CHAPTER 13 PLAN CASE NO. 0502330

DEBTOR(S): HARRIET SMITH SS# xxx-xx- NET MONTHLY EARNINGS 1,790.02

SS# NET MONTHLY EARNINGS

FULL ADDRESS: 68 Old Hwy 35 S, Forest MS 39074 # OF DEPENDENTS 0 RENT -0-

2005 MAY -4 AM 10:39

PLAN PAYMENTS: Debtor(s) propose to pay a total of $ 278.00 per month into the plan.

Direct primary Wage Order to: Tyson, PO Box 410, Forest MS 39074

Wage Order Amount: $ ~~64.50~~ 264.50 per (Circle One:) MONTH / WEEK / SEMI-MONTHLY / BI-WEEKLY

If split, direct spouse's Wage Order to:

Wage Order Amount: $ per (Circle One:) MONTH / WEEK / SEMI-MONTHLY / BI-WEEKLY

PRIORITY CREDITORS: IRS: $ -0- @ /month STATE TAX COMM: $ -0- @ $ /month

OTHER: $ @ $ /month

MORTGAGES:

Mtg. pmts to United Bilt Homes beginning 10-05 @ $ 517.22 ( ) PLAN (X) DIRECT

Mtg. pmts to beginning @ $ ( ) PLAN ( ) DIRECT

Mtg. pmts to beginning @ $ ( ) PLAN ( ) DIRECT

Mtg. arrearage to from thru 9/05 $ @ $ /month* (*Including interest at %)

Mtg. arrearage to from thru $ @ $ /month* (*Including interest at %)

Mtg. arrearage to from thru $ @ $ /month* (*Including interest at %)

SECURED CLAIMS: Shall be paid the sum set out as value or the creditor's proof of claim amount if lesser than value of collateral. That portion of the creditor's claim that exceeds the value shall be paid as an unsecured claim.

CREDITOR'S NAME & COLLATERAL	AMT OWED	VALUE	INT. RATE	TOTAL TO BE PAID	MONTHLY PAYMENT
Mitsubishi Motors, '02 Mit. Lancer	~~$ 6,454.84~~ $ 11,778.06	$ 6,937.50	8 %	~~$ 7,281.72~~ $ 7826.26	~~$ 262.27~~ $ 217.40
	$	$	%	$	$
	$	$	%	$	$
	$	$	%	$	$

SPECIAL CLAIMANTS: Child support, co-signed debts, collateral for surrender or abandonment, or previously repossessed, insurance to be paid through plan, etc.

	CLAIM	INT. RATE?	PROPOSAL
cosigned Chrysler Ser, '03 Dodge Neon	~~$ 9280.00~~ $ 9054.93	%	abandons interest to comaker
	$	%	
	$	%	

UNSECURED DEBTS: The holders of the allowed unsecured claims totaling approximately $ ~~12,510.01~~ 19,447.51 are to be paid in deferred payments: ( ) 100%, (XX) None-0%, or a minimum of ( ) percent, not to exceed 100%.

ADMINISTRATIVE FEES: Filing fees and administrative fees shall be paid pursuant to Court Order and/or Local Rules.

TOTAL ATTORNEY FEE: $ 1,700.00 Amount Received: $ -0- Amount to be Paid Through Plan $ 1,700.00

REMARKS:

Name/Address/Telephone # of vehicle insurance company or agent:

Telephone No.

Attorney for Debtor (Name/Address/Telephone #):

EDWIN F. TULLOS
PO BOX 505
RALEIGH MS 39153
Telephone No. (601) 782-9411

The Debtor(s) request that the Court approve this plan for 36 months or until paid, not to exceed 60 months.

DATE: 4-30-05

Debtor's Signature /s/ Harriet Smith
HARRIET SMITH

Spouse's Signature

Attorney's Signature /s/ Edwin F. Tullos

CHAPTER 13 PLAN
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

Debtor: Janice Marie Boyd SSN: XXX-XX-_____ CASE NO. 13-02886
Joint Debtor: P.O.Box 676 SSN: XXX-XX-_____ Median Income: ☐ Above ☑ Below
Address: 20450 Old HWY 80 West, Lot 89
Edwards, MS 39066

THIS PLAN DOES NOT ALLOW CLAIMS. Creditors must file a proof of claim to be paid under any plan that may be confirmed. The treatment of ALL secured and priority debts must be provided for in this plan.

PAYMENT AND LENGTH OF PLAN
The plan period shall be for a period of 60 months, not to be less than 36 months for below median income debtor(s), or less than 60 months for above median income debtor(s).

(A) Debtor shall pay $ ~~122.00~~ 240.50 (☑ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the Court, an Order directing payment shall be issued to Debtor's employer at the following address:
Direct Pay, Debtor is retired/disabled

(B) Joint Debtor shall pay $_____ (☐ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the Court, an Order directing payment shall be issued to Debtor's employer at the following address:

PRIORITY CREDITORS.
Filed claims which are not disallowed are to be paid in full or as ordered by the Court as follows:
Internal Revenue Service: $_____ at $_____/month
Mississippi Dept. of Revenue: $_____ at $_____/month
Other/_____: $_____ at $_____/month

DOMESTIC SUPPORT OBLIGATION. DUE TO: _____

POST PETITION OBLIGATION: In the amount of $_____ per month beginning _____.
To be paid ☐ direct, ☐ through payroll deduction, or ☐ through the plan.

PRE-PETITION ARREARAGE: In the total amount of $_____ through _____ which shall be paid in the amount of $_____ per month beginning _____.
To be paid ☐ Direct, ☐ through payroll deduction, or ☐ through the plan.

HOME MORTGAGES. All claims secured by real property which are to be paid through the plan shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed herein, subject to the start date for the continuing monthly mortgage payment proposed herein.

Mtg pmts to _____ Beginning _____ @ $_____ ☐Plan ☐Direct
Mtg pmts to _____ Beginning _____ @ $_____ ☐Plan ☐Direct
Mtg pmts to _____ Beginning _____ @ $_____ ☐Plan ☐Direct

Mtg arrears to _____ Through _____ $_____ @ $_____/mo
Mtg arrears to _____ Through _____ $_____ @ $_____/mo
Mtg arrears to _____ Through _____ $_____ @ $_____/mo

MORTGAGE CLAIMS TO BE PAID IN FULL OVER PLAN TERM:

Creditor:_____ Approx. amt. due: _____ Int. Rate: _____
Property Address: _____ Are related taxes and/or insurance escrowed ☐Yes ☐No

Creditor:_____ Approx. amt. due: _____ Int. Rate: _____
Property Address: _____ Are related taxes and/or insurance escrowed ☐Yes ☐No

NON-MORTGAGE SECURED CLAIMS. Creditors that have filed claims that are not disallowed are to retain lien(s) pursuant to 11 U.S.C. § 1325(a)(5)(B)(i)(I) until the payment of the debt determined as under non-bankruptcy law or discharge. Such creditors shall be paid as secured claimants the sum set out below or pursuant to other order of the Court. The portion of the claim not paid as secured shall be treated as a general unsecured claim.

CREDITOR'S NAME	COLLATERAL	910* CLM	APPROX. AMT. OWED	VALUE	INT. RATE	PAY VALUE OR AMT. OWED
Title Cash of MS	1998 Ford Contour		$708.00	$1,662.50	7%	AMT. OWED

* The column for "910 CLM" applies to both motor vehicles and "any other thing of value" as used in the "hanging paragraph" of 11 U.S.C. § 1325

SPECIAL CLAIMANTS including, but not limited to, co-signed debts, abandonment of collateral, direct payments by Debtor, etc. For all abandoned collateral Debtor will pay $0.00 on the secured portion of the debt. Where the proposal is for payment, creditor must file a proof of claim to receive proposed payment.

CREDITOR'S NAME	COLLATERAL	APPROX. AMT. OWED	PROPOSED TREATMENT

STUDENT LOANS which are not subject to discharge pursuant to 11 U.S.C. §§ 523(a)(8) and 1328(c) are as follows (such debts shall not be included in the general unsecured total):

CREDITOR'S NAME	APPROX. AMT. OWED	CONTRACTUAL MO. PMT.	PROPOSED TREATMENT

SPECIAL PROVISIONS which may apply to any or all payments to be paid through the plan, including, but not limited to, adequate protection payments:

_____
_____
_____

GENERAL UNSECURED CLAIMS total approximately $ ~~3,337.62~~ 9,635.29. Such claims must be ***timely filed*** and not disallowed to receive payment as follows:_____ IN FULL (100%), 100 %(percent) MINIMUM, or a total distribution of $_____, with the Trustee to determine the percentage distribution. ***Those general unsecured claims not timely filed shall be paid nothing, absent order of the Court.***

Total attorney fee charged: $ 2,500.00
Attorney fee previously paid: $ 0.00
Attorney fee to be paid in plan: $ 2,500.00

The payment of administrative costs and aforementioned attorney fees are to be paid pursuant to Court order and/or local rules.

Automobile Insurance Co/Agent

Attorney for Debtor (Name/Address/Phone/Email)
Michael G. Pond
1675 Lakeland Drive, Suite 201
Jackson, MS 39216

Telephone/Fax:

Telephone No. (601)948-4878
Facsimile No. (866) 666-0341
Email address mailforward@pondlawoffice.com

DATED: DEBTOR'S SIGNATURE s/ Janice Marie Boyd

JOINT DEBTOR'S SIGNATURE

ATTORNEY'S SIGNATURE s/Michael G. Pond

Fill in this information to identify your case:

Debtor 1 _____
Full Name (First, Middle, Last)

Debtor 2 _____
(Spouse, if filing) Full Name (First, Middle, Last)

United States Bankruptcy Court for the: Northern District of Mississippi

Case number (If known) _____

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed.

_____
_____

Chapter 13 Plan and Motions for Valuation and Lien Avoidance 12/17

Part 1: Notices

To Debtors: **This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable. The treatment of ALL secured and priority debts must be provided for in this plan.**

In the following notice to creditors, you must check each box that applies.

To Creditors: **Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.**

You should read this plan carefully and discuss it 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 on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

The plan does not allow claims. Creditors must file a proof of claim to be paid under any plan that may be confirmed.

The following matters may be of particular importance. ***Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.***

1.1	**A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor**	☐ **Included**	☐ **Not included**
1.2	**Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4**	☐ **Included**	☐ **Not included**
1.3	**Nonstandard provisions, set out in Part 8**	☑ **Included**	☐ **Not included**

Part 2: Plan Payments and Length of Plan

2.1 Length of Plan.

The plan period shall be for a period of _____ months, not to be less than 36 months or less than 60 months for above median income debtor(s). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Debtor(s) will make regular payments to the trustee as follows:

Debtor shall pay $ _____ (☐monthly, ☐semi-monthly, ☐weekly, or ☐bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the debtor's employer at the following address:

Joint Debtor shall pay $ _____ (☐monthly, ☐semi-monthly, ☐weekly, or ☐bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the joint debtor's employer at the following address:

2.3 Income tax returns/refunds.

Check all that apply .

☑ Debtor(s) will retain any exempt income tax refunds received during the plan term.

☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all non-exempt income tax refunds received during the plan term.

☐ Debtor(s) will treat income tax refunds as follows:

2.4 Additional payments.

Check one.

☑ **None.** ***If "None" is checked, the rest of § 2.4 need not be completed or reproduced.***

☐ Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

Part 3: Treatment of Secured Claims

3.1 Mortgages. (Except mortgages to be crammed down under 11 U.S.C. § 1322(c)(2) and identified in § 3.2 herein.)

Check all that apply.

☐ **None.** ***If "None" is checked, the rest of § 3.1 need not be completed or reproduced.***

3.1(a) ☐ **Principal Residence Mortgages:** All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

1st Mtg pmts to _____

Beginning _____ @ $ _____ ☐ Plan ☐ Direct. Includes escrow ☐ Yes ☐ No

1st Mtg arrears to _____ Through _____ $ _____

3.1(b) ☐ **Non-Principal Residence Mortgages:** All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

Property 1 address: _____

Mtg pmts to _____

Beginning _____ @ $ _____ ☐ Plan ☐ Direct. Includes escrow ☐ Yes ☐ No

Property 1: Mtg arrears to _____ Through _____ $ _____

3.1(c) ☐ **Mortgage claims to be paid in full over the plan term:** Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor.

Creditor: _____ Approx. amt. due: _____ Int. Rate*: _____

Property Address: _____

Principal Balance to be paid with interest at the rate above: _____
(as stated in Part 2 of the Mortgage Proof of Claim Attachment)

Portion of claim to be paid without interest: $ _____
(Equal to Total Debt less Principal Balance)

Special claim for taxes/insurance: $ _____ /month, beginning _____
(as stated in Part 4 of the Mortgage Proof of Claim Attachment)

*Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District.

Insert additional claims as needed.

3.2 Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims. *Check one.*

☐ **None.** ***If "None" is checked, the rest of § 3.2 need not be completed or reproduced.***

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

☐ Pursuant to Bankruptcy Rule 3012, for purposes of 11 U.S.C. § 506(a) and § 1325(a)(5) and for purposes of determination of the amounts to be distributed to holders of secured claims, debtor(s) hereby move(s) the court to value the collateral described below at the lesser of any value set forth below or any value set forth in the proof of claim. Any objection to valuation shall be filed on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I).

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 total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

Name of creditor	Estimated amount of creditor's total claim #	Collateral	Value of collateral	Amount of secured claim	Interest rate*

Insert additional claims as needed.

#For mobile homes and real estate identified in § 3.2: Special Claim for taxes/insurance:

Name of creditor	Collateral	Amount per month	Beginning

*Unless otherwise ordered by the court, the interest rate shall be the current *Till* rate in this District.

For vehicles identified in § 3.2: The current mileage is _____

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

Check one.

☐ **None.** ***If "None" is 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 stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling.

Name of creditor	Collateral	Amount of claim	Interest rate*

*Unless otherwise ordered by the court, the interest rate shall be the current *Till* rate in this District.

Insert additional claims as needed.

3.4 Motion to avoid lien pursuant to 11 U.S.C. § 522.

Check one.

☐ **None.** ***If "None" is checked, the rest of § 3.4 need not be completed or reproduced.***

The remainder of this paragraph will be effective only if the applicable box in 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). Unless otherwise ordered by the court, 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 unless the creditor files an objection on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). Debtor(s) hereby move(s) the court to find the amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. 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). If more than one lien is to be avoided, provide the information separately for each lien.

Name of creditor	Property subject to lien	Lien amount to be avoided	Secured amount remaining	Type of lien	Lien identification (county, court, judgment date, date of lien recording, county, court, book and page number)

Insert additional claims as needed.

3.5 Surrender of collateral.

Check one.

☐ **None.** ***If "None" is checked, the rest of § 3.5 need not be completed or reproduced.***

☐ The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor	Collateral

Insert additional claims as needed.

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case.

4.3 Attorney's fees

☑ No look fee: $ 4,600.00.

Total attorney fee charged: $ 4,600.00.

Attorney fee previously paid: $ .00.

Attorney fee to be paid in plan per confirmation order: $ 3,.00.

☐ Hourly fee: $ _____. (Subject to approval of Fee Application.)

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

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

☐ Internal Revenue Service $ _____.

☐ Mississippi Dept. of Revenue $ _____.

☐ Other _____

$ _____.

4.5 Domestic support obligations.

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

DUE TO:

POST PETITION OBLIGATION: In the amount of $ _____ per month beginning _____

To be paid ☐ direct, ☐ through payroll deduction, or ☐ through the plan.

PRE-PETITION ARREARAGE: In the total amount of $ _____ through _____ which shall be paid in full over the plan term, unless stated otherwise: _____

To be paid ☐ direct, ☑ through payroll deduction, or ☐ through the plan.

Insert additional claims as needed.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

☐ The sum of $ _____.

☐ _____ % of the total amount of these claims, an estimated payment of $ _____.

☐ 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 $ 0.00.

Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.2 Other separately classified nonpriority unsecured claims (special claimants). *Check one.*

☐ **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	Approximate amount owed	Proposed treatment

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. *Check one.*

☐ **None.** ***If "None" is checked, the rest of § 6.1 need not be completed or reproduced.***

☐ **Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage
		$ _____ Disbursed by: ☐ Trustee ☐ Debtor(s)	$ _____	

Insert additional claims as needed.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon entry of discharge.

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

☐ **None.** ***If "None" is checked, the rest of Part 8 need not be completed or reproduced.***

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

In the event a secured creditor with a security interest in the Debtor's principal residence (the "Mortgage Creditor") files a Notice of PostPetition Fees, Expenses, and Charges pursuant to Rule 3002.1(c) of the Federal Rules of Bankruptcy Procedure (the "PPFEC"), the Debtor hereby acknowledges and consents to the payment of each PPFEC in full by the Trustee pursuant to 11 U.S.C. § 1326(b)(1). Nothing contained in this provision shall serve as a waiver of the Debtor's right to object to the PPFEC within one (1) year pursuant to Rule 3002.1(e) of the Federal Rules of Bankruptcy Procedure. The Trustee is hereby authorized to adjust the Debtor's plan payment as may be necessary to comply with the terms of this provision.

Part 9: Signature(s):

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

The Debtor(s) and attorney for the Debtor(s), if any, must sign below. If the Debtor(s) do not have an attorney, the Debtor(s) must provide their complete address and telephone number.

✘ _____
Signature of Debtor 1

Executed on _____
MM / DD / YYYY

_____
Address Line 1

_____
Address Line 2

_____
City, State, and Zip Code

_____
Telephone Number

✘ _____
Signature of Debtor 2

Executed on _____
MM / DD / YYYY

_____
Address Line 1

_____
Address Line 2

_____
City, State, and Zip Code

_____
Telephone Number

✘ /s/William L. Fava
Signature of Attorney for Debtor(s)

Date _____
MM / DD / YYYY

Fava Firm
Address Line 1

P.O. Box 783
Address Line 2

Southaven, MS 38671
City, State, and Zip Code

(662)536-1116 101348
Telephone Number MS Bar Number

wfava@favafirm.com
Email Address

UNITED STATES BANKRUPTCY COURT
NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI

STANDING ORDER DESIGNATING PRESUMPTIVE
11 U.S.C. § 1325(a)(5)(B) INTEREST RATE

The United States Supreme Court has held that the "prime-plus method" is the proper method to determine the interest rate to be applied to a secured creditor's claim paid under the "cram down" option of 11 U.S.C. § 1325(a)(5)(B). *Till v. SCS Credit Corp.*, 541 U.S. 465, 124 S.Ct. 1951, 158 L.Ed.2d 787 (2004). The prime-plus method (now commonly known as the "*Till* rate") begins with the national prime rate, which is then adjusted upward depending on certain risk factors. *Id.* Both the Supreme Court and the Court of Appeals for the Fifth Circuit have observed that the risk enhancement is typically 1% to 3%. *Wells Fargo Bank, N.A. v. Texas Grand Prairie Hotel Realty, L.L.C. (In re Texas Grand Prairie Hotel Realty, L.L.C.)*, 710 F.3d 324, 332 (5th Cir. 2013) (citing *Till,* 541 U.S. at 480). As the prime rate of interest is currently 5.5% per annum, an adjustment to the locally recognized *Till* rate is warranted.

Accordingly, for all chapter 13 cases filed on or after October 1, 2022, the presumptive *Till* rate shall be 7.0%. The presumptive rate will be periodically reviewed and adjusted depending on fluctuations in the prime interest rate.

This Order amends and supersedes all previous standing orders and memoranda setting a presumptive *Till* rate in chapter 13 cases.

SO ORDERED this 1st day of August, 2022.

Katharine M. Samson
KATHARINE M. SAMSON
UNITED STATES BANKRUPTCY JUDGE

JASON D. WOODARD
UNITED STATES BANKRUPTCY JUDGE

SELENE D. MADDOX
UNITED STATES BANKRUPTCY JUDGE

JAMIE A. WILSON
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI

STANDING ORDER DESIGNATING PRESUMPTIVE 11 U.S.C. § 1325(a)(5)(B) INTEREST RATE

The United States Supreme Court has held that the "prime-plus method" is the proper method to determine the interest rate to be applied to a secured creditor's claim paid under the "cram down" option of 11 U.S.C. § 1325(a)(5)(B). *Till v. SCS Credit Corp.*, 541 U.S. 465, 124 S.Ct. 1951, 158 L.Ed.2d 787 (2004). The prime-plus method (commonly known as the "*Till* rate") begins with the national prime rate, which is then adjusted upward depending on certain risk factors. *Id.* Both the Supreme Court and the Court of Appeals for the Fifth Circuit have observed that the risk enhancement is typically 1% to 3%. *Wells Fargo Bank, N.A. v. Texas Grand Prairie Hotel Realty, L.L.C. (In re Texas Grand Prairie Hotel Realty, L.L.C.)*, 710 F.3d 324, 332 (5th Cir. 2013) (citing *Till*, 541 U.S. at 480). As the prime rate of interest is currently 8.5% per annum, an adjustment to the local *Till* rate is warranted.

Accordingly, for all chapter 13 cases filed on or after January 1, 2024, the presumptive *Till* rate shall be 10.0%. The presumptive rate will be periodically reviewed and adjusted depending on fluctuations in the prime interest rate.

This Order amends and supersedes all previous standing orders and memoranda setting a presumptive *Till* rate in chapter 13 cases.

SO ORDERED this 8th day of November, 2023.

Entered 11/28/23 at ____A.M. ____P.M.
United States Bankruptcy Court
Northern District of Mississippi
Shallanda J. Clay

KATHARINE M. SAMSON
UNITED STATES BANKRUPTCY JUDGE

JASON D. WOODARD
UNITED STATES BANKRUPTCY JUDGE

SELENE D. MADDOX
UNITED STATES BANKRUPTCY JUDGE

JAMIE A. WILSON
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI

STANDING ORDER DESIGNATING PRESUMPTIVE
11 U.S.C. § 1325(a)(5)(B) INTEREST RATE

The United States Supreme Court has held that the "prime-plus method" is the proper method to determine the interest rate to be applied to a secured creditor's claim paid under the "cram down" option of 11 U.S.C. § 1325(a)(5)(B). *Till v. SCS Credit Corp.*, 541 U.S. 465, 124 S.Ct. 1951, 158 L.Ed.2d 787 (2004). The prime-plus method (commonly known as the "*Till* rate") begins with the national prime rate, which is then adjusted upward depending on certain risk factors. *Id.* Both the Supreme Court and the Court of Appeals for the Fifth Circuit have observed that the risk enhancement is typically 1% to 3%. *Wells Fargo Bank, N.A. v. Texas Grand Prairie Hotel Realty, L.L.C. (In re Texas Grand Prairie Hotel Realty, L.L.C.)*, 710 F.3d 324, 332 (5th Cir. 2013) (citing *Till*, 541 U.S. at 480). As the prime rate of interest is currently 7.0% per annum, an adjustment to the local *Till* rate is warranted.

Accordingly, for all chapter 13 cases filed on or after January 1, 2026, the presumptive *Till* rate shall be 8.5%. The presumptive rate will be periodically reviewed and adjusted depending on fluctuations in the prime interest rate.

This Order amends and supersedes all previous standing orders and memoranda setting a presumptive *Till* rate in chapter 13 cases.

SO ORDERED this 19th day of November, 2025.

Katharine M. Samson
KATHARINE M. SAMSON
UNITED STATES BANKRUPTCY JUDGE

JASON D. WOODARD
UNITED STATES BANKRUPTCY JUDGE

SELENE D. MADDOX
UNITED STATES BANKRUPTCY JUDGE

JAMIE A. WILSON
UNITED STATES BANKRUPTCY JUDGE

Bank Prime Loan Rate Changes: Historical Dates of Changes and Rates



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