

CHAPTER 13 DEBTOR'S REQUEST TO INCUR DEBT

Date Submitted: _____

Debtor(s): _____

Case Number: _____

Debtor(s) Address: _____

Debtor(s) Phone Number: _____

Attorney: _____

Attorney's Phone Number: _____

Reason for Loan: _____

Name of New Lender: _____

Amount of Loan: _____ Interest Rate: _____ Monthly Payment Amount: _____ Number of payments: _____

Amount & Source of Down Payment (if applicable): _____

** Please provide your attorney with proof of current monthly income and expenses for your household in order to amend your bankruptcy schedules. Contact your attorney regarding any questions. **

Have you made prior requests for loan approval while in Chapter 13? Yes: _____ No

If yes, list the dates, amounts, whether the request(s) were granted or denied and the status of the loan payments (i.e., paid, current, delinquent, etc.)

Date: _____ Amount: _____ Granted/Denied: _____ Status: _____

Purchase of New Vehicle

Vehicle Purchase Parameters:

1. No auto loan in excess of \$22,000.00;
2. No monthly payment in excess of \$500.00 per month;
3. Interest not to exceed 21%;
4. No luxury vehicles (even if they are old);
5. No vehicle warranties, or any type of additional insurance (i.e. GAP insurance, disability insurance, etc...).

If the vehicle falls within the above parameters, please submit with this request with a copy of the Proposed Sale Order with the following information:

- A. Year, Make, & Model of New Vehicle;
- B. Purchase Price;
- C. Down Payment Amount;
- D. Finance Amount;
- E. Loan Term;
- F. Interest Rate;
- G. Monthly Payment.

**If the vehicle DOES NOT fall within the above parameters, please contact your attorney. A Motion to Incur will need to be filed and heard before the Court.*

Is this vehicle replacing another vehicle already listed in your Plan or Schedules? Yes No

If yes, what vehicle is being replaced? (Year/Make/Model) _____

Is the vehicle being replaced paid "direct" to the creditor? Yes No If yes, what is the monthly payment amount? \$ _____

Declaration

I, _____ (please print), Debtor/Attorney, declare under penalty of perjury that the information provided above and on the attached budget is true and correct to the best of my knowledge, information, and belief.

Debtor or Attorney Signature: _____

Date: _____

**Debtor and Debtor Attorney Declaration Regarding Attorney Fees
In Connection with the Purchase and Financing of a Vehicle**

I, the Debtor, certify that I directly paid my attorneys, _____ (“Firm”) \$200 from my own funds for the preparation of the Request to Incur Debt and Amended Schedules. I did not receive funds from any other party, dealership, or finance company in connection with the financing of the vehicle.

I, the attorney for the Debtor, certify that I have received payment of \$200 from the Debtor for the services described above and that I did not receive any compensation or funds from any other party, dealership, or finance company in connection with the financing of the vehicle. I further certify that I have filed an amended Disclosure of Compensation of Attorney for Debtor pursuant to Rule 2016(b) of the Federal Rules of Bankruptcy Procedure.

I declare under penalty of perjury that my declaration is true and correct.

Debtor

Attorney for the Debtor

United States Bankruptcy Court

_____ District Of _____

In re

Case No. _____

Debtor

Chapter _____

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept \$ _____

Prior to the filing of this statement I have received \$ _____

Balance Due \$ _____

2. The source of the compensation paid to me was:

Debtor Other (specify)

3. The source of compensation to be paid to me is:

Debtor Other (specify)

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a other person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

B2030 (Form 2030) (12/15)

- d. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
- e. [Other provisions as needed]

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Date

Signature of Attorney

Name of law firm

Judge: _____

REVIEW OF REQUEST TO INCUR DEBT (VEHICLES)

Case No. _____ Name: _____

1. Has plan been confirmed? _____ (If not, a motion is required).
2. Date Received Request to incur Debt: _____
3. Is the Incur Debt form complete? _____
4. Debtor and Attorney Declaration Regarding Attorney Fees w/ Request completed and filed? _____
 - a) Do the fees exceed \$200.00? _____
 - b) Has an Amended Disclosure of Compensation of Attorney filed (Form 2016(b))? _____
5. Has Amended Schedules I and J been filed with Declaration Form? _____
6. Previous requests to incur debt while in Chapter 13 (either motion or letter)? _____
7. Is Debtor current in the plan payments: _____
8. Any plan delinquency in the last six months? _____
9. Is Proposed Buyer's Contract attached? _____
 - a) Year, Make, Model of Vehicle listed? _____
 - b) Does proposed auto loan exceed \$22,000? _____
 - c) Does monthly payment exceed \$500? _____
 - d) Down Payment Amount, if any? _____
 - e) Amount Financing? _____
 - f) Loan Term: _____
 - g) Does interest rate exceed 21%? _____
 - h) Are any additional warranties or type of insurance being purchased? _____
10. Is this a luxury vehicle? Yes _____ No _____
11. How many cars in household (per the most recently filed Sched. B): _____

Attorney Use: Request Granted: _____ Request Denied: _____

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE
105 Decker Ct
Suite 1150 11th Floor
Irving, TX 75062
(214) 855-9200 Systems@dallasch13.com

Joe Public
12365 Rain Dr
Irving TX 75062

October 09, 2018

Re: Request to Incur New Debt
Chapter 13 Case No. ##-####

In response to your request for approval to incur additional debt: Your request is to borrow \$14,047.86 from Consumer Portfolio Servies. The terms of the loan are 21% interest, with 72 monthly payments at \$345.01. The loan is for a 2015 Jeep Patriot.

We have reviewed the information you provided and based thereon have determined the loan you are seeking is reasonable and necessary and will not interfere with your ability to meet your obligations under your pending Chapter 13 plan. Therefore, you have the trustee's permission to incur the additional debt described above, if the loan is obtained within 90 days of the date of this letter. All Payments must be "direct" from you to the lender and will not be included in your trustee payment.

We suggest you contact your attorney prior to entering into any financial agreement to discuss how this may affect your Chapter 13 plan and payments.

If you have any questions, please call Kimberlin Williams at 214-855-9228 or Stacy Lipsey at 214-855-9280 between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday.

Sincerely,

Thomas D. Powers
State Bar No. 16218700
105 Decker Ct
Suite 1150 11th Floor
Irving, TX 75062
(214) 855-9200
Fax: (214) 965-0758

cc: Attorney Law Firm