

#### **Rule 4001-4 POSTCONFIRMATION MATTERS IN CHAPTER 13 CASES**

(a) Notwithstanding any provision in a Chapter 13 plan revesting property of the estate in the debtor, all sales of real and personal property shall be conducted in accordance with the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules. The Notice of Sale shall state the proposed disposition of sale proceeds.

(b) Any postpetition extensions of credit sought by the debtor shall be in the form of a motion subject to the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules. Such motion shall be served on the Chapter 13 trustee and all parties in interest.

(c) A motion seeking real estate/mortgage financing shall include the following information:

- (1) the identity of the property that is subject to the financing;
- (2) the identity of the source of funds;
- (3) a description of the terms of the financing, including:
  - (A) whether it will be the first mortgage on the subject property;
  - (B) the amount of principal borrowed;
  - (C) the interest rate;
  - (D) the term of the loan and its amortization schedule;
  - (E) the amount of the monthly payment; and
  - (F) all other material terms of the financing agreement;
- (4) whether the new mortgage financing is to be incorporated into the existing plan or is designed to complete payments under the plan;
- (5) the status of plan payments at the time that the motion is filed;
- (6) if a discharge is sought through the financing, whether the provisions of 11 U.S.C. § 1328 are met; and
- (7) the date the loan is expected to close.

(d) A motion seeking approval of motor vehicle financing shall include the following:

- (1) the type and cost of vehicle being purchased;
- (2) the source of funds;

- (3) the terms of financing, including:
  - (A) the principal borrowed;
  - (B) the interest rate;
  - (C) the term of the loan and its amortization schedule;
  - (D) the amount of the monthly payment; and
  - (E) all other material terms of the financing agreement;
- (4) how the new payment will be incorporated into the Chapter 13 plan;
- (5) the status of plan payments at the time the motion is filed;
- (6) whether any further plan modification is necessary;
- (7) the date the loan is expected to close;
- (8) if the treatment of other creditors will be changed as a result of this financing, a statement of the rationale and underlying facts in support of that change;
- (9) if the plan payment is to be changed as a result of the financing, sufficient facts to demonstrate the feasibility of the plan amendment;
- (10) whether the standards of 11 U.S.C. § 1325(b) are met; and
- (11) whether and when an amended plan will be filed.