

## **[IF PROVIDING FOR ENROLLMENT DURING PLAN]**

### **Student Loan IDR Plan Provisions**

- I. Eligibility to Enroll in IDR Plan During Bankruptcy.** The pendency of this bankruptcy case shall not disqualify the Debtor from participation in any income-driven repayment ("IDR") plan for student loan debt or from any nonbankruptcy option for getting a student loan debt out of default, for which Debtor would otherwise be qualified. The Debtor shall request a plan modification if the Debtor enrolls in an IDR plan and shall request appropriate Court approval for participation in an option for getting a student loan debt out of default. In the absence of a plan modification, the plan provides for the Debtor's student loan debt under the applicable provisions of Part 5 or as otherwise stated in any nonstandard provisions in Part 9.
- II. Dischargeability of Student Loan Debt.** This plan does not provide for the discharge of any portion of the Debtor's federal student loan debt(s) under title 11, but it does not preclude a determination of dischargeability in an adversary proceeding.
- III. Waiver of Automatic Stay.** The Debtor expressly waives the application of the automatic stay under § 362(a) as to all communications concerning: (1) enrollment or participation in an IDR plan and (2) nonbankruptcy options for getting a student loan debt out of default. The Debtor also expressly waives the application of the automatic stay under § 362(a), to the extent necessary to effectuate this Chapter 13 plan, as to all loan servicing and administrative actions concerning: (1) an IDR plan and (2) nonbankruptcy options for getting a student loan debt out of default.
- IV. Opportunity for Claimholder to Cure.** Before instituting any action against a federal student loan claimholder under 11 U.S.C. § 362 or for failure to comply with this plan, the Debtor first shall give notice in writing by letter describing any alleged action that is contrary to the plan or 11 U.S.C. § 362(a) and provide a reasonable opportunity to review and, if appropriate, correct such actions. Any notice given under this provision must include the Debtor's name, bankruptcy case number, and identification of the federal student loans, and must be mailed to:

[Title IV Loan Holder Name]  
c/o The United States Attorney's Office  
Middle District of Tennessee  
Thompson Federal Courthouse  
Ste. 3300  
719 Church Street  
Nashville, TN 37203

**[IF PROVIDING FOR CONTINUATION OF EXISTING IDR]**

**Student Loan IDR Plan Provisions**

- I. Continuation of IDR Plan During Bankruptcy.** For the following claims, the plan provides to maintain income-driven repayment ("IDR") plan payments for student loan debt. The pendency of this bankruptcy case shall not disqualify the Debtor from participation in any IDR plan for which Debtor would otherwise be qualified and shall not disqualify any otherwise-qualifying IDR plan payment disbursed under this plan. The trustee shall disburse the following IDR plan payments, subject to allowance of the claims.

Claimholder/Servicer	Acct # (last 4)	Estimated balance(s)	IDR Plan Payment	Claim # (if known)

- II. Timeliness and Application of IDR Payments.** Unless the Court orders otherwise, the Trustee will not disburse IDR plan payments until confirmation of the Chapter 13 plan and allowance of the claim. The Chapter 13 plan, therefore, provides to cure any IDR plan payment arrearage that accrues prior to the first disbursement under the Chapter 13 plan. If the claimholder does not treat the IDR plan payments included in this cure amount as qualifying IDR plan payments, the claimholder shall temporarily suspend collections by placing the loan in a status such as "forbearance" or "cessation of payment" until the later of confirmation of the Chapter 13 plan or allowance of the claim, and the claimholder shall not apply any disbursements for the cure amount in a way that would advance the due date under the IDR plan.

The Debtor may request modification of the due date for the Debtor's monthly IDR plan payment to help ensure timely application of IDR plan payments disbursed by the Trustee. The absence of a request by the Debtor does not modify the duties of the claimholder or servicer in applying any IDR plan payments disbursed by the Trustee.

- III. Annual Certification and Payment Adjustment.** The Debtor shall annually certify (or as otherwise required by the claimholder) the Debtor's income and family size and shall file with the Court a notice of any adjustment (increase or decrease) to any monthly IDR plan payment resulting from an annual certification at least 21 days prior to the effective date of the change. The Trustee is authorized to adjust both the IDR plan payments to be disbursed to the claimholder and the Chapter 13 plan payment based on any notice of an IDR plan payment adjustment. The Trustee has the discretion to adjust the Chapter 13 plan payment by less than the change to the IDR plan payment.
- IV. Dischargeability of Student Loan Debt.** This plan does not provide for the discharge of any portion of the Debtor's federal student loan debt(s) under title 11, but it does not preclude a determination of dischargeability in an adversary proceeding.
- V. Waiver of Automatic Stay.** The Debtor expressly waives the application of the automatic stay under § 362(a) as to all communications concerning the IDR plan and as to all loan servicing and administrative actions concerning the IDR plan to the extent necessary to effectuate this Chapter 13 plan.
- VI. Opportunity for Claimholder to Cure.** Before instituting any action against a federal student loan claimholder under 11 U.S.C. § 362 or for failure to comply with this plan, the Debtor first shall give notice in writing by letter describing any alleged action that is contrary to the plan or 11 U.S.C. § 362(a) and provide a reasonable opportunity to review and, if appropriate, correct such actions. Any notice given under this provision must include the Debtor's name, bankruptcy case number, and identification of the federal student loans, and must be mailed to:

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