|  |  |
| --- | --- |
| Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address | FOR COURT USE ONLY |
| *Attorney for:* |
| **UNITED STATES BANKRUPTCY COURT**  **CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION** | |
| In re: | CASE NO.:  CHAPTER: 11 |
| **SUBCHAPTER V PLAN  OF REORGANIZATION**  [11 U.S.C. §§ 1123, 1181, 1189, 1190] |
| Initial Plan  1st Amended Plan    For information on court hearings, see the separately filed notice(s) of hearing. |
| Debtor(s). |

On (*specify the “petition date”*)      , the Debtor filed a voluntary bankruptcy petition under Chapter 11 of the Bankruptcy Code (“Code"). This Subchapter V Plan of Reorganization (“**Plan**”) is filed by the Debtor pursuant to 11 U.S.C. § 1189.

**PLAN**. The terms regarding classification and treatment of claims and interests, located at Sections **VIII – XI** of the Plan, comply with the requirements of 11 U.S.C. § 1123, including the proposed treatment of claims of the Debtor’s creditors and, if applicable, the interests of shareholders or partners. **The Court has not yet confirmed the Plan, which means the terms of the Plan are not now binding on anyone**; however, if the Plan is confirmed, the terms will bind the Debtor and any holders of claims or interests treated by the plan.

**DISCLOSURES AND FINANCIAL PROJECTIONS**. Sections **I – VII** of the Plan providedisclosures and financial projectionsand describe the assumptions that underlie the Plan and how the Plan will be executed. **This** **information is for explanatory purposes only and is as accurate as possible.**

**SUPPORTING EXHIBITS AND DECLARATIONS**. Concurrent with filing this Plan, the Debtor is filing a document titled Exhibits and Declarations in Support of Subchapter V Plan of Reorganization (“Plan Exhibits and Declarations”) to supplement and support the disclosures and financial projections set forth in Sections I - VII of the Plan.

Any interested party desiring further information should contact the attorney for the Debtor (or the Debtor if the Debtor is not represented by an attorney); contact information is identified above in the box at top left of this page.

|  |
| --- |
| **NOTE ABOUT CITATIONS** |
| **“Chapter, section and §” references** are to 11 U.S.C. §§ 101-1532 of the Bankruptcy Code.  **“FRBP” references** are to the Federal Rules of Bankruptcy Procedure.  **“LBR” references** are to the Local Bankruptcy Rules for the Central District of California. |

|  |  |  |  |
| --- | --- | --- | --- |
| **TABLE OF CONTENTS** | | | |
| **DISCLOSURES AND FINANCIAL INFORMATION** | | | **Page** |
| **I.** | General Disclaimer | | **3** |
| **II.** | Type of Plan of Reorganization; Important Dates | | **3** |
| **III.** | Description of Debtor’s Past and Future Activities, Operations and Events Precipitating Bankruptcy Filing | | **3** |
| **IV.** | Definitions and Preliminary Information | | **5** |
| **V.** | Source of Money to Satisfy Claims and Interests | | **8** |
| **VI.** | Assets and Liabilities of the Estate | | **11** |
| **VII.** | Liquidation Analysis; Treatment of Nonconsenting Members of Consenting Class | | **11** |
| **CLASSIFICATION AND TREATMENT OF CLAIMS AND INTERESTS** | | | |
| **VIII.** | Treatment of Claims and Interests | | **12** |
| **A.** | Post-Petition Domestic Support Obligation: Pay Before Plan is Confirmed | **12** |
| **B.** | Assumption and Rejection of Executory Contracts and Unexpired Leases | **12** |
| **C.** | Unsecured Claims: Administrative Expenses, Taxes | **13** |
| **D.** | CLASS # 1: Priority Unsecured Claims | **14** |
| **E.** | CLASS # 2: Unsecured Claims: Nominal and General | **15** |
| **F.** | CLASS # 3, # 4 and #5: Secured Claims | **16** |
| **G.** | Equity Security Interests and Other Ownership Interests | **19** |
| **IX.** | Unclaimed or Undeliverable Plan Distributions | | **20** |
| **X.** | Effect of Confirmation | | **20** |
| **XI.** | Appendices of Additional Claims Not Identified in Sections VIII.A – VIII.F | | **21** |
|  | Proof of Service (Refer to Notice of Dates and Deadlines for Service Protocol) | | **22** |

1. **GENERAL DISCLAIMER**

PLEASE READ THIS DOCUMENT CAREFULLY, INCLUDING THE SEPARATELY FILED PLAN EXHIBITS

AND DECLARATIONS. IT EXPLAINS WHO IS ENTITLED TO (A) VOTE TO ACCEPT OR REJECT THE PLAN, AND

(B) FILE AN OBJECTION TO CONFIRMATION OF THE PLAN. IT ALSO IDENTIFIES THE TREATMENT THAT

CREDITORS AND INTEREST HOLDERS (EQUITY SECURITY INTERESTS OR OTHER OWNERSHIP

INTERESTS) CAN EXPECT TO RECEIVE UNDER THE PLAN, IF THE PLAN IS CONFIRMED BY THE COURT.

THE SOURCES OF FINANCIAL DATA RELIED ON TO FORMULATE THIS DOCUMENT ARE IN THE PLAN

EXHIBITS AND DECLARATIONS. ALL REPRESENTATIONS ARE TRUE TO THE BEST KNOWLEDGE OF THE

DEBTOR. UNLESS THE COURT ORDERS OTHERWISE, NO REPRESENTATIONS ARE AUTHORIZED

CONCERNING THE DEBTOR THAT ARE NOT CONSISTENT WITH INFORMATION CONTAINED IN THIS PLAN.

AFTER CAREFULLY REVIEWING THIS DOCUMENT AND THE PLAN EXHIBITS AND DECLARATIONS, PLEASE REFER TO THE SEPARATELY FILED NOTICE OF DATES RELATED TO A HEARING ON MOTION TO CONFIRM THE PLAN. THAT NOTICE WILL IDENTIFY THE DATES AND DEADLINES TO FILE DOCUMENTS AND SUBMIT A BALLOT.

1. **TYPE OF PLAN OF REORGANIZATION; IMPORTANT DATES**

Payments and treatments under the Plan have a start date (“**Effective Date**”), a period of time after the Effective Date to continue payments (“**Plan Term**”), and a final payment date (“**Final Payment**”).

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan Type** | **Effective Date** | **Plan Term** | **Final Payment Date** |
| Liquidating: *See Section V.A.2 below for anticipated sale(s)*  Operating: *See Section III below* | 14 days after order confirming Plan  Other date: | years; or        months | *(estimated)* |

1. **DESCRIPTION OF DEBTOR’S PAST AND FUTURE ACTIVITIES, OPERATIONS**

**AND EVENTS PRECIPITATING BANKRUPTCY FILING**

# PAST AND FUTURE ACTIVITIES OR BUSINESS OPERATIONS

# Debtor’s Status. The Debtor is:

# an individual or sole proprietor:

# 

# From the dates of        to       , the Debtor was employed by       , a

# 

# business that conducted or provided the following services:

# From the dates of        to       , the Debtor was self-employed and conducted or provided

# 

# the following services:

# organized as a corporation or partnership or LLC or Other:       .

# This entity was formed in the year        and during the years of       , the Debtor conducted     percent of its business activity in the city of       .

# Past Activities and Operations. Before this bankruptcy case was filed, the Debtor:

# provided the following services for pay:

# manufactured or sold the following products:

# was in the business of renting real estate. [see Plan Exhibits and Declarations (Exhibit C) for a detailed description of Debtor’s property(ies) including locations, square footage, occupancy rates, etc.]

# was in the business of developing real estate. [see Plan Exhibits and Declarations (Exhibit C) for a detailed description of Debtor’s property(ies) including locations, size of lot(s), stage of development, etc.)

# other:

# Future Activities and Operations. The Debtor will, or will not continue some or all of these activities and operations, as described below:

# 

# B. FACTORS THAT LED TO FILING THIS BANKRUPTCY CASE (*Describe briefly*):

# 

# C. ACTIONS TAKEN TO SOLVE FINANCIAL PROBLEMS. The Debtor took the following action to solve financial

# problems that led to filing this bankruptcy case:

# 

# Actions Taken Before Petition Date:

# Actions Taken After Petition Date:

# D. FUTURE FINANCIAL OUTLOOK. Debtor believes that its economic health has, or will, improve from its

# prebankruptcy state for the following reasons. (*Describe briefly*)

# 

# MANAGEMENT OF THE DEBTOR (If Debtor is a business entity or will be organized as a business entity):

See details below; OR

# See Exhibit

# Names of persons managing the Debtor’s business affairs, and job title:

# During the bankruptcy case:

# After the Plan is confirmed:

# Proposed compensation to persons listed above:

# During the bankruptcy case:

# After the Plan is confirmed:

# Job description and qualifications of persons listed above:

# Affiliation of persons listed above to Debtor:

# PROPOSED DISBURSING AGENT MULTI-PURPOSE POST-CONFIRMATION AGENT will pay all

# amounts due under the Plan from a fund hereby authorized to be opened. This fund shall be maintained in a

# segregated, interest-bearing account in a depository approved by the United States trustee for the Central District

# of California for deposits of funds by trustees.

# Name of person responsible for collecting money intended for distribution to claimants and transmitting it to

# claimants:

# Disbursing agent’s address:

# Disbursing agent’s phone number:

# Proposed compensation for person listed above:

# Job description and qualifications of person listed above:

# Affiliation of person listed above, to Debtor:

1. **DEFINITIONS AND PRELIMINARY INFORMATION**
2. **CLAIMS AND INTERESTS**
3. Claims [§§ 101(5), (7) and (12); § 102(2)]; Interests [§ 101(16)]. “Claims” refers to all debts and other obligations of the Debtor or against property of the Debtor. Claims treated under the Plan are included whether the claim arose before or after the bankruptcy case was filed, and whether or not a clam or obligation involves a cash payment. “Interests” refer to equity securities and any other ownership stakes in the Debtor.
4. Creditors [§ 101(10)]; Interest Holders [§ 101(17)]. A creditor refers to the holder of any claim treated under the Plan, even if the creditor did not file a proof of claim. An interest holder refers to a holder of an interest treated under the Plan, even if the interest holder did not file a proof of interest.

**B. ALLOWED, DISALLOWED, AND DISPUTED CLAIMS AND INTERESTS**

1. Allowed Claims and Interests. A claim or interest is allowed if it is timely and properly scheduled or filed, and (a) was not objected to; or (b) was objected to or was settled by the parties or otherwise determined by a court order. **Allowed claims and interests are treated under the Plan.**
2. Disallowed Claims and Interests. A claim or interest is disallowed if it was timely objected to by the Debtor and the court made a ruling that the claim or interest is disallowed in part or entirely. **Disallowed claims are not treated under the Plan**.

3. Disputed Claims and Interests. A claim or interest is disputed if a ruling on allowance has yet to be made and (a) a proof of claim or interest has been filed or deemed filed and the Debtor or a party in interest has filed an objection; or (b) a proof of claim or interest has not been filed and the Debtor scheduled such claim or interest as disputed, contingent, unliquidated or unknown.

a. Timeline of Objection Process.

(1) The last date to file a proof of claim or interest is:       ; and

(2) The last date to hold a hearing on any objection to claim or interest is:

b. Intent to Object to Claims and Interests.

Debtor completed this process and does not anticipate objecting to any other claim or interest; or

The objection process is pending, or will begin, for the following claims or interests:

|  |  |  |  |
| --- | --- | --- | --- |
| **Creditor or Interest Holder** | **# of Proof of Claim / Interest** | **Amount of**  **of Claim / Interest** | **Basis of Objection to**  **Claim or Interest** |
|  |  | $ |  |
|  |  | $ |  |
|  |  | $ |  |
|  |  | $ |  |

c. Delayed Distribution on Disputed Claims and Interests; Settlement: No distribution will be made on a disputed portion of a claim or interest unless allowed by a final, non-appealable order. FRBP 9019 authorizes the Debtor to settle disputed claims and interests with court approval; but, court approval is not required if a proposed settlement does not exceed $  . The Debtor is required to reserve funds to pay the amount a creditor or interest holder would receive if the claim or interest is allowed in full (unless the court approves a different amount). To the extent a disputed claim or interest is disallowed, (a) the funds that had been reserved for such claims and interests will be distributed as provided in the Plan to other creditors or interest holders of the same class (or as ordered by the court); or (b) if this box is checked  then such funds will be distributed to the Debtor.

**C. POTENTIAL § 1111(b) ELECTIONS**. Pursuant to 11 U.S.C. § 1111(b) and FRBP 3014 a partially secured claim ~~to~~ may be treated as fully secured under certain conditions, notwithstanding § 506(a). Creditors should consult their attorney to evaluate if a § 1111(b) election is available and is in their best interest.

The court set   as the deadline for making an election under § 1111(b).

The court has not set a deadline for making an election under § 1111(b).

**D. VOTING BY BALLOT; FILING OBJECTION TO CONFIRMATION OF PLAN**.

1. **Introduction**. “Voting” to accept or reject the Plan is different from “objecting” to confirmation of the Plan.
2. **What does voting mean**? Voting means a creditor or interest holder submits a ballot to the Debtor. Ballots are counted so the court can determine (1) which claims, interests, and classes of claims and interests accepted proposed treatment, and (2) which classes of claims and interests rejected the proposed treatment. Whether each class “accepts” or “rejects” treatment is only one factor the court must consider when determining whether to grant the Debtor’s request to confirm the Plan.
3. **What does “objecting to confirmation” mean**? Objecting to confirmation means a party files and serves a document that contains legal and factual assertions as to whether the Debtor satisfied its requirements for the court to confirm the Plan [11 U.S.C. § 1129].
4. **Notice of Deadlines for Voting and Objecting**. The Debtor will file and serve a Notice of Dates Related to Confirmation of Plan and Deadlines to (A) Submit Ballot; (B) File Preliminary Objection to Confirmation of Plan; and (C) File Response to Motion to Confirm Plan (“**Notice of Deadlines Related to Confirmation**”).
5. **Voting by Ballot.**
6. **Who May Vote (**§ 1124)**.**
7. **Not Entitled to Vote.** The Bankruptcy Code treats many creditors and interest holders as having accepted the Plan without a vote because they are treated under the Plan exactly as required by the Bankruptcy Code. The Bankruptcy Code also treats creditors and interest holders as having rejected the Plan without a vote if (a) the creditor or interest holder is to receive no distribution under the Plan; (b) an objection has been filed to that party’s claim or interest and the objection has not been resolved prior to filing the Plan; or (c) Debtor scheduled a claim or interest as contingent, disputed, unliquidated or unknown and the creditor or interest holder has not filed a proof of claim or interest.
8. **Entitled to Vote**. Creditors and interest holders are entitled to vote when their claim or interest is allowed and it is impaired, i.e. the Plan alters the contractual, legal or equitable rights of the creditor or interest holder. In addition, if the Debtor has objected to a scheduled claim or interest as contingent, disputed, unliquidated or unknown, or a proof of claim or interest has not been filed, and the creditor or interest holder wants to vote, the creditor or interest holder must file a motion to have its claim or interest allowed for voting purposes in time for that motion to be heard before the hearing on confirmation of the Plan.

|  |  |
| --- | --- |
| Classes Entitled to Vote Becausethe Class is Impaired: | Classes Not Entitled to Vote Becausethe Class is Unimpaired: |
|  |  |

A creditor or interest holder that disputes Debtor’s characterization of its claim or interest as unimpaired

and wants to vote may request a finding of impairment from the Court in order to obtain the right to vote.

1. **Effect of Vote**. The Plan can be confirmed if (i) it is accepted by each impaired class because a majority in number and at least two-thirds in dollar amount of the claimants in that class who timely voted to accept the Plan; or (ii) it is not accepted by certain impaired class(es), but the court determines the Plan does not discriminate unfairly and is “fair and equitable” [as defined by §1191(b)] to all rejecting classes of claims or interests, or interest holders, and it meets all other criteria required for confirmation.
2. **How to Vote**. A ballot will accompany the Notice of Deadlines Related to Confirmation. A voting creditor or interest holder must follow the instructions set forth in the Notice of Deadlines Related to Confirmation. A creditor or interest holder whose claim or interest is allowed as partly secured and partly unsecured is entitled to vote in each capacity by delivering one ballot for the secured part of the claim or interest and another ballot for the unsecured portion of the claim or interest.
3. **Filing an Objection to Confirmation of the Plan**
4. **Who May Object.** Any creditor, interest holder or other party may object to confirmation of the Plan.
5. **How to Object.** Follow the instructions set forth in the Notice of Deadlines Related to Confirmation.
6. **Effect of Objection**. The court will consider all objections that are timely and properly filed and served.

If the objection has merit, it may result in the court denying the Debtor’s request to confirm the Plan.

**V. SOURCE OF MONEY TO SATISFY CLAIMS AND INTERESTS**

# 

The Plan cannot be confirmed unless the Court finds it is "feasible"; pursuant to 11 U.S.C. §§ 1190(1)(C) and 1191(c), this means the Debtor submitted evidence establishing that the Debtor will have sufficient funds available to satisfy all expenses, including the scheduled payments to claimants discussed in section VIII below.

1. **NON-INCOME SOURCES TO FUND PLAN**. See **Plan Exhibits and Declarations** (Exhibits D and     ) for income and other contributions that will fund the Plan. For other funding sources (non-income), see below:
2. Loan or Line of Credit: None  Loans or Lines of Credit are as follows:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **NAME OF LENDER** | | **CONTRIBUTION TYPE** | **TERM** | **INT RATE** | **PROCEEDS** |
| (a) |  | Loan  Credit Line |  | % | **$** |
| (b) |  | Loan  Credit Line |  | % | **$** |

1. Sales of Property:

None

All or substantially all of Debtor’s assets will be sold. Terms of proposed sale(s) and evidence of the

financial solvency of proposed buyer(s) is attached in **Plan Exhibits and Declarations** (Exhibit    )

The specified property of Debtor is planned to be sold as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **PROPERTY DESCRIPTION:** | | **PROPOSED SALE  DATE** | **PROPOSED SALE**  **PRICE** | **PROCEEDS**  **TO FUND**  **THE PLAN** |
| (a) | Property in CLASS #3, #4 or #5: **Check only ONE**:  3a  3b  3c  3d  3e  4a  4b  4c  4d  4e  5a  5b  5c  5d  5e |  | **$** | **$** |
| (b) | Property in CLASS #3 or #4: **Check only ONE**:  3a  3b  3c  3d  3e  4a  4b  4c  4d  4e  5a  5b  5c  5d  5e |  | **$** | **$** |

**See Plan Exhibits and Declarations** (Exhibit    ) for additional anticipated sales of property.

1. **Adversary Proceedings**:  No adversary proceedings  Adversary proceedings are as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **ADVERSARY PROC. DESCRIPTION: F**RBP 7001 and LBR 7004-1 require a summons/complaint. | | **DATE FILED OR TO BE FILED** | **ADV. PROC. NUMBER** | **ANTICIPATED RECOVERY** |
| (a) |  |  |  | **$** |
| (b) |  |  |  | **$** |

See **Plan Exhibits and Declarations** (**Exhibit**     ) for additional adversary proceedings.

1. **PAYMENTS ON THE EFFECTIVE DATE**. This section demonstrates the Plan is feasible on the Effective Date.

|  |  |
| --- | --- |
| **(1) CLAIMS AND EXPENSES TO BE PAID ON THE EFFECTIVE DATE** | **AMOUNT** |
| Cure Payments: Executory Contracts, Unexpired Leases: Section VIII.B.2. | **$** |
| Administrative Claims + Statutory Costs/Charges: Section VIII.C.1. + court costs | **$** |
| Nominal Unsecured Claims: Section VIII.E.1. | **$** |
| First Payments: General Unsecured Claims: Section VIII.E.2. | **$** |
| Arrearages + First Payments: Secured Claims: Sections VIII.F. | **$** |
| TOTAL TO BE PAID ON THE EFFECTIVE DATE: | **$** |
| **(2) SOURCE OF FUNDS ON THE EFFECTIVE DATE** |  |
| Cash on Hand: | **$** |
| Loan or Line of Credit: Described above in:  V.A.(1a)  V.A.(1b) | **$** |
| Sale of Property: Described above in:  V.A.(2a)  V.A.(2b) | **$** |
| Adversary Proceeding Recovery: Described above in:  V.A.(3a)  V.A.(3b) | **$** |
| Other Sources:  (*identify*): | **$** |
| TOTAL FUNDS AVAILABLE ON THE EFFECTIVE DATE: | **$** |
| **(3) CASH AVAILABLE AFTER PAYMENTS MADE ON THE EFFECTIVE DATE:** | **$** |

1. **PAYMENTS DURING THE PLAN TERM**. See **Plan Exhibits and Declarations** (**Exhibit D**) for projections of cash flow for the duration of the Plan, to help determine the Plan is feasible during the plan term. The focus is on projected cash receipts and disbursements. All non-cash items such as depreciation, amortization, gains and losses are omitted. A positive number reflects a source of cash; a (negative number) reflects a use of cash.

**Plan Exhibits and Declarations** (**Exhibit D**) also contains details of assumptions that underlie the projections.

|  |  |
| --- | --- |
|  |  |

1. **FINANCIAL RECORDS TO ASSIST IN DETERMINING WHETHER PROPOSED PAYMENT IS FEASIBLE**

See **Plan Exhibits and Declarations** (**Exhibit E**) for three types of financial documents related to past activities. The two time periods are: (1) the most recent twelve-month calendar year; and (2) all months subsequent thereto. The financial documents include: balance sheets, cash flow statements and income and expense statements.

1. **TAX CONSEQUENCES OF THE PLAN.**
2. To the Debtor**:** Tax consequences to the Debtor are:
3. To Creditors and Interest Holders: Creditors and interest holders should consult their advisors regarding potential tax effects of the Plan; nevertheless:

The Debtor believes tax consequences are:

The Debtor is not certain of tax consequences, because:       

1. **EXPLANATION OF RISK FACTORS AND POTENTIAL FLUCTUATIONS WHEN IMPLEMENTING THE PLAN**.

|  |  |
| --- | --- |
| **RISK FACTOR** | **EXPLANATION OF RISK AND FLUCTUATIONS** |
| Business/Economic  Sale of Property  Balloon Payment  Int. Rate Adjustment  Other |  |
| Business/Economic  Sale of Property  Balloon Payment  Int. Rate Adjustment  Other |  |
| Business/Economic  Sale of Property  Balloon Payment  Int. Rate Adjustment  Other |  |
| Business/Economic  Sale of Property  Balloon Payment  Int. Rate Adjustment  Other |  |

**VI. ASSETS AND LIABILITIES OF THE ESTATE**

1. **ASSETS. Plan Exhibits and Declarations** (**Exhibit C**) contains a list and fair market values of property of the estate so that parties can assess what assets are at least theoretically available to satisfy claims and interests and evaluate the overall worth of the bankruptcy estate. Any proposed sale of these assets is discussed in Section **V.A.2** above.
2. **LIABILITIES.** **Plan Exhibits and Declarations** (**Exhibit B**) identifies the allowed claims against the estate. Treatment of allowed claims is explained in section VIII below.
3. **SUMMARY.** The fair market value of all property of the estate is **$**     . Total liabilities are **$**     .

**VII. LIQUIDATION ANALYSIS; TREATMENT OF**

**NONCONSENTING MEMBERS OF CONSENTING CLASS**

The Plan must provide that a nonconsenting impaired creditor or interest holder of a consenting class receive at

least as much as it would if the Debtor was instead in chapter 7 case. In chapter 7, the general rule is that the Debtor's assets are sold by a trustee. Unsecured claims generally share in proceeds only after secured claims and administrative claims are paid. Certain unsecured claims get paid before other unsecured claims. Unsecured claims with the same priority share in proportion to the amount of their allowed claim in relationship to the total amount of allowed claims.

A creditor would recover less under chapter 7 than under chapter 11 for a number of reasons including: (1) for the

reasons detailed in **Plan Exhibits and Declarations** (**Exhibit C**), the liquidation value of Debtor’s assets is less than its fair market value; (2) in a chapter 7 case a trustee is appointed and is entitled to compensation from the bankruptcy estate as reflected in the chart below; and (3) an individual debtor is permitted to exempt a certain amount of the sales proceeds before unsecured claims are paid anything.

|  |  |  |
| --- | --- | --- |
| **CALCULATION OF ESTIMATED PERCENT RECOVERY** | **CHAPTER 7** | **CHAPTER 11** |
| **(a)** Total value of the Debtor’s assets: See **Plan Exhibits and Declarations** (**Exhibit C**) for a list of all property, valuations, and valuation methods. | **$** | **$** |
| **(b)** Administrative Expense Claims: | **<$**     **>** | **<$**     **>** |
| **(c)** Tax Claims: | **<$**     **>** | **<$**     **>** |
| **(d)** Other Unsecured Claims to be Paid Before General Unsecured Claims: | **<$**     **>** | **<$**     **>** |
| **(e)** Trustee’s Fees: Assuming the chapter 7 trustee disburses the net  liquidation value of assets to claimants, 11 U.S.C. § 326 indicates the  chapter 7 trustee is entitled to fees of:  \* 25% on the first $5,000 of all moneys disbursed = **$**     ,  \* 10% on any amount over $5,000 but less than $50,000 = **$**     ,  \* 5% on any amount over $50,000 but not in excess of $1 million = **$**     ,  \* 3% on all amounts over $1 million) = **$**     ,  **TOTAL TRUSTEE’S FEES =** | **<$**     **>** | **N/A** |
| **(f)** Dollar Amount Available for General Unsecured Claims: (a) minus (b), (c), (d) and (e) = | **$** | **$** |
| **(g)** Dollar Amount of General Unsecured Claims: = | **$** | **$** |
| **(h) % recovery on general unsecured claims:** [(g) divided by (h)] x 100% **=** | % | % |

**VIII. TREATMENT OF CLAIMS AND INTERESTS**

Below is a summary of who gets paid, in what amount, when, and from what source. The Debtor is usually not required by law to pay the holder of an unsecured claim or interest everything it would otherwise be entitled to, had a bankruptcy case not been filed.

**A. DOMESTIC SUPPORT OBLIGATION THAT MUST BE PAID BEFORE PLAN IS CONFIRMED**. [§ 1129(a)(14]

Before the Plan can be confirmed, § 1129(a)(14) requires the Debtor to pay all domestic support obligations that became due after the bankruptcy case was filed. Domestic support obligations are defined in § 101(14A).

The Debtor did not have domestic support obligations that became due after the bankruptcy case was filed.

The following domestic support obligation became due after the bankruptcy case filed:

|  |  |  |  |
| --- | --- | --- | --- |
| **Holder of Domestic Support Claim:** | | | |
| **Statute, Judicial Order, or**  **Administrative Order that**  **Creates the Obligation** | **First Date After Petition Date that Obligation was Due** | **Total Due After Petition Date** | **Date Final Amt**  **was paid**  **will be paid** |
|  |  |  |  |

**See** **Appendix**     for additional domestic support obligation(s).

**B. ASSUMPTION AND REJECTION OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES**. [§ 365]

1.  There are no executory contracts or unexpired leases.

2.  **Assumption**. The post-confirmation debtor will perform all related obligations whether arising before or after confirmation of the Plan. Any arrearages arising before confirmation of the Plan will be paid by the first day of the month following the Effective Date unless the parties agree otherwise or the court finds that a longer payment schedule still provides the creditor with timely cure and adequate assurance of future performance. Obligations that arise after confirmation of the Plan will be paid as they come due.

**Previously Assumed**:

|  |  |  |  |
| --- | --- | --- | --- |
| **DESCRIPTION OF EXECUTORY CONTRACT**  **OR UNEXPIRED LEASE** | | **DATE OF ORDER TO ASSUME** | **CURE AMOUNT:** Must be paid on Effective Date |
| (a) |  |  | $ |
| (b) |  |  | $ |

**To be Assumed on the Effective Date**.

|  |  |  |
| --- | --- | --- |
| **DESCRIPTION OF EXECUTORY CONTRACT OR UNEXPIRED LEASE** | | **CURE AMOUNT:** Must be paid on Effective Date |
| (a) |  | $ |
| (b) |  | $ |

3.  **Rejection**. Claims arising from the rejection of an executory contract or unexpired lease are treated as general unsecured claims in CLASS #2, except to the extent the court orders otherwise. A claim arising from the rejection must be filed no later than 30 days after the date of the order confirming the Plan.

|  |  |  |
| --- | --- | --- |
| **DESCRIPTION OF EXECUTORY CONTRACT OR UNEXPIRED LEASE** | | |
| (a) |  | Rejected:  Order Entered on:  Deemed Rejected on:  To be Rejected on the Effective Date |
| (b) |  | Rejected:  Order Entered on:  Deemed Rejected on:  To be Rejected on the Effective Date |

**See Appendix**      for additional executory contracts and unexpired leases to be assumed or rejected.

**C. UNSECURED CLAIMS THAT MUST BE TREATED AS REQUIRED BY § 1129(a)(9)(A) and § 1129(a)(9)(C),** **UNLESS A CLAIMANT CONSENTS TO A DIFFERENT TREATMENT.** §§ 1129(a)(9)(A) and (C) require that certain claims be treated one at a time, rather than as a class. Even if another claimant votes to accept a lesser treatment, the claims listed below are not altered. The debtor must prove to the court that claims are either being treated as 1129(a)(9) requires, or that the holder of the claim agreed to some other treatment.

1. **Administrative Expense Claims** - § 507(a)(2) and § 1129(a)(9)(A). These include: (1) court-approved claims of attorneys and other professionals; and (2) United States trustee fees under 28 U.S.C. chapter 123.

There are no administrative expense claims.

The deadline to file administrative expensive claims is (*date*)       .

All administrative expense claims  have been filed or  are anticipated to be filed; the claims and amounts indicated below are the amounts requested or anticipated to be requested:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Holder of Administrative Expense Claim:** | | | | | | |
| **Claim Amount**  (less paid to date)  Actual  Estimated | **Interest Rate** (if any) | **Amount Paid on Effective Date** | **Amount Paid After Effective Date** | | | |
| **Frequency** | **Each Payment** | **Balloon Pymts** | **Term of Payments** |
| $ | % | $ | Monthly  Quarterly | $ | $ | months |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Holder of Administrative Expense Claim:** | | | | | | |
| **Claim Amount**  (less paid to date)  Actual  Estimated | **Interest Rate** (if any) | **Amount Paid on Effective Date** | **Amount Paid After Effective Date** | | | |
| **Frequency** | **Each Payment** | **Balloon Pymts** | **Term of Payments** |
| $ | % | $ | Monthly  Quarterly | $ | $ | months |

**See Appendix**     for additional administrative expense claim(s).

2. **Tax Claims -** §507(a)(8) and § 1129(a)(9)(C). Must be paid in full within 5 years after the Petition Date.

There are no tax claims  All tax claims have been filed or scheduled, and are indicated below:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Holder of Tax Claim:** | | | | | | |
| **Claim Amount**  (less paid to date)  Actual  Estimated | **Interest Rate** (§511) | **Amount Paid on Effective Date** | **Amount Paid After Effective Date** | | | |
| **Frequency** | **Each Payment** | **Balloon Pymts** | **Term of Payments** |
| $ | % | $ | Monthly  Quarterly | $ | $ | months |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Holder of Tax Claim:** | | | | | | |
| **Claim Amount**  (less paid to date)  Actual  Estimated | **Interest Rate** (§511) | **Amount Paid on Effective Date** | **Amount Paid After Effective Date** | | | |
| **Frequency** | **Each Payment** | **Balloon Pymts** | **Term of Payments** |
| $ | % | $ | Monthly  Quarterly | $ | $ | months |

**See Appendix**      for additional unsecured claims (not listed in VIII.C) on which voting is not allowed.

**§ 507(a)(2)** – Administrative Expense Claims

**§ 507(a)(8)** –Tax Claims

**§ 507(a)(3)** – Involuntary Gap Claims Allowed Under § 502(f)

**D. UNSECURED CLAIMS THAT MUST BE TREATED AS REQUIRED BY § 1129(a)(9)(B) – CLASS #1.**

§ 1129(a)(9)(B) requires certain unsecured claims to be treated with priority over general unsecured claims, and pay them in full on the Effective Date or as soon as practicable after unless claimants vote as a class to accept deferred payments. If so, claims are impaired and claimants are entitled to vote to accept or reject the Plan.

There are no claims in CLASS #1.

**CLASS #1a**: § 507(a)(1) - Wage and Commission Claims

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Unsecured Creditor:** | | | | | | |
| **Claim Amount**  (less paid to date)  Actual  Estimated | **Interest Rate** (if any) | **Amount Paid on Effective Date** | **Amount Paid After Effective Date** | | | |
| **Frequency** | **Each Payment** | **Balloon Pymts** | **Term of Payments** |
| $ | % | $ | Monthly  Quarterly | $ | $ | months |

**See Appendix**      for additional unsecured claims in Class #1:

**CLASS #1(a)**: § 507(a)(4) **-** Wage and Commission Claims

**CLASS #1(b)**: § 507(a)(5) – Employee Benefit Plan Contribution Claims

**CLASS #1(c)**: § 507(a)(6) – Grain Producer and Fisherman Claims

**CLASS #1(d)**: § 507(a)(7) – Consumer Deposit Claims

**E. OTHER UNSECURED CLAIMS – CLASS #2**.

There are no claims in **CLASS #2**.

See Exhibit B for a list of all **CLASS #2** claimants and amount owed to each.

1. **CLASS #2a**: Nominal Unsecured Claims. These include “nominal” claims of $       or less, and any larger unsecured claims whose claimant agreed to reduce its claim to this amount. Creditors are **not entitled to vote** to accept or reject the Plan.

Creditors will be paid the nominal amount on the Effective Date, or as soon as practicable thereafter. Estimated total payments are $      .

1. **CLASS #2b**: General Unsecured Claims. These are other unsecured claims that are not included in **CLASS #2a**, and will be paid as follows. Creditors are **entitled to vote** to reject or accept the Plan.

Percent Plan. Each creditor in CLASS #2b will be paid       % of its claim beginning the first relevant date after the Effective Date:

1. Over       years in equal  monthly  quarterly installments, due on the first day of each calendar month/quarter;

b.  with interest at the rate of       % per annum, or  without interest; and.

c. The amount each creditor receives depends on the total amount of allowed claims in this class.

Pot Plan. Each member of CLASS #2b will be paid a pro rata share of a fund totaling $      , created by the Debtor’s payment:

a. Pro rata means the entire fund amount divided by the total of all allowed claims in this class.

1. Payment amount is $       per  month  quarter for a period of       months/quarters,
2. Payments will begin on (*date*):

Other: **See Appendix**      for additional information about unsecured claims in Class #2:

**F. SECURED CLAIMS – CLASS #3, CLASS #4 and Class #5.**

**CLASS #3 - Unimpaired** **Non-Insider Claims**. Creditors **are not entitled** to voteto accept or reject the Plan. Until claims are fully paid, creditors retain their interest in the property securing the claim. Treatment is:

There are no claims in CLASS #3.

|  |  |
| --- | --- |
| **CLASS #3a** | **Secured Creditor:**  **Basis for secured status:**  **Priority of lien:** |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Total Amount of Allowed Claim** | **Total Amount of Payments Over Time to Satisfy Secured Claim** | **Interest Rate** | **First Payment Date** | **Amount of Each Installment** | **Frequency of Payments** | **Total Yearly payments** | **Final Payment date** |
| $ | $ | % |  | $ |  | $ |  |

|  |  |  |
| --- | --- | --- |
| **Address or Other Description of Collateral Securing Claim 3a:** | | |
| **Value:**  $ | **Valuation** **Method** | Order on motion or stipulation  Declaration: Certified appraiser  Other: |

Additional comments relating to Class #3a:

|  |  |
| --- | --- |
| **CLASS #3b** | **Secured Creditor:**  **Basis for secured status:**  **Priority of lien:** |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Total Amount of Allowed Claim** | **Total Amount of Payments Over Time to Satisfy Secured Claim** | **Interest Rate** | **First Payment Date** | **Amount of Each Installment** | **Frequency of Payments** | **Total Yearly payments** | **Final Payment date** |
| $ | $ | % |  | $ |  | $ |  |

|  |  |  |
| --- | --- | --- |
| **Address or Other Description of Collateral Securing Claim 3b:** | | |
| **Value:**  $ | **Valuation** **Method** | Order on motion or stipulation  Declaration: Certified appraiser  Other: |

Additional comments relating to Class #3b:

|  |  |
| --- | --- |
| **CLASS #3c** | **Secured Creditor:**  **Basis for secured status:**  **Priority of lien:** |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Total Amount of Allowed Claim** | **Total Amount of Payments Over Time to Satisfy Secured Claim** | **Interest Rate** | **First Payment Date** | **Amount of Each Installment** | **Frequency of Payments** | **Total Yearly payments** | **Final Payment date** |
| $ | $ | % |  | $ |  | $ |  |

|  |  |  |
| --- | --- | --- |
| **Address or Other Description of Collateral Securing Claim 3c:** | | |
| **Value:**  $ | **Valuation** **Method** | Order on motion or stipulation  Declaration: Certified appraiser  Other: |

Additional comments relating to Class #3c:

**See Appendix**      for more unimpaired secured claims. Label as Class #3d, #3e, etc.

**CLASS #4 - Impaired** **Non-Insider Claims**. Creditors **are entitled** to voteto accept or reject the Plan. Until claims are fully paid, creditors retain their interest in the property securing the claim. Treatment is:

There are no claims in CLASS #4.

|  |  |
| --- | --- |
| **CLASS #4a** | **Secured Creditor:**  **Basis for secured status:**  **Priority of lien:**  Lien is not modified in any way.  Lien is modified as follows: |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Total Amount of Allowed Claim** | **Total Amount of Payments Over Time to Satisfy Secured Claim** | **Interest Rate** | **First Payment Date** | **Amount of Each Installment** | **Frequency of Payments** | **Total Yearly payments** | **Final Payment date** |
| $ | $ | % |  | $ |  | $ |  |

|  |  |  |
| --- | --- | --- |
| **Address or Other Description of Collateral Securing Claim 4a:** | | |
| **Value:**  $ | **Valuation** **Method** | Order on motion or stipulation  Declaration: Certified appraiser  Other: |

Additional comments relating to Class #4a:

|  |  |
| --- | --- |
| **CLASS #4b** | **Secured Creditor:**  **Basis for secured status:**  **Priority of lien:**  Lien is not modified in any way.  Lien is modified as follows: |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Total Amount of Allowed Claim** | **Total Amount of Payments Over Time to Satisfy Secured Claim** | **Interest Rate** | **First Payment Date** | **Amount of Each Installment** | **Frequency of Payments** | **Total Yearly payments** | **Final Payment date** |
| $ | $ | % |  | $ |  | $ |  |

|  |  |  |
| --- | --- | --- |
| **Address or Other Description of Collateral Securing Claim 4b:** | | |
| **Value:**  $ | **Valuation** **Method** | Order on motion or stipulation  Declaration: Certified appraiser  Other: |

Additional comments relating to Class #4b**:**

|  |  |
| --- | --- |
| **CLASS #4c** | **Secured Creditor:**  **Basis for secured status:**  **Priority of lien:**  Lien is not modified in any way.  Lien is modified as follows: |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Total Amount of Allowed Claim** | **Total Amount of Payments Over Time to Satisfy Secured Claim** | **Interest Rate** | **First Payment Date** | **Amount of Each Installment** | **Frequency of Payments** | **Total Yearly payments** | **Final Payment date** |
| $ | $ | % |  | $ |  | $ |  |

|  |  |  |
| --- | --- | --- |
| **Address or Other Description of Collateral Securing Claim 4c:** | | |
| **Value:**  $ | **Valuation** **Method** | Order on motion or stipulation  Declaration: Certified appraiser  Other: |

Additional comments relating to Class #4c:

**See Appendix**      for more impaired secured claims. Label as Class #4d, #4e, etc.

**CLASS #5 - Insider Claims**. These are claims of persons defined in 11 U.S.C. §101(31). Essentially, an insider is a person with a close relationship with the Debtor other than a creditor-debtor relationship. Treatment is:

There are no claims in CLASS #5.

|  |  |
| --- | --- |
| **CLASS #5a** | **Insider Secured Creditor:**  **Basis for secured status:**  **Priority of lien:**  Lien is not modified in any way.  Lien is modified as follows: |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Total Amount of Allowed Claim** | **Total Amount of Payments Over Time to Satisfy Secured Claim** | **Interest Rate** | **First Payment Date** | **Amount of Each Installment** | **Frequency of Payments** | **Total Yearly payments** | **Final Payment date** |
| $ | $ | % |  | $ |  | $ |  |

|  |  |  |
| --- | --- | --- |
| **Address or Other Description of Collateral Securing Claim 5a:** | | |
| **Value:**  $ | **Valuation** **Method** | Order on motion or stipulation  Declaration: Certified appraiser  Other: |

Additional comments relating to Class #5a:

**See Appendix**      for more insider secured claims. Label as Class #5b, #5c, etc.

**G. EQUITY SECURITY AND OTHER OWNERSHIP INTERESTS**

1. **Corporation** (*Check all that apply*)

a.  Governing Documents.  Articles of Incorporation or  Bylaws have been changed to include a

provision prohibiting the issuance of nonvoting equity securities as required by 11 U.S.C. §1123(a)(6).

b.  Shares**.** Under the Plan:

Shareholders simply retain their shares of stock.

Shareholders redeem shares and receive the following consideration:       .

1. **Partnership** (*Check all that apply*)

a.  Governing Documents.  Partnership Agreement and/or  Bylaws have been changed to include a

provision prohibiting the issuance of nonvoting equity securities as required by 11 U.S.C. §1123(a)(6).

b.  Identity of Partners.

(1)  General Partners.

There are no general partners or

There are general partners and their identities are:       .

(2)  Limited Partners.

There are no limited partners or

There are limited partners and their identities are:

c.  Partnership Interests.

Each partner’s interest in the debtor will remain as it is now; or

The interest of  some or  all partners changes under the Plan as follows:       .

1. **Other Ownership Interests** (*Complete all sections*)

a. Description of Ownership Interest (*other than corporation or partnership*).

b. Identities of Owners:

c. Changes.

There are no changes to the description of ownership or identities of owners; or

Changes to the description of ownership or identities of owners are:

**IX. UNCLAIMED OR UNDELIVERABLE PLAN DISTRIBUTIONS**.

Payments or distributions that are attempted under the Plan but remain unclaimed or undeliverable for six (6) months, will revest in the post-confirmation debtor free of restriction. Any entitlement to distribution will be barred.

**X. EFFECT OF CONFIRMATION**.

1. **General Comments** [11 U.S.C. § 1141]

The provisions of a confirmed Plan bind the Debtor, any entity acquiring property under the Plan, and any creditor, equity security holder, or general partner of the Debtor, even those who do not vote to accept the Plan.

Except as provided in the Plan, the entry of an order confirming the Plan vests all property of the estate in the Debtor and, pursuant to 11 U.S.C. § 362(c)(1), the automatic stay no longer applies to property of the estate.

However, the stay of § 362(a) continues to prohibit collection or enforcement of pre-petition claims against the Debtor and Debtor's property until the Debtor receives a discharge. Section X.B. below provides the Debtor’s intent regarding discharge. If the Debtor does not seek a discharge, the discharge is deemed denied and the stay of § 362(a) terminates as to the Debtor and the Debtor's property upon entry of the order confirming the Plan.

1. **Discharge of Liability for Payment of Debts; Termination of Rights and Interests of Equity Security Holders and General Partners Provided for by the Plan**
2. No Discharge. Pursuant to 11 U.S.C. § 1141(d)(3), Debtor is not eligible for a discharge, because

(*check all that apply*):

the Plan provides for the liquidation of all, or substantially all, of the property of the estate.

the Debtor will not engage in business after consummation of the Plan.

the Debtor would be denied a discharge under 11 U.S.C. § 727(a) if the case were under chapter 7.

1. Eligible for Discharge.
   1. **Debtor Seeks** **Confirmation Under 11 U.S.C. § 1191(a)**.

Debtor is an Individual. On the effective date of the Plan, the Debtor will be discharged from

any debt that arose before confirmation of the Plan, as provided in 11 U.S.C. § 1141(d)(1)(A).

Pursuant to 11 U.S.C. § 1141(d)(2), the Debtor will not be discharged from any debt excepted from

discharge under 11 U.S.C. § 523(a), except as provided in FRBP 4007(c).

Debtor is a Partnership. On the effective date of the Plan, the Debtor will be discharged from

any debt that arose before confirmation of this Plan, as provided in 11 U.S.C. § 1141(d)(1)(A).

Debtor is a Corporation. On the effective date of the Plan, the Debtor will be discharged from

any debt that arose before confirmation of this Plan, as provided in 11 U.S.C. § 1141(d)(1)(A).

Pursuant to § 1141(d)(6), the Debtor will not be discharged from any debt of a kind specified in

11 U.S.C. § 523(a)(2)(A)-(B) that is owed to a domestic governmental unit, or owed to a person as

the result of an action filed under subchapter III of Chapter 37 of title 31 or any similar State statute,

or for a tax or customs duty with respect to which the debtor made a fraudulent tax return or willfully

attempted in any manner to evade or to defeat such tax or such customs duty.”.

b.  **Debtor Seeks Confirmation Under** **11 U.S.C. § 1191(b)**. Pursuant to 11 U.S.C. § 1192, th**e** court

court shall grant the Debtor a discharge of all debts (i) provided in 11 U.S.C. § 1141(d)(1)(A), and

(ii) allowed under 11 U.S.C. § 503 and provided for in the Plan, and shall do so as soon as is practicable

after the Debtor completes all payments due within the first 3 years of this Plan or as otherwise provided

in 11 U.S.C. § 1192. The Debtor will not be discharged from any debt (i) on which the last payment is due

after the first 3 years of the Plan, or as otherwise provided in § 1192, or (ii) which is excepted from

discharge under § 523(a), except as provided in FRBP 4007(c).

1. Additional Discharge Provisions:
2. **Modification of the Plan. P**ursuant to 11 U.S.C. § 1193, the Debtor may modify the Plan.
3. **Final Decree.** Once the Plan has been consummated, a motion for final decree may be filed. Once a final decree is entered, the bankruptcy case will be closed. After such closure, a party seeking any type of relief relating to a Plan provision can seek such relief in a state court of general jurisdiction.

**XI. APPENDICES OF ADDITIONAL CLAIMS THAT ARE**

**NOT IDENTIFIED IN SECTIONS VIII.A. – VIII.F.**

**Appendix #1**: Additional Claim(s),  VIII.A  VIII.B  VIII.C  VIII.D  VIII.E  VIII.F

**Appendix #2**: Additional Claim(s),  VIII.A  VIII.B  VIII.C  VIII.D  VIII.E  VIII.F

**Appendix #3**: Additional Claim(s),  VIII.A  VIII.B  VIII.C  VIII.D  VIII.E  VIII.F

**Appendix #4**: Additional Claim(s),  VIII.A  VIII.B  VIII.C  VIII.D  VIII.E  VIII.F

**Appendix #5**: Additional Claim(s),  VIII.A  VIII.B  VIII.C  VIII.D  VIII.E  VIII.F

**Appendix #6**: Additional Claim(s),  VIII.A  VIII.B  VIII.C  VIII.D  VIII.E  VIII.F

**Appendix #7**: Additional Claim(s),  VIII.A  VIII.B  VIII.C  VIII.D  VIII.E  VIII.F

**Appendix #8**: Additional Claim(s),  VIII.A  VIII.B  VIII.C  VIII.D  VIII.E  VIII.F

Date:

Signature of attorney for Debtor

Printed name of attorney for Debtor

**PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **SUBCHAPTER V** **PLAN OF REORGANIZATION OF DEBTOR [11 U.S.C. §§ 1123, 1181, 1189, 1190]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1**. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*)

      , I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL**:   
On (*date*)       , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*)       , I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| *Date* | *Printed Name* | *Signature* |