

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK



June 21, 2023

CLERK'S NOTICE 23-04

**NOTICE REGARDING AMENDMENT TO
GENERAL ORDER CONCERNING ALL CHAPTER 13 CASES**

Due to changes made by JD Power (formerly NADA) in its values given for used cars, which are referenced for making adequate protection disbursements in General Order 2021-05, the Chapter 13 Trustees had suggested amendments to paragraph 7(a) of the general order. After the conclusion of an opportunity for public comment, the Court has amended paragraph 7(a) and entered General Order 2023-04, *Standing Order Concerning All Chapter 13 Cases*. **General Order 2023-04 shall be effective as of June 30, 2023.**

Only paragraph 7(a) of the general order is affected by this amendment. A redline of amended paragraph 7(a) is attached.

Please click [here](#) to view General Order 2023-04 in its entirety.

FOR THE COURT
Robert P. Colwell
Clerk of Court

7. ADEQUATE PROTECTION DISBURSEMENTS.

(a) **Debtor Shall Authorize Adequate Protection Disbursements by the Trustee.** Unless otherwise ordered by the Court, within 14 days of the Petition Date or Conversion Date, the Debtor shall file and serve on all scheduled creditors (unless Service on a particular creditor is made by the Clerk), an AAPD. Any amendment to the AAPD shall (1) be filed with the Court, (2) be served on all affected creditors and, if a Notice of Appearance has been filed, their counsel, and (3) contain a Certificate of Service reflecting service.

Unless otherwise ordered by the Court, adequate protection concerning motor vehicles shall be presumed adequate if such disbursement is in a monthly amount equal to 1.25% of the value of the motor vehicle ~~determined by averaging.~~ For purposes of this presumption, the value of the motor vehicle as of the petition date will be set at either the “Average Price Paid” stated at www.jdpower.com wholesale and retail values for a vehicle located in the zip code for the Debtor’s residence address at the time of the filing of the voluntary petition or using the Clean Retail value contained in the most recent NADA/JD Power publication for a comparable motor vehicle, for the month the voluntary petition is filed. Value will be computed without an adjustment for any options or mileage. This is without prejudice to the debtor or secured creditor contesting the value presumption or payment of 1.25% of the value presumption—as adequate protection.

In the Case of a Conduit Debtor, the amount of the Current Post-Petition Mortgage Payment(s) must be included in the AAPD.