

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

IN RE:)
)
) CASE NO.
)
)
 Debtor(s).)

AGREED ENTRY MODIFYING PLAN
POST-CONFIRMATION

The Trustee and the Debtor(s) represent that the confirmed plan in this case contains the following provision:

CURING DEFAULTS: If Debtor falls behind on plan payments or if changes to the payments owed to secured lenders require additional funds from the Debtor's income, the Debtor and the Trustee may agree that the Debtor(s) will increase the payment amount each month or that the time period for making payments will be extended, not to exceed 60 months. Creditors will not receive notice of any such agreement unless the total amount that the Debtor(s) will pay to the Trustee decreases. . . .

Pursuant to this provision, notice to creditors or a motion to modify is not required. Alternatively, the Trustee and Debtor(s) represent that the plan does not contain the preceding provision, but ask that the Court approve this Agreed Entry, without notice to other parties, because the terms of the Agreed Entry do not harm any creditor. The terms contained in this agreement are for the purpose of curing a default and these terms do not extend plan payments more than 6 months beyond the term established by the confirmed plan nor beyond 60 months from filing.

A certificate of service is attached to this Agreed Entry if any party has requested notice of this agreement from the Trustee.

The confirmed plan is modified as follows:

WHEREFORE, the parties hereto agree to these modifications of the confirmed plan and ask that the Court approve them.

Date: _____
Chapter 13 Trustee or Staff Counsel

Date: _____
Debtor's Counsel

Date: _____
Debtor

Certificate of Service

[if required]

NOTES

This form is for use only when submitting an agreed entry that modifies a plan post-confirmation to address a post-confirmation default in plan payments OR an increase in plan payments required because payments to secured lenders require additional funds from Debtor's income. The form may only be used if the terms of the agreement fall within the limits set by paragraph 3.(c) of the Court's Model Plan. This form may only be used if no motion to dismiss because of the default or motion to modify is pending.

If a motion to modify has already been filed and the Trustee or another party has objected to it, proper resolution of that motion to modify by agreed entry would be through use of the Trustee's standard agreed entry form. **DO NOT USE THIS FORM IN THAT SITUATION.**

If a motion to dismiss because of the default is pending, this form can only be used **AFTER** the Trustee has withdrawn the motion to dismiss. In the alternative, if the Debtor has filed an objection to the motion to dismiss, the matter can be resolved by agreed entry using the Trustee's regular form.