

Pre-Confirmation Adequate Protection in Chapter 13 for Secured Creditors and Lessors in Personal Property under 11 U.S.C. §1326(a)(1)

Unless the court orders otherwise pursuant to 11 U.S.C. 1326(a)(3); adequate protection required to secured creditors and lessors under §1326(a)(1) shall be paid by the debtor through the Chapter 13 Trustee to creditors in accordance with the following;

1. Adequate protection shall be paid to Purchase Money Security Interest Creditors in personal property and to lessors of personal property to the extent funds are available providing:
 - a. An allowed claim which sets forth the current monthly contractual payment amount is filed no less than 7 days prior to the earlier of the initial date set for confirmation and prior to the date of dismissal or conversion; and
 - b. A debt which is listed in the debtor(s) schedules, classified by the debtor as a secured claim in personal property or lease obligation, and proposed to be paid through the Chapter 13 plan by the Trustee
2. The Trustee shall not make distribution of adequate protection payments to secured creditors or lessors whose claims are proposed and allowed to be paid as direct or surrendered unless otherwise ordered by the court.
3. Any secured creditor or lessor that is not listed in the debtor(s) schedules as a secured claim or lease obligation shall accrue adequate protection with the Trustee until such time as the debtor proposes treatment of the creditor or the court orders distribution as appropriate.
4. For each creditor who satisfies the requirements for payment of adequate protection, the Chapter 13 Trustee shall accrue adequate protection payments equal to 30% of the full monthly contractual payment or full monthly payment for lease obligations. Payments shall accrue from the date of the filing of the order for relief until earlier of the date of confirmation, dismissal or conversion. If the amount of funds on hand on the date of confirmation, dismissal or conversion is insufficient to satisfy all claims entitled to adequate protection, funds will be distributed on a pro-rata basis.
5. Payment of adequate protection will be made by the Chapter 13 Trustee at the time of the first disbursement following the initial date set for confirmation or entry of an order of dismissal or conversion, whichever occurs first.

6. All adequate protection payments disbursed by the Chapter 13 Trustee shall be subject to the Trustee's statutory percentage fee which will be paid at the time of the distribution of the adequate protection payment.

Pre-Confirmation Adequate Protection in Chapter 13 for Secured Creditors and Lessors in Personal Property under 11 U.S.C. §1326(a)(1)

Unless the court orders otherwise pursuant to 11 U.S.C. 1326(a)(3); adequate protection required to creditors holding an allowed claim secured by personal property shall be paid by the debtor through the Chapter 13 Trustee in accordance with the following;

1. Adequate protection shall be paid to Purchase Money Security Interest Creditors in personal property and to lessors of personal property to the extent funds are available providing:
 - a. Such Creditors have an allowed claim stating the current monthly contractual payment amount filed no later than the 14th day of the month prior to the next scheduled disbursement by the Chapter 13 Trustee
 - b. A debt which is listed in the Debtor=s schedules and classified by the Debtor as a secured claim in personal property or lease obligation and proposed to be paid through the Chapter 13 plan by the Trustee.
2. The Trustee shall not make distribution of adequate protection payments to secured creditors or lessors whose claims are proposed and allowed to be paid as direct or surrendered unless otherwise ordered by the court.
3. Any secured creditor or lessor that is not listed in the debtor(s) schedules as a secured claim or lease obligation shall accrue adequate protection with the Trustee until such time as the debtor proposes treatment of the creditor or the court orders distribution as appropriate.
4. A Creditor who satisfies the above requirements shall accrue adequate protection payments to be disbursed by the Chapter 13 Trustee equal to 30% of the full monthly contractual payment or full monthly payment for lease obligations. Payments shall accrue from the date of the filing of the proof of claim by the creditor until the earlier of the date of confirmation, dismissal, or conversion. If the amount of funds on hand on the date of disbursement by the Trustee is insufficient to satisfy all claims entitled to adequate protection, funds will be distributed on a pro-rata basis.
5. Payment of adequate protection will be made by the Chapter 13 Trustee on a pro rata basis, as funds become available at the time of the first disbursement following the 14th day of the month after a claim is filed.

6. All adequate protection payments disbursed by the Chapter 13 Trustee shall be subject to the Trustee's statutory percentage fee which will be paid at the time of the distribution of the adequate protection payment.