

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-FLINT

IN RE:

CHAPTER 13
CASE NO:
JUDGE JOEL D. APPLEBAUM

Debtor(s)
_____ /

MOTION TO INCUR POST PETITION DEBT

NOW COMES _____, Debtor(s) herein, through his/her/their attorney(s), _____, for the purpose seeking Court permission to allow Debtor(s) to incur post-petition debt as follows:

1. That the within Chapter 13 Petition was commenced *[Date of Petition]*.
2. That the Chapter 13 Plan was confirmed *[Date of Confirmation]*.
3. That the confirmed Chapter 13 plan requires the Debtor(s) to obtain Court permission prior to incurring debt in excess of \$2,000.00.
4. That it is necessary for the Debtor(s) to incur post-petition debt of more than \$2,000.00 for the reason that Debtor(s) wish to purchase a *[Year, Make and Model of Vehicle]* or similar vehicle. Debtor(s) prior vehicle a *[Year, Make and Model of Vehicle]* is no longer operational for the reason that _____.
5. The amount of post-petition debt to be incurred is \$_____, which will be paid directly by the Debtor(s) to *[Name of Finance Company]* or similar finance company in monthly installments of \$_____, with interest at the rate of ___% for a term of __ months. Debtors will contribute a down payment of \$_____, which will come from _____.
(See Exhibit 6-1: Good Faith Estimate)

WHEREFORE, the Debtor(s) pray(s) that the Court grant the relief requested and allow Debtor(s) to incur post-petition debt as specified above.

/s/ _____

Attorney for Debtor(s)

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_____ /

ORDER ALLOWING THE INCURRENCE OF POST PETITION DEBT

This matter having come on for consideration based upon the filing of a Motion to Incur Post-Petition Debt pursuant to E.D. Mich. L.B.R. 9014-1, a Certification of Non Response having been filed, the required notice having been provided, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that Debtor(s) is/are allowed to incur post-petition debt in in order to purchase a *[Year, Make and Model of Vehicle]* or similar vehicle in the amount of \$_____ which will be paid directly by the Debtor(s) to *[Name of Finance Company]* or similar finance company in monthly installments of \$_____, with interest at the rate of ___% for a term of ___ months. Debtors will contribute a down payment in the amount of \$_____ which will come from _____.

IT IS FURTHER ORDERED that this Order shall be valid for 90 days after entry with the Court and Debtor(s) shall provide the Trustee with copies of financing documents evidencing the terms of the purchase including the name and address of the secured creditor within 14 days of purchase.

“Exhibit A”

**UNITED STATES BANKRUPTCY COURT
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_____ /

NOTICE OF MOTION TO INCUR POST PETITION DEBT

The Debtor(s) has/have filed papers with the Court allowing Debtor(s) to incur post-petition debt in the amount of \$_____.

Your rights may be affected. 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 do not want the Court to grant the Motion to Incur Post-Petition Debt, or if you want the Court to consider your views on the motion **within 14 days** you or your attorney must:

- 1. File with the Court a written response or an answer explaining your position at: ¹**

United States Bankruptcy Court
226 West Second Street
Flint, MI 48502

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the FOURTEENTH (14th) day from the date of this motion.

You must also mail a copy to:

Melissa A. Caouette
Standing Chapter 13 Trustee
400 North Saginaw Street, Suite 331
Flint, MI 48502;

Debtor Attorney _____.

- 2. If a response or answer is timely filed and served, the Court will schedule a hearing on the matter and you will be notified as to the time and date of the hearing.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion, and may enter an order granting that relief.

Dated:

/s/ _____

Attorney for Debtor(s)

¹ Response or answer must comply with F.R. Civ. P. 8(b), (c), and (e)

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CERTIFICATE OF SERVICE

I hereby certify that on _____, 20__, I electronically filed the Motion to Incur Post Petition Debt, Notice of Motion to Incur Post Petition Debt, Notice and Proposed Order with the Clerk of the Court using ECF System, which will send notification to the following:

The following parties were served via First Class Mail at the address below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

All interested parties on the attached Matrix

/s/ _____

**UNITED STATES BANKRUPTCY COURT
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Debtor(s)
_____ /

**COVER SHEET FOR MOTION TO USE CASH
COLLATERAL OR TO OBTAIN CREDIT**

The Debtor(s) has/have filed a motion to use cash collateral or to obtain post-petition financing, which is attached to this Cover Sheet. In accordance with LBR 4001-2(b) (E.D.M.), the Debtor(s) has/have identified below, by page and paragraph number, the location in the proposed order accompanying the motion of each of the following provisions:

Provision	Contained in Proposed Order	Location in Proposed Order
(1) Provisions that grant liens on the estate's claims and causes of action arising under Chapter 5 of the Code.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(2) Provisions that grant cross-collateralization protection to the prepetition secured creditor (i.e., clauses that secure prepetition debt with categories of collateral that were not covered by the secured party's lien prepetition) other than liens granted solely as adequate protection against diminution in value of a prepetition creditor's collateral.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(3) Provisions that establish a procedure or conditions for relief from the automatic stay.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(4) Provisions regarding the validity or perfection of a secured creditor's prepetition liens or that release claims against a secured creditor.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __

(5) Provisions that prime any lien without that lienholder's consent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(6) Provisions that relate to a sale of substantially all of the debtor's assets.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(7) Provisions for the payment of professional fees of the debtor or any committees, including any carve-outs for such payments.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(8) Provisions for the payment of prepetition debt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(9) Provisions that waive the debtor's exclusive right to file or solicit acceptances of a plan during the time periods specified in 11 U.S.C. § 1121.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(10) Provisions that require the debtor's plan to be on terms acceptable to the secured creditor.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(11) Provisions that require or prohibit specific terms in the debtor's plan.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(12) Provisions establishing that proposing a plan inconsistent with the order constitutes a default.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(13) Provisions that waive surcharge under 11 U.S.C. § 506(c).	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(14) Provisions that address the rights and obligations of guarantors or co-obligors.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __

(15) Provisions that prohibit the debtor from seeking approval to use cash collateral without the secured creditor's consent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(16) Provisions that purport to bind a subsequent trustee.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __
(17) Provisions that obligate the debtor to pay any of a secured creditor's professional fees.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page ____, ¶ __

Dated: _____

/s/ _____

Attorney for Debtor(s)