



SO ORDERED.

SIGNED this 12th day of June, 2015.

Lena Mansori James

LENA MANSORI JAMES
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

In Re:

DAPHONNIE ROCHELLE BUCHANAN xxx-xx-1414
140 Scotland Ridge Drive
Winston-Salem, NC 27107

Debtor(s)

MODIFIED

ORDER CONFIRMING PLAN
CHAPTER 13

Case No. B-14-51161 C-13W

This case came before the Court, after notice and opportunity for hearing, for confirmation of the Chapter 13 plan proposed in this case; and IT APPEARING to the Court as follows:

- I. The Trustee in this case is Kathryn L. Bringle, Standing Trustee, P. O. Box 2115, Winston-Salem, North Carolina 27102-2115;
- II. The attorney for the Debtor(s) is John T. Orcutt;
- III. Under the final plan (the "Plan") as proposed:

A. Plan Payments

- 1. The Debtor(s) is/are to make monthly payments to the Trustee which are to be disbursed by the Trustee in accordance with the Plan and this Order;
- 2. The monthly plan payment to the Trustee is \$405.00 for November 2014 through April 2015 then \$439.00 beginning May 2015;

B. Administrative Costs

- 1. **Attorney Fees.** The Attorney for the Debtor(s) is allowed the base fee of \$3,700.00. The Attorney has received \$0.00 from the Debtor(s) pre-petition and the remainder of the base fee will be paid by the Trustee as funds are available.
- 2. **Trustee costs.** The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses.

C. Priority Claims

Any timely filed claims entitled to priority under 11 U.S.C. §507, on behalf of the entities listed below, will be paid in full in deferred cash payments unless otherwise indicated.

1. **Internal Revenue Service**
\$2,884.71 claim for 2011 income taxes
2. **North Carolina Department of Revenue**
3. **Forsyth County Tax Collector**

D. Secured Claims

1. Secured Claims To Be Paid In Full - Personal Property

Creditor & Property	Claim Filed (Y/N)	Claim Amount	Monthly Payment	Interest Rate	AP Payment
Capital One Auto Finance 2011 Kia Sorento Mark Buchanan is a co-owner and co-obligor.	Y	\$14,784.35	\$120.00 AP payment then \$385.00 beginning 12/2015	9.94%	\$120.00

2. Partially Secured Claims - Real Property and Personal Property

Any objection to value is required to be filed as a formal objection to valuation not later than 60 days from the date of the entry of this Order.

Creditor & Property	Claim Filed (Y/N)	Claim Amount	Secured Amount and Value	Monthly Payment	Interest Rate	AP Payment
Aaron's Living room furniture	N		Secured up to \$250.00	\$20.00	5.25%	

E. General Unsecured Claims Not Separately Classified.

General unsecured claims not separately classified will be paid as funds become available after payment of costs of administration. The estimated dividend to general unsecured claims is 0%.

F. Special Provisions

State Employees' Credit Union
\$1,964.23 unsecured claim filed.
The Creditor is authorized to offset \$25.62 and the claim will be allowed in the reduced amount of \$1,938.61.

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Student Loans

- The Debtor is not seeking nor does this Plan provide for any discharge, in whole or in part, of her student loan obligations.
 - The Debtor shall be allowed to seek enrollment in any applicable income-driven repayment ("IDR") plan with the U. S. Department of Education and/or other student loan servicers, guarantors, etc. (Collectively referred to hereafter as "Ed"), without disqualification due to her bankruptcy.
 - Ed shall not be required to allow enrollment in any IDR unless the Debtor otherwise qualifies for such plan.
 - The Debtor may, if necessary and desired, seek a consolidation of her student loans by separate motion and subject to subsequent court order.
 - Upon determination by Ed of her qualification for enrollment in an IDR and calculation of any payment required under such by the Debtor, the Debtor shall, within 30 days, notify the Chapter 13 Trustee of the amount of such payment. At such time, the Trustee or the Debtor may, if necessary, file a Motion to Modify the Chapter 13 Plan to allow such direct payment of the student loan(s) and adjust the payment to other general unsecured claims as necessary to avoid any unfair discrimination.
 - The Debtor shall re-enroll in the applicable IDR annually or as otherwise required and shall, within 30 days following a determination of her updated payment, notify the Chapter 13 Trustee of such payment. At such time, the Trustee or the Debtor may, if necessary, file a Motion to Modify the Chapter 13 plan to allow such direct payment of the student loan(s) and adjust the payment to other general unsecured claims as necessary to avoid any unfair discrimination.
 - During the pendency of any application by the Debtor to consolidate her student loans, to enroll in an IDR, direct payment of her student loans under an IDR, or during the pendency of any default in payments of the student loans under an IDR, it shall not be a violation of the stay or other State or Federal Laws for Ed to send the Debtor normal monthly statements regarding payments due and any other communications including, without limitation, notices of late payments or delinquency. These communications may expressly include telephone calls and e-mails.
 - In the event of any direct payments that are more than 30 days delinquent, the Debtor shall notify her attorney, who will in turn notify the Chapter 13 Trustee, and such parties will take appropriate action to rectify the delinquency.
 - The Debtor's attorney may seek additional compensation by separate applications and court order for services provided in connection with the enrollment and performance under an IDR.
- G. The Debtor(s) will pay **THE GREATER OF** the amount necessary to pay all allowed costs of administration, priority and secured claims in full, with the exception of continuing long term debts, **OR** a **minimum** of **36** monthly plan payments, with the plan to be reviewed in twelve (12) months and periodically thereafter for plan payment adjustments;
- H. The terms and provisions of the Amended Standing Order dated May 28, 2015 are incorporated in this Order and are available on the Court's website at www.ncmb.uscourts.gov
- I. **IT FURTHER APPEARING** to the Court that the Plan complies with the requirements of 11 U.S.C. §1325; therefore, it is

ORDERED that the Plan is confirmed.

PARTIES TO BE SERVED

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Kathryn L. Bringle
Chapter 13 Trustee
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Winston Salem, NC 27102-2115