

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

Debtor

**NOTICE OF MOTION AND CHAPTER 12 OR
CHAPTER 13 DEBTOR'S MOTION FOR
ALLOWANCE OF AND FUTURE PAYMENT
ON UNTIMELY FILED CLAIMS**

Notice of Motion

If you oppose the relief sought in this motion, you must file a written objection with the bankruptcy court no later than 14 days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice. Your objection must set forth the specific grounds for objection and your relation to the case. The objection must be received by the clerk of court at 1050 SW 6th Ave #700, Portland, OR 97204 or 405 E 8th Ave #2600, Eugene, OR 97401 by the deadline specified above or it may not be considered.

[Check one]:

Within that same time, you must also serve the objection on *[insert name, address, and phone number of movant]*:

You need not serve the objection because the movant's counsel is an ECF participant and will receive notice electronically.

Motion

1. The debtor moves the court for an order allowing and providing for future payments on the untimely claims filed by the debtor on behalf of the following creditors with the status (priority, secured, or unsecured) and amount shown as if such claims were timely filed:

| <u>Creditor Name and Service Address</u> | <u>Claim No.</u> | <u>Status</u> | <u>Amount</u> |
|--|------------------|---------------|---------------|
|--|------------------|---------------|---------------|

Any creditor listed above that does not timely object to this motion may have its claim allowed and will share in payments as provided in the debtor's plan for that type of claim as if such claim had been timely filed. If the debtor completes the plan or seeks a hardship discharge, the debtor may contend that any balance owing upon the claim will be discharged.

2. The debtor's failure to timely file claims for the above creditors was due to the following excusable neglect [see *Federal Rules of Bankruptcy Procedure (FRBPs) 3004 and 9006(b)(1)*]:

3. Allowance and future payment of the claims as if such claims were timely filed will benefit the debtor, for any listed creditor who was scheduled in time to file a claim before expiration of the bar date, as follows [*if applicable, explain each separately*]:

4. Allowance and future payment of the claims as if such claims were timely filed will affect general unsecured creditors (other than those creditors listed in paragraph 1) as follows [*choose one option*]:

The plan provides that general unsecured creditors will receive a fixed percentage on their claims. Dividends payable on allowed unsecured claims will not be affected by this motion.

The plan provides that debtor must make plan payments for a fixed period of time. Allowance of this motion and future payment of the additional claims as if they were timely filed will result in a reduction of the dividend paid to other general unsecured creditors.

Other:

Date Signature OSB#, if attorney

Debtor's Address and Last 4 Digits of Taxpayer ID#

Phone #

Certificate of Service

I certify that on _____

(1) copies of (a) this motion, (b) the notice of any pending confirmation hearing plus all documents required to be attached thereto indicating any proposed plan under consideration, (c) the latest, if any, confirmed or approved plan and the order confirming that plan, (d) any pending notice of modification of plan and all required attachments thereto, and (e) the applicable proof of claim were served on each creditor listed in paragraph 1 above;

(2) copies of (a) this motion and (b) all applicable proofs of claim were served on the trustee; and,

(3) this motion was served on all creditors or, per Local Bankruptcy Rule (LBR) 2002-1(j), if the applicable time period described in FRBP 2002(h) has passed, only on each entity that is listed in FRBP 2002(h)).

I have attached a clearly identified list of the names, addresses, and methods for service on all parties served using paper. The application served on creditors did not include the attachment, but any creditor may obtain a copy of the attachment upon request to movant.

Signature OSB#, if attorney