

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE _____ DISTRICT OF WEST VIRGINIA

IN RE:

DEBTOR1

DEBTOR 2

Debtor(s)

CASE NO

CHAPTER 13

**AGREED ORDER PROVIDING FOR THE CLAIM OF [CREDITOR]
TO BE PAID THROUGH THE TRUSTEE**

This day came the CREDITOR by counsel, the debtor(s), by counsel and the Chapter 13 Trustee and represented to the Court that a settlement had been reached in connection with the motion for stay relief (DKT. __) filed by CREDITOR on the ____ day of _____, 20 ____.

The parties agree as follows:

1. Debtors executed a promissory note dated _____, in the amount of \$_____, secured by COLLATERAL. CREDITOR holds a validly perfected security interest in said collateral.
2. The Debtors' confirmed plan provided for the debtors to pay the creditor directly.
3. The Debtors are currently \$_____ in arrears on secured debt payments to CREDITOR (representing the _____ through _____ monthly installment payments of \$_____ each), with the next monthly installment payment in the amount of \$_____ due on _____.
4. The Debtors seek to cure the payment default on the secured debt.
5. The remaining payoff balance due to CREDITOR on its secured claim is \$_____, and the contractual interest rate is _____% which shall be paid through the Chapter 13 Trustee. The arrearage amount set forth above is not included in this figure.
6. The trustee has calculated the new plan payment to be \$_____ for the remaining _____ months of the plan, commencing with the _____, 20 ____ payment.

The Court accepts the agreement of the parties. It is hereby

ORDERED that the debtors plan payments shall be the sum of \$ _____ per month for the remaining _____ months of the plan. The plan runs _____ months from filing of petition. It is further

ORDERED that the trustee shall set up an arrearage claim for CREDITOR in the amount of \$ _____ which shall be paid without interest. It is further

ORDERED that the trustee shall commence payment to CREDITOR in the monthly amount of \$ _____, as of _____, 20___. This claim shall accrues interest at the rate of _____% per annum. The claim is to be paid in full by the completion of the plan. It is further

ORDERED that Chapter 13 Trustee disbursements to CREDITOR shall be sent to the following address:

[payee and mailing address for CREDITOR for the checks]

It is FURTHER ORDERED, that Debtors shall maintain insurance coverage for the Collateral with CREDITOR named as loss payee. It is further

ORDERED that should the Debtors fail to make a timely Plan payment to the Trustee, beginning with the _____ Plan payment, CREDITOR may file with the Court and serve on the Debtors, counsel for the Debtors and Trustee a written Notice of Default (the "Notice") providing an opportunity for the Debtors to cure the payment default within fourteen (14) days of the filing of the Notice. If the payment default is not cured within such time, or the Debtors don't file an opposition to the Notice with a request for hearing within such time, the automatic stay shall be terminated, with respect to CREDITOR, the Collateral and the proceeds thereof; and

It is FURTHER ORDERED, that in the event the automatic stay is terminated under this Order and CREDITOR forecloses on the Collateral, the entry of this Order relieves the Trustee from making any further disbursements pursuant to the claim previously filed by CREDITOR in this case unless CREDITOR files an amended claim within 90 days for a deficiency claim from termination of the automatic stay under this order. It is further

ORDERED that failure of the Debtors to increase plan payments or to resume direct payments to CREDITOR in contravention of this Order shall be deemed to be a material default in the terms of the confirmed plan and will be grounds for the trustee to seek dismissal of the case.

Reviewed and approved by:

CREDITOR'S COUNSEL

DEBTORS' COUNSEL

TRUSTEE/STAFF ATTORNEY