debtor's Signature

Debtor's Name (typed)

Dated: _____, 20__.

X _____
Joint Debtor's Signature

Joint Debtor's Name (typed)

Dated: _____, 20__.

X _____
Debtor's(s') Attorney's Signature

Debtor's(s) Attorney's Name
and Contact Information (typed)

Exhibit A. Summary of Debtor's(s') Payments to Trustee and Trustee's Disbursements

A.1 Debtor's(s') payments to trustee under plan.

\$ _____ per month for __ months, for a total of	\$ _____ (gross)
Less trustee's fee (approx. 9.091% of gross)	
	\$ _____
Available for distribution	\$ _____

Debtor(s) has(have) also committed tax refunds for tax years 20__, 20__, 20__, 20__, and 20__ and disposable income from _____, 20__ through _____, 20__ to plan payments, which may increase the funds available for distribution.

A.2 Trustee's total disbursements under plan.

Administrative expenses	attorney for Debtor(s)	\$ _____
	_____	\$ _____
Other priority claims (listed by creditor)	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
Leases and executory contract arrearage payments (listed by lessor or other party to contract)	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
Secured claims arrearage payments (listed by creditor)	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
	_____	\$ _____
Unsecured, nonpriority claims (as scheduled, unless proof of claim deadline has expired)		\$ _____
Total disbursements by trustee under plan		\$ _____

Exhibit B. Debtor's(s') Liquidation Analysis

	Market Value	Total of Valid Encumbrances	Claimed Exemptions	Equity
Real Property Interests (by parcel, from Schedule A/B, Part 1)				
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
Vehicles, Trailers, etc. (by item, from Schedule A/B, Part 2)				
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
Personal and Household Items (not itemized, from Schedule A/B, Part 3)				
	\$ _____	\$ _____	\$ _____	\$ _____
Financial Assets (not itemized, from Schedule A/B, Part 4)				
	\$ _____	\$ _____	\$ _____	\$ _____
Business-related Property (excluding farm/ranch property; not itemized, from Schedule A/B, Part 5)				
	\$ _____	\$ _____	\$ _____	\$ _____
Farm/Ranch-related Property (not itemized, from Schedule A/B, Part 6)				
	\$ _____	\$ _____	\$ _____	\$ _____
Other Property Interests (by item, from Schedule A/B, Part 7)				
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
Total equity:				\$ _____
Less ___ % liquidation costs				\$ _____
Less chapter 7 trustee fees per 11 U.S.C. § 326(a)				\$ _____
TOTAL AVAILABLE FOR DISTRIBUTION				\$ <u> </u>