**UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF TEXAS**

**\_\_\_\_\_\_\_\_\_\_ DIVISION**

|  |  |  |
| --- | --- | --- |
| **In Re:** | **§**  **§** |  |
|  | **§** | **Case No. \_\_\_\_\_\_\_\_\_\_** |
|  | **§** |  |
| **Debtor** | **§** | **Subchapter V** |

**PLAN BALLOT SUMMARY**

To the Honorable United States Bankruptcy Judge.

The attached Tabulation of Ballots is being submitted in connection with the confirmation hearing on Debtor’s Plan of Reorganization for Small Business Under Subchapter V of Chapter 11 filed on Click or tap to enter a date., ECF No. \_\_\_\_.

All Ballots cast are attached hereto.

Respectfully submitted

Date:\_\_\_\_\_\_\_\_\_\_ /s/

Attorney For Debtor

1. Is a cramdown requested under 11 U.S.C. § 1191(b)  Yes  No
2. Unimpaired classes *(specify class numbers)*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. Impaired classes *(specify class numbers)*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. Has any impaired class not voted?  Yes  No

*(If YES, specify which class or classes): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

1. Has any impaired class approved the Plan?  Yes  No

*(If YES, specify which class or classes): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

1. Pursuant to 11 U.S.C. § 1126(c), only the actual ballots cast are counted to determine whether a given class has voted to accept or reject the plan. That section further provides that a class will have accepted the plan if voting creditors in such class holding at least **two-thirds in amount** and more **than one-half in number** have voted to accept the plan. Additionally, in accordance with this Court’s opinion in *In re Hot’z Power Wash, Inc.*, 655 B. R. 107 (S. D. Tex. 2023), when an impaired class of creditors fails to cast a ballot, that class will not be counted for purposes of whether 11 U.S.C. § 1129(a)(8) is satisfied.
2. The following is a summary by creditor of the ballots that were returned in a timely manner (an example is included on the following page):

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | | **Number** | | | **Amount** | | |
| Class | Impaired? | Total number of claims voted by members of class (N) | Number of claims voted in favor of accepting the plan  (A) and rejecting the plan (R) | Percentage accepting (A ÷ N) | Aggregate dollar amount of claims voted by members of class (Amt) | Dollar amount of claims voted in favor of accepting the plan  (A) and rejecting the plan (R) | Percentage accepting (A ÷ Amt) |
|  |  | (N) | (A)  (R) | 0.00% | (Amt) | (A)  (R) | 0.00% |
|  |  | (N) | (A)  (R) | 0.00% | (Amt) | (A)  (R) | 0.00% |
|  |  | (N) | (A)  (R) | 0.00% | (Amt) | (A)  (R) | 0.00% |
|  |  | (N) | (A)  (R) | 0.00% | (Amt) | (A)  (R) | 0.00% |
|  |  | (N) | (A)  (R) | 0.00% | (Amt) | (A)  (R) | 0.00% |
|  |  | (N) | (A)  (R) | 0.00% | (Amt) | (A)  (R) | 0.00% |
|  |  | (N) | (A)  (R) | 0.00% | (Amt) | (A)  (R) | 0.00% |
|  |  | (N) | (A)  (R) | 0.00% | (Amt) | (A)  (R) | 0.00% |
|  |  | (N) | (A)  (R) | 0.00% | (Amt) | (A)  (R) | 0.00% |
|  |  | (N) | (A)  (R) | 0.00% | (Amt) | (A)  (R) | 0.00% |

 *see attached continuation page*

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Date: Signature of Debtor, or attorney for Debtor

Printed name of Debtor, or attorney for Debtor

**EXAMPLE OF VOTING SUMMARY TABLE**

The following is an example of a voting summary for an individual debtor’s plan:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | | **Number** | | | **Amount** | | |
| Class | Impaired? | Total number of claims voted by members of class (N) | Number of claims voted in favor of accepting the plan  (A) and rejecting the plan (R) | Percentage accepting (A ÷ N) | Aggregate dollar amount of claims voted by members of class (Amt) | Dollar amount of claims voted in favor of accepting the plan  (A) and rejecting the plan (R) | Percentage accepting (A ÷ Amt) |
| Class 1(a) | No | (N) | (A)  (R) |  | (Amt) | (A)  (R) |  |
| Class 1(b) | Yes | (N) 1 | (A) 1  (R) 0 | 100% | (Amt) $52,767.98 | (A) $52,767.98  (R) $0.00 | 100% |
| Class 2(a) | Yes | (N) 0 | (A)  (R) |  | (Amt) | (A)  (R) |  |
| Class 2(b) | Yes | (N) 1 | (A) 0  (R) 1 | 0% | (Amt) $469,756.40 | (A) $0.00  (R) $469,756.40 | 0% |
| Class 3 | No | (N) 0 | (A)  (R) |  | (Amt) | (A)  (R) |  |
| Class 4 | Yes | (N) 11 | (A) 7  (R) 4 | 63.6% | (Amt) $12,536.84 | (A) $7,511.10  (R) $5,025.74 | 59.9% |
| Class 5 | No | (N) 0 | (A)  (R) |  | (Amt) | (A)  (R) |  |
|  |  | (N) | (A)  (R) |  | (Amt) | (A)  (R) |  |
|  |  | (N) | (A)  (R) |  | (Amt) | (A)  (R) |  |
|  |  | (N) | (A)  (R) |  | (Amt) | (A)  (R) |  |

Comments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respectfully submitted

Date\_\_\_\_\_\_\_ /s/

Attorney For Debtor

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on \_\_\_\_\_, 20\_\_ the following attached creditor matrix was served with a true and correct copy of the foregoing document entitled Plan Ballot Summary via First Class Mail, facsimile, or this Court’s CM/ECF system by electronic transmission.

**CERTIFICATE OF TRANSMITTAL**

**TO THE U.S. TRUSTEE & SUBCHAPTER V TRUSTEE**

The undersigned certifies that a copy of the Plan Ballot Summary was delivered to the United States Trustee and Subchapter V Trustee on \_\_\_\_\_, 20\_\_ via email and by this Court’s CM/ECF system by electronic transmission.

Respectfully submitted

Date:\_\_\_\_\_\_ /s/

Attorney For Debtor