

Plan mod to change tax refund language to the modern \$1500 wording:

Debtor modifies the Chapter 13 Plan paragraph 10 – Other Provisions, to CHANGE THE TAX REFUND PROVISION TO REFLECT the following:

Unless the Court rules otherwise, any federal tax refunds the Debtor is entitled to receive during the applicable commitment period shall be paid into the Debtor's Chapter 13 case. Further, the Debtor authorizes the Internal Revenue Service to send any refund for said years directly to the Debtor's Chapter 13 Trustee.' 11 U.S.C. Sections 1325(a)(3) and 1325(b)(1)(B). Upon written request to the Chapter 13 Trustee, the Debtor may retain up to \$1500.00 of a tax refund without a motion being filed.

The modern \$1500 wording:

(2) Unless the Court rules otherwise, any federal tax refunds the Debtor is entitled to receive during the applicable commitment period shall be paid into the Debtor's Chapter 13 case. Further, the Debtor authorizes the Internal Revenue Service to send any refund for said years directly to the Debtor's Chapter 13 Trustee.' 11 U.S.C. Sections 1325(a)(3) and 1325(b)(1)(B). Upon written request to the Chapter 13 Trustee, the Debtor may retain up to \$1500.00 of a tax refund without a motion being filed.

LIEN STRIP LANGUAGE

Generally:

Debtor intends to file a Motion to Determine Secured Status of junior lienholder _____ . Unless upon further Motion, notice and hearing the Court orders otherwise, the lien shall be avoided upon entry of Discharge. Upon entry of an Order granting the Motion to Determine Secured Status, any otherwise allowed claim filed by the lienholder is to be treated as a general unsecured claim to the extent it is not otherwise secured by property of the estate.

WLH: Debtor intends to file a Motion to Determine Secured Status of junior lienholder _____ . Unless upon further Motion, notice and hearing the Court orders otherwise, the lien shall be avoided upon entry of Discharge. Upon entry of an Order granting the Motion to Determine Secured Status, any otherwise allowed claim filed by the lienholder is to be treated as a general unsecured claim to the extent it is not otherwise secured by property of the estate.

MGD: In an effort to make it easier to amend plans to put in MGD's lien strip language, I typed the sentence and the paragraph that she requires and I left it in the font that we use in the plan so all you have to do is cut and paste and change the first and second lien holders' names. Please remember that MGD requires we change the language in two different areas of the plan. Thanks!

MGD's Lien Strip Language

PART A

Please replace the first sentence in the paragraph titled “(B) Claims Secured by Real Property Which Debtor Intends to Retain” with:

Debtor will make all post-petition mortgage payments directly to (insert first lien holder).

PART B

Please use the following paragraph at the end of the plan:

(3) Debtor has filed a Motion to Determine the Secured Status of (second lien holder) and to Strip Lien Effective upon Discharge. If the Court Grants this Motion, (second lien holder's) claim will be deemed wholly unsecured and the lien securing (second lien holder's) claim will be voided upon discharge. Accordingly, the Plan will treat (second lien holder's) claim as a general unsecured claim, governed by paragraph 7 of this plan, and Debtor will make no direct payments to (second lien holder).

SUPPLEMENT TO ATTORNEY CLIENT AGREEMENT

Lien stripping. Client has been advised that second- and/or third-priority mortgage liens may sometimes be removed from property if there is no value in the property in excess of the balance of the senior mortgage(s). Client has discussed with Attorney the viability of "lien-stripping" in Client's case and Client has chosen to NOT attempt a 'lien strip.'

Dated: _____

Signed: _____

Dated: _____

Attorney: _____

Attorney, for the Firm

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GENERAL STUFF

Mortgage with XXX is a short term debt and is to be funded entirely through the Chapter 13 Plan, including the contract rate of interest as it accrues post-Petition.

Student loan with XXX is a special class of unsecured debt and is to be paid in full, with contract interest, through the Chapter 13 Plan.

All student loans are in deferment and are expected to remain in deferment throughout the life of Debtor(s) Plan. Should they come due prior to the completion of this Plan, Debtor(s) shall pay them direct and shall amend their schedules accordingly

Debtor's children are past the age of majority; debtor has no on-going support obligation; all child-support debt is pre-Petition arrearage.

Child support arrearage to be funded directly by existing wage deduction order.

Debtor is self-employed as a XXX but has no ??? employees??? trade debt ??? commercial leases or property

Debtor authorizes and agrees that any post-petition domestic support obligation payments may be paid through a state or superior court income deduction order. Further, DCSS may utilize review and modification procedures of the domestic support obligation when allowed under state law, as detailed in 11 USC § 362(b)(2).