Bankruptcy Local Rule 4001-3

ADEQUATE PROTECTION PAYMENTS IN CHAPTER 13

(a) Amount of Adequate Protection Payments. Adequate protection payments shall be made as provided by court order after motion that includes proof that the creditor has a properly perfected security interest and notice.

(b) Disbursements and Accounting. Disbursements under § 1326(a)(1)(C), by debtor(s) or a trustee shall be made monthly on allowed secured claims commencing within 30 days of the filing of the proof of claim. A trustee holding insufficient funds to make such payments may make payments in his or her discretion as funds held will permit. For adequate protection payments made directly by the debtor(s), debtor(s) must provide the trustee proof of the direct payments. The trustee is authorized to deduct from the allowed amount of a claim all § 1326(a)(1)(C) preconfirmation disbursements made by the trustee or by debtor(s).

RELATED AUTHORITY

11 U.S.C. § 361, 1326(a)(1)(C)
Fed. R. Bankr. P. 4001(d)

Advisory Committee Note:

Section (a) is intended to allow for use of National Form B1130 or other form of motion and order consistent with practice in the Bankruptcy Court for the District of Idaho, including filing a motion for adequate protection payments on negative notice under LBR 2002-2(d).