

WDMO13 - Checklist for Plan Confirmation – best practices

1. In order to prepare for a potential surge of cases and to make normal practice easier – below is a checklist that can be used to help with plan confirmation:
2. Chapter 13 Confirmation Checklist for WDMO
 - a. Collect all necessary documents:
 - (1) IDs for 341 meetings
 - (2) Most recent tax return
 - If the debtor has not filed for four previous tax years provide affidavit.
 - If the debtor has not filed most recent tax years but has filed taxes in at least one of the four previous tax years, provide most recent tax return and affidavit for any tax years after for which the debtor was not required to file.
 - (3) Deeds of trust for mortgages
 - (4) VINs for car loans
 - (1) Evidence of Employer Payments
 - Make sure filed with court and covers 60-day period prior to filing. If debtor only partially employed during that time, provide explanation.
 - Compare with Schedule I.
 - (5) Ownership deeds if claiming tenancy by the entireties
 - b. Review plan
 - (2) Part 1
 - Make sure Notice Section is accurately marked “Included” or “Not Included”.
 - (3) Part 2
 - Make sure plan payment is accurate and substantially matches net income on Schedule J.
 - Monthly amount in Part 2.1 should match amount in Part 2.2 if proposing employer wage order (unless employer wage order for only partial amount).
 - Do not list number of months for plan payments in this section.
 - (4) Part 3
 - 3.1: Verify eligible for treatment as long-term debt and mark whether paid directly or through the plan.
 - 3.2: Verify Part 1.1 marked “Included”, verify value of collateral and amount of secured claim match unless oversecured or junior lien, make sure EMA proposed.
 - 3.3: Make sure EMA proposed.
 - 3.4: Make sure mark as paid through plan or paid directly and verify whether there is escrow component and fill out as necessary.
 - 3.5: List secured governmental claims, if want EMA put non-standard provision in Part 7.
 - 3.6: Verify that governmental creditor not listed in this section.

- 3.7: Verify Part 1.2 marked “Included”, verify all math is correct and that claim is avoidable under 522(f) (not second mortgage).
 - All Sections: verify that same debt is not listed multiple places, and if it is, that clarity regarding multiple treatments is given in Part 7.
- (5) Part 4
- 4.2: Verify the math is accurate and that it matches the fee disclosure.
 - 4.3 and 4.4: Make sure the DSO recipient’s address is listed (or provide an explanation why it is not).
- (6) Part 5
- 5.2: Make sure that only one treatment is listed, verify the amounts listed for Dividend, Base, LAP and DIP plans. If proposing multiple treatments (e.g. TBE case) list that in Part 7.
 - 5.3: Make sure classifies as long-term debt and that it is clear whether paid through plan or directly.
 - 5.4: Make sure to not only list basis for separate classification but also the actual treatment the debtor is proposing (don’t assume that listing claim here means paid 100% through plan).
- (7) Part 6
- If there is a pre-petition arrearage make sure to detail how it will be paid.
- (8) Part 7
- Make sure Part 1.3 is marked “Included” if anything is listed here. Make sure nonstandard provisions are clear.
- (9) Part 8
- Verify plan is signed by attorney and debtor(s).
- (10) Make sure the plan provisions are attached.
- (11) Make sure to file the Certificate of Service no more than three days after filing plan.
- b. Review Petition, Schedules and Statements
- (1) Petition:
- Verify name matches copy of government issued ID.
 - Verify previous cases listed (from PACER search).
- (2) Schedule A/B
- Verify values of assets with internet search, if debtor has outside documentation of value get copy (e.g. appraisal).
 - Verify all co-owned assets listed (e.g. debtor on bank account or car title with third party).
 - Can put estimated tax refund to help with refund process.
- (3) Schedule C
- Verify using correct exemptions based on debtor’s residence 730 days prior to filing (if outside MO look back to 910 days).

- Compare to Schedule A/B to make sure all equity that can be exempted is listed on Schedule C.
- (4) Schedule D
- Make sure each debt is listed somewhere in plan (in Part 3 or Part 7)
- (5) Schedule E/F
- Compare to debtor's list and creditor report as well as matrix.
 - Make sure if any insiders are listed that debtor has explained the situation and has been counseled regarding not paying contrary to plan provisions.
- (6) Schedule G
- Make sure included on creditor matrix.
 - Make sure listed on the plan.
- (7) Schedule H
- Make sure included on creditor matrix.
- (8) Schedule I
- Compare to recent pay advices provided.
 - Make sure deductions are accurate and that debtor is properly deducting for post-petition taxes.
 - Can list tax refunds if regularly received.
- (9) Schedule J
- Review for reasonableness and feasibility.
 - Review household member size and receive explanation if no income from other adult household members. Make sure household size matches Form 122C.
 - Make sure no expenses are listed that are to be paid by trustee from plan payments.
- (10) Statement of Financial Affairs
- Verify whether debtor is married and include non-filing spouse's income where necessary.
 - Review previous addresses and effect on exemptions and venue.
 - List full addresses and cover entire three-year period prior to filing.
 - Compare previous years' income to tax returns; if substantial changes review with debtor.
 - If the debtor made payments to an insider, make sure insider's full address is listed, fully review and discuss option of covering in plan.
 - If the debtor made any transfer or gifts, make sure transferee's full address is listed, fully review and discuss option of covering in plan. Remember that SOFA only requests last 2 years but Missouri law allows for avoidance of transfers in last 4 years so prepare debtors for that question at 341 meetings.
 - Verify all business information listed if the debtor had any interest in business in past four years.
- (11) Form 122C

- Request all CMI pay statements (six months prior to filing, not including the month the petition is filed) and documentation of every other source of income received during that time prior to filing Form 122C.
 - Compare to CMI pay statements provided by debtor.
 - Verify the household size. Compare with Schedule J and tax returns.
 - Have documentation and an explanation regarding any non-standard deductions.
- (12) Disclosure of Attorney Compensation
- Make sure it matches the plan and is mathematically accurate.