

Hearing Date: 2020 at \_\_\_ a.m.  
Objection Deadline: 2020

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re: Chapter 13  
DEBTOR , Case No.:  
Debtor.  
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**NOTICE OF DEBTOR’S MOTION FOR ENTRY OR AN ORDER TO AMEND THE  
CHAPTER 13 PLAN PURSUANT TO 11 U.S.C. § 1329 TO EXTEND THE REPAYMENT  
PERIOD WITH RESPECT TO THE CHAPTER 13 PLAN**

**PLEASE TAKE NOTICE** that, on \_\_\_\_\_ at \_\_\_\_ a.m.  
 (“Hearing Date”), or as soon thereafter as counsel may be heard, a hearing will be held before the  
Honorable \_\_\_\_\_, United States Bankruptcy Judge, in Courtroom \_\_\_\_\_ at  
the United States Bankruptcy Court for the Eastern District of New York, Alfonse M. D’Amato  
Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11772/ Conrad B. Duberstein  
U.S. Courthouse, 271 Cadman Plaza East, Brooklyn, New York 11201-1800, to consider the  
motion of DEBTOR (“Debtor”), by his undersigned counsel, seeking entry of an Order to Amend  
the Chapter 13 Plan Pursuant to 11 U.S.C. §1329 to extend the Repayment Period with Respect to  
the Chapter 13 Plan (“Motion”).

**PLEASE TAKE FURTHER NOTICE** that objections to the relief requested in the  
Motion, if any, must be in writing, conform with the Bankruptcy Code and Bankruptcy Rules, state  
with particularity the grounds therefor and be filed with the Court, no later than  
\_\_\_\_\_ by 5:00 p.m., as follows: as follows: (I) through the Court’s NextGen  
system, which may be accessed through the internet at the Court’s website at  
[www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov) and in portable document format (PDF) using Adobe Exchange Software

for conversion; or (II) if a party is unavailable to file electronically, such party shall submit the objection in PDF format on portable media in an envelope with the case name, case number, type and title of document, document number to which the objection refers and the file name on the outside of the envelope.

Dated: \_\_\_\_\_, 2020  
\_\_\_\_\_, New York

FIRM  
Counsel to the Debtor

*s/draft* \_\_\_\_\_  
FIRM

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13

DEBTOR,

Case No.: \_\_\_\_\_

Debtor.

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**DEBTOR’S MOTION FOR ENTRY OF AN ORDER TO AMEND THE CHAPTER 13  
PLAN PURSUANT TO 11 U.S.C. § 1329 TO EXTEND THE REPAYMENT PERIOD  
WITH RESPECT TO THE CHAPTER 13 PLAN**

DEBTOR (“Debtor”), by and through undersigned counsel, hereby submits this motion (“Motion”) seeking entry of an Order to amend the Chapter 13 Plan Pursuant to 11 U.S.C. § 1329 to Extend the Repayment Period With Respect to the Chapter 13 Plan. In support of the Motion, the Debtor respectfully states as follows:

**BACKGROUND**

1. On \_\_\_\_\_ (“Filing Date”), the Debtor filed a voluntary petition for reorganization under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of New York (“Court”).

2. On or about \_\_\_\_\_, the Court entered an Order confirming the Debtor’s Chapter 13 Plan (“Plan”). A copy of the Plan as well as the Order Confirming said Plan is annexed as **Exhibit “A”**.

3. The Debtor has made the payments required under the Plan through \_\_\_\_\_, 2020.

**BASIS FOR RELIEF REQUESTED**

4. The Debtor has been severely impacted by the coronavirus disease 2019 (COVID-19) pandemic and is now unable to make the required payments under the Plan.

5. The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) enacted March 27, 2020, added section 1329(d) to the Bankruptcy Code for the one-year period from March 27, 2020 to March 26, 2021.

6. Specifically, section 1329(d) of the Bankruptcy Code permits debtors to request modifications to plans confirmed prior to March 27, 2020, in specific circumstances under which the debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, due to the COVID-19 pandemic. These circumstances are described in section 2101(a)(3) of the CARES Act.

7. Annexed as **Exhibit “B”** to this Motion is a certification of the Debtor setting forth exactly how the Debtor has been impacted by the COVID-19 pandemic and the ongoing financial hardships.

8. The Debtor wishes to modify the Plan under section 1329(d) of the Bankruptcy Code in accordance with the proposed amended plan (“Amended Plan”) that is annexed as **Exhibit “C”** to this Motion. The proposed Amended Plan has also been filed on the case docket.

9. The proposed Amended Plan extends the term of the plan from 60 months to 72 months and it reduces the monthly payment from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.

10. The reason for the proposed Amended Plan is to reduce the required plan payment as the Debtor has experienced a financial hardship during the COVID-19 pandemic and his/her income has been directly impacted. Said hardship resulted from (explain hardship, i.e., loss of job, salary reduction, supporting older children, etc.) and is more fully described in Exhibit B, annexed hereto.

11. Upon confirmation of the Plan, Debtor’s income equaled \$ \_\_\_\_\_ and the expenses were \$ \_\_\_\_\_, allowing the Debtor to make a monthly payment of \$ \_\_\_\_\_ to the Chapter

13 Trustee. As a direct result of the COVID-19 pandemic, Debtor's income is now \$ \_\_\_\_\_ and the expenses are \$ \_\_\_\_\_ causing the Debtor to be unable to make the payments that were in effect at the time of confirmation.

12. The Debtor, despite this temporary financial hardship, maintains that he/she will be successful in completing the Plan should the Court grant an extension of said term because \_\_\_\_\_.

13. If the Court approves the proposed Amended Plan, the Debtor will file an Amended Schedule I and J and will also file an amended Budget.

14. This Motion is being served on all interested parties and in accordance with Federal Rules of Bankruptcy Procedure 2002(a)(5), 3015(h) and EDNY LBR 2002-1. Any objection to the relief requested in the Motion must be filed and served no less than seven (7) days prior to the Hearing Date and must clearly set forth the basis for the objection.

**WHEREFORE**, it is respectfully requested that the Court allow the Debtor to amend the Plan post-confirmation as outlined in the annexed Amended Plan, and grant such other and further relief as this Court deems just and appropriate under the circumstances.

Dated: \_\_\_\_\_, 2020  
\_\_\_\_\_, New York

**FIRM**  
Counsel to the Debtor

By: s/ draft  
FIRM

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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**CERTIFICATION OF DEBTOR**

1. I am the Debtor and file this Certification in support of the Motion to amend the Plan post confirmation and to extend the plan terms due to the impact of the CORONA-19 pandemic.

2. Specifically, I have been impacted as follows: (describe the hardships which may include the following)

Job loss-last paycheck was; collecting unemployment which began \_\_\_\_\_; not approved for unemployment; has not been advised of a return date to work; reduced hours of employment

Medical – I was diagnosed with the COVID-19- loss of medical coverage with loss of employment

Mortgage forbearance- in addition to the requested Amended Plan, Debtor has received a mortgage forbearance from \_\_\_\_\_ for the period \_\_\_\_\_ to \_\_\_\_\_, for a total forbearance amount of \_\_\_\_\_.

3. For these reasons, I wish to modify the Plan under section 1329(d) of the Bankruptcy Code in accordance with the attached proposed Amended Plan.

4. The Amended Plan has the following changes:

Term of Plan

Revised Monthly payment

5. Despite this temporary financial hardship, I believe that I will be successful in completing the Plan should the Court grant an extension of said term because \_\_\_\_\_.
6. I certify, under penalty of perjury, that the foregoing is true and correct and that the circumstances surrounding my request for the Amended Plan are true and accurate and that they satisfy one or more of the provisions set forth in section 2102(a)(3) of the CARES Act.

Dated: New York  
2020

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Debtor