

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re: ) Case No. \_\_\_\_\_  
          ) [ONLY FOR CHAPTER 13 CASES]  
          ) DEBTOR'S MOTION FOR ORDER FOR ALLOWANCE  
          ) AND FUTURE PAYMENT ON UNTIMELY FILED  
Debtor(s) ) CLAIM(S); **AND ORDER AND NOTICE THEREON**

The debtor moves the court for an order allowing and providing for future payments on the untimely claim(s) filed by, or on behalf of, the following creditor(s) with the status (e.g., priority, secured, unsecured) and amount shown as if such claim(s) were timely filed:

<u>CREDITOR NAME AND SERVICE ADDRESS</u>	<u>STATUS</u>	<u>AMOUNT</u>
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The debtor's failure to timely file claims for the above creditors [see FRBPs 3004 and 9006(b)(1)] was due to the following excusable neglect: \_\_\_\_\_  
\_\_\_\_\_.

Allowance and future payment of the claim(s) as if such claim(s) were timely filed will benefit the debtor, for any listed creditor who was scheduled in time to file a claim prior to expiration of the bar date, as follows [NOTE: Explain each separately if applicable]: \_\_\_\_\_  
\_\_\_\_\_.

The trustee's name/service address are: \_\_\_\_\_.  
The name/service address for debtor copies are: \_\_\_\_\_.

**ATTACHED are BOTH: (1) EITHER** the original proof of claim, or a copy if the original already filed; **AND (2) a self-addressed, stamped, envelope (S.A.S.E.)** for return after signing.

Date: \_\_\_\_\_  
Signature \_\_\_\_\_ Soc. Sec./Tax I.D. # (if debtor) OSB# (if attorney)

**1. NOTICE IS GIVEN THAT:**

**A.** Any creditor listed above that does not object to this motion pursuant to point 2.A. below will both: (1) have its claim allowed, and (2) share in payments as provided in the debtor's plan for that type of claim as if such claim had been timely filed. However, if the debtor completes the plan or seeks a hardship discharge, the debtor will contend that any balance owing upon the claim will then be discharged.

**B.** Dividends payable on allowed unsecured claims will not be affected if the plan calls for them to receive a fixed amount or percentage. However, if payments are to be made for a fixed period of time, then future payment of an additional claim as if it were timely filed will result in a reduction of the dividend paid to unsecured creditors.

**2. IT IS ORDERED AND ALL PARTIES ARE NOTIFIED THAT:**

**A.** The debtor's service of copies as certified below shall also satisfy the FRBP 3004 notice of filing requirements.

**B.** [To be selected by the judge]:

\_\_\_\_ The debtor's motion will be deemed granted, and the additional claim(s) listed above allowed and will receive future payments under the plan as if such claim(s) were timely filed, without further notice or court order unless, within 20 days of the service date below, an interested party BOTH: (1) files a written objection, using Local Form #1365.5 attached to this document (fully completed including a hearing date, time and location obtained from the court), with the Clerk of Court (i.e., if the 5-digit portion of the Case No. begins with "3" or "4", mail to 1001 SW 5th Ave. #700, Portland OR 97204; OR, if it begins with "6" or "7", mail to PO Box 1335, Eugene OR 97440); AND (2) serves copies thereof on the debtor and trustee at the addresses above.

\_\_\_\_ A hearing on the motion shall be held **ON** \_\_\_\_\_ **AT** \_\_\_\_\_ **IN** \_\_\_\_\_

\_\_\_\_\_, and testimony may/may NOT (**strike one**) be received [NOTE: If no choice made, testimony may be received].

\_\_\_\_\_  
U.S. Bankruptcy Judge

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**STOP: BEFORE SERVING COPIES, FILE, WITH S.A.S.E., TO OBTAIN JUDGE'S SIGNATURE!**

I certify that on \_\_\_\_\_ I served: (1) copies of the following on each creditor listed above (a) this motion, (b) Local Form #1365.5, (c) the notice of any pending confirmation hearing plus all documents required to be attached thereto indicating any proposed plan(s) under consideration, (d) the latest, if any, confirmed or approved plan, (e) any pending Notice of Modification of Plan, and all required attachments thereto, and (f) the applicable proof of claim; (2) copies on the trustee of (a) this motion and (b) all applicable proofs of claim; AND (3) [only if any creditor listed was NOT scheduled prior to the first date set for the confirmation hearing] copies of this motion on all creditors.

\_\_\_\_\_  
Signature of Servicing Party & Relationship to Debtor