

**REQUEST TO INCUR DEBT—Refinance Home Mortgage**  
(Type or Print Clearly)

Case No. \_\_\_\_\_ Name(s) \_\_\_\_\_  
\_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Day time telephone number (including area code and number) \_\_\_\_\_

**I/we hereby request your approval of our incurring a debt for the purpose of refinancing home mortgage as follows:**

Reason for refinancing mortgage:

To pay off the unpaid balance of my/our plan base under my/our confirmed Chapter 13 Plan.

**Trustee Criteria: The Trustee's approval will depend upon the minimum length of time you must be in the bankruptcy (the applicable commitment period), what year you are in the plan, and the dividend, if any, that is going to the unsecured creditors.**

**--If your applicable commitment period is 3 years and you have been in the bankruptcy for less than 3 years, the Trustee will not grant this request unless the unsecured creditors are paid in full.**

**--if your applicable commitment period is 3 years and you have been in the bankruptcy for 3 years or more, the Trustee will, of all probability, grant this request.**

**--if your applicable commitment period is 5 years, the Trustee will not grant this request unless the unsecured creditors are paid in full.**

To bring post-petition mortgage payments current, to lower the monthly mortgage monthly mortgage payments, or such other reason to allow me/us to more easily to pay my/our on-going mortgage payments while at the same time making our on-going plan payments.

**Trustee Criteria: The Trustee will, of all probability, grant this request to refinance your home if the request and the budget appears to be reasonable and feasible. The Trustee would note that the change in your budget may result in the need to modify the terms of your confirmed plan.**

To enter into a reverse mortgage for the purpose of  eliminating my/our existing mortgage payments;  receiving a monthly annuity amount (if applicable, the amount of the monthly annuity \_\_\_\_\_); and/or  to receive a lump payment from the equity of my/our house (if applicable, the amount of lump payment \_\_\_\_\_).

**Trustee Criteria: The Trustee will, of all probability, grant this request to enter into a reverse mortgage on your home if the request and the budget appears to be reasonable and feasible. If you intend to take a lump payment from the equity of**

**the house through the reverse mortgage, you will also need to advise the Trustee of the intended use for this money. If you intend to use such a lump payment to pay off your case, the approval of such by the Trustee will depend upon the minimum length of time you must be in the bankruptcy (the applicable commitment period), what year you are in the plan, and the dividend, if any, that is going to the unsecured creditors (see discussion above). The Trustee would note that the change in your budget may result in the need to modify the terms of your confirmed plan.**

( ) Other: \_\_\_\_\_

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**Trustee Criteria: The Trustee will review such requests on a case by case basis.**

Name of proposed Lender \_\_\_\_\_

Current monthly mortgage payment, including principal, interest, taxes, and insurance, if applicable \_\_\_\_\_

Attached hereto is a copy of my/our current budget on the Trustee's form signed by me/us under penalty of perjury that demonstrates that I/we will be able to make our normal household expenses, make our on-going monthly plan payments, and make our proposed new monthly mortgage payment, if applicable. I/we understand that the Trustee is not requesting that such be filed with the Court.

All of the information as contained herein is true and correct. I/We hereby acknowledge that the Trustee is relying upon the accuracy of the information as contained herein in order to make his decision in evaluating the Request.

I/We hereby acknowledge that I/we have the right to seek legal advice from our attorney in connection with this Request to Incur Debt and have either sought and received such advice or I/we have decided not to seek such advice. I/We hereby acknowledge that I/we have not requested, sought, or received any type of legal advice from the Trustee and/or his staff in connection with any Request to Incur Debt.

I/We are current with our on-going Chapter 13 plan payments and any other payments that I/we are making direct as disbursing agents under the terms of our confirmed Chapter 13 plan.

I/We have not requested or intend to request a modification of the terms of our confirmed plan to reduce the dividend to the unsecured creditors in order to allow us to afford the new monthly payments for the debt being requested herein.

I/We understand that I/we should seek legal advice from my/our attorney before we sell, trade-in, or dispose of our prior home. The Trustee, if he approves this Request to Incur Debt, is not advising me/us on whether disposition of our prior home is appropriate.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joint-Debtor (if any)

\_\_\_\_\_  
Date

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This Request to Incur Debt should be forwarded to the Trustee as follows:

By E-mail: [newdebt@ch13tyler.com](mailto:newdebt@ch13tyler.com)  
(preferred method)

By FAX: (903) 597-1313

By Mail: Chapter 13 Trustee  
110 N. College Ave., 12<sup>th</sup> Floor  
Tyler, TX 75702

**CURRENT BUDGET dated \_\_\_\_\_  
as attached to Debtor(s)' Request to Incur Debt**

Monthly Income:

Monthly take home (husband)	\$ _____
Monthly take home (wife)	\$ _____
Monthly take home (other)	\$ _____
Total monthly take home income	\$ _____

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Monthly Expenses:

Monthly rent or home mortgage payment (include lot rent for mobile home)	\$ _____
Are real estate taxes included? _____ (if not, give amount)	\$ _____
Is property insurance included? _____ (if not, give amount)	\$ _____
Utilities:	
Electricity and heating fuel	\$ _____
Water and sewer	\$ _____
Telephone	\$ _____
Other _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____
Food (Groceries \$ _____ plus Meals out and school lunches \$ _____)	\$ _____
Clothing	\$ _____
Laundry and dry cleaning	\$ _____
Medical and dental expenses not covered by insurance	\$ _____
Transportation expenses for gas and auto maintenance	\$ _____
Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ _____
Charitable contributions	\$ _____
Insurance (not deducted from wages or included in mortgage)	
Homeowner's or renter's	\$ _____
Life	\$ _____
Health	\$ _____
Auto	\$ _____
Other _____	\$ _____
Taxes (not deducted from wages or included in home mortgage payment)	\$ _____
Installment payments:	
Auto	\$ _____
Other _____	\$ _____
Other _____	\$ _____
Other _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____
Payments for additional dependents not living at home	\$ _____
Regular expenses from operation of business, profession, or farm (attach a statement giving a breakdown of these business expenses)	\$ _____
Other expenses: (must include any direct payments under plan)	
_____	\$ _____
_____	\$ _____
Total monthly expenses	\$ _____

Summary:

Total monthly take home income (from previous page)	\$ _____
Total monthly expenses (from previous page)	\$ _____
Chapter 13 plan payment	\$ _____
Excess Income	\$ _____
("Total monthly take home income" minus "Total monthly expenses" minus "Chapter 13 plan payment")	

Declaration:

I/We, \_\_\_\_\_ (please print), Debtor(s), declare under penalty of perjury that the information contained in the above Current Budget is true and correct to the best of my knowledge, information, and belief.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joint-Debtor (if any)

\_\_\_\_\_  
Date