

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 13

Case No.: _____

Debtor(s).

-----X

**NOTICE OF MOTION TO EXTEND THE CHAPTER 13 PLAN
REPAYMENT PERIOD PURSUANT TO BANKRUPTCY CODE SECTION 1329**

PLEASE TAKE NOTICE that, on _____ [HEARING DATE] at _____ [TIME], or as soon thereafter as the parties may be heard, the Court will hold a hearing before the Honorable _____ [NAME OF JUDGE], United States Bankruptcy Judge, in Courtroom number _____ at the United States Bankruptcy Court for the Eastern District of New York, Conrad B. Duberstein U.S. Courthouse, 271-C Cadman Plaza East, Brooklyn, New York 11201-1800, to consider the Debtor’s motion for an order to extend the repayment period under the Debtor’s Chapter 13 plan pursuant to Bankruptcy Code Section 1329 (the “Motion to Extend Repayment Period”).

PLEASE TAKE FURTHER NOTICE that opposition to the Motion to Extend Repayment Period, if any, must be in writing, must comply with the requirements of the Bankruptcy Code and Bankruptcy Rules, and must state the reasons for the opposition. It must be served on the Debtor and the Debtor’s counsel, the Office of the United States Trustee, all parties that have requested notice, and all other parties entitled to notice, and electronically filed with the Court, by _____ [DATE - SEVEN DAYS BEFORE THE HEARING DATE].

Dated: _____,
_____, New York

[DEBTOR]

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 13

Case No.: _____

Debtor(s).

-----X

**MOTION AND CERTIFICATION TO EXTEND THE CHAPTER 13 PLAN
REPAYMENT PERIOD PURSUANT TO BANKRUPTCY CODE SECTION 1329**

_____ [NAME] hereby moves for the entry of an Order to amend their Chapter 13 Plan pursuant to Bankruptcy Code Section 1329, in order to extend the repayment period under the Plan. In support of the Motion, I respectfully state and certify as follows:

BACKGROUND

1. On _____ [PETITION DATE], I filed a voluntary petition under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of New York.

2. On _____ [DATE OF CONFIRMATION ORDER], the Court entered an Order confirming my Chapter 13 Plan. I have attached copies of my Chapter 13 Plan and the Order confirming the Plan to this Motion as Exhibit A.

3. I made the payments required under my Chapter 13 Plan through _____ [DATE]. But I have been severely impacted by the COVID-19 pandemic and public health emergency, and I have been unable to make my Chapter 13 Plan payments since _____ [DATE].

REASONS FOR THIS REQUEST

4. The Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) was enacted on March 27, 2020. The CARES Act adds Section 1329(d) to the Bankruptcy Code for a limited period (extended to March 27, 2022 pursuant to The Covid-19 Bankruptcy Relief Extension Act of 2021). This Section permits a debtor to request a modification to a Chapter 13 plan that was confirmed before March 27, 2020, if he or she has experienced material financial hardship caused, directly or indirectly, by the COVID-19 pandemic.

5. I have experienced material financial hardship caused by the COVID-19 pandemic as follows: _____

[DESCRIBE CIRCUMSTANCES, INCLUDING ANY ILLNESS, JOB LOSS OR FURLOUGH, CHANGE IN FAMILY CIRCUMSTANCES OR NEEDS, AND OTHER MATTERS THAT CONTRIBUTE TO THE INABILITY TO MAKE THE PAYMENTS].

6. When my Chapter 13 Plan was confirmed, my monthly income was \$ _____ [INITIAL INCOME]; my monthly expenses were \$ _____ [INITIAL EXPENSES]; and I was able to make a monthly plan payment of \$ _____ [INITIAL PLAN PAYMENT].

7. Now, because of the COVID-19 pandemic, my monthly income is \$ _____ [NEW INCOME]; my monthly expenses are \$ _____ [NEW EXPENSES]; and I can no longer afford my original monthly plan payment.

8. I would like to modify my Chapter 13 Plan to extend the term of the Plan from _____ months [CURRENT REPAYMENT PERIOD] to _____ months [REQUESTED PAYMENT PERIOD – UP TO 84 MONTHS OR SEVEN YEARS]. I have attached a copy of my Amended Plan reflecting this modification as Exhibit B. I have also filed my Amended Plan in my bankruptcy case.

9. With this additional time, I maintain that I will be able to complete my Amended Chapter 13 Plan.

WHEREFORE, I respectfully request that the Court approve my Amended Chapter 13 Plan.

Dated: _____,
_____, New York

[DEBTOR]