

Southern District of Texas Chapter 13 Plan

Instructions and Plan Settings

April 2012

This custom Chapter 13 plan is available as an Add-On for an additional fee. If you have purchased our 7 & 13, Full or Network package but have not purchased this Add-On, you will have access to the plan calculator but the plan itself will function in Demo mode. **To use this plan, you need to install the Southern District of Texas~rev October 2008 (TX-S-ZY) jurisdiction.**

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The instructions below assume basic familiarity with operating the Best Case Chapter 13 Plan Calculator. Detailed information about the calculator and treatment classes can be found in your User's Guide and through the Help button in Best Case Bankruptcy. Instructions for each custom plan can also be found through the Help button.

Disclaimer Regarding Local Chapter 13 Plans

Our goal is to make preparation of local Chapter 13 plans as easy as possible. As always, we welcome any suggestions and feedback you might have.

It is important to understand that because these local plans vary greatly, we sometimes have to resort to methods of entering information that are less straightforward and that require closer attention on the part of the user than other areas of the software. Additionally, the Chapter 13 plan by its very nature is probably the most complicated document filed in a consumer bankruptcy case and requires detailed legal knowledge.

Please understand that you must always proofread every plan to ensure that it has printed as expected and that the plan accurately reflects the debtor's intentions. This software is far from foolproof. It is very possible for an inexperienced user to produce an incomplete or inaccurate plan. ***It is the responsibility of the attorney to review every plan prior to filing it.***

Best Case Solutions' technical support staff can advise you on the operation of the software, such as how to get a claim to print as you want on the form, but the actual decision about how to classify a given claim is a legal

question that must be resolved by the responsible attorney. ***The Best Case technical support staff does not and cannot dispense legal advice.***

In addition, your local trustee can modify or change the Chapter 13 plan requirements, practices or the format of the plan at any time. ***It is the responsibility of the attorney representing the debtor to ensure that local rules and practices are adhered to.***

Notes About this Custom 13 Plan

- ◆ You can input **attorney's fees** and **filing fees** to be paid through the plan through the Claims tab in the Chapter 13 Plan Calculator. Your custom plan does not automatically list the filing fees. If you want them to appear on the plan, you can make a note in the Other tab of the Chapter 13 Plan Calculator, and the filing fees will then appear in 12 c, Other Provisions. Attorney's fees will be included in Section 2, Priority Claims. If you do not want them included here, there is a special form preference, described below, which allows you to remove them. (**Note:** *In some districts, trustees do not allow the filing fee and attorney's fee to be paid through the plan.*)
- ◆ **Arrearages:** Arrearages are not treated separately in your custom plan except for home mortgages and other claims secured only by the debtor's principle residence listed in Section 4. For arrearages on all other claims, you will always include the Arrearage amount in the Claim Amount field in the Creditor tab, and you will also leave the Arrearage amount at \$0.00 on the 13 Plan Treatment tab.
- ◆ **Classifying Claims:** As you enter creditors into Schedules D, E and F in Chapter 13 cases, you'll notice a "13 Plan Treatment" tab at the top of the creditor entry window for each creditor.

In the 13 Plan Treatment tab, you'll specify how you want each creditor treated under the 13 Plan by assigning a treatment class to the creditor.

The treatment classes determine when the creditor will be paid in relation to other creditors, whether the claim will be paid through the plan or outside the plan, whether it will be paid in pro rata or fixed installments, and whether the claim needs to be paid in full or not. The treatment class also determines under which section of the plan the claim information will print and whether or not the claim will extend beyond the life of the plan.

In addition to the standard Best Case plan classes, the custom plan format for this district also includes two custom plan classes which you can use to include claims in Section 7, Secured Debts to be Paid in Accordance with Pre-Petition Contracts:

- **Secured Pre Petition Contract (SPPC):** If the debtor has a secured claim that will be paid according to the pre-petition contract and which will be paid in full by the end of the plan, you can use this treatment class to include the claim in Section 7. When you classify a claim as **SPPC**, you will be able to specify a payment amount, term and interest rate for it in the 13 Plan Treatment tab.
- **Secured Pre Petition Long Term Contract (SPPL):** Use this class for claims that will be paid through the plan according to the pre-petition contract but which will extend beyond the length of the plan. When you classify a claim as **SPPL**, you will be able to specify a payment amount and interest rate for it in the 13 Plan Treatment tab.
 - ▶ **Note:** *In order to access the custom plan classes described above, you will need to install the Southern District of Texas~rev June 2006 custom jurisdiction into your Best Case Software.*
- ◆ **Form Preferences:** Your custom plan includes special form preferences which allow you to:
 - Exclude attorney fees from Section 2.

- Print "N/A" for mortgage and mortgage arrears interest rate in Section 4.A.
- Separately list arrearage and main claim for creditors classified as SLTP in Section 4.A.
- Print "Paid directly by debtor" for SLTO claims in Section 4.A.
- Omit continuing secured claims from Section 8.
- Permanently add text to Section 12, Other Provisions.

To access these form preferences: (1) Highlight the Chapter 13 Plan on the Forms and Schedules Menu for the client. (2) Click Setup/Edit Form Preferences. (3) Highlight the form preference and click Change. (4) Enter your changes, and click OK to save. (5) Click Close on the next screen to return to the List of Forms and Schedules.

How Information You Enter Relates to the Printed Plan

1. Payments

Regular Monthly Payment Amounts and Step Plan Payments print in the payment table that appears in Section 1 of the Plan.

Plan Headings:

- **Beginning Month:** In line 1 of the table, the beginning month always equals 1. If this is a Step Plan, Best Case Calculates the beginning month based on the numbers you have entered in the **# of Months** field for other payments in the Best Case Calculator. (E.g. If you have a two step plan, and you enter 24 as the **#of Months** for the first payment, then the beginning month for the second payment will be 25.)
- **Ending Month:** In line 1 of the payment table, the ending month equals the number you enter in the **# of Months** field for the first payment in the Best Case Calculator. If this is a step plan, Best Case automatically calculates the ending month of the payment based on information you enter for the number of months for this and other payments in the Chapter 13 Calculator.
- **Amount of Monthly Payment:** In line 1, the Amount of Monthly Payment equals the payment amount you enter into the first payment field in the Chapter 13 Calculator. If this is a step plan, then the Amount of Monthly Payments for line 2 equals the amount of the second payment you enter in the Chapter 13 Calculator, and, if applicable, the Amount of Monthly Payment in line 3 will equal the amount of the third payment you enter.
- **Total:** For each line in the table, the Total equals the **payment** multiplied the by the **# of Months** from the corresponding fields in the Chapter 13 Calculator.
- **Grand Total** is the sum of the Totals for lines 1-3 plus any lump sum payments the plan includes.

Lump Sum Payments going into the plan in addition to the monthly payment amount are also included in the Grand Total. You can enter lump sum payments in the "Lumpsum" and "in month #" fields of Chapter 13 Calculator Summary tab. You can enter lump sum payments up to \$99,999.99. If you need to enter a higher lump sum payment, enter it as two lump sum payments in the same month. If your plan includes a lump sum payment, an asterisk will appear next to the Grand Total, and a note will be added underneath the payment table which states that the Grand Total includes a lump sum payment(s). In addition, the month number and amount of each lump sum payment will be included in the note.

2. Priority Claims

All claims of treatment class **Unsecured, Priority (UPR)** will appear here. These are generally all Schedule E claims. Each Schedule E creditor's class is determined by your selection in the Chapter 13 Plan Treatment Tab on Schedule E. These claims are to be paid in full and are paid prorata. When you use this treatment class, an interest rate field will appear which allows you to specify the interest rate that applies to this claim, if any.

By default, the unpaid balance of the fees you enter in the Claims tab of the 13 Plan Calculator and any other claims which have been classified as **Attorney Fees (ATTY)** will be included in this section of the plan. If you do

not want the attorney fees to be listed here, there is a special form preference that will allow you to remove them. For further instructions on how to access this preference, see *Notes About this Custom 13 Plan* on page 2.

Plan Headings:

- **Name of Holder of Priority Claim** is the Creditor Name as entered on Schedule E. For attorney fees entered on the Claims tab, the attorney name selected on the Voluntary Petition prints here.
- **Amount of Priority Claim** is the Priority Claim amount from the Creditor Information screen. For attorney fees, the amount entered in the Attorney Fees field on the Claims tab of the 13 Plan Treatment tab prints here.
- **Interest Rate Under Plan** represents the interest rate as entered in the 13 Plan Treatment tab. For attorney fees entered through the Claims tab on the 13 Plan Treatment tab, 0.00% will print here.
- **Amount of Estimated Periodic Payment** is the pro rata payment for the creditor as determined by the Chapter 13 Plan Calculator.
- **First Payment and Last Payment of this Amount in Month #** are the first and last months of the payment term, as they appear on the Summary tab of the Chapter 13 Calculator (e.g. 1 to 24).

3. Secured Claims for Which Collateral is to be Surrendered

Any claim classified as **Secured, surrender property (SSR)** gets listed in this section of the plan.

Plan Headings:

- **Name of Creditor** is the Creditor Name taken from the Creditor Information tab.
- **Description of Collateral** is taken from the Description of Property as entered on the Creditor Information tab.

4. Secured Claim For Claim Secured only by a Security Interest in Real Property or Other § 1322(b)(5) Claim

A. Any claim classified as **Secured, long term, in plan (SLTP)** or **Secured, long term, outside plan (SLTO)** that are linked to Schedule A property and include an arrearage portion will print in this section.

Plan Headings:

- **Name of Holder of Secured Claim** is the Creditor Name taken from the Creditor Information tab.
- **Principal Amount of Claim for Arrearage** is the Arrearage Amount entered in the 13 Plan Treatment tab.
- **Interest Rate Under Plan** represents the Arrearage Interest rate specified in the Arrearage Portion section of the 13 Plan Treatment tab.
- **Security for Claim** is taken from the Description of Property as entered on the Creditor Information tab.
- **Amount of Estimated Periodic Payment:** If the arrearage portion of the claim is classified as **Arrearage, fixed payment (ARR)**, the estimated payment equals the arrearage payment entered in the 13 Plan Treatment tab. If the arrearage is classified as **Arrearage, paid prorata (ARPR)**, the estimated payment is the pro rata payment for the arrearage claim as computed by the Chapter 13 Calculator.
- **First Payment and Last Payment of this Amount in Month #** are the first and last months of the payment term. If you want to review the numbers before printing, you can do so in the Summary tab of the Chapter 13 Calculator.

Note: There are also 3 special form preferences for this section that allow you to:

- Print "N/A" for mortgage and mortgage arrears interest rate.
- Separately list arrearage and main claim for creditors classified as SLTP.
- Print "Paid directly by debtor" for SLTO claims.

For further instructions on how to access these preferences, see *Notes About this Custom 13 Plan* on page 2.

B. Any claim classified as **Secured, refinanced, outside plan (SLRO)** or **Secured, refinanced, in plan (SLRP)** will print in this section of the plan. A special entry screen is available to enter data here and can be accessed by clicking on the **Local 13 Plan Treatment** button in the lower left corner of the 13 Plan Treatment tab.

C. Claims classified as **Secured, avoid lien (SAL)** print in this section of the plan.

Plan Headings:

- **Name of Holder of Lien** is the Creditor Name taken from the Creditor Information tab.
- **Address of Principal Residence** is the Description of Property taken from the Creditor Information tab.
- **Debtor(s)' Stated Value of Principal Residence** represents the Market Value from the Creditor Information tab.
- **Description of all Liens Senior in Priority** is the name of any Senior Lien from the Liens tab in the Schedule A property.
- **Estimated Amount Owed on this Lien** is the amount of the Senior Lien.
- **Total Owed – All Senior Liens** is the total of all Senior Liens.

Note: These claims will also print in the Notice of Debtor's Intention to Strip Your Lien section located at the end of the plan.

5. Debt Incurred within 910 Days Preceding Petition Date for Which Full Payment, with Interest, Is Provided

Claims listed in this section of the plan will be paid in full, and they consist of debts secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, claims secured by any other personal property for which the debt was incurred within 1 year of filing. Creditors classified as **Secured, paid prorata, \$506 N/A (SP5)**, or **Secured, fixed payment, \$506 N/A (SF5)** will print here if they do not include an unsecured portion.

Plan Headings:

- **Name of Holder of Secured Claim** is the Creditor Name taken from the Creditor Information tab.
- **Principal Amount of Claim** represents the Claim Amount from the Creditor Information tab.
- **Interest Rate Under Plan** is the interest rate for the claim specified in the 13 Plan Treatment tab.
- **Security for Claim** is the Description of Property entered in the Creditor Information tab.
- **Amount of Estimated Periodic Payment:** If the claim is classified as **SF5**, the monthly payment represents the Payment from the 13 Plan Treatment tab. For creditors classified as **SP5**, the estimated payment is the pro rata payment for the claim as computed by the Chapter 13 Calculator.
- **First Payment and Last Payment of this Amount in Month #** are the numbers for the first and last month in which payments will be made to the creditor. If you want to review the numbers before printing, you can do so in the Summary tab of the Chapter 13 Calculator.

6. Debt Incurred within 910 Days Preceding Petition Date for Which Less Than Full Payment, with Interest, is Provided

Claims listed in this section of the plan will be paid less than the full amount of the original claim, and they consist of debts secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, claims secured by any other personal property for which the debt was

incurred within 1 year of filing. If you classify a claim as **Secured, paid prorata, §506 N/A (SP5)**, or **Secured, fixed payment, §506 N/A (SF5)** and the claim includes an unsecured portion, it will be included in this section of the plan.

- ♦ **Pay Full Claim as Secured:** Claims classified as **SF5 - Secured, fixed payment, §506 N/A** and **SP5 - Secured, paid prorata, §506 N/A** will be paid in full up to the secured amount listed on the 13 Plan Treatment tab. If you have a claim that includes an unsecured portion, you can include it with the secured portion of the claim. To do this, check the "**Pay Full Claim as Secured**" checkbox in the 13 Plan Treatment tab. When you check this box, the unsecured portion of the claim is automatically added back to the secured claim amount and the Chapter 13 Plan Calculator pays the claim in full when it calculates the plan payments, and the claim will then be listed in Section 5.

Plan Headings:

- **Name of Holder of Secured Claim** is the Creditor Name taken from the Creditor Information tab.
- **Principal Amount of Claim** represents the Claim Amount from the Creditor Information tab.
- **Amount of Claim to be Paid under Plan** equals the secured amount of the claim from the 13 Plan Treatment tab.
- **Interest Rate Under Plan** is the interest rate for the claim specified in the 13 Plan Treatment tab.
- **Security for Claim** is the Description of Property entered in the Creditor Information tab.
- **Amount of Estimated Periodic Payment:** If the claim is classified as **SF5**, the monthly payment represents the Payment from the 13 Plan Treatment tab. For creditors classified as **SP5**, the estimated payment is the pro rata payment for the claim as computed by the Chapter 13 Calculator.
- **First Payment and Last Payment of this Amount in Month #** are the numbers for the first and last month in which payments will be made to the creditor. If you want to review the numbers before printing, you can do so in the Summary tab of the Chapter 13 Calculator.

7. Secured Debts Paid in Accordance with Pre-Petition Contracts

This section of the plan lists claims on which the debtor is not in default and which will be paid according to the pre-petition contract between the debtor and the claimant. Any claim classified as **Secured Pre Petition Contract (SPPC)**, **Secured Pre Petition Long Term Contract (SPPL)** or **Secured Pre Petition Contract Outside Plan (SPPO)** will be included here. **SPPC** claims will be paid in full according to the pre-petition contract. When you classify a claim as **SPPC**, you will be able to specify a payment amount, term and interest rate for it in the 13 Plan Treatment tab. **SPPL** claims will be paid through the plan according to the pre-petition contract, but they will extend beyond the length of the plan. When you classify a claim as **SPPL**, you will be able to specify a payment amount and interest rate for it in the 13 Plan Treatment tab. **SPPO** claims are paid outside the plan and will not be added to the plan calculation.

Plan Headings:

- **Name of Holder** is the Creditor Name taken from the Creditor Information tab.
- **Collateral for Claim** is the Description of Property entered in the Creditor Information tab.
- **Total Claim** represents the Claim Amount from the Creditor Information tab.
- **Collateral Value** equals the Market Value of the claim entered on the Creditor Information tab.
- **Contract Interest Rate** is the interest rate for the claim specified in the 13 Plan Treatment tab.

8. All Other Secured Claims (Property Retained)

Section 8 of the plan lists any claim classified as **Secured, paid prorata (SPR)**, or **Secured, fixed payment (SFP)**. In addition claims classified as **Secured, long term, in plan (SLTP)** will be included here. (*Note: If you do not want SLTP claims to be included here, your plan includes a preference which allows you to omit them from this section. See "Notes About this Custom Plan" on page 2 for more info on accessing this preference.*)

Plan Headings:

- **Name of Holder of Secured Claim** is the Creditor Name from the Creditor Information tab.
- **Security for Claim** is the Description of Property entered in the Creditor Information tab.
- **Principal Amount of Claim** is Claim Amount from the Creditor Information tab.
- **Collateral Value** equals the Market Value of the claim entered on the Creditor Information tab.
- **Interest Rate per Plan** is the interest rate for the claim specified in the 13 Plan Treatment tab.
- **Estimated Amount of Periodic Payment:** If the claim is classified as **SFP** or **SLTP**, the monthly payment represents the Payment from the 13 Plan Treatment tab. For creditors classified as **SPR**, the estimated payment is the pro rata payment for the claim as computed by the Chapter 13 Calculator.
- **First Payment and Last Payment of this Amount in Month #** are the numbers for the first and last month in which payments will be made to the creditor. If you want to review the numbers before printing, you can do so in the Summary tab of the Chapter 13 Calculator. If the claim is classified as **SLTP**, Best Case will print the word “*Continuing*” for month number of the last payment.

9. Specially Classified Unsecured Claims

Any claim classified as **Unsecured, special class, paid 100% (U100)** will appear here.

If there are creditors that you want to pay in a different class, you can create your own class, such as a special U75 class that pays certain unsecured creditors 75%. To do that, you'll need to go into your Setup Menu:

1. Close the Client List Window. Select **Setup/Jurisdictions**.
2. Highlight **TX-S-ZY** and click **Edit**.
3. Click the **13 Plan** tab.
4. Click **Insert** to add a new class.
5. Fill out the screen, as shown right; substituting the percentage you want this class of creditors paid for “75.” Change this figure in the Code, the name of the class, and the Payoff Percent.

The screenshot shows the 'Plan Class Information' dialog box. The 'Code' field contains 'U75' and the 'Name' field contains 'Unsecured, special class, paid 75%'. Under 'Special Intention', the 'None' radio button is selected. Under 'Payment Method', the 'Prorata' radio button is selected. In the 'Payout Options' section, 'Payout Rank' is set to 3 and 'Payoff Percent' is set to 75. There is a checkbox labeled 'Do not charge trustee's fee on payments to this class' which is currently unchecked. At the bottom, under 'Plan Treatment' Entry Screen Options, the checkboxes for 'Hide Amount', 'Hide Payment', and 'Hide Term' are checked, while 'Hide Rate' is unchecked. 'OK' and 'Cancel' buttons are at the bottom right.

Plan Headings:

- **Name of Unsecured Creditor** is the Creditor Name from the Creditor Information tab.
- **Treatment** provides a summary of the % paid to the creditor. For example, for a creditor classified as **U100**, the treatment column reads, “*Paid 100%*”.

10. Unsecured Claims

This section estimates the dividend which **Unsecured General Non-Priority (UGEN)** creditors will receive. The payoff percentage printed on the plan is taken from the Chapter 13 Plan Calculator Summary Tab. *(For more information about changing the payments to unsecured creditors, consult the **Chapter 13: Plan Summary Tab** sections of your user's manual or the help file.)*

11. Executory Contracts

If you set the intention of a contract or lease holder on Schedule G to “Assume,” the lease holder's name appears here.

12. Asset Sales

No data prints here.

13. Surrender of Collateral

No data prints here.

14. Discharge and Vesting of Property

No data prints here.

15. Plan not Altered from Official Form

No data prints here.

16. Other Provisions

- If you classify a claim as **Secured, long term, outside plan (SLTO)**, the Creditor's name from the Creditor Information tab will print here along with the Monthly Payment from the 13 Plan Treatment tab.
- Comments that you type in the **Other** tab in the Chapter 13 Plan Calculator appear in this section. Be sure you have included any comments about creditors that will be treated differently than the directions in the plan indicate.
- There is also a Chapter 13 Plan Form Preference that allows you to permanently add text to this section. To access the form preference: (1) Highlight the Chapter 13 Plan on the Forms and Schedules Menu for the client. (2) Click Setup/Edit Form Preferences. (3) Highlight the form preference "Permanent Other Provisions Text" and click Change. (4) Add your text, and click OK to save. (5) Click Close on the next screen to return to the List of Forms and Schedules.

Note: If the plan contains no information for this section, then section 16 of the Plan will not print on the Plan.

Notice of Debtor(s)' Intention to Strip Your Lien

Claims classified as **Secured, avoid lien (SAL)** print in this section of the plan.

- **Notice to:** The Creditor Name from the Creditor Information tab prints here.
- **Regarding:** The Description of Property from the Creditor Information tab prints here.
- **Priority of the Lien that Will be Stripped:** The Nature of Lien from the Creditor Information tab prints here.
- **Debtor(s) Name:** The debtor and joint debtor names entered in the Voluntary Petition print here.
- **Property Address:** The Description of Property from the Creditor Information tab prints here.
- **Confirmation Hearing:** The Confirmation Hearing date and time are entered in the **Case** button located in the Best Case toolbar.
- **The provision of the plan that would terminate your lien is set forth below:** Section 4.C. prints here.
- **Date of Notice:** A custom entry screen is available to enter this date. To access this screen, open the Schedule D creditor, click the 13 Plan Treatment tab, click the **Local 13 Plan Treatment** button located in the lower left corner, and then click the Avoid Lien tab.
- **Name and Address of Each Recipient:** The Creditor Name and Address entered on the Creditor Information tab prints here.

Editing the Plan

1. Custom Chapter 13 plans are provided as RTF (rich text format) files so that they can easily be edited and saved as needed. Mark just the 13 Plan to print in the Forms and Schedules Menu.
2. Click the **Print** button in the toolbar at the top of your screen. The Print Documents dialog box appears. Mark your printing choices, and then click the **Edit Form** check box in the bottom left corner. Click **OK**.
3. The 13 Plan appears on your screen in the Best Case Editor. You can add or remove text as needed. All editing options are described in the Best Case Editor Options help topic.

Saving (Replacing) the Plan with the Best Case Editor

When you edit a document in the Best Case Editor, you are not actually editing the data record for the debtor, as you are when you enter information through Best Case entry screens like the Voluntary Petition window. Instead, you are editing a text document that has information about the debtor filled in for you. So that these forms will not

take up a large amount of room on your hard drive, your changes to these documents are **not automatically saved**.

1. To save changes to the plan with the Best Case Editor, choose **File/Save**.
2. The “Save Document in Case” window appears. By default, the name of the form is filled in for you and **Replaces Form** is marked as the print selection. Click the **Save to Case** button to save the edited form. *Note that changes that you make to the plan apply to **this case only**, not to all cases.*
3. **Close the Best Case Editor**. The edited plan will then appear on the Forms and Schedules menu as the **Replaced** version of the original document.
4. To **print the plan or create a PDF of the plan**, mark the Replaced plan to print on the Forms and Schedules menu, and select your printing options. For all printing options, see Printing Forms in your User's Guide or Help menu in Best Case Bankruptcy.

Opening “Replaced” Documents with the Best Case Editor

To open a “Replaced” plan that was previously saved with the Best Case Editor:

1. Double-click on the Chapter 13 Plan in the Forms and Schedules menu.
2. On the next window, click the **Edit** button if you want to edit the plan with the Best Case Editor. The plan will then open in the Best Case Editor, and you can make additional revisions to the plan as needed.
3. If, instead, you want to return to the Chapter 13 Calculator after saving the form with the Best Case Editor, double-click on the Chapter 13 Plan in the Forms and Schedules menu, and then click the **Options** button on the next window. On the next screen, type “**DRAFT**” in front of the form name, and click the “**Do Not Print**” button. Click **OK** on the next two screens, and then click the **Close** button. Double-click on the Chapter 13 Plan on the Forms and Schedules menu to open the calculator.
If you want to return to your previous “DRAFT” of the 13 Plan, highlight the plan on the Forms and Schedules menu and click the **Attach** button. Click the **Edit** button to open the plan with the Best Case Editor.