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FOR THE CONSUMER BANKRUPTCY ATTORNEY**

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Tips for Using the Motion to Convert Template Pack

Documents included in this package:

1. Motion to Convert a Chapter 7 Proceeding to a Chapter 13 Proceeding
2. Motion to Convert a Chapter 13 Proceeding to a Chapter 7 Proceeding
3. Notice of Conversion (used instead of Motion in some jurisdictions)
4. Certification of Proper Service and Lack of Response to Motion

Tips for Using This Manual

When you downloaded this file from the internet and saved it on your computer, you may have trouble finding it on your computer. To prevent that from happening in the future, you should rename the file on your computer named DOWNLOAD. Next, go into the settings of your browser and tell the software that when you download a file, it is to be placed inside the folder you choose. This way, all files you download from the internet from now on will be placed into this folder and you will find them like you may have with this one.

After purchase of this template, if you have any trouble finding it on your computer, you can do a SEARCH on your computer for the document.

Once you locate this file on your computer, you should save it to a backup drive, a CD-Rom or an online storage system. Then, use another storage system to back up your files. Associates to use on a daily basis. Attorneys and assistants should be instructed to save files to a backup drive. If it is to be SAVED UNDER ANOTHER FILE NAME so they do not copy their files. If they do, you will always have the backup copy you made when you purchased the template. You should make several backup copies of this template "just in case".

Once this template is saved, you should save this section (which contains instructions solely for your benefit) as well as any other sections of the manual. This template may also be saved as four (4) separate documents for each chapter.

Please be aware that you should place this template if you should lose or destroy it in the future. If this should ever happen, you should have a backup of this template.

What is a Motion to Convert?

If your client files a bankruptcy petition, situations may change that cause them to move from one chapter to another. In most no-asset, consumer cases, the Motion to Convert from Chapter 7 to Chapter 13 is rarely used. The reason being that the bankruptcy case is over and done with before the Motion to Convert can take effect; but they do happen and you will need this template from time to time.

However, if you are handling no-asset, consumer cases, you will use the Motion to Convert from a Chapter 13 to a Chapter 7 template more often. This is because many debtors do not keep in contact with their attorneys and report variances in their income and expenses so that the attorney can help them. Since it is impossible for the attorney to know

the personal income and expense variations, they rely on the court to notify them. In most cases, when a Trustee files a Motion to Dismiss, the debtors are behind in their Chapter 13 Plan payments, which normally is a result of a loss of income or increase in expenses. In most situations, the situation could require a Motion to Convert but an attorney needs to make this call.

Notice that in some jurisdictions, a Notice of Conversion is used instead of the Motion to Convert. This document is included in this package.

For an excellent article on case conversions in bankruptcy, visit:
<http://www.bankruptcylawnetwork.com/2007/08/16/converting-a-chapter-13-to->

Additional Tips About Motions to Convert

Conversion is very easy in bankruptcy. A Notice of Conversion or Motion to Convert (depending on the bankruptcy court's Local Rules) is filed. The bankruptcy court enters a Conversion Order (depending on the bankruptcy court's Local Rules and the details of the case) and the debtor must file a new Means Test and amended Schedules. The debtor may also be required to file a new Chapter 13 Plan. The debtor may also be required to file a new Chapter 13 Plan. The debtor may also be required to file a new Chapter 13 Plan.

When a bankruptcy case is converted, the attorney and debtor must comply with the requirements of the new Chapter. Debtors also have to pay the attorney's fees for the conversion. Debtors also have to pay the attorney's fees for the conversion. Debtors also have to pay the attorney's fees for the conversion.

For additional information about bankruptcy in general, visit:
<http://bankruptcy.avvo.com/>

In an effort to prevent fraud, all documents must be signed by the attorney or judge. The signature line for the attorney or judge has at least two lines of text on the signature block. A circumstance like this prevents the attorney or judge from signing a blank sheet of paper. Also, in some cases, the attorney or judge may never know this illegal activity occurred until after it is revealed in court. The attorney or judge should always carry over at least TWO LINES of text onto a page the document is being signed on or saving as a PDF.

What Should You Attach to the Motion?

Bankruptcy courts vary, but many courts require you to attach to a Motion to Convert. However, in most cases you should attach the following: (1) Pay check stubs; (2) Letter of Employment if no pay check stubs; (3) A letter of explanation to show new income that differs from the income provided on the original bankruptcy petition; (4) An AMENDED Schedule I and J showing the updated income and expenses for the case is being converted from a Chapter 7 to a Chapter 13.

In any case, you should contact an experienced bankruptcy attorney in your area to make sure you follow the requirements of your particular bankruptcy court.

Be Very Careful With Conversions

If a bankruptcy case is converted from a Chapter 7 to a Chapter 13, there is normally little chance that the assets of the debtor are in jeopardy. (Remember the word "normally.") However, when a case is converted from a Chapter 13 to a Chapter 7, the attorney needs to examine the assets on Schedule D and make sure they will be protected during the conversion.

For example: if a debtor is paying off arrearages in their Chapter 13 Plan, converting their case to a Chapter 7 could potentially cause them to lose their home.

As an attorney, make sure you weigh all possibilities of how converting a debtor from a Chapter 13 to a Chapter 7 could ultimately cause them harm. As the attorney for the debtor, your job is to keep your client's best interest always at the forefront. If converting from a Chapter 13 to a Chapter 7 is going to financially cause harm to your clients, you need to discuss the problem with them, be prepared to offer solutions and ask them to make a decision on how you (the attorney) is to proceed.

Be Prepared for Objections

Depending on the assets and type of debts involved, any creditor in the bankruptcy has the opportunity to object to the Motion for Conversion. Normally, if a case is being converted from a Chapter 7 to a Chapter 13, creditors should NOT object. Why would they? Instead of getting paid "nothing" they will get paid "something."

However, when a debtor is paying their creditors and they suddenly are unable to continue, they may have a tendency to get upset. If possible, they will try to find a valid reason to object to the conversion. If an Objection is filed, the attorney for the debtor has the opportunity to Answer the Objection if he or she wishes to do so. This process is subject to the court's due date (established by the court) and the Judge will make the ultimate decision.

Tip When Attaching Exhibits

Attach all Exhibits as supporting documentation for the reasons stated in the Motion. Label the Exhibits with the corresponding letter or number. (Example: Exhibit A needs to be labeled "Exhibit A" at the top or the bottom of the exhibit page. This identification may be handwritten or typed. If you are using exhibits from legal office supply stores and apply them before filing the document for a bankruptcy case, use a scanner to scan them into a PDF for filing with the bankruptcy court, use a scanner or a software program like <http://www.maxemail.com> or <http://www.myfax.com> to scan them as:

Tip

Federal Rule of Bankruptcy Procedure 1017(f)(2) requires that a copy of the Motion for Conversion or Motion to Convert be served on all parties to the case. The debtor may sign a Certificate of Service to convert the case from one chapter to another.

All motions (and most other pleadings) must be served on all parties that were served copies of the Motion for Conversion or Motion to Convert. The U.S. Trustee and the Trustee for the bankruptcy case are also parties to the case. The U.S. Trustee and the Trustee for the bankruptcy case are also parties to the case. All parties are served electronically through PACER. Other parties listed on the Certificate of Service who are not served electronically must be mailed a printed copy of the pleading by regular mail.

For more information on proper service, visit: http://www.f10a/usc_sec_10a_0000039----000-.html

Certificate of Proper Service and Lack of Response to Motion

The Certificate of Proper Service and Lack of Response to Motion may permit you to use the Certificate of Proper Service and Lack of Response to Motion if so, you will need to fill in the Local Rule that applies to the use of this document.

Disclaimer

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF _____
DIVISION (if applicable)

In Re: _____ : Case No. _____
: Chapter _____
Client Name (1) : Judge _____
SSN: 000-00-0000 :
: _____
Client Name (2) : _____
SSN: 000-00-0000 : _____
: _____
Debtor(s) : _____

MOTION TO CONVERT A CHAPTER
TO A CHAPTER 13 PRO

Now comes _____, Debtor, by and through _____, Attorney at Law, who moves the Court to issue an order converting the above-captioned Chapter 13 of the Bankruptcy Code.

Name (Attorney Bar #)

0000

PORT OF THE MOTION
(circumstances)

The above-captioned Debtor is seeking conversion pursuant to 11 U.S.C. Section 706, allowing Debtor to convert "at any time." The Debtor was converted from a Chapter 13 or 11. The Debtor is eligible to be a Debtor.

In the case was filed on January 10, 2010, the Debtor was unemployed and qualified to receive Chapter 13 protection in this bankruptcy case. Prior to discharge, debtor obtained employment with ABC Corporation on February 1, 2010 and now earns an income that qualifies him to become a Chapter 13. (Pay stubs attached and labeled Exhibit A.)

WHEREFORE the Debtor respectfully requests the Court to issue an Order converting Case No:

_____ from a Chapter 7 to a Chapter 13.

Respectfully submitted,

Attorney or Client Name
Street Address
City, State, Zip
(000) 000-0000

20 DAY NOTICE

If an objection or pleading is not filed with the Bar _____ days of service of this Notice upon you, the attorney for the Debtor(s) will request the Court for an Order granting the relief requested.

The undersigned certifies that _____ served upon (Trustee's name and address goes here); (other parties of interest and address goes here) U. S. Trustee, (address of your local U.S. Trustee); the _____, 20____, by regular, first-class, postage pre-paid, U.S. Mail if unable to serve by first-class mail. This document is filed through PACER.

SAMPLE

Attorney or Client Name (Attorney Bar #)
Attorney for Debtor(s)