



**2020 BENCH BAR**  
**CHAPTER 13 TRUSTEE PANEL**

**Isabel Balboa • Marie-Ann Greenberg • Albert Russo**



# THE CARES ACT

# SEC. 1113. BANKRUPTCY

## ○ (b) Bankruptcy Relief

### • (1) IN GENERAL –

- (B) CONFIRMATION OF PLAN.—Section 1325(b)(2) of title 11, United States Code, is amended by inserting payments made under Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID–19),” after “other than”.



# SEC. 1113. BANKRUPTCY

## ○ (b) Bankruptcy Relief

### • (1) IN GENERAL –

#### ○ (C) MODIFICATION OF PLAN AFTER

CONFIRMATION.—Section 1329 of title 11, United States Code, is amended by adding at end the following:

- “(d) (1) Subject to paragraph (3), for a plan confirmed prior to the date of enactment of this subsection, the plan may be modified upon the request of the debtor if—



# SEC. 1113. BANKRUPTCY

## ○ (b) Bankruptcy Relief

### • (1) IN GENERAL –

#### ○ (C) MODIFICATION OF PLAN AFTER

CONFIRMATION.—Section 1329 of title 11, United States Code, is amended by adding at end the following:

- “(d) (1) Subject to paragraph (3), for a plan confirmed prior to the date of enactment of this subsection, the plan may be modified upon the request of the debtor if—
- “(A) the debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic; and



# SEC. 1113. BANKRUPTCY

- (b) Bankruptcy Relief

- (1) IN GENERAL –

- (C) MODIFICATION OF PLAN AFTER

CONFIRMATION.—Section 1329 of title 11, United States Code, is amended by adding at end the following:

- “(B) the modification is approved after notice and a hearing.



# SEC. 1113. BANKRUPTCY

## ○ (b) Bankruptcy Relief

### • (1) IN GENERAL –

#### ○ (C) MODIFICATION OF PLAN AFTER

CONFIRMATION.—Section 1329 of title 11, United States Code, is amended by adding at end the following:

- “(2) A plan modified under paragraph (1) may not provide for payments over a period that expires more than 7 years after the time that the first payment under the original confirmed plan was due.
- “(3) Sections 1322(a), 1322(b), 1323(c), and the requirements of section 1325(a) shall apply to any modification under paragraph (1).”

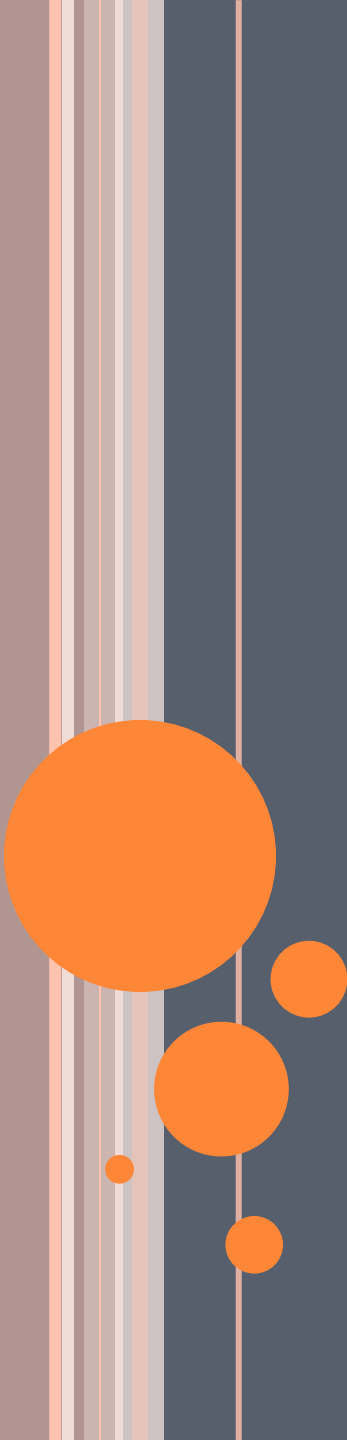


# SEC. 1113. BANKRUPTCY

- (b) Bankruptcy Relief
  - (1) IN GENERAL –
  - (D) APPLICABILITY.—
    - (i) The amendments made by subparagraphs (A) and (B) shall apply to any case commenced before, on, or after the date of enactment of this Act.
    - (ii) The amendment made by subparagraph (C) shall apply to any case for which a plan has been confirmed under section 1325 of title 11, United States Code, before the date of enactment of this Act.







**CERTIFICATION OF DEBTOR(S)  
IN SUPPORT OF COVID-19  
CHAPTER 13 PLAN  
MODIFICATION**

Fillable PDF form available at  
[www.russotruster.com](http://www.russotruster.com)

**CERTIFICATION OF DEBTOR(S) IN SUPPORT OF  
COVID-19 CHAPTER 13 PLAN MODIFICATION**

I[We], \_\_\_\_\_ am [are ] the debtor [s] in the above-captioned Ch. 13 case and make this Certification under penalty of perjury in support of the COVID-19 Chapter 13 Plan Modification filed separately on the docket on \_\_\_\_\_.

- 1) The Chapter 13 plan was originally confirmed by order entered on \_\_\_\_\_.
- 2) I was current with plan payments through \_\_\_\_\_.
- 3) I was current with post-petition mortgage payments through \_\_\_\_\_ on property located at \_\_\_\_\_.

[If not applicable, skip] [if more than 1 property add additional lines]

a) The mortgage payments referred to above are  contractual payments  adequate protection payments. [Check one]

b) I am current with post-petition real estate taxes on the property located at

\_\_\_\_\_.

YES  NO

c) I have current liability insurance on the property and can provide proof thereof.

YES  NO

4) If the confirmed plan includes a cram down on a mortgage, then answer the following:

a) I am current with post-petition real estate taxes on the property located at

\_\_\_\_\_.

YES  NO

b) I have current liability insurance on the property and can provide proof thereof.

YES  NO



5) I was current with post-petition auto payments through \_\_\_\_\_ on the following automobile(s). [If not applicable, skip]

\_\_\_\_\_

6) The change in my household income previously reported on Schedule I is \$ \_\_\_\_\_. My current household income is \$ \_\_\_\_\_. I have attached a current paystub or proof of the change in income to this certification. [Redact any personally identifiable information before docketing.] My current total household expenses are now \$ \_\_\_\_\_.

7) As a result of COVID-19 I have suffered a material financial hardship which has impacted me in the following way:

\_\_\_\_\_

I hereby certify that the foregoing statements made by me are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: \_\_\_\_\_

\_\_\_\_\_

Debtor Signature



A decorative graphic on the left side of the slide. It features a vertical stack of thin, semi-transparent lines in shades of orange and grey. To the right of these lines are several orange circles of varying sizes, arranged in a roughly vertical line. The largest circle is at the top, and the sizes of the other circles vary, with a small one near the bottom.


# STATISTICS

# Total Disbursements

	MARCH	APRIL	MAY
Newark	\$4,428,835	\$4,260,740	\$3,378,733
Trenton	\$3,581,251	\$4,334,983	\$4,094,401
Camden	\$2,991,218	\$3,700,552	\$3,150,125

# Attorney Fee Disbursements

	MARCH	APRIL	MAY
Newark	\$622,207	\$549,651	\$408,847
Trenton	\$487,522	\$516,289	\$641,032
Camden	\$581,127	\$690,477	\$496,384



# DISTRICT OF NJ 2020 BANKRUPTCY FILINGS

MONTH	CH 13 NEWARK	CH 13 TRENTON	CH 13 CAMDEN	CH 7 NEWARK	CH 7 TRENTON	CH 7 CAMDEN
FEB	205	192	210	506	358	268
MAR	142	196	195	489	371	254
APR	59	72	86	275	254	183
MAY	48	71	72	332	280	184
JUN 1 – 15	14	41	29	150	108	74

6/19/2020 2020 Bench Bar

