

12-2-05 Minutes: Discussion and Development of a model chapter 13 plan for Eastern Michigan.

Location: Trustee David Ruskin's office

Present: David Ruskin
Kim Rattet
Marcy Ford
Gary Boren
Chris Carey
Toni Skutikut
Lyle Liberman
Kellie A. Schone
Stephanie P. Orrico
Scott Gies
Bill Johnson
Terri Weik
Mark Herron
Barbara Foley
Jim Frego
John Kaner
Charlie McKelvie
Shirley Johnson
Krispen Carroll
Marilyn Somers
Kimberly Siebert
Brian Small
Amber Mayer
Nicole Chaffin
Lisa Mullen
Charles Schneider
Craig Schoenherr
Thomas McDonald, Via Telephonic communication

Discussion: The group reviewed model Chapter 13 plans from Middle District of Tennessee, District of Nebraska, Northern District of Georgia, District of Mississippi and two proposed plans from the Eastern District of Michigan, (one currently in use in the Southern division, predominantly Detroit, and one proposed by Trustee Thomas McDonald). Copies of all were distributed to all participants at the meeting.

General discussion on the process ensued. Concluded: list all the issues to be included in the model plan, review the possible treatment of the issues and agree on provisions for the model plan in the Eastern District of Michigan.

Issues to be considered: Warnings

Attorney fee provisions

Plan effective date

% to unsecureds (and/or means test required payment amount)

Adequate protection payments

DSO treatment

Plan Calculations and equal monthly payment requirements
(Clarification of the same in the plans)

Secured creditors' treatment

“910” Motor Vehicles, one year personal property

“911” motor vehicles

Gap payments (although this issue appears to be
resolved.)

Special unsecured creditors

Commitment period and calculation of plan length

Standing - debtor eligibility for discharge (1328(a)) issues

Work Sheet

Stay Issues: Treatment of the claims on 2nd and 3rd filings.

Direct payment issues (Mortgages, leases, arrears on both, all
secured claims)

Treatment of non-dischargeable debt.

Treatment of debt when collateral for that debt has been
surrendered.

Funding issues. 1. Source of funding 2. Confirmed plans where

a. Insufficient funds are provided to the Trustee for
disbursement

b. Funds in excess of the required monthly payments are
received.

c. Treatment of tax refunds.

Practical application of the changes to Plans: Will Best Case alter the plan they currently have set in their non-official forms? Per discussion Brian Small has contacts with Best case and will pass on to Best Case the conclusion of the group.

Discussion ensued regarding the effective date of the plan and implication of same on payment on the claims. The Plan proposed by Tom McDonald indicates the effective date of the plan is 90 days after confirmation). Discussion ensued regarding adequate protection payments, gap claims, etc. No resolution of this issue at this time.

What to do during the time period while the new plan is being developed? Particular question of Bill Johnson, to avoid Trustee objection and get a sense of the Trustee possible objections, would be good to review the plan currently used, post 10/17 to avoid all resolvable and obvious issues.

Going Forward:

1. It was decided to form a subgroup of the whole to review the plan currently used post 10/17 for major issues and reach some accord as a “band-aide” pending the creation of the final model plan. Members of the subgroup include: David Ruskin, Charles Schneider, Terri Weik, Bill Johnson, Kelly Schone, Kim Rattet, Jim Frego, Stephanie Orrico, Krispen Carroll, Marilyn Somers, Tom McDonald, Brian Small. This group will meet _____ to prepare and present a working interim model plan pending submission of a final model plan.
2. The group as a whole will meet January 20, 2006, 2:00 pm at David Ruskin’s office for purpose of :
 - a. Review the proposed interim model plan from the sub-group.
 - b. Set procedures for going forward on development of the model plan.