

Deborah Langehennig

Chapter 13 Trustee

Send *only* plan payments to:
PO Box 298
Memphis, TN 38101-0298

Send *only* correspondence to:
3801 Capital of Texas Hwy South, Suite 320
Austin, TX 78704

www.13network.com

Phone (512) 912-0305

Facsimile (512) 916-9234

Re: Applications to Incur Consumer Debt--*Revised 1/09*

Paragraph 14 of the October 24, 2005, Standing Order for Chapter 13 Case Administration provides that Applications to Incur Consumer Debt shall first be addressed to the Chapter 13 Trustee. This procedure is intended to assist the debtors by streamlining the process, as it is often that the debtors seeking to incur debt are doing so under conditions of urgency.

The debtors, *by and through their attorney*, will need to complete the Application in full and provide all of the requested documents. The Trustee will review the Application and file an approval or denial with the Court. Notice of the approval or denial will be sent to the debtors and their attorney. If the Application is denied, you may apply directly to the Bankruptcy Court for permission by filing a Motion to Incur Debt with the Trustee's denial attached.

A form *Application to Incur Debt* is attached for your review. The debtors must also attach the following documents to their completed Application:

- * Brief letter explaining reason for incurring the debt;
- * Brief explanation as to disposition of any vehicles used as a trade-in, etc;
- * Brief explanation as to the source of down payment funds, if any;
- * Good faith contract from the finance company or other lender;
- * Proposed HUD-1 Settlement Statement if purchasing home or refinancing existing home;
- * Amended Schedule I and J (filed with Court) updating income and including new direct payment;
- * Copy of both debtors' most recent paycheck stubs;
- * Copy of 2008 tax return.

Review all of the documents very carefully prior to submitting them to our office. For example, the information in Schedule I must match the wage and deduction information on your paycheck stub. If the information on Schedule I does not match the information on the paycheck stub, the debtors will need to provide an explanation in writing setting forth the reason. The Application *will be denied* if the income information does not match up and an explanation was not provided. If the debtors are married, they will need to also include their spouse's income and expense information on Schedules I and J.

Note that attorneys may charge additional fees for work performed in connection with the Application. The fees will be paid through the Plan and the base increased accordingly.

Incomplete applications will not be processed. All applications must include the name, case number, attorney's signature and signature of the debtors. Completed applications can be emailed to tramirez@ch13austin.com.

Be advised that our office will not approve an Application if the debtors are behind on Plan payments or have any outstanding tax-related issues. Please feel welcome to contact me should you have any questions or concerns regarding the Application process.

Warmest regards,

Deborah Langehennig, Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

CASE NO. *-FM

*

*

DEBTOR(S)

CHAPTER 13

DEBTOR(S) APPLICATION TO INCUR NON-EMERGENCY CONSUMER DEBT

Notice is given that the Debtor(s) intend to purchase:

(Circle One)

AUTO

HOME

OTHER _____

DESCRIPTION: _____

AMT FINANCED: \$ _____

TERMS: \$ _____ PER MONTH, _____ (%) PERCENT INTEREST RATE,
FOR _____ MONTHS

PROCEDURE FOR PAYMENT: Debtor(s) will repay this obligation directly. Pursuant to Bankruptcy Rule 4001(c), the debt owed for this purchase will not be discharged in this Chapter 13 case except by further Order of this Court.

Debtor(s) contend that incurring this debt will not interfere with their Chapter 13 plan payments and that there will be no adverse affect on pre-petition creditors. Debtor(s) further represent that the information contained in the attached Schedule I and Schedule J is true and correct to the best of their information, belief and knowledge.

Debtor(s) have incurred additional attorney's fees in the amount of \$ _____ for the preparation and submission of this Application, and hereby request that said attorney's fees be added to and paid through the Chapter 13 Plan. Debtor(s) understand and agree that the base amount of the Plan shall be increased by the amount of the attorney's fees requested herein.

Dated: _____

, Debtor

, Debtor

, Counsel for Debtor(s)

In re _____,
Debtor

Case No. _____
(if known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE		
	NAMES	AGE	RELATIONSHIP
Employment:	DEBTOR	SPOUSE	
Occupation			
Name of Employer			
How long employed			
Address of Employer			

Income: (Estimate of average monthly income)
 Current monthly gross wages, salary, and commissions
 (pro rate if not paid monthly.)
 Estimated monthly overtime

DEBTOR	SPOUSE
\$ _____	\$ _____
\$ _____	\$ _____

SUBTOTAL

\$ _____	\$ _____
----------	----------

LESS PAYROLL DEDUCTIONS

- a. Payroll taxes and social security
- b. Insurance
- c. Union dues
- d. Other (Specify: _____)

\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____

SUBTOTAL OF PAYROLL DEDUCTIONS

\$ _____	\$ _____
----------	----------

TOTAL NET MONTHLY TAKE HOME PAY

\$ _____	\$ _____
----------	----------

Regular income from operation of business or profession or farm
 (attach detailed statement) \$ _____

Income from real property \$ _____

Interest and dividends \$ _____

Alimony, maintenance or support payments payable to the debtor for the
 debtor's use or that of dependents listed above. \$ _____

Social security or other government assistance
 (Specify) _____ \$ _____

Pension or retirement income \$ _____

Other monthly income \$ _____

(Specify) _____ \$ _____

_____ \$ _____

\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____

TOTAL MONTHLY INCOME

\$ _____	\$ _____
----------	----------

TOTAL COMBINED MONTHLY INCOME \$ _____

(Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

In re _____,
Debtor

Case No. _____
(if known)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home) \$ _____

Are real estate taxes included? Yes _____ No _____

Is property insurance included? Yes _____ No _____

Utilities Electricity and heating fuel \$ _____

Water and sewer \$ _____

Telephone \$ _____

Other _____ \$ _____

Home maintenance (repairs and upkeep) \$ _____

Food \$ _____

Clothing \$ _____

Laundry and dry cleaning \$ _____

Medical and dental expenses \$ _____

Transportation (not including car payments) \$ _____

Recreation, clubs and entertainment, newspapers, magazines, etc. \$ _____

Charitable contributions \$ _____

Insurance (not deducted from wages or included in home mortgage payments)

Homeowner's or renter's \$ _____

Life \$ _____

Health \$ _____

Auto \$ _____

Other _____ \$ _____

Taxes (not deducted from wages or included in home mortgage payments)
(Specify) _____ \$ _____

Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan)

Auto \$ _____

Other _____ \$ _____

Other _____ \$ _____

Alimony, maintenance, and support paid to others \$ _____

Payments for support of additional dependents not living at your home \$ _____

Regular expenses from operation of business, profession, or farm (attach detailed statement) \$ _____

Other _____ \$ _____

TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules) \$ _____

[FOR CHAPTER 12 AND 13 DEBTORS ONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income \$ _____

B. Total projected monthly expenses \$ _____

C. Excess income (A minus B) \$ _____

D. Total amount to be paid into plan each _____
(interval)