

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK



February 27, 2023

C L E R K ' S N O T I C E 23-03

**REQUEST FOR PUBLIC COMMENT ON PROPOSED AMENDMENT TO
GENERAL ORDER 2021-05 CONCERNING ALL CHAPTER 13 CASES**

Due to changes made by JD Power (formerly NADA) in its values given for used cars, which are referenced for making adequate protection disbursements in General Order 2021-05, the Chapter 13 Trustees have suggested the attached redlined revisions to paragraph 7(a) of the general order. The Court invites public comment on these proposed revisions.

Please submit comments by email to comments@txnb.uscourts.gov, or you may hand-deliver or mail your comments to the Clerk of Court at 1100 Commerce Street, Room 1254, Dallas, TX 75242. Please include your name, address, telephone number, and email address so that you may be contacted if there are questions about your comments.

The public comment period will close on March 30, 2023.

FOR THE COURT
Robert P. Colwell
Clerk of Court

7. ADEQUATE PROTECTION DISBURSEMENTS.

(a) Debtor Shall Authorize Adequate Protection Disbursements by the Trustee.

Unless otherwise ordered by the Court, within 14 days of the Petition Date or Conversion Date, the Debtor shall file and serve on all scheduled creditors (unless Service on a particular creditor is made by the Clerk), an AAPD. Any amendment to the AAPD shall (1) be filed with the Court, (2) be served on all affected creditors and, if a Notice of Appearance has been filed, their counsel, and (3) contain a Certificate of Service reflecting service.

Unless the Court orders otherwise, adequate protection concerning motor vehicles shall be presumed adequate if such disbursement is in a monthly amount equal to 1.25% of the value of the motor vehicle ~~determined by averaging.~~ For purposes of this provision, the wholesale and retail values contained in the most recent NADA publication for a comparable value of the motor vehicle as of the petition date will be calculated based on 90% of the "Average Price Paid" set out at www.jdpower.com, for a vehicle located in the zip code for the Debtor's residence address at the time of the filing of the voluntary petition. Value will be computed without an adjustment for any options or mileage. This is without prejudice to the debtor or secured creditor contesting the ~~1.25%~~ value presumption or payment of 1.25% of the value presumption as adequate protection.

In the Case of a Conduit Debtor, the amount of the Current Post-Petition Mortgage Payment(s) must be included in the AAPD.