

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IMPORTANT NOTICE TO THE BAR AND PUBLIC

**Thirty-Day Public Comment Period
Concerning Adoption and Amendment of
2020 Local Bankruptcy Rules and Forms**

Please be advised that the Board of Judges of the United States Bankruptcy Court for the District of New Jersey has approved for publication for a thirty-day public comment period, a draft of proposed 2020 amended Local Bankruptcy Rules and new and amended local forms as highlighted below:

D.N.J. LBR 3011-1. Unclaimed Funds in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, or Chapter 13

- *Application for Payment of Unclaimed Funds*
- *Order Granting Application for Payment of Unclaimed Funds*

D.N.J. LBR 3015-2. Modified Chapter 13 Plan and Motions

- *Chapter 13 Plan and Motions* (modified Note in Part 7 and added Note in Part 9)

D.N.J. LBR 3016-1. Chapter 11 Plan or Disclosure Statement and Related Forms

- *Subchapter V Status Report*
- *Small Business Debtor's Plan of Reorganization [or Liquidation] for Subchapter V Small Business Cases*

D.N.J. LBR 5005-1. Filing and Service of a Document

D.N.J. LBR 6007-1. Abandonment

D.N.J. LBR 9013-2. Motions: Filing and Service; Hearing Date

D.N.J. LBR 9037-1. Privacy Protection for Transcripts

The proposed Local Bankruptcy Rules and new and amended local forms are attached for ease of reference.

Dates for public comment and implementation are set forth as follows:

- April 14, 2020 - Publication of draft rules for public comment.
- May 14, 2020 - Close of public comment period.
- May 15, 2020 - Consideration of comments received by the Board of Judges of the Bankruptcy Court for the District of New Jersey.
- May 22 - June 30, 2020 - Submission of draft rules for formal approval by the Board of Judges of the District Court for the District of New Jersey.
- August 1, 2020 - Effective date of 2020 Local Bankruptcy Rules.

By approving a publication draft, the Board of Judges solicits comments from bankruptcy professionals and members of the public.

Comments may be submitted to the Court email address: local_rules@njb.uscourts.gov

Dated: April 14, 2020

Jeanne A. Naughton, Clerk

D.N.J. LBR 3011-1. Unclaimed Funds in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, or Chapter 13

(a) Deposit. A trustee must file Local Form *Notice Depositing Unclaimed Funds Pursuant to D.N.J. LBR 3011-1* to deposit unclaimed funds into the court's registry without court order.

(b) Payment of unclaimed funds.

(1) All claimants must use Local Form *Application for Payment of Unclaimed Funds*.

(2) A claimant must be:

(A) the Owner of Record (original payee) or its legal successor; or

(B) the Owner of Record's assignee or its legal successor.

(3) The *Application* must include the supporting documentation identified in the Instructions for Filing an Application for Payment of Unclaimed Funds.

(4) The *Application* must be served on the United States Attorney for the District of New Jersey and Local Form *Certification of Service* must be filed.

(5) The *Application* must include Local Form *Order Granting Application for Payment of Unclaimed Funds*.

(c) Objection. Unless a party in interest files an objection within 21 days of the filing of the *Application*, the request will be considered by the court without a hearing.

2020 Comment

The title of this Rule is amended to include Subchapter V of Chapter 11 due to the enactment of the Small Business Reorganization Act of 2019.

This Rule is amended to conform with the adoption of Director's Form 1340 (to be effective December 1, 2019) by the Judicial Conference of the United States.

If an objection is timely filed in accordance with subsection (c) the court will schedule a hearing.

In a closed case, no motion to reopen is required and no reopening fee will be charged.

2015 Comment

Section 2041 of title 28 governs deposit of funds in pending or adjudicated cases, and section 2042 governs withdrawal of funds deposited in court.

This Rule applies only to unclaimed distributions deposited into court by a trustee under § 347(a) of the Code. All other funds deposited into court are governed by Local Bankruptcy Rule 7067-1.

In a closed case, the chief bankruptcy judge will hear the motion for withdrawal.

Fill in this information to identify the case:

Debtor 1

First Name Middle Name Last Name

Debtor 2

(Spouse, if filing) _____
First Name Middle Name Last NameUnited States Bankruptcy Court for the: District of New Jersey
(State)

Case number:

Form 1340 (12/19)**APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS****1. Claim Information**

For the benefit of the Claimant(s)¹ named below, application is made for the payment of unclaimed funds on deposit with the court. I have no knowledge that any other party may be entitled to these funds, and I am not aware of any dispute regarding these funds.

Note: If there are joint Claimants, complete the fields below for both Claimants.

Amount:

Claimant's Name:

Claimant's Current Mailing
Address, Telephone Number,
and Email Address:**2. Applicant Information**

Applicant² represents that Claimant is entitled to receive the unclaimed funds because (*check the statements that apply*):

- Applicant is the Claimant and is the Owner of Record³ entitled to the unclaimed funds appearing on the records of the court.
- Applicant is the Claimant and is entitled to the unclaimed funds by assignment, purchase, merger, acquisition, succession or by other means.
- Applicant is Claimant's representative (*e.g.*, attorney or unclaimed funds locator).
- Applicant is a representative of the deceased Claimant's estate.

3. Supporting Documentation

- Applicant has read the court's instructions for filing an Application for Unclaimed Funds and is providing the required supporting documentation with this application.

¹ The Claimant is the party entitled to the unclaimed funds.

² The Applicant is the party filing the application. The Applicant and Claimant may be the same.

³ The Owner of Record is the original payee.

4. Notice to United States Attorney

- Applicant has sent a copy of this application and supporting documentation to the United States Attorney, pursuant to 28 U.S.C. § 2042, at the following address:

Office of the United States Attorney
District of New Jersey
Peter Rodino Federal Building
970 Broad Street, Suite 700
Newark, New Jersey 07102

5. Applicant Declaration

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: _____

Signature of Applicant

Printed Name of Applicant

Address: _____

Telephone: _____

Email: _____

5. Co-Applicant Declaration (if applicable)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: _____

Signature of Co-Applicant (if applicable)

Printed Name of Co-Applicant (if applicable)

Address: _____

Telephone: _____

Email: _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: _____

Judge: _____

**ORDER GRANTING APPLICATION FOR
PAYMENT OF UNCLAIMED FUNDS**

The relief set forth on the following page is **ORDERED**.

On _____, an application was filed for the Claimant(s), _____, for payment of unclaimed funds deposited with the court pursuant to 11 U.S.C. § 347(a). The application and supporting documentation establish that the Claimant(s) is entitled to the unclaimed funds; accordingly, it is hereby

ORDERED that pursuant to 28 U.S.C. § 2042, the sum of \$_____ held in unclaimed funds be made payable to _____ and be disbursed to the payee at the following address:

The Clerk will disburse these funds not earlier than 14 days after entry of this order.

D.N.J. LBR 3015-2. Modified Chapter 13 Plan and Motions

(a) Hearing. The filing of a modified chapter 13 plan does not change the date of any previously scheduled confirmation hearing unless an adjournment is granted.

(b) Service. The debtor must serve by first class mail each affected party with the entire modified plan and immediately file Local Form *Certification of Service*.

(c) Motions. The filing and service of Local Forms *Chapter 13 Plan and Motions* and *Notice of Chapter 13 Plan Transmittal* in accordance with this Rule and Bankruptcy Rule 3015(h) obviates the need to file a separate Notice of Motion of the filing of a modified chapter 13 plan.

2020 Comment

Subdivision (b) of this Rule is modified to replace the term “affected lienholder” with “affected party.”

Subdivision (c) of this Rule is new and includes a reference to the relevant Local Forms impacting this Rule.

2015 Comment

If a modified chapter 13 plan includes a motion, the debtor must serve, in accordance with Local Rule 3015-1, each affected lienholder with Local Forms *Chapter 13 Plan and Motions* and *Notice of Chapter 13 Plan Transmittal*.

Notice of the hearing on the modified plan will be provided in accordance with Bankruptcy Rule 2002(b).

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security

Assumption of Executory Contract or Unexpired Lease

Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

Case No.:

Judge:

Debtor(s)

Chapter 13 Plan and Motions

Original

Modified/Notice Required

Date:

Motions Included

Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

DOES DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

DOES DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

DOES DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: _____

Initial Debtor: _____

Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ _____ per _____ to the Chapter 13 Trustee, starting on _____ for approximately _____ months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- Future earnings
- Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- Sale of real property

Description:

Proposed date for completion: _____

- Refinance of real property:

Description:

Proposed date for completion: _____

- Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

None

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan **NONE**

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- Not less than \$ _____ to be distributed *pro rata*
- Not less than _____ percent
- Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal, and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon confirmation
- Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) _____
- 3) _____
- 4) _____

d. Post-Petition Claims

The Standing Trustee is, is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

<p>Explain below why the plan is being modified:</p>	<p>Explain below how the plan is being modified:</p>
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Are Schedules I and J being filed simultaneously with this Modified Plan? Yes No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

NONE

Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: _____

Debtor

Date: _____

Joint Debtor

Date: _____

Attorney for Debtor(s)

D.N.J. LBR 3016-1. Chapter 11 Plan or Disclosure Statement and Related Forms

(a) Table of Contents. Every Chapter 11 Plan or Disclosure Statement must contain a Table of Contents.

(b) Modification. If a chapter 11 plan proponent files a modified plan or disclosure statement, the entire modified document must be filed. The title must use a numerical designation such as “First Modified Plan” or “Second Modified Plan.”

(c) Required Forms in Subchapter V Cases. A Subchapter V debtor must file Local Forms *Subchapter V Status Report* and *Small Business Debtor’s Plan of Reorganization [or Liquidation]* for Subchapter V Small Business Cases.

2020 Comment

This Rule was amended to add subdivision (c), which requires the use of mandatory Local Forms in Subchapter V cases.

In addition to the mandatory Local Forms referenced in subdivision (c), the following Local Forms are available in non-Subchapter V cases: *Chapter11 Plan* and *Chapter 11 Small Business Debtor’s Combined Plan of Reorganization [or Liquidation] and Disclosure Statement*.

When using a *Chapter 11 Small Business Debtor’s Combined Plan of Reorganization [or Liquidation] and Disclosure Statement*, a Debtor may object to the amount or validity of any Claim within 60 days (pursuant to DNJ LBR 3007-1) of the Confirmation Date by filing an objection with the Bankruptcy Court and serving a copy of the objection on the holder of the Claim. The Claim objected to must be specifically identified in the Combined Plan and will be treated as a Disputed Claim under the Combined Plan.

For individual Chapter 11 debtors, a Combined Plan and Disclosure Statement may only be used upon express authorization of the judge and will otherwise be rejected by the Clerk’s Office.

2016 Comment

This Rule was amended to add subdivision (a).

2015 Comment

The following Local Forms are available: *Chapter11 Plan*; *Chapter 11 Small Business Debtor’s Combined Plan of Reorganization [or Liquidation] and Disclosure Statement*; and *Individual Debtor’s Chapter 11 Combined Plan of Reorganization [or Liquidation] and Disclosure Statement*.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

Case No.: _____

Chapter: 11 (Small Business Subchapter V)

Judge: _____

SUBCHAPTER V STATUS REPORT

Note: must be filed 14 days prior to initial status conference

Date of order for relief: _____

Trustee: _____

Has the debtor attended an initial debtor interview? Yes No

If no, please explain:

Has the trustee concluded the 341 meeting? Yes No

If no, please explain:

Has the debtor filed all postpetition financial reports? Yes No

If no, please explain:

Has the debtor filed all monthly operating reports? Yes No

If no, please explain:

Is all relevant insurance in place and current? Yes No

If no, please explain:

Has the debtor filed all applicable tax returns? Yes No

If no, please explain:

Has the debtor paid all taxes entitled to administrative expense priority? Yes No

If no, please explain:

Please detail the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization:

Other relevant information:

Note: Debtor must file a plan not later than 90 days after entry of order for relief. Unless the court extends the deadline upon a finding that extension is “attributable to circumstances for which the debtor should not justly be held accountable.” See, 11 U.S.C. § 1189(b).

This status report must be served on the trustee and all parties in interest.

Date: _____

Debtor

Date: _____

Joint Debtor

new.2/19/2020

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re: _____ _____ Debtor.

Case No. ____ - _____

Hon. _____,

Chapter 11 (Subchapter V Small Business)

**SMALL BUSINESS DEBTOR'S PLAN OF REORGANIZATION
[OR LIQUIDATION]**

This Plan of Reorganization [or Liquidation] is presented to you to inform you of the proposed Plan for restructuring the debt [or liquidating the assets] of [Debtor], and to seek your vote to accept the Plan.

You are encouraged to carefully review the full text of this document, including all exhibits and attachments, before deciding how to vote on the Plan. To assist you in your review, please note that a list of definitions and a section of frequently asked questions appear at the end of this document.

IN ADDITION TO CASTING YOUR VOTE TO ACCEPT OR REJECT THE PLAN, YOU MAY OBJECT TO CONFIRMATION OF THE PLAN. IF YOU WISH TO OBJECT TO CONFIRMATION OF THE PLAN, YOU MUST DO SO BY [OBJECTION DATE/TIME].

YOUR BALLOT STATING HOW YOU ARE VOTING ON THE PLAN MUST BE RETURNED BY [DEADLINE]. THE BALLOT MUST BE MAILED TO THE FOLLOWING ADDRESS: [DEBTOR'S COUNSEL'S ADDRESS].

A HEARING ON THE CONFIRMATION OF THE PLAN IS SCHEDULED FOR [HEARING DATE/TIME] IN COURTROOM No. _____ AT THE [INSERT COURTHOUSE NAME AND FULL COURT ADDRESS, CITY, STATE, ZIP CODE].

Your rights may be affected by this Plan. You should consider discussing this document with an attorney.

[DATE]
[COUNSEL FOR DEBTOR]
[CONTACT INFORMATION FOR COUNSEL FOR DEBTOR]

TABLE OF CONTENTS

[Insert Table of Contents pursuant to D.N.J. LBR 3016-1(a)]

SUMMARY OF THE PLAN AND DISTRIBUTIONS TO CREDITORS

[A concise summary of the Plan, describing with particularity the treatment of each class of Creditors and the source of funding for the Plan, should be stated here.]

ARTICLE 1
HISTORY OF THE BUSINESS OPERATIONS OF THE DEBTOR

1.1. Nature of the Debtor's Business.

[Describe the Debtor's Business here.]

1.2. History of Business Operations of the Debtor

[Describe a brief history of the business operations of the Debtor]

1.3 Filing of the Debtor's Chapter 11 Case.

On [the Petition Date], the Debtor filed a voluntary petition for relief under the Bankruptcy Code. The Chapter 11 case is pending in the Bankruptcy Court in (Camden)(Newark)(Trenton), New Jersey.

1.4. Legal Structure and Ownership.

[Describe the Debtor's legal structure and ownership here.]

1.5. Debtor's Assets.

[Detail the identity and fair market value of the estate's assets either in this section or in an attached Exhibit. Identify the source and basis for valuation.]

1.6. Debtor's Liabilities.

[Identify the secured Claims, naming the collateral for such debts, priority Claims and unsecured Claims against the estate either in this section or in an attached Exhibit.]

1.7. Current and Historical Financial Conditions.

[The Debtor's relevant financial data, including the Debtor's historical and projected financial performance, should be summarized here, with reference to attached Exhibits like the Debtor's most recent financial statements, if any, a summary of the Debtor's periodic operating reports filed since the commencement of the Debtor's bankruptcy case, etc.]

1.8. Events Leading to the Filing of the Bankruptcy Case.

[Describe what problems compelled the filing of the Chapter 11 petition and, if applicable, how the Debtor has cured those problems for its successful rehabilitation.]

1.9. Significant Events During the Bankruptcy Case.

[Describe significant events during the Debtor’s bankruptcy case, which may include:

- Any asset sales outside the ordinary course of business, debtor-in-possession financing, or cash collateral orders.
- The identity of professionals approved by the Bankruptcy Court.
- Any adversary proceedings that have been filed or other significant litigation that has occurred (including contested claim disallowance proceedings), and any other significant legal or administrative proceedings that are pending or have been pending during the case in a forum other than the Bankruptcy Court.
- Any steps taken to improve operations and profitability of the Debtor.
- Other events as appropriate.]

1.10. Projected Recovery of Avoidable Transfers [Choose option]

The Debtor does not intend to pursue preference, fraudulent conveyance, or other avoidance actions.

OR

The Debtor estimates that up to \$ _____ may be realized from the recovery of fraudulent, preferential or other avoidable transfers. While the results of litigation cannot be predicted with certainty and it is possible that other causes of action may be identified, the following is a summary of the preference, fraudulent conveyance and other avoidance actions filed or expected to be filed in this case:

Transaction	Defendant	Amount Claimed

OR

[If the Debtor does not yet know whether it intends to pursue avoidance actions]

The Debtor has not yet completed its investigation with regard to prepetition transactions. The Debtor anticipates completing its investigation by _____. If you received a payment or other transfer of property within 90 days of bankruptcy, the Debtor may seek to avoid such transfer.

ARTICLE 2
THE PLAN

The Debtor's Plan must describe how its Creditors will be paid. Certain Claims are entitled to specific treatment under the Bankruptcy Code and are not placed in a class

for purpose of payment. For example, Administrative Expenses and Priority Tax Claims are not classified.

As required by the Code, the Plan places Claims and Equity Interests in various classes and describes the treatment each class will receive. The Plan also states whether each class of Claims or Equity Interests is impaired or unimpaired. A Claim or Equity Interest can be impaired if the Plan alters the legal, equitable or contractual rights to which the Claimants are otherwise entitled. If the Plan is confirmed, each Creditor's recovery is limited to the amount provided in the Plan.

Only Creditors in classes that are impaired may vote on whether to accept or reject the Plan, and only Creditors holding Allowed Claims may vote. A class accepts the Plan when more than one-half (1/2) in number and at least two-thirds (2/3) in dollar amount of the Allowed Claims that actually vote, vote in favor of the Plan. Also, a class of Equity Interest holders accepts the Plan when at least two-thirds (2/3) in amount of the allowed Equity Interest holders that actually vote, vote in favor of the Plan. A class that is not impaired is deemed to accept the Plan.

2.1. Unclassified Claims.

Certain types of Claims are automatically entitled to specific treatment under the Code. For example, Administrative Expenses and Priority Tax Claims are not classified. They are not considered impaired, and holders of such Claims do not vote on the Plan. They may, however, object if, in their view, their treatment under the Plan does not comply with that required by the Code. As such, the Plan does not place the following Claims in any class:

A. Administrative Expenses

The Debtor must pay all Administrative Expenses in full. If an Administrative Expense is disputed, the Bankruptcy Court must determine the validity and amount of the Administrative Expense, or in other words, "allow" the Administrative Expense. Any Administrative Expense that is undisputed and is due and owing on the Confirmation Date must be paid in accordance with this Plan, or upon such other terms as agreed upon by the Debtor and the Administrative Claimant or court order. If the Administrative Expense is disputed, payment will be made after the Administrative Expense is allowed by the Bankruptcy Court.

There are several types of Administrative Expenses, including the following:

1. If the Debtor trades in the ordinary course of business following its filing of the Chapter 11 Case, Creditors are entitled to be paid in full for the goods or services provided. This ordinary trade debt incurred by the Debtor after the Petition Date will be paid on an ongoing basis in accordance with the ordinary business practices and terms between the Debtor and its trade Creditors.

2. If the Debtor received goods it has purchased in the ordinary course of business within 20 days before the Petition Date, the value of the goods received is an Administrative Expense.

3. Administrative Expenses also include any post-petition fees and expenses allowed to professionals, including the allowed claim of the Trustee for fees and/or reimbursements, and for attorneys and accountants employed upon Bankruptcy Court authority to render services to the Debtor during the course of the Chapter 11 cases. These fees and expenses must be noticed to Creditors and approved by the Bankruptcy Court prior to payment.

The following chart lists the Debtor's estimated Administrative Expenses, and their proposed treatment under the Plan:

Type	Estimated Amount Owed	Proposed Treatment
Expenses arising in the ordinary course of business after the Petition Date		Payment through the Plan as follows: <hr/>
Administrative Tax Claim		Payment through the Plan as follows: <hr/>
The value of goods received in the ordinary course of business within 20 days before the Petition Date		Payment through the Plan as follows: <hr/>

Professional fees, as approved by the Bankruptcy Court		After Bankruptcy Court approval, Payment through the Plan as follows: _____ _____
Clerk's Office fees		Paid in full on the Effective Date.
Other Administrative Expenses		Payment through the Plan as follows: _____ _____
Trustee		Upon application under § 330 and after Bankruptcy Court approval, payment through the Plan as follows: _____ _____
TOTAL		

B. Priority Tax Claims.

Priority Tax Claims are unsecured income, employment, and other taxes described by § 507(a)(8) of the Code. Unless the holder of such a § 507(a)(8) Priority Tax Claim agrees otherwise, it must receive the present value of such Claim, in regular installments paid over a period not exceeding 5 years from the order of relief.

Each holder of a Priority Tax Claim will be paid as set forth in the chart below:

Name of Taxing Authority and Type of Tax	Estimated Amount Owed	Date of Assessment	Treatment
			Pmt Interval = [Monthly] payment = Begin Date = End Date = Interest Rate % = Total Payment = \$
			Pmt Interval = [Monthly] payment = Begin Date = End Date = Interest Rate % = Total Payment = \$

2.2 Classes of Claims and Equity Interests.

The following are the classes set forth in the Plan, and the proposed treatment that they will receive under the Plan:

A. Classes of Secured Claims

Allowed Secured Claims are Claims secured by property of the Debtor's bankruptcy estate (or that are subject to setoff) to the extent allowed as secured Claims under § 506 of the Code. If the value of the collateral or setoffs securing the Creditor's Claim is less than the amount of the Creditor's Allowed Claim, the deficiency will be classified as a general unsecured Claim. In addition, certain claims secured only by the debtor's principal residence, may require different treatment pursuant to § 1190(3) of the Code as set forth below, if applicable.

The following chart lists all classes containing the Debtor's secured prepetition Claims and their proposed treatment under the Plan:

Class #	Description	Insider? (Yes or No)	Impairment	Treatment
	<p><i>Secured claim of:</i> Name =</p> <p>Collateral description =</p> <p>Allowed Secured Amount = \$ _____</p> <p>Priority of lien =</p> <p>Principal owed = \$ _____</p> <p>Pre-pet. arrearage = \$ _____</p> <p>Total claim = \$ _____</p>		<p>[State whether impaired or unimpaired]</p>	<p>[Monthly Pmt.] =</p> <p>Pmts Begin =</p> <p>Pmts End =</p> <p>[Balloon Pmt] =</p> <p>Interest rate % =</p> <p>Treatment of Lien [including whether claim is being treated under §1190(3)] =</p> <p>[Additional payment required to cure defaults] =</p> <p>Deficiency in the amount of \$ _____ to be classified and treated as a general unsecured Claim</p>

	<i>Secured claim of:</i> Name = Collateral description = Allowed Secured Amount = \$ _____ Priority of lien = Principal owed = \$ _____ Pre-pet. arrearage = \$ _____ Total claim = \$ _____		[State whether impaired or unimpaired]	Monthly Pmt = Pmts Begin = Pmts End = [Balloon pmt] = Interest rate % Treatment of Lien [including whether claim is being treated under §1190(3)] = [Additional payment required to cure defaults] = Deficiency in the amount of \$ _____ to be classified and treated as a general unsecured Claim
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B. Classes of Priority Unsecured Claims.

Certain priority Claims that are referred to in §§ 507(a)(1), (4), (5), (6), and (7) of the Code are required to be placed in classes. The Code requires that each holder of such a Claim receive cash on the Effective Date of the Plan equal to the allowed amount of such Claim. However, a class of holders of such Claims may vote to accept different treatment.

The following chart lists all classes containing Claims under §§ 507(a)(1), (4), (5), (6), and (a)(7) of the Code and their proposed treatment under the Plan:

Class #	Description	Impairment	Treatment
	Priority unsecured claim pursuant to Section [insert] Total amt of claims = \$ _____	[State whether impaired or unimpaired]	
	Priority unsecured claim pursuant to Section [insert] Total amt of claims = \$ _____	[State whether impaired or unimpaired]	

C. Class[es]of General Unsecured Claims

General unsecured Claims are not secured by property of the estate and are not entitled to priority under § 507(a) of the Code. [Insert description of §1122(b) convenience class if applicable.]

The following chart identifies the Plan’s proposed treatment of Class[es] ___ through ___, which contain general unsecured Claims against the Debtor:

Class #	Description	Impairment	Treatment
	[1122(b) Convenience Class]	[State whether impaired or unimpaired]	[Insert proposed treatment, such as “Paid in full in cash on effective date of the Plan or when due under contract or applicable nonbankruptcy law”]
	General Unsecured Class [including any claims set forth in Section 2.2.A, above]	[State whether impaired or unimpaired]	Monthly Pmt = Pmts Begin = Pmts End = [Balloon pmt] = Interest rate % from [date] = Estimated = percent of claim paid

D. Class[es] of Equity Interest Holders.

Equity Interest holders are parties who hold an ownership interest (*i.e.*, equity interest) in the Debtor. In a corporation, entities holding preferred or common stock are Equity Interest holders. In a partnership, Equity Interest holders include both general and limited partners. In a limited liability company (“LLC”), the Equity Interest holders are the members. Finally, with respect to an individual who is a debtor, the Debtor is the Equity Interest holder.

The following chart sets forth the Plan’s proposed treatment of the class[es] of Equity Interest holders: [There may be more than one class of Equity Interest holders in, for example, a partnership case, or a case where the prepetition debtor had issued multiple classes of stock.]

Class #	Description	Impairment	Treatment
	Equity Interest holders	[State whether impaired or unimpaired]	

2.3. Estimated Number and Amount of Claims Objections.

The Debtor may object to the amount or validity of any Claim within 60 days of the Confirmation Date by filing an objection with the Bankruptcy Court and serving a copy of the objection on the holder of the Claim. The Claim objected to will be treated as a Disputed Claim under the Plan. If and when a Disputed Claim is finally resolved by the allowance of the Claim in whole or in part, the Debtor will pay the Allowed Claim in accordance with the Plan. [Set forth amount and number of Claims in each class that will be objected to.]

Class	Number of Claims Objected To	Amount of Claims Objected To

2.4. Treatment of Executory Contracts and Unexpired Leases.

Executory Contracts are contracts where significant performance of the contract remains for both the Debtor and another party to the contract. The Debtor has the right to reject, assume (i.e. accept), or assume and assign these types of contracts to another party, subject to the Bankruptcy Court’s approval. The paragraphs below explain the Debtor’s intentions regarding its Executory Contracts (which includes its unexpired leases) and the impact such intentions would have on the other parties to the contracts.

Check all that apply:

Assumption of Executory Contracts.

The Executory Contracts shown on Exhibit _____ shall be assumed by the Debtor. Assumption means that the Debtor has elected to continue to perform the obligations under such contracts and unexpired leases, and to cure defaults of the type that must be cured under the Bankruptcy Code, if any. Exhibit _____ also lists how the Debtor will cure and compensate the other party to such contract or lease for any such defaults.

If you object to the assumption of your unexpired lease or executory contract, the proposed cure of any defaults, or the adequacy of assurance of future performance, you must file and serve your objection to the assumption within the deadline for objecting to the confirmation of the Plan, unless the Bankruptcy Court has set an earlier time.

OR

Assumption and Assignment of Executory Contracts and Unexpired Leases.

The Executory Contracts shown on Exhibit _____ shall be assumed by the Debtor and assigned to the party listed in that Exhibit. Assumption and assignment by the Debtor means that the Debtor will undertake the obligations under such contracts and unexpired leases, will cure defaults of the type that must be cured under the Bankruptcy Code, if any, and will assign the contract to the party listed.

If you object to the assumption and assignment of your unexpired lease or executory contract, the proposed cure of any defaults, or the adequacy of assurance of future performance, you must file and serve your objection to the assumption and assignment within the deadline for objecting to the confirmation of the Plan, unless the Bankruptcy Court has set an earlier time.

OR

Rejection of Executory Contracts and Unexpired Leases.

The Executory Contracts shown on Exhibit ____ shall be rejected by the Debtor.

Further, the Debtor will be conclusively deemed to have rejected all executory contracts and/or unexpired leases not expressly shown on Exhibit _____, or not assumed before the date of the order confirming the Plan.

Rejection means that the Debtor has elected not to continue to perform the obligations under such contracts or leases. If the Debtor has elected to reject a contract or lease, the other party to the contract or lease will be treated as an unsecured Creditor holding a Claim that arose before the bankruptcy was filed.

[The Deadline for Filing a Proof of Claim Based on a Claim Arising from the Rejection of an Executory Contract Is _____ . Any Claim based on the rejection of an Executory Contract will be barred if the proof of claim is not timely filed, unless the Bankruptcy Court orders otherwise.]

2.5. Means for Implementation of the Plan.

[Describe how the Plan will be implemented, including how the Plan will be funded. For example, if the Plan proposes a sale of the Debtor's assets, describe how the sale will proceed, including anticipated marketing efforts and proposed bidding procedures. Then insert the paragraphs set forth below, if applicable.]

On Confirmation of the Plan, all property of the Debtor, tangible and intangible, including, without limitation, licenses, furniture, fixtures and equipment, will revert, free and clear of all Claims and Equitable Interests except as provided in the Plan, to the Debtor. The Debtor expects to have sufficient cash on hand to make the payments required on the Effective Date.

The Board of Directors of the Debtor immediately prior to the Effective Date shall serve as the initial Board of Directors of the Reorganized Debtor on and after the Effective Date. Each member of the Board of Directors shall serve in accordance with applicable non-bankruptcy law and the Debtor's certificate or articles of incorporation and bylaws, as each of the same may be amended from time to time.

[Additional provisions, if any, for implementing the plan can be inserted here.]

2.6. Payments.

If the Plan is confirmed under §1191(a), payments to Creditors provided for in the Plan will be made by the Trustee pursuant to §1194(a). Once the Trustee's service is terminated under § 1183(c), the Debtor shall make Plan payments except as otherwise provided in the Plan or in the order confirming the Plan.

If the Plan is confirmed under section § 1191(b), except as otherwise provided in the Plan or in the order confirming the Plan, the Trustee shall make all Plan payments to creditors under the Plan.

2.7. Post-Confirmation Management.

The Post-Confirmation Officers/Managers of the Debtor, and their compensation, shall be as follows:

Name	Position	Compensation

2.8. Tax Consequences of the Plan.

Creditors and Equity Interest Holders Concerned with How the Plan May Affect Their Tax Liability Should Consult with Their Own Accountants, Attorneys, And/Or Advisors.

The following are the anticipated tax consequences of the Plan: [List the following general consequences as a minimum: (1) Tax consequences to the Debtor of the Plan; (2) General tax consequences on Creditors of any discharge, and the general tax consequences of receipt of Plan consideration after Confirmation.]

2.9. Projections in Support of Debtor's Ability to Make Payments Under the Proposed Plan

Debtor has provided projected financial information. Those projections are listed in Exhibit _____.

ARTICLE 3
FEASIBILITY OF PLAN

The Bankruptcy Court must find that confirmation of the Plan is not likely to be followed by the liquidation, or the need for further financial reorganization, of the Debtor or any successor to the Debtor, unless such liquidation or reorganization is proposed in the Plan.

3.1. Ability to Initially Fund Plan.

The Debtor believes that the Debtor will have enough cash on hand on the Effective Date of the Plan to pay all the Claims and expenses that are entitled to be paid on that date. Tables showing the amount of cash on hand on the Effective Date of the Plan, and the sources of that cash, are attached hereto as Exhibit ____.

3.2. Ability to Make Future Plan Payments And Operate Without Further Reorganization.

The Debtor must submit all or such portion of the future earnings or other future income of the Debtor to the supervision and control of the Trustee as is necessary for the execution of the Plan.

The Debtor has provided projected financial information. Those projections are listed in Exhibit ____ (referenced in § 2.9, above).

The Debtor's financial projections show that the Debtor will have an aggregate annual average cash flow, after paying operating expenses and post-confirmation taxes, of \$ _____. The final Plan payment is expected to be paid on _____.

[Summarize the numerical projections, and highlight any assumptions that are not in accord with past experience. Explain why such assumptions should now be made.]

You Should Consult with Your Accountant or other Financial Advisor If You Have Any Questions Pertaining to These Projections.

ARTICLE 4
LIQUIDATION ANALYSIS.

To confirm the Plan, the Bankruptcy Court must find that all Creditors and Equity Interest holders who do not accept the Plan will receive at least as much under the Plan as such Claimants and Equity Interest holders would receive in a Chapter 7 liquidation. A liquidation analysis is attached hereto as Exhibit ____.

ARTICLE 5
DISCHARGE.

5.1. [Option 1 -- If § 1141(d)(3) is not applicable]

Discharge. **If the Plan is confirmed under § 1191(a)**, on the Confirmation Date of this Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, subject to the occurrence of the Effective Date, to the extent specified in § 1141(d) of the Bankruptcy Code; or

If the Plan is confirmed under § 1191(b), as soon as practicable after completion by the Debtor of all payments due under the Plan, unless the court approves a written waiver of discharge executed by the Debtor after the order for relief under this chapter, the court shall grant the Debtor a discharge of all debts provided in section 1141(d)(1)(A) of this title, and all other debts allowed under section 503 of this title and provided for in this Plan, except any debt—

- (1) on which the last payment is due after the first 3 years of the plan, or such other time not to exceed 5 years fixed by the court; or
- (2) if applicable, of the kind specified in section 523(a) of this title.

[Option 2– If § 1141(d)(3) is applicable]

No Discharge. In accordance with § 1141(d)(3) of the Bankruptcy Code, the Debtor will not receive any discharge of debt in this bankruptcy case.

NOTE: If the Debtor is not entitled to discharge under 11 U.S.C. § 1141(d)(3) change this heading to “**NO DISCHARGE OF DEBTOR.**”

ARTICLE 6
GENERAL PROVISIONS.

6.1. Title to Assets.

If a plan is confirmed under § 1191(a), except as otherwise provided in the Plan or in the order confirming the Plan, (i) confirmation of the Plan vests all of the property of the estate in the Debtor, and (ii) after confirmation of the Plan, the property dealt with by the Plan is free and clear of all Claims and Equity Interests of Creditors, equity security holders, and of general partners in the Debtor.

If a plan is confirmed under § 1191(b), property of the estate includes, in addition to the property specified in § 541, all property of the kind specified in that section that the Debtor acquires, as well as earnings from services performed by the Debtor, after the date of commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13 of the Bankruptcy Code, whichever occurs first. Except as provided

in § 1185 of the Bankruptcy Code, the Plan, or the order confirming the Plan, the Debtor shall remain in possession of all property of the estate.

6.2. Binding Effect.

If the Plan is confirmed, the provisions of the Plan will bind the Debtor and all Creditors, whether or not they accept the Plan. The rights and obligations of any entity named or referred to in this Plan will be binding upon, and will inure to the benefit of the successors or assigns of such entity.

6.3. Severability.

If any provision in this Plan is determined to be unenforceable, the determination will in no way limit or affect the enforceability and operative effect of any other provision of this Plan.

6.4. Retention of Jurisdiction by the Bankruptcy Court.

The Bankruptcy Court shall retain jurisdiction of this case with regard to the following matters: (i) to make such orders as are necessary or appropriate to implement the provisions of this Plan and to resolve any disputes arising from implementation of the Plan; (ii) to rule on any modification of the Plan proposed under section 1193; (iii) to hear and allow all applications for compensation to professionals and other Administrative Expenses; (iv) to resolve all issues regarding Claims objections, and issues arising from the assumption/rejection of executory contracts or unexpired leases, and (v) to adjudicate any cause of action which may exist in favor of the Debtor, including preference and fraudulent transfer causes of action.

6.5. Captions.

The headings contained in this Plan are for convenience of reference only and do not affect the meaning or interpretation of this Plan.

6.6. Modification of Plan.

The Debtor may modify the Plan at any time before confirmation of the Plan pursuant to § 1193(a). However, the Bankruptcy Court may require additional items including revoting on the Plan.

If the Plan is confirmed under Section 1191(a), the Debtor may also seek to modify the Plan at any time after confirmation only if (1) the Plan has not been substantially consummated *and* (2) the Bankruptcy Court authorizes the proposed modifications after notice and a hearing.

If the Plan is confirmed under Section 1191(b), the Debtor may seek to modify the Plan at any time only if (1) it is within 3 years of the Confirmation Date, or such longer time not to exceed 5 years, as fixed by the court *and* (2) the Bankruptcy Court authorizes the

proposed modifications after notice and a hearing.

6.7. Final Decree.

Once the estate has been fully administered, as provided in Rule 3022 of the Federal Rules of Bankruptcy Procedure, the Debtor, or such other party as the Bankruptcy Court shall designate in the Plan Confirmation Order, shall file a motion with the Bankruptcy Court to obtain a final decree to close the case. Alternatively, the Bankruptcy Court may enter such a final decree on its own motion.

[Insert other provisions, as applicable.]

ARTICLE 7
ATTACHMENTS

The following documents accompany the Plan [check those applicable, and list any other attachments here]:

- Debtor's Assets at Fair Market Value, annexed as Exhibit ____.
- Debtor's Liabilities, annexed as Exhibit ____.
- Financial forecast for the Debtor, annexed as Exhibit ____.
- Debtor's most recent financial statements issued before bankruptcy, annexed as Exhibit ____.
- Debtor's most recent post-petition operating report filed since the commencement of the Debtor's bankruptcy case, annexed as Exhibit ____.
- Summary of the Debtor's periodic operating reports filed since the commencement of the Debtor's bankruptcy case, annexed as Exhibit ____.
- Executory Contracts and Unexpired Leases, to be Assumed annexed as Exhibit ____.
- Executory Contracts and Unexpired Leases to be Assumed and Assigned, annexed as Exhibit ____.
- Executory Contracts and Unexpired Leases to be Rejected, annexed as Exhibit ____.
- Tables showing the amount of cash on hand as of the Effective Date, and the sources of that cash, annexed as Exhibit ____.
- Liquidation Analysis, annexed as Exhibit ____.

ARTICLE 8

FREQUENTLY ASKED QUESTIONS

What Is the [DEBTOR] Attempting to Do in Chapter 11? Chapter 11 is the principal reorganization chapter of the Bankruptcy Code. Under Chapter 11, a debtor attempts to restructure the claims held against it. Formulation and confirmation of a plan of reorganization is the primary goal of Chapter 11. When reorganization is not feasible, however, a debtor may propose a liquidating plan under Chapter 11. The plan is the legal document which sets forth the manner and the means by which holders of claims against a debtor will be treated.

Why Am I Receiving This Plan? In order to confirm a plan of reorganization [or liquidation], the Bankruptcy Code requires that a debtor solicit acceptances of a proposed plan, which it is doing with this Plan. If the creditors are satisfied with the information provided in the Plan and the terms of the Plan as proposed, and have voted for the Plan and returned the requisite number of ballots to counsel for the Debtor, the Bankruptcy Court may confirm the Plan as proposed by the Debtor.

How Do I Determine Which Class I Am In? To determine the class of your claim or interest, you must first determine whether your claim is secured or unsecured. Your claim is secured if you have a validly perfected security interest in collateral owned by the Debtor. If you do not have any collateral, your claim is unsecured. The Table of Contents will direct you to the treatment provided to the class in which you are grouped. The pertinent section of the Plan dealing with that class will explain, among other things, who is in that class, what is the size of the class, what you will receive if the Plan is confirmed, and when you will receive what the Plan has provided for you if the Plan is confirmed. [Paragraph/Section] ___ lists all classes of claimants and their types of claims.

Why Is Confirmation of a Plan of Reorganization [or Liquidation] Important? Confirmation of the Plan is necessary because if the Plan is confirmed, the Debtor and all of its creditors are bound by the terms of the Plan. If the Plan is not confirmed, the Debtor may not pay creditors as proposed in the Plan while the Debtor remains in bankruptcy.

What Is Necessary to Confirm a Plan of Reorganization [or Liquidation]? Confirmation of the Plan requires, among other things, the vote in favor of the Plan of two-thirds in total dollar amount and a majority in number of claims actually voting in each voting class. If the vote is insufficient, the Bankruptcy Court can still confirm the Plan, but only if certain additional elements are shown including that the plan does not discriminate unfairly, and is fair and equitable, with respect to each class of claims or interests that is impaired under, and has not accepted, the plan.

Am I Entitled to Vote on the Plan? Any creditor of the Debtor whose claim is IMPAIRED under the Plan is entitled to vote, if either (i) the creditor's claim has been scheduled by the Debtor and such claim is not scheduled as disputed, contingent, or unliquidated, or (ii) the creditor has filed a proof of claim on or before the last date set by the Bankruptcy Court for such filings. Any claim to which an objection has been filed (and such objection is still pending) is not entitled to vote, unless the Bankruptcy Court temporarily allows the creditor to vote upon the creditor's motion. Such motion must be heard and determined by the Bankruptcy Court prior to the date established by the Bankruptcy Court to confirm the Plan.

How Do I Determine Whether I Am in an Impaired Class?
[Section/Paragraph] _____ of the Plan identifies the classes of creditors whose claims are impaired. If your claim is impaired, your vote will be considered by the Bankruptcy Court.

When Is the Deadline by Which I Need to Return My Ballot? The Plan is being distributed to all claim holders for their review, consideration and approval. The deadline by which ballots must be returned is _____. Ballots should be mailed to the following address: [INSERT ADDRESS].

How Do I Determine When and How Much I Will Be Paid? In [Section/Paragraph] ____, the Debtor has provided both written and financial summaries of what it anticipates each class of creditors will receive under the Plan.

ARTICLE 9

DEFINITIONS

[Insert/omit definitions as appropriate.]

9.1. The definitions and rules of construction set forth in §§ 101 and 102 of the Bankruptcy Code shall apply when terms defined or construed in the Code are used in this Plan. The definitions that follow that are found in the Code are for convenience of reference only, and are superseded by the definitions found in the Code.

9.2. Administrative Claimant: Any person entitled to payment of an Administration Expense.

9.3. Administrative Convenience Class: A class consisting of every unsecured claim that is less than or reduced to an amount that the Bankruptcy Court approves as reasonable and necessary for administrative convenience.

9.4. Administrative Expense: Any cost or expense of administration of the Chapter 11 case entitled to priority under Section 507(a)(2) of the Code and allowed under Section 503(b) of the Code, including without limitation, any actual and necessary expenses of preserving the Debtor's estate, any actual and necessary expenses incurred following the filing of the bankruptcy petition by the Debtor-in-Possession, allowances of compensation or reimbursement of expenses to the extent allowed by the Bankruptcy Court under the Bankruptcy Code, the allowed claim of the Trustee for fees and/or reimbursements, and any fees or charges assessed against any of the Debtor's estates under Chapter 123, Title 28, United States Code.

9.5 Administrative Tax Claim: Any tax incurred pursuant to Section 503(b)(1)(B) of the Code.

9.6. Allowed Claim: Any claim against the Debtor pursuant to Section 502 of the Code to the extent that: (a) a Proof of Claim was either timely filed or was filed late with leave of the Bankruptcy Court or without objection by the Debtor, and (b) as to which either (i) a party in interest, including the Debtor, does not timely file an objection, or (ii) is allowed by a Final Order.

9.7. Allowed Priority Tax Claim: A Priority Tax Claim to the extent that it is or has become an Allowed Claim, which in any event shall be reduced by the amount of any offsets, credits, or refunds to which the Debtor or Debtor-in-Possession shall be entitled on the Confirmation Date.

9.8. Allowed Secured Claim: Allowed Secured Claims are claims secured by property of the Debtor's bankruptcy estate (or that are subject to setoff) to the extent allowed as secured claims under § 506 of the Code

9.9. Allowed Unsecured Claim: An Unsecured Claim to the extent it is, or has become, an Allowed Claim, which in any event shall be reduced by the amount of any offsets, credits, or refunds to which the Debtor or Debtor-in-Possession shall be entitled on the Confirmation Date.

9.10. Bankruptcy Code or Code: The Bankruptcy Reform Act of 1978, as amended and codified as Title 11, United States Code.

9.11. Bankruptcy Court: The United States Bankruptcy Court for the District of New Jersey.

9.12. Bankruptcy Rules: The Federal Rules of Bankruptcy Procedure.

9.13. Cash: Cash, cash equivalents and other readily marketable securities or instruments issued by a person other than the Debtor, including, without limitation, readily marketable direct obligations of the United States of America, certificates of deposit issued by banks and commercial paper of any entity, including interest accrued or earned thereon.

9.14. Chapter 11 Case: This case under chapter 11 of the Bankruptcy Code in which [DEBTOR] is the Debtor-in-Possession.

9.15. Claim: Any “right to payment from the Debtor whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or any right to an equitable remedy for future performance if such breach gives rise to a right of payment from the Debtor, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, disputed, undisputed, secured or unsecured.” 11 U.S.C. § 101(5).

9.16. Class: A category of holders of claims or interests which are substantially similar to the other claims or interests in such class.

9.17. Confirmation: The entry by the Bankruptcy Court of an order confirming this Plan.

9.18. Confirmation Date: The Date upon which the Bankruptcy Court shall enter the Confirmation Order; provided however, that if on motion the Confirmation Order or consummation of the Plan is stayed pending appeal, then the Confirmation Date shall be the entry of the Final Order vacating such stay or the date on which such stay expires and is no longer in effect.

9.19. Confirmation Hearing: The hearing to be held on _____, 20__ to consider confirmation of the Plan.

9.20. Confirmation Order: An order of the Bankruptcy Court or any amendment thereto confirming the Plan in accordance with the provisions of chapter 11 of the Bankruptcy Code.

9.21. Creditor: Any person who has a Claim against the Debtor that arose on or before the Petition Date.

9.22. Debtor and Debtor-in-Possession: [Debtor], the debtor-in-possession in this Chapter 11 Case.

9.23. Disputed Claim: Any claim against the Debtor pursuant to Section 502 of the Code that the Debtor has in any way objected to, challenged or otherwise disputed.

9.24. Distributions: The property required by the Plan to be distributed to the holders of Allowed Claims.

9.25. Effective Date: Pursuant to D.N.J. LBR 3020-1, the effective date of a chapter 11 plan is 30 days after entry of the order confirming the plan unless the plan or confirmation order provides otherwise.

9.26. Equity Interest: An ownership interest in the Debtor.

9.27. Executory Contracts: All unexpired leases and executory contracts as described in Section 365 of the Bankruptcy Code.

9.28. Final Order: An order or judgment of the Bankruptcy Court that has not been reversed, stayed, modified or amended and as to which (a) any appeal that has been taken has been finally determined or dismissed, or (b) the time for appeal has expired and no notice of appeal has been filed.

9.29. IRC: The Internal Revenue Code

9.30. Petition Date: [DATE], the date the chapter 11 petition for relief was filed.

9.31. Plan: This Plan, either in its present form or as it may be altered, amended, or modified from time to time.

9.32. Priority Tax Claim: Any Claim entitled to priority in payment under Section 507(a)(8) of the Bankruptcy Code.

9.33. Reorganized Debtor: The Debtor after the Effective Date.

9.34. Schedules: Schedules and Statement of Financial Affairs, as amended, filed by the Debtor with the Bankruptcy Court listing liabilities and assets.

9.35. Secured Creditor: Any creditor that holds a Claim that is secured by property of the Debtor.

9.36. Trustee: [NAME], the trustee appointed pursuant to 11 U.S.C. § 1183(a) and whose duties are prescribed under 11 U.S.C. 1183(b), the Plan, or the order confirming the Plan.

9.37. Unsecured Creditor: Any Creditor that holds a Claim in the Chapter 11 case which is not a secured Claim.

Respectfully submitted,

By: _____

[COUNSEL FOR DEBTOR]

EXHIBIT ____ - Cash on hand on the Effective Date

Cash on hand on the Effective Date:	\$ _____
Less –	
Amount of Administrative Expenses payable on effective date of Plan	\$ _____
Amount of statutory costs and charges	\$ _____
Amount of cure payments for executory contracts	\$ _____
Other Plan Payments due on Effective Date	\$ _____
Balance after paying these amounts.....	\$ _____

The sources of the cash the Debtor will have on hand by the Effective Date are estimated as follows:

\$	Cash in the Debtor’s bank account now
+	Additional cash Debtor will accumulate from net earnings between now and Effective Date [state the basis for such projections]
+	Borrowing [state separately terms of repayment]
+	Capital Contributions
+	Other
\$	Total [This number should match “cash on hand” figure noted above]

EXHIBIT ____ - **Liquidation Analysis**
[Pursuant to Section 1190(1)(B) of the Bankruptcy Code]

Debtor's Estimated Liquidation Value of Assets

Assets	
a. Cash on hand	\$
b. Accounts receivable	\$
c. Inventory	\$
d. Office furniture & equipment	\$
e. Machinery & equipment	\$
f. Automobiles	\$
g. Building & Land	\$
h. Customer list	\$
i. Investment property (such as stocks, bonds or other financial assets)	\$
j. Lawsuits or other claims against third-parties	\$
k. Other intangibles (such as avoiding powers actions)	\$
<i>Total Assets at Liquidation Value</i>	\$
Less:	
Secured creditors' recoveries	\$
Less:	
Chapter 7 trustee fees and expenses	\$
Less:	
Chapter 11 Administrative Expenses	\$
Less:	
Priority claims, excluding Administrative Expense claims	\$
[Less:	
Debtor's claimed exemptions]	\$
(1) Balance for unsecured claims	\$
(2) Total dollar amount of unsecured claims	\$
<i>Percentage of Claims Which Unsecured Creditors Would Receive Or Retain in a Chapter 7 Liquidation:</i>	_____ % [Divide (1) by (2)]
<i>Percentage of Claims Which Unsecured Creditors Will Receive or Retain under the Plan:</i>	_____ %

new.2/19/2020

D.N.J. LBR 5005-1. Filing and Service of a Document

(a) Mandatory electronic filing. An attorney who files 10 or more documents in a 12 month period must file electronically.

(b) Case Management/Electronic Case Filing System.

(1) By accepting a login and password from the court, an individual becomes a registered user in CM/ECF.

(2) A registered user must file all related documents under a single docket entry.

(A) If a certification attaches documents, each document must be in a separate exhibit.

(3) Signatures.

(A) The filing of a document in CM/ECF constitutes the registered user's signature for purposes of Bankruptcy Rule 9011.

(B) An electronic signature must be preceded by "/s/", e.g., "/s/Jane Doe."

(C) A registered user must retain a document bearing the original signature of a third party for 7 years after the closing of the case or proceeding. On request of the court or a party, a registered user must produce the document bearing the original signature.

2020 Comment

Subdivision (b) now specifies that each document must be its own exhibit. For example, on a motion for relief from stay, the mortgage, note, and assignment would be three separate exhibits. To facilitate this change, the court is abrogating the 20-page limit for exhibits contained in paragraph II.G. of the court's *Administrative Procedures for Filing, Signing, and Verifying of Documents by Electronic Means* which was enacted on April 30, 2002 by the court's *Order Establishing Procedures for Submission of Documents Containing Exhibits*.

Subdivisions (c) and (d) were eliminated because service by electronic means is now addressed by Bankruptcy Rule 9036 (effective December 1, 2019). The use of "participant" in subdivision (b) was changed to "registered user" to be consistent with Bankruptcy Rule 9036.

The changes to Bankruptcy Rule 9036 do not eliminate the requirement that a motion or cross-motion must be served by non-electronic means because motions must be served in accordance with Bankruptcy Rule 7004.

2015 Comment

This Rule is amended to delete provisions that have become outdated since the adoption of electronic filing in 2001. Also, certain technical requirements have been moved to the *CM/ECF User's Guide* available on the court's website.

Subdivision (b)(2) provides that related documents must be filed under a single docket entry. For example, a Notice of Motion should be filed as the main document, and any certification in support, memorandum of law, certification of service, and proposed order should be filed as attachments.

Subdivision (c) identifies the types of documents and parties that must be served in the manner required for service of a summons and complaint under Bankruptcy Rule 7004. Subdivision (c)(1)(B) clarifies that electronic service of a motion or other document initiating a contested matter under 9014 through the Notice of Electronic Filing is not proper service. All motions are deemed “contested matters” under Bankruptcy Rule 9014, regardless of whether opposition is filed; therefore, the initiating pleading or document, *e.g.*, a Notice of Motion, must be served in accordance with Bankruptcy Rule 9014(b).

Subdivision (d)(1) provides that a document filed after the initiating pleading, *e.g.*, an opposition or reply, may be electronically served on a participant under Federal Rule 5(b)(2)(E).

Subdivision (d)(2) makes clear that in accordance with Bankruptcy Rule 7004(g), if the debtor is represented by an attorney, whenever service is made upon the debtor under Bankruptcy Rule 7004, service must also be made upon the debtor’s attorney by any means authorized under Federal Rule 5(b)(2)(E).

Electronic filing of a document under seal is now addressed in Local Bankruptcy Rule 9018-1.

Former Local Bankruptcy Rule 7005-1, which is deleted, is incorporated into this Rule.

D.N.J. LBR 6007-1. Abandonment

(a) By trustee or debtor in possession. A trustee or debtor in possession seeking to abandon property under § 554(a) of the Code must file Local Form *Notice of Proposed Abandonment*. The clerk will send notice of the proposed abandonment.

(b) By party in interest. A party in interest seeking to compel abandonment of property of the estate under § 554(b) must file a motion in accordance with the Local Rules and serve the parties specified in Bankruptcy Rule 6007(b).

2020 Comment

Federal Rule 6007 was amended effective December 1, 2019 to specify the parties who must be served with a motion to compel abandonment brought by a party in interest. This Rule was amended accordingly and seeks to highlight the differences between the two procedures.

2015 Comment

The changes to this Rule are stylistic.

D.N.J. LBR 9013-2. Motions: Filing and Service; Hearing Date

(a) Filing and service.

- (1) Unless specified elsewhere in these Rules, a motion must be filed and served not later than 21 days before the hearing date.
- (2) Any (i) opposition to a motion or (ii) cross-motion must be filed and served not later than 7 days before the hearing date. A cross-motion must relate to the original motion.
- (3) Any (i) reply or (ii) opposition to a cross-motion must be filed and served not later than 4 days before the hearing date.

(b) Hearing date. Unless specified elsewhere in these Rules, the movant must schedule the hearing date for the motion. Hearing dates for each judge are available on the court's website.

(c) Application to shorten time. A movant seeking shortened time for hearing on a motion must file Local Forms *Application for Order Shortening Time* and *Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice*.

2020 Comment

The changes to Bankruptcy Rule 9036 (effective December 1, 2019) do not eliminate the requirement that a motion or cross-motion must be served by non-electronic means because motions must be served in accordance with Bankruptcy Rule 7004.

2019 Comment

Subdivisions (a)(1) and (b) are amended to include the phrase “unless specified elsewhere in these Rules” to account for rules, such as Local Bankruptcy Rule 4001-4, that permit an expedited motion procedure.

2015 Comment

This Rule is new. It is derived from Local Bankruptcy Rule 9013-1.

A motion or cross-motion must be served by non-electronic means under Local Bankruptcy Rule 5005-1(c)(1)(B). Service of a motion or cross-motion by e-mail or Notice of Electronic Filing is not proper service.

Local Bankruptcy Rule 5071-1 addresses adjournment requests.

Local Bankruptcy Rule 7065-1 addresses use of an order to show cause.

D.N.J. LBR 9037-1. Privacy Protection for Transcripts

An entity seeking to redact from a filed transcript information set forth in Bankruptcy Rule 9037(a) must file Local Form *Notice of Intent to Request Redaction* not later than 7 days after the filing of the transcript; and file and provide to the transcriber Local Form *List of Items to be Redacted* not later than 21 days after the filing of the transcript.

2020 Comment

This Rule has been amended to eliminate subdivision (a) which is unnecessary because Federal Rule 9037(h) (effective December 1, 2019) sets forth the procedure for redacting information from a previously filed document.

Former subdivision (b) addresses the steps necessary for redacting information from a filed transcript. These steps remain unchanged.

The title has been amended accordingly.

2015 Comment

This Rule has been revised to streamline the procedure for protecting personal information in a filed document. On the filing of Local Form *Application Requesting Redaction of Personal Information*, the application and the document containing the personal information will be immediately restricted from public viewing until the court enters Local Form *Order Directing Redaction of Personal Information* and the entity that originally filed the document or such other entity as the court directs files the redacted document. Notice of the redaction is required under the Local Form *Order Directing Redaction of Personal Information*.

The procedure for obtaining redaction of personal information contained in a transcript is derived from the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files. Bankruptcy Rule 9018 addresses the protection of other kinds of sensitive information.