

United States Bankruptcy Court for the \_\_\_\_\_ District of \_\_\_\_\_

Debtor(s): \_\_\_\_\_

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

Date: \_\_\_\_\_

Check if this is an amended plan

Official Form 113

Chapter 13 Plan

12/15

Part 1: Notice to Interested Parties

Check all that apply:

- The plan seeks to limit the amount of a secured claim, as set out in Part 3, Section 3.2, which may result in a partial payment or no payment at all to the secured creditor.
- The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest as set out in Part 3, Section 3.4.
- The plan sets out nonstandard provisions in Part 9.

Important Notice: Your rights may be affected. Your claim may be reduced, modified, or eliminated.

You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a proof of claim—or one must be filed on your behalf—in order for you to be paid under any plan that may be confirmed.

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will pay to the trustee \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ months, and  
 \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ months.

2.2 Payments to the trustee will be made from future earnings in the following manner:

Check all that apply:

- Debtor(s) will make payments pursuant to a payroll deduction order.
- Debtor(s) will make payments directly to the trustee.

2.3 Additional payments to the trustee will be made as follows:

Check all that apply:

- Debtor(s) will turn over to the trustee:
  - any tax refunds received during the plan term.
  - any tax refunds in excess of \$ \_\_\_\_\_ received during the plan term.

On or before April 20 of the year following the filing of this case and each year thereafter, Debtor(s) will submit to the trustee a copy of the federal tax return filed for the prior year.

- Other sources of funding, including the sale of property. Describe the source, amount, and date when available:  
 \_\_\_\_\_  
 \_\_\_\_\_

2.4 The estimated total amount of plan payments is \$ \_\_\_\_\_.

- 2.5 The applicable commitment period is:  36 months  
 60 months

**Part 3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of any default**

**None** [If "none" is checked, the rest of § 3.1 need not be completed or reproduced]

The debtor(s) will maintain the contractual installment payments and cure any default in payments on the secured claims listed below. The allowed claim for any arrearage amount will be paid under the plan, with interest, if any, at the rate stated. Unless otherwise ordered by the court, (1) the amounts listed on the proof of claim control over any contrary amounts listed below as to the current installment payment and arrearage, and (2) if relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, all payments under this plan as to that collateral will cease and all claims as to that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of creditor	Collateral	Current installment payment (including escrow payment)	Estimated amount of arrearage	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage or other payment arrangement	Estimated total payments by trustee
_____	_____	\$ _____	\$ _____	_____	\$ _____	\$ _____
_____	_____	Disbursed by:				
_____	_____	<input type="checkbox"/> Trustee				
_____	_____	<input type="checkbox"/> Debtor(s)				
_____	_____	\$ _____	\$ _____	_____	\$ _____	\$ _____
_____	_____	Disbursed by:				
_____	_____	<input type="checkbox"/> Trustee				
_____	_____	<input type="checkbox"/> Debtor(s)				

**3.2 Request for valuation of security and claim modification**

**None** [If checked, the rest of § 3.2 need not be completed or reproduced]

***This paragraph will be effective only if the applicable box in Part 1 of this plan is checked.***

The debtor(s) request that the court determine the value of the secured claims listed below, except for the claims of governmental units. For each non-governmental secured claim as to which a proof of claim has been filed in accordance with Bankruptcy Rule 3002, the debtors state that the value of the secured claim should be as stated below in the column headed "Amount of secured claim." For secured claims of governmental units, unless otherwise ordered by the court, the amounts listed in proofs of claim filed in accordance with Bankruptcy Rule 3002 control over any contrary amounts listed below. For each listed secured claim, the controlling amount of the claim will be paid in full under the plan with interest at the rate stated below.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's claim listed on the proof of claim controls over any contrary amounts listed under Part 5 as to the unsecured portion, if any, of the claim.

The holder of any claim listed below as having value in the column headed "Amount of secured claim" will retain the lien until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) discharge under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor. See Bankruptcy Rule 3015.

- Debtor(s) will be eligible to receive a discharge in this case.
- Debtor(s) will not be eligible to receive a discharge in this case.

Name of creditor	Estimated amount of creditor's claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____	\$ _____	\$ _____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____	\$ _____	\$ _____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____	\$ _____	\$ _____
_____	_____	_____	_____	_____	_____	_____	_____	_____

**3.3 Secured claims excluded from 11 U.S.C. § 506**

**None** [If checked, the rest of § 3.3 need not be completed or reproduced]

The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount listed on the proof of claim controls over any contrary amounts listed below. The final column includes only payments disbursed by trustee rather than by the debtor.

Name of creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment	Estimated total payments by trustee
_____	_____	\$ _____	_____	\$ _____	\$ _____
_____	_____			Disbursed by:	
_____	_____			<input type="checkbox"/> Trustee	
				<input type="checkbox"/> Debtor(s)	
_____	_____	\$ _____	_____	\$ _____	\$ _____
_____	_____			Disbursed by:	
_____	_____			<input type="checkbox"/> Trustee	
				<input type="checkbox"/> Debtor(s)	

**3.4 Lien avoidance**

**None** [If "None" is checked, the rest of Section § 3.4 need not be completed or reproduced]

*This paragraph will be effective only if the applicable box on Part 1 of this plan is checked.*

The judicial liens or nonpossessory, nonpurchase-money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). A judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5. The calculation of the amount of the judicial lien or security interest that is avoided is shown on Exhibit A, which is attached to this plan and incorporated herein by reference. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d).

Name of creditor	Collateral	Amount of secured claim after avoidance	Interest rate (if applicable)	Monthly plan payment (if applicable)	Estimated total amount of secured claim
_____	_____	\$ _____	_____	\$ _____	\$ _____
_____	_____				
_____	_____	\$ _____	_____	\$ _____	\$ _____
_____	_____				

**3.5 Surrender of collateral**

**None** [if "None" is checked, the rest of § 3.5 need not be completed or reproduced]

The debtor(s) elect to surrender to the creditors listed below the personal or real property that is collateral for the claim. The debtor(s) consent to termination of the stay under 11 U.S.C. § 362(a) and § 1301 with respect to the collateral upon confirmation of the plan. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor	Collateral
_____	_____
_____	_____

**Part 4: Treatment of Trustee's Fees and Administrative and Other Priority Claims**

**4.1 General**

All allowed priority claims other than those treated in § 4.5 will be paid in full without interest, unless otherwise stated.

**4.2 Trustee's fees**

These fees are estimated to be \_\_\_\_\_% of plan payments; and during the plan term, they are estimated to total \$\_\_\_\_\_.

**4.3 Attorney's fees**

The balance of the fees owed to the attorney of the debtor(s) is estimated to be \$\_\_\_\_\_.

**4.4 Other priority claims**

**None** [If "None" is checked, the rest of § 4.4 need not be completed or reproduced]

The following are the debtor's estimates of the amount of such claims.

Name of creditor	Basis for priority treatment	Estimated amount of claim to be paid	Interest rate (if applicable)	Estimated total amount of payments
_____	_____	\$ _____	_____	\$ _____
_____	_____	\$ _____	_____	\$ _____

**4.5 Domestic support obligations assigned to a governmental unit and paid less than full amount**

**None** [If "None" is checked, the rest of § 4.5 need not be completed or reproduced]

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4).

Name of creditor	Amount of claim to be paid	Interest rate (if applicable)	Estimated total amount of payments
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

**Part 5: Treatment of Nonpriority Unsecured Claims**

**5.1 Maintenance of payments and cure of any default**

**None** [If "None" is checked, the rest of § 5.1 need not be completed or reproduced]

The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. The allowed claim for the arrearage amount will be paid under the plan.

Name of creditor	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
_____	\$ _____	\$ _____	\$ _____
_____	Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)		
_____	\$ _____	\$ _____	\$ _____
_____	Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)		

**5.2 Separately classified nonpriority unsecured claims**

**None** [If "None" is checked, the rest of § 5.2 need not be completed or reproduced]

The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows:

Name of creditor	Basis for separate classification and treatment	Amount of claim to be paid	Interest rate (if applicable)	Estimated total amount of payments
_____	_____	\$ _____	_____	\$ _____
_____	_____			
_____	_____	\$ _____	_____	\$ _____
_____	_____			

**5.3 Nonpriority unsecured claims**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata, up to the full amount of the claims, as follows:

Check all that apply:

- the sum of \$ \_\_\_\_\_, unless a greater amount is required under another checked option;
- \_\_\_\_\_ % of the total amount of these claims;
- the funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7 nonpriority unsecured claims would be paid approximately \$ \_\_\_\_\_. Payments on allowed nonpriority unsecured claims will not be less than this amount.

**5.4 Interest**

Interest on allowed unsecured claims, other than separately classified nonpriority unsecured claims, will (Check the applicable box):

- not be paid.
- be paid at an annual percentage rate of \_\_\_\_\_ % under 11 U.S.C. § 1325(a)(4), and is estimated to total \$ \_\_\_\_\_.

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 All executory contracts and unexpired leases are rejected, except those listed below, which are assumed and will be treated as provided for below or under another specified provision of the plan.**

**None to be assumed** [If checked, the rest of § 6.1 need not be completed or reproduced]

The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of creditor	Property description	Treatment (Refer to other plan section if applicable)	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
_____	_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	Disbursed by:		
			<input type="checkbox"/> Trustee		
			<input type="checkbox"/> Debtor(s)		
_____	_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	Disbursed by:		
			<input type="checkbox"/> Trustee		
			<input type="checkbox"/> Debtor(s)		

**Part 7: Order of Distribution of Trustee Payments**

7.1 The trustee will make payments in the estimated amounts shown on Exhibit B, in the following order:

- a. Trustee's fees
- b. Monthly payments on secured claims
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_
- f. \_\_\_\_\_
- g. \_\_\_\_\_
- h. \_\_\_\_\_

**Part 8: Vesting of Property of the Estate**

8.1 Property of the estate shall revert in the debtor(s) upon

Check the applicable box:

- Plan confirmation
- Closing of case
- Other: \_\_\_\_\_

**Part 9: Nonstandard Plan Provisions**

Under Bankruptcy Rule 3015(c), nonstandard provisions are required to be set forth below. **These plan provisions will be effective only if the applicable box in Part 1 of this plan is checked.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part 10: Signatures**

The debtor's attorney (or debtor, if not represented by an attorney) certifies that all provisions of this plan are identical to the Official Form 113, except for language contained in Part 9: Nonstandard Plan Provisions.

**Debtors**  
(Sign if not represented by an attorney)

**X** \_\_\_\_\_  
Signature of debtor

Date \_\_\_\_\_  
MM / DD / YYYY

**X** \_\_\_\_\_  
Signature of debtor

Date \_\_\_\_\_  
MM / DD / YYYY

**Debtors' Attorney**

**X** \_\_\_\_\_  
Signature of debtor's attorney

Date \_\_\_\_\_  
MM / DD / YYYY

**Exhibit A Calculation of lien avoidance**

A.1 The judicial lien or nonpossessory, nonpurchase-money security interest provided for in Section 3.4 is avoided to the extent listed below: *Do not complete if the plan involves no lien avoidance; if more than one lien is to be avoided, provide the information for each lien.*

Name of creditor	Collateral	Judgment lien information (such as judgment date, date of lien recording, book and page number)	Calculation of lien avoidance
			a. Amount of lien \$ _____
			b. Amount of all other liens \$ _____
			c. Value of claimed exemptions \$ _____
			d. Total: Lines a + b + c = line d <span style="border: 1px solid black; padding: 2px;">\$ _____</span>
			e. Value of debtor's interest in property \$ _____
			f. Subtract line e from line d <span style="border: 1px solid black; padding: 2px;">\$ _____</span>
Extent of exemption impairment (Check applicable box):			
<input type="checkbox"/> <b>Line f is equal to or greater than line a.</b> The entire lien is avoided.			
<input type="checkbox"/> <b>Line f is less than line a.</b> A portion of the lien is avoided.			
<b>Amount of lien not avoided</b> Subtract line f from line a			<span style="border: 1px solid black; padding: 2px;">\$ _____</span>

**Exhibit B Estimated amounts of trustee payments**

B.1 The trustee will make the following estimated payments on allowed claims in the order set forth in Section 7.1:

a. <b>Current installment and arrearage payments on secured claims</b> (Part 3, Section 3.1 total):	\$ _____
b. <b>Allowed secured claims</b> (Part 3, Section 3.2 total):	\$ _____
c. <b>Secured claims not subject to 11 U.S.C. § 506</b> (Part 3, Section 3.3 total):	\$ _____
d. <b>Judicial liens or security interests not avoided</b> (Part 3, Section 3.4 total):	\$ _____
e. <b>Administrative and other priority claims</b> (Part 4 total):	\$ _____
f. <b>Current installment payments and arrearage payments on unsecured debts</b> (Part 5, Section 5.1 total):	\$ _____
g. <b>Separately classified unsecured claims</b> (Part 5, Section 5.2 total):	\$ _____
h. <b>Nonpriority unsecured claims</b> (Part 5, Section 5.3 total):	\$ _____
i. <b>Interest on allowed unsecured claims</b> (Part 5, Section 5.4 total):	\$ _____
j. <b>Arrearage payments on executory contracts and unexpired leases</b> (Part 6, Section 6.1 total):	\$ _____
<b>Total of lines a through j</b> .....	<span style="border: 1px solid black; padding: 2px;">\$ _____</span>

## COMMITTEE NOTE

Official Form 113 is new and is the required plan form in all chapter 13 cases. See Bankruptcy Rule 3015. Alterations to the text of the form or the order of its provisions, except as indicated on the form itself, are prohibited. See Bankruptcy Rule 9009. As the form explains, spaces for responses may be expanded or collapsed as appropriate, and sections that are inapplicable do not need to be reproduced.

*Part 1.* This part is intended to highlight some provisions of the plan for the benefit of interested parties and the court. For that reason, if the plan includes one or more of the provisions listed in this part, the appropriate boxes must be checked. For example, if Part 9 of the plan proposes a provision not included in, or contrary to, the Official Form, then that nonstandard provision will be ineffective if the appropriate check box is not selected.

*Part 2.* This part states the proposed periodic plan payments, plan length, the estimated total plan payments, and sources of funding for the plan. Section 2.1 allows the debtor or debtors to propose periodic payments in other than monthly intervals. For example, if the debtor receives a paycheck every week and wishes to make plan payments accordingly, that should be indicated in § 2.1. Section 2.2 provides for the manner in which the debtor will make payments. The debtor may also make payments through a designated third party, such as an electronic funds transfer program.

*Part 3.* This part provides for the treatment of secured claims.

Section 3.1 provides for the treatment of claims under Code § 1322(b)(5) (maintaining current payments and curing any arrearage). For the claim of a secured creditor listed in § 3.1, an estimated arrearage amount should be given. A contrary arrearage amount listed on the creditor's proof of claim, unless contested by objection or motion, will control over the amount given in the plan.

In § 3.2, the plan may propose to determine under Code § 506(a) the value of a secured claim for which a proof of claim has been filed. For example, the plan could seek to reduce the secured portion of a creditor's claim to the value of the collateral securing it. For the secured claim of a nongovernmental creditor, that determination would be binding upon confirmation of the plan. For the secured claim of a governmental unit, however, a contrary valuation listed on the creditor's proof of claim, unless contested by objection or motion, would control over the valuation given in the plan. See Bankruptcy Rule 3012. Although § 3.2 applies to secured claims for which a proof of claim has been filed in accordance with Bankruptcy Rule 3002, that rule contemplates that a debtor, the trustee, or another entity may file a proof of claim if the creditor does not do so in a timely manner. See Bankruptcy Rules 3004 and 3005. Section 3.2 will not be effective unless the appropriate check box in Part 1 is selected.

Section 3.3 deals with secured claims that may not be bifurcated into secured and unsecured portions under Code § 506(a), but it allows for an interest rate other than the contract rate to be applied to payments on such a claim.

In § 3.4, the plan may propose to avoid certain judicial liens or security interests encumbering exempt property in accordance with Code § 522(f). A separate exhibit shows the calculation of the amount of the judicial lien or

security interest that is avoided. A plan proposing avoidance in § 3.4 must be served in the manner provided by Bankruptcy Rule 7004 for service of a summons and complaint. See Bankruptcy Rule 4003. Section 3.4 will not be effective unless the appropriate check box in Part 1 is selected.

Section 3.5 provides for elections to surrender collateral and consent to termination of the stay under § 362(a) and § 1301 with respect to the collateral surrendered. Termination will be effective upon confirmation of the plan.

*Part 4.* This part provides for the treatment of claims entitled to priority status. In § 4.4, the plan calls for an estimated amount of each such claim. A contrary amount listed on the creditor's proof of claim, unless changed by court order in response to an objection or motion, will control over the amount given in the plan.

*Part 5.* This part provides for the treatment of unsecured claims that are not entitled to priority status. In § 5.3, the plan may propose to pay nonpriority unsecured claims in accordance with several options. One or more options may be selected. For example, the plan could propose simply to pay unsecured creditors any funds remaining after disbursements to other creditors, or also provide that a defined percentage of the total amount of unsecured claims will be paid.

*Part 6.* This part provides for executory contracts and unexpired leases. An executory contract or unexpired lease is rejected unless it is listed in this part.

*Part 7.* This part provides an order of distribution of payments under the plan. Other than the trustee's fees and monthly payments to secured creditors, the order of distribution is left to be completed by the debtor in keeping with the requirements of the Code. A separate exhibit lists the estimated amounts of these distributions.

*Part 8.* This part defines when property of the estate will revert in the debtor or debtors. One choice must be selected—upon plan confirmation, upon closing the case, or upon some other specified event. This plan provision is subject to a contrary court order under Code § 1327(b).

*Part 9.* This part gives the debtor or debtors the opportunity to propose provisions that are not otherwise in, or are contrary to, the Official Form. All such nonstandard provisions must be set forth in this part and nowhere else in the plan. This part will not be effective unless the appropriate check box in Part 1 is selected. See Bankruptcy Rule 3015.

*Part 10.* The plan must be signed by the attorney for the debtor or debtors, unless the debtor or debtors are not represented by an attorney, in which case the plan must be signed by the debtor or debtors. The signature in this part is a certification to the court that the plan's provisions are identical to the Official Form, except for any nonstandard provisions contained in Part 9.

[Caption as in Form 16A, 16B, or 16D, as appropriate]

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):  
\_\_\_\_\_
  
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:
 

For appeals in an adversary proceeding. <ul style="list-style-type: none"> <li><input type="checkbox"/> Plaintiff</li> <li><input type="checkbox"/> Defendant</li> <li><input type="checkbox"/> Other (describe) _____</li> </ul>	For appeals in a bankruptcy case and not in an adversary proceeding. <ul style="list-style-type: none"> <li><input type="checkbox"/> Debtor</li> <li><input type="checkbox"/> Creditor</li> <li><input type="checkbox"/> Trustee</li> <li><input type="checkbox"/> Other (describe) _____</li> </ul>
---	--

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: \_\_\_\_\_
  
2. State the date on which the judgment, order, or decree was entered: \_\_\_\_\_

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: \_\_\_\_\_ Attorney: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
2. Party: \_\_\_\_\_ Attorney: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

\_\_\_\_\_  
Signature of attorney for appellant(s) (or appellant(s)  
if not represented by an attorney)

Date: \_\_\_\_\_

Name, address, and telephone number of attorney  
(or appellant(s) if not represented by an attorney):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

## COMMITTEE NOTE

The form is amended and renumbered. It is amended to add to the Notice of Appeal an optional Statement of Election to have the appeal heard by the district court rather than by the bankruptcy appellate panel. Current Rule 8005(a) eliminates the requirement, imposed by former Rule 8001(e), that a separate document be used in making an election to have an appeal heard by the district court rather than the bankruptcy appellate panel. It instead requires a statement that conforms substantially to the Official Form for such an election. Form 17A effectuates Rule 8005(a)'s requirement for election by an appellant by combining the notice of appeal and statement of election. It thereby facilitates compliance with the statutory requirement that an appellant wishing to make an election do so at the time of filing the appeal. 28 U.S.C. § 158(c)(1)(A).

The statement of election in Part 4 is applicable only in districts for which appeals to a bankruptcy appellate panel have been authorized. If an appeal is being taken from a bankruptcy court located in a circuit that does not have a bankruptcy appellate panel or in a district that has not authorized appeals to be heard by the circuit's bankruptcy appellate panel, the appellant should not complete Part 4.

When a bankruptcy appellate panel is available to hear an appeal, completion of Part 4 is optional. An appellant that wants its appeal heard by the bankruptcy appellate panel should not complete this part.

The form is renumbered as Official Form 17A because a new companion form—Optional Appellee Statement of Election to Proceed in the District Court—is designated as Official Form 17B, and another bankruptcy appellate form—Certificate of Compliance with Rule 8015(a)(7)(B) or 8016(d)(2)—is designated as Official Form 17C.

The fixed caption has been deleted because the short title caption on the current form is not appropriate if the debtor is the appellant or if the appeal is in an adversary proceeding. *See* 11 U.S.C. § 342(c); Rule 7008; Rule 9004(b). The form should be captioned as in Official Form 16A, Caption (Full); Official Form 16B, Caption (Short Title); or Official Form 16D, Caption for Use in Adversary proceeding, as appropriate.