

**UNITED STATES BANKRUPTCY COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA**

In Re: Chapter 13 Matters

Standing Order No. 24-18

**ORDER ON CHAPTER 13 MATTERS**

On August 13, 2024, the Fourth Circuit Court of Appeals issued its opinion in *Trantham v. Tate (In re Trantham)*, 112 F.4<sup>th</sup> 223 (4th Cir. 2024). This Order is intended to bring the Court's Chapter 13 Plan, Confirmation Order and Local Rules into compliance with the requirements of the *Trantham* Opinion.

It is therefore **ORDERED**, effective January 20, 2025:

1. Chapter 13 Plan: The Court's form Chapter 13 Plan, the use of which is required by Local Rule 3015-2(A), shall be amended in accordance with Exhibit A, attached. Further, the term "\$5,000.00" in Paragraph 11 of the Court's form Chapter 13 Plan shall be increased to "\$15,000.00."
2. Confirmation Order: The Court's Confirmation Order shall be amended in accordance with Exhibit B, attached.
3. Local Rule 6004-3: Local Rule 6004-3 shall be amended in accordance with Exhibit C, attached.
4. Local Rule 6004-4: Local Rule 6004-4 shall be amended in accordance with Exhibit D, attached.

Entered: December 20, 2024

B. F. K.  
Chief Judge Designate U.S. Bankruptcy Court  
Eastern District of Virginia

## EXHIBIT A

1. The Court's Chapter 13 Plan shall be amended to delete current Paragraph 10 and to include the following Paragraph 10:

**Property of the estate will vest in the debtor(s) upon**

*Check the applicable box:*

- ☐ plan confirmation.
- ☐ entry of discharge.
- ☐ other: \_\_\_\_\_.

Notwithstanding such vesting, the debtor(s) shall give notice and obtain prior court approval of the transfer or sale of real or personal property with a value that exceeds \$15,000, the refinance or modification of a loan secured by real or personal property, and the encumbrance of real or personal property.

Note: If no box is checked or if more than one box is checked, then property of the estate will vest in the debtor(s) upon plan confirmation.

## **EXHIBIT B**

1. Paragraph 2 of the Court's standard Chapter 13 Confirmation Order shall be amended as follows, and new Paragraph 3 shall be added:

- (2) The debtor(s) shall obtain prior Court approval of the following transactions, upon a motion that provides notice to the Chapter 13 Trustee and all necessary parties and discloses completely the transaction's proposed terms:

- (a) the voluntarily incurrence of new debt, whether secured or unsecured, that causes the debtor's(s') total principal amount borrowed post-petition to exceed \$15,000 at any point in time;

- (b) the transfer or sale of real or personal property with a value that exceeds \$15,000;

- (c) the refinance or modification of a loan secured by real or personal property; and

- (d) the encumbrance of real or personal property.

- (3) The debtor(s) shall disclose the acquisition of real or personal property with a value that exceeds \$15,000.

[Re-number all subsequent paragraphs.]

## **EXHIBIT C**

1. Local Rule 6004-3 shall be amended as follows:

### **RULE 6004-3 SALE OR REFINANCE OF PROPERTY BY CHAPTER 13 DEBTOR AFTER CONFIRMATION**

(A) A debtor intending to sell or refinance real property following confirmation of a plan shall file a motion and shall provide the chapter 13 trustee and all creditors and parties in interest at least 21 days' notice of the motion seeking such approval unless the notice period has been shortened by the Court for cause shown.

(B) In addition to setting forth the information required by FRBP 2002(c)(1), the notice shall state: (1) the total proposed sale price or maximum amount to be secured by the refinancing, as the case may be, and, in the case of refinancing, the amount of existing secured debt to be paid thereby; (2) the amount of the sale or loan proceeds to be applied to the debtor's obligations under the confirmed plan; (3) whether such payment will result in full payment of all allowed claims; and (4) if all allowed claims will not be paid in full, the amount of the sale or loan proceeds that will be paid to the debtor.

(C) If no objection is filed within the objection period, the court, in its discretion, may enter an order endorsed by the chapter 13 trustee approving the sale or refinance without holding a hearing.

*Comments.* Time-computation adjustments have been made, as needed, to conform to a revision to the Federal Rules of Bankruptcy Procedure that takes effect December 1, 2009.

Stylistic changes have been made to the text of the Rule. [Changes effective 12/01/09.]

## **EXHIBIT D**

1. Local Bankruptcy Rule 6004-4 shall be amended as follows:

### **RULE 6004-4 MORTGAGE LOAN MODIFICATION BY CHAPTER 13 DEBTOR AFTER CONFIRMATION**

(A) Unless provided in a Consent Order resolving a Motion for Relief from Stay, a debtor(s) seeking approval for the modification of a mortgage on real property following confirmation of a plan shall file a motion and shall provide the chapter 13 trustee and any creditor who has filed a request for all notices in the case at least 21 days' notice of a motion seeking such approval unless the notice period has been shortened by the Court for cause shown.

(B) The notice shall state: (1) All terms of the modification including the term, principal, interest rate and any future payment changes or balloon payments that will occur during the term of the chapter 13 plan; (2) The current mortgage payment and the new payment after the loan modification; (3) If the modification results in a higher monthly payment, the source of the funds to be used to make that payment; and (4) If the modification results in a lower monthly payment, whether the debtor intends to increase the amount of his plan payment.

(C) If no objection is filed within the objection period, the court, in its discretion, may enter an order endorsed by the chapter 13 trustee approving the loan modification.

*Comments.* This rule is new and provides a procedure, including the manner in which notice shall be given and the contents of the notice, for a chapter 13 debtor to request court approval to modify a real property mortgage loan following confirmation of the debtor's Plan.

[New Rule effective 12/01/09.]