

TERMS USED IN CHAPTER 13 FORM PLAN

The following definitions apply to terms used in E.D.N.C. Local Form 113A:

<p>“Administrative Guide”</p>	<p>The Administrative Guide to Practice and Procedure, a supplement to the Local Rules, which facilitates changes in practice and procedure before the court without the necessity for revision to the Local Rules. The Administrative Guide may be found at the following Internet URL:</p> <p>http://www.nceb.uscourts.gov/sites/nceb/files/AdminGuide.pdf</p> <p>As used in a plan, the term refers to the Administrative Guide in effect as of the date of the filing of the Debtor’s petition.</p>
<p>“Applicable Commitment Period”</p>	<p>The mandated length of a debtor’s plan. Debtors whose annual median income is above the applicable state median income must propose 60-month plans, and below median income debtors are required to propose a repayment plan of not fewer than 36 months. Either may propose a shorter plan only if the plan will repay 100% of all allowed claims in full in less than the “applicable commitment period.” Below median income debtors may propose a plan longer than 36 months, but not longer than 60 months, if the court finds cause to allow a plan longer than 36 months.</p>
<p>“Arrears”</p>	<p>The estimated total monetary amount necessary to cure all pre-petition defaults.</p>
<p>“Avoid”</p>	<p>The debtor intends to avoid the lien of a creditor. Request for the avoidance of liens held by a creditor against real estate must be made by a motion, filed separate and apart from the proposed plan, in accordance with 11 U.S.C. § 506(d) and <i>In re Kidd</i>, 161 B.R. 769 (Bankr. E.D.N.C. 1993). Avoidance of other liens may be accomplished as indicated in § 3.3 of the proposed plan.</p>
<p>“Bankruptcy Rules”</p>	<p>The Federal Rules of Bankruptcy Procedure.</p>
<p>“Claim”</p>	<p>The estimated amount of the creditor’s claim against the debtor. Absent a sustained objection to claim, the total amount listed by a creditor as being owed on its timely filed proof of claim shall control over any amount listed by the debtor in this plan.</p>
<p>“Collateral”</p>	<p>The real or personal property securing a secured creditor’s claim.</p>
<p>“Conduit”</p>	<p>The regular monthly mortgage payment that is to be made by the trustee when a mortgage claim is proposed or required to be paid through the plan disbursements (<i>See</i> Local Rule 3070-2). The number of monthly “conduit” payments to be made by the trustee will be equal to the number of monthly payments proposed under the plan.</p>
<p>“Court”</p>	<p>The United States Bankruptcy Court for the Eastern District of North Carolina.</p>

“Cure”	The estimated amount a debtor intends to pay to bring the “arrears” on any claim current. With respect to a mortgage claim secured by the debtor’s principal residence, if the debtor proposes a cure through a mortgage loan modification, such intention is indicated in § 3.2. Otherwise, mortgage “arrears” will be cured through the chapter 13 plan disbursements unless the debtor indicates a different method to cure under § 3.2. With respect to other secured claims being paid directly by the debtor, or with respect to an unexpired lease or executory contract that the debtor proposes to assume, if the debtor intends to cure “arrears,” these “arrears” will be cured through the trustee’s disbursements under a confirmed chapter 13 plan unless the debtor indicates otherwise in § 3.2. Arrears owed on a “Domestic Support Obligation” as defined in 11 U.S.C. § 101(14A) will be cured through the trustee’s disbursements under and by the end of the confirmed plan. (See Plan § 4.4).
“Debtor” or “Debtor(s)”	The individual or the married couple who filed the bankruptcy petition and chapter 13 plan, whether used in the singular or plural.
“Directly”	After the timely filing of a claim by or for the creditor, the debtor will make payments directly to the creditor, outside of the disbursements to be made by the chapter 13 trustee. Disbursements to creditors secured by a lien on the debtor’s principal residence are subject to the provisions of Local Rule 3070-2.
“Local Rules”	The Local Rules of Practice and Procedure of the United States Bankruptcy Court for the Eastern District of North Carolina, which may be found at the following Internet URL: http://www.nceb.uscourts.gov/sites/ncsb/files/local-rules.pdf
“Interest” or “Int.”	Except as used in reference to a debtor’s or creditor’s “interest in property,” as used in a plan, the terms “interest,” “interest rate,” and “int.” all refer to the interest rate, if any, at which the debtor proposes to amortize and pay a claim. In the case of an arrearage claim, unless the plan specifically provides otherwise, the debtor proposes to pay 0% interest on the portion of any claim that is in arrears.
“Monthly Payment”	If paid through the trustee’s disbursements under a confirmed chapter 13 plan, the <u>estimated</u> amount of the monthly payment proposed to be made to the creditor. If used in reference to a current monthly payment, the current monthly installment payment due from the debtor to the creditor under the contract between the parties, including escrow amount, if any. If used with reference to an obligation that the debtor proposes to pay directly to a creditor, the amount the debtor shall continue paying each month pursuant to the contract between the debtor and the creditor.
“Other”	With respect to § 3.2 of the plan, the debtor intends to make alternative <u>or additional</u> provisions regarding the proposed treatment of a claim, including the intention of the debtor to pursue a mortgage modification.
“§” or “§§”	These symbols refer to the numbered section or sections (if two are used) of the plan indicated next to the symbol or symbols. The section numbers are found to the left of the part of the plan to which they refer.
“Surrender”	The debtor intends to surrender the “collateral” to the secured creditor(s) upon confirmation of the plan. Surrender of residential real property is addressed in § 3.1, and surrender of other “collateral” is addressed in § 3.6.
“Trustee”	The chapter 13 standing trustee appointed by the court to administer the debtor’s case.