

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

In re:

Debtor(s)

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)
)
)

Case No.:

Chapter 13

**JOINT STIPULATION AND ORDER AUTHORIZING MODIFICATION UNDER
THE CARES ACT FOR A CONFIRMED CHAPTER 13 PLAN IMPACTED BY THE
COVID-19 PANDEMIC**

The Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), enacted on March 27, 2020, added § 1329(d) to the Bankruptcy Code for the one-year period of March 27, 2020 through March 26, 2021. Section 1329(d) allows a debtor to request modification of a Chapter 13 plan that was confirmed by the Court before March 27, 2020. Pursuant to the CARES Act, the above-captioned Debtor(s) (hereinafter, the “Debtor”), and the Office of the Chapter 13 Trustee (the “Trustee”), jointly stipulate to the necessity of modification of the confirmed plan. Once this Joint Stipulation and Order is signed by the presiding bankruptcy judge and entered by the Clerk, it has the force and effect of a court order modifying the plan.

1. Status of the Debtor’s Chapter 13 Plan as Originally Confirmed or as Last Modified:

Date of the Debtor’s bankruptcy petition:

Date of confirmation:

Date of last modification (if applicable):

Number of months remaining for plan completion:

Plan payment on a monthly basis: \$

Total plan length (must be less than 60 months):

Source of funds:

Total plan base: \$

Estimated distribution to unsecured creditors:

Date of last plan payment:

2. Reason for Modification: (check all that apply). The changes to the plan are supported by Amended Schedules I and J prepared by the Debtor and contemporaneously filed with the Court. The Debtor states the Debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID-19) pandemic, including:

Loss of employment

Suspension of employment

Increase in household or medical expenses

Other (explain):

3. Terms of Modified Plan (check and complete all applicable items):

A. Changes in Plan Payment and/or Base: (complete all that apply):

The new plan payment on a monthly basis: \$

Date of the first modified plan payment:

Date of last payment under the Modified Plan:

Total plan length (must be 84 months or less):

The new plan base is: \$

Estimated distribution to unsecured creditors:

Source of Funds:

Other Information:

B. Surrender and/or Sale of Property (provide a common description):

The surrender or sale of the above-described property will satisfy the secured portion of any lien therein, and the creditor is afforded a period of 30 days following the sale of any property, or 90 days following the surrender of any property, to submit an unsecured claim in the case. All payments on a claim secured by the above-described property shall immediately cease.

4. Benefit to Creditors (check all that apply)

The proposed changes benefit the unsecured creditors because:

The proposed changes will allow the Debtor to complete the plan. The Debtor is unable to complete the plan as confirmed.

The distribution to unsecured creditors is not changed or is increased.

Other (explain):

5. Summary of treatment of creditors after modification (complete all that apply). All other secured creditors that are not listed below shall be paid as set forth in the confirmation order.

<i>Secured Creditors Paid Directly by the Debtor:</i>	
Proof of Claim Number	Creditor

<i>Secured Creditors Paid Directly by the Trustee:</i>	
Proof of Claim Number	Creditor

6. Pre-Petition Priority Claims

Have been paid in full by the Trustee.

Will continue to be paid as set forth in the confirmation order.

Other:

7. § 1305 Claims

Not Applicable

Will be paid by the Trustee

Other:

8. Other Provisions:

Respectfully submitted and agreed to this _____ day of _____ 202__

/s/_____

Debtor 1 or Attorney for the Debtor

/s/_____

Debtor 2 (if applicable)

Name:

Bar No.:

Address:

Tele No.:

/s/_____
Attorney for the Debtor (if not signed above)

Name:

Bar No.:

Address:

/s/_____
Helen M. Morris or Meagan Preece
Office of the Chapter 13 Trustee
P.O. Box 8535
South Charleston, WV 25303
304-744-6730

Tele. No.:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE:)	
)	Case No.
)	
)	
Debtor(s).)	Chapter 13

**NOTICE OF JOINT STIPULATION TO MODIFY PLAN AFTER CONFIRMATION UNDER THE
CARES ACT FOR A CONFIRMED CHAPTER 13 PLAN IMPACTED BY THE COVID-19
PANDEMIC**

The Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), enacted on March 27, 2020, added § 1329(d) to the Bankruptcy Code for the one-year period of March 27, 2020 through March 26, 2021. Section 1329(d) allows a debtor to request modification of a Chapter 13 plan that was confirmed by the Court before March 27, 2020. Pursuant to the CARES Act, the above-captioned Debtor(s) (hereinafter, the “Debtor”), and the Office of the Chapter 13 Trustee (the “Trustee”), have jointly stipulated to the necessity of modification of the Debtor’s confirmed plan. In the absence of a timely filed objection, the terms of Debtor’s confirmed plan may be modified in accordance with the Debtor’s and the Trustee’s stipulation.

YOU ARE HEREBY NOTIFIED that an objection, if any, to the Joint Stipulation to Modify the Debtor’s Plan After Confirmation Under the CARES Act for a Confirmed Chapter 13 Plan Impacted by the COVID-19 Pandemic, must be filed with the Bankruptcy Clerk’s Office, P.O. Box 70, Wheeling WV 26003, on or before **23 days** from the issuance of this notice. A failure to timely file a written objection with the Bankruptcy Clerk may result in the Court modifying the Debtor’s plan without further notice or opportunity for a hearing. The terms of the Debtor’s modification request are summarized below. You may view the full document by establishing a PACER account: www.pacer.gov, or by visiting the Bankruptcy Clerk’s Office for the Northern District of West Virginia.

DATE ISSUED:

By:

Deputy Clerk
U.S. Bankruptcy Court, N.D.W. Va.
P.O. Box 70, Wheeling WV 26003
304-233-1655

Summary of Proposed Plan Modification			
Original Plan Information		Modified Plan Information	
Petition Date:			
Confirmation Date:			
Date of Last Modification:			
Term in Months:		Term in Months:	
Total Plan Base:		Total Plan Base:	
Estimated Unsecured Creditor Distribution:		Estimated Unsecured Creditor Distribution:	
Last Payment Due Date:		Last Payment Due Date:	
Source of Funds:		Source of Funds:	

Reason for Modification:

Other Summarized Terms of the Proposed Modification: