

**BEFORE PROCEEDING YOU SHOULD CONTACT YOUR ATTORNEY PROCEDURES FOR**  
**APPLICATION TO INCUR NON-EMERGENCY DEBT**

If you need to purchase a vehicle or incur debt for some other reason while in a Chapter 13, you must fill out the attached Application to Incur Non-Emergency Debt form.

You must fill out all of the information requested on the form and the form **MUST** be signed by the debtor(s) as well as the debtor(s) attorney.

Once the form has been completed and signed by all parties, the **ORIGINAL** form must be submitted to the Trustee for his review.

**PLEASE BE AWARE THAT THE REVIEW PROCESS CAN TAKE FROM A WEEK TO TEN DAYS TO COMPLETE.**

If the Application is approved, it will be filed with the Bankruptcy Court and both the debtor(s) and the debtor(s) attorney will receive an approved copy in the mail.

If the Application is not approved, debtor(s) attorney will receive a letter from our office with an explanation as to why it was not approved with a copy to the debtor(s).

The debtor(s) must be current with their Chapter 13 plan payments in order to be approved for an Application.

**IF YOU HAVE ANY QUESTIONS REGARDING THE APPLICATION PROCESS, OR VEHICLES THAT YOU CURRENTLY HAVE IN THE CHAPTER 13 PLAN, PLEASE CONTACT YOUR ATTORNEY'S OFFICE FOR ASSISTANCE. THE TRUSTEE'S OFFICE CAN NOT PROVIDE YOU WITH LEGAL ADVICE.**

Thank you for your cooperation.

Office of Mark Swimelar

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

CHAPTER 13 PROCEEDING

In re:

**APPLICATION FOR TRUSTEE APPROVAL  
TO OBTAIN NON-EMERGENCY DEBT**

Debtor(s).

Case No. \_\_\_\_\_

This Application replaces a prior application

Dated: \_\_\_\_\_

The above-named Debtor(s) hereby seek(s) approval from the Chapter 13 Trustee to incur non-emergency consumer debt pursuant to Local Bankruptcy Rule 4001-4(a) as follows:

Purpose of Loan: \_\_\_\_\_

Lender: \_\_\_\_\_ Amount of Loan: \_\_\_\_\_

Term of Repayment (in months): \_\_\_\_\_ Interest Rate: \_\_\_\_\_ Monthly Payment: \_\_\_\_\_

Amount and Source of Down-Payment or Deposit: \_\_\_\_\_

Property being pledged as collateral (if any): \_\_\_\_\_

Description of changes in employment or income of Debtor(s) since petition was filed: \_\_\_\_\_

(check box) Debtor(s) certify that I am current on any ongoing/direct secured payments included in the plan &/or order of confirmation, (i.e. support, mortgage, auto, personal prop or real prop taxes owed). If not, explain: \_\_\_\_\_

**PLEASE NOTE:**

- If the loan is approved, the Debtor(s) will be responsible for the monthly payments OUTSIDE the Chapter 13 plan; these payments will NOT be included in the bankruptcy.
- If the lending institution requires an Order signed by the Bankruptcy Judge, Debtor(s)' Counsel will need to proceed by motion.
- The Trustee requires ORIGINAL document with signatures - NO FAXED COPIES.
- Documentation must be provided and/or filed with the Bankruptcy Court, as appropriate: loan documents; Amended Schedules (A/B, I, J); current pay stubs; proof of value & insurance.

I/We hereby certify under penalty of perjury that the above information is true and correct, and that incurring this non-emergency consumer debt does not involve a material modification of my/our budget.

Debtor \_\_\_\_\_ Date: \_\_\_\_\_

Joint Debtor \_\_\_\_\_ Date: \_\_\_\_\_

Debtor(s)' Counsel \_\_\_\_\_ Date: \_\_\_\_\_

**For Trustee Office Use Only**

Approved  Denied Reason: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

- Mark W. Swimelar, Chapter 13 Trustee (Bar Roll #506340)
- Lynn Harper Wilson, Staff Attorney (Bar Roll #509576)