

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor(s).

No. _____

**SUBMISSION BY INDIVIDUAL DEBTOR OF CERTIFICATE OF BUDGET
AND CREDIT COUNSELING SERVICES AND DEBT REPAYMENT PLAN, IF ANY**

Attached is my certificate of receipt of budget and credit counseling services, along with a copy of any debt repayment plan developed.

Signature of Self-Represented Debtor: _____

Typed Name: _____

Address: _____

Telephone: _____

Instructions to Self-Represented Debtor:

If you check box 2 on Exhibit D to the petition (official form 1), use this form to submit your certificate of budget and credit counseling within 15 days of filing the petition. [Note: if you check box 1 on Exhibit D to the petition, attach the certificate of budget and credit counseling to Exhibit D; you do not need to submit this form if you check box 1 on Exhibit D]. **Read the Court's bankruptcy information packet for complete instructions.**

Bankruptcy law requires **each individual debtor** to complete credit and budget counseling prior to filing a bankruptcy petition [see 11 U.S.C. § 109(h)(1)] and to file a certificate describing counseling services and any debt repayment plan [see 11 U.S.C. § 521(b)(1) and (2) and NM IBR 1007(b)(3)].

USE OF THIS FORM IS REQUIRED BY COURT ORDER DATED OCTOBER 14, 2005

NM Form 503 - effective 10/20/06

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor.

Case No. _____

**MOTION FOR DETERMINATION THAT
DEBTOR'S CERTIFICATION OF EXIGENT CIRCUMSTANCES
WHICH WARRANT A WAIVER OF REQUIREMENT FOR BUDGET AND
CREDIT COUNSELING PRIOR TO FILING PETITION IS SATISFACTORY**

Pursuant to 11 U.S.C. § 109 (h)(3)(A), debtor _____,¹ asks the Court to determine that debtor's certification herein is satisfactory and warrants a temporary waiver of the credit counseling requirements of 11 U.S.C. § 109(h)(1) and that debtor be given 30 days from the date of filing of the petition to complete budget and credit counseling and file a certificate of completion with the court.

Debtor's certification: I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now:

I certify under penalty of perjury that the information provided above is true and correct.

Debtor Signature: _____

Typed name of debtor: _____

Debtor address: _____

Debtor telephone: _____

¹ If the circumstances apply to each debtor in a joint case, submit a separate motion for each debtor.

Instructions to Self-Represented Debtor:

If you check box 3 on Exhibit D to the petition (official form 1), submit this form with your petition. You must then complete budget and credit counseling and submit a certificate of completion within 30 days of the date of filing of the petition unless you file a motion for extension of an additional 15 days for a total of 45 days from the date of filing of the petition and the motion for extension is granted. **Read the Court's bankruptcy information packet for complete instructions.**

Notes:

Exigent circumstances: A situation that demands unusual or immediate action and that may allow people to circumvent usual procedures, as when a neighbor breaks through a window of a burning house to save someone inside. BLACK'S LAW DICTIONARY 236 (7th ed. 1999).

Counseling is required by 11 U.S.C. § 109(h)(1). Submission of certification for temporary waiver of requirement is authorized by 11 U.S.C. § 109(h)(3)(A) and NM IBR 1007(b)(3). Certification is required to be filed with petition in accordance with NM IBR 1007(c). The petition, Official Form 1, was amended October 1, 2006, by the inclusion of Exhibit D which provides for debtor's certification. The motion regarding certification is required by Exhibit D.

A list of credit counseling agencies in this district which have been approved by the United States trustee is available

- on the Internet at http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc_approved.htm
- by calling the Clerk's Office at 505-348-2500 or toll free, 866-291-6805
- by visiting the Clerk's Office at 500 Gold Avenue SW, 10th floor, Albuquerque, NM

USE OF THIS FORM IS REQUIRED BY OCTOBER 14, 2005, COURT ORDER

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor.

Case No. _____

**MOTION BY INDIVIDUAL DEBTOR
FOR DETERMINATION THAT DEBTOR IS UNABLE
TO COMPLETE REQUIREMENTS FOR BUDGET AND CREDIT COUNSELING**

Pursuant to 11 U.S.C. § 109(h)(4), debtor, _____,¹ asks the Court to determine that the budget and credit counseling requirements of 11 U.S.C. § 109(h)(1) not apply to debtor because of the reason checked below:

- Incapacity.** (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities);
- Disability.** (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet);
- Active military duty in a military combat zone.**

The specifics of the debtor's situation are as follows: _____

I certify under penalty of perjury that the information provided above is true and correct.

Debtor Signature _____

Typed name of debtor: _____

Debtor address: _____

Debtor telephone: _____

Note: Filing of motion required by NM IBR 1007(b)(3)(D) and (c).

¹ If the circumstances apply to each debtor in a joint case, submit a separate motion for each debtor.

**USE OF THIS FORM IS REQUIRED BY OCTOBER 14, 2005, COURT ORDER
NM Form 505 for self-represented debtor**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor.

No. _____

**DEPOSIT OF RENT
PURSUANT TO 11 U.S.C. § 362(d)(1)(B)**

\$_____ is presented with the petition as rent that would become due during the 30-day period after the filing of the petition. Select form of rent deposit:

By self-represented debtor: Money order or certified check made payable to landlord accompanying petition.

By attorney who is not exempt from electronic filing requirement: The clerk of court is specifically authorized to charge the indicated amount of rent to the attorney's charge card on file with the clerk.

Landlord's Taxpayer ID No.: _____

(If landlord's taxpayer ID number is not submitted, rent cannot be transmitted to landlord.)

Money order or certified check made payable to landlord delivered to clerk before 4:30 pm on the business day the petition is submitted.

This rent is to be transmitted by the clerk to:

Name of landlord who obtained judgment: _____

Address of landlord: _____

Debtor or Attorney for Debtor Signature

Joint Debtor Signature

Address: _____

Telephone: _____

Docket: *rent*

USE OF THIS FORM IS REQUIRED BY COURT ORDER

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor.

No.

Disclosure of Marital Status
Pursuant to New Mexico Local Bankruptcy Rule 1002-1

Pursuant to Local Bankruptcy Rule 1002-1, I certify that

I have no spouse

Or

I have a non-filing spouse, whose name is:

_____, and to the

best of my knowledge, information and belief, my spouse's address is:

I declare under penalty of perjury that the information provided in this disclosure is true and correct.

Debtor's signature

Address: _____

Telephone: _____

(if not represented by an attorney)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor.

No.

**Certificate of Disclosure
of Community Information Pursuant
to New Mexico Local Bankruptcy Rule 1007-1**

I certify in accordance with New Mexico Local Bankruptcy Rule 1007-1 that the statement of affairs and schedules submitted in this case disclose, to the best of my knowledge, information and belief, all of my assets, liabilities, income and expenses as well as those of my **non-filing spouse**.

I declare under penalty of perjury that this disclosure is true and correct.

Debtor's signature

Address: _____

Telephone: _____

(if not represented by an attorney)

(File with schedules and statement if debtor has a non-filing spouse)

SAMPLE FORM 15

This sample form suggests language for the debtor’s notice (in letter format - not captioned as a court document) to creditors regarding non-filing spouse information pursuant to New Mexico Local Bankruptcy Rule 1007-5(b). Send the notice to creditors BUT DO NOT FILE THE NOTICE WITH THE COURT. Instead, file Form 13, the Certificate of Compliance with LR 1007-5(b), with the court (and do not attach the notice to the certificate of compliance).

To: Trustee, all creditors and indenture trustees in the bankruptcy case of

Debtor name: _____ Case Number: _____

Re: Notice of Non-Filing Spouse Information

On _____, I filed a chapter _____ bankruptcy petition in the United States Bankruptcy Court for the District of New Mexico.

In accordance with New Mexico Local Bankruptcy Rule 1007-5(b), this notice provides you with the name, address and 9-digit social security number (if known) of my non-filing spouse.

Name of Non-Filing Spouse:

Social Security Number of Non-Filing Spouse: _____

or social security number unknown _____ or there is no ssn _____

Address of Non-Filing Spouse:

I declare under penalty of perjury that the information provided in this notice is true and correct.

Debtor’s signature

Address: _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor(s).

No.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 1007-5 (b)
REGARDING NOTICE OF NON-FILING SPOUSE INFORMATION**

Pursuant to New Mexico Local Bankruptcy Rule 1007-5(b), I certify that on _____, I mailed a **Notice of Non-filing Spouse Information** to the trustee, all creditors and indenture trustees in this case as shown on the attached mailing list.

Signature of attorney or self-represented debtor

Address: _____

Note to filer: File this certificate with the Clerk. DO NOT attach a copy of the Notice of Non-Filing Spouse Information.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

Debtor.

No. _____

APPLICATION TO PAY FILING FEE IN INSTALLMENTS

1. In accordance with Fed. R. Bankr. P. 1006, I apply for permission to pay the filing fee of \$ _____ in installments *in cash, by money order or by certified check*.
2. I am unable to pay the filing fee except in installments.
3. Until the filing fee is paid in full, I will not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.
4. I propose the following terms for the payment of the filing fee*

\$ _____ Check one: with filing of petition on or before _____

\$ _____ on or before _____

\$ _____ on or before _____

\$ _____ on or before _____

Total \$ _____

* The number of installments proposed shall not exceed four (4), and the final payment shall be payable not later than 120 days after filing the petition. For cause shown, the court may extend the time of any installment, provided the last installment is paid not later than 180 days after filing the petition. Fed. R. Bankr. P. 1006(b)(2).

5. I understand that if I fail to pay any installment when due, my bankruptcy case may be dismissed, I may not receive a discharge of my debts, and I will still owe the fee to the Bankruptcy Court.

Signature of Debtor

Date

Signature of Joint Debtor

Date

(In a joint case, both spouses must sign)

Signature of Attorney

Date

Typed name, address, and telephone number of attorney: _____

USE OF THIS FORM IS REQUIRED BY COURT ORDER

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor(s).

No. _____

ORDER APPROVING PAYMENT OF FILING FEES IN INSTALLMENTS

IT IS ORDERED that the debtor(s) may pay the filing fee in installments, as follows:

\$ _____ Check one: with filing of petition on or before _____

\$ _____ on or before _____

\$ _____ on or before _____

\$ _____ on or before _____

Total \$ _____

IT IS FURTHER ORDERED that until the filing fee is paid in full, the debtor(s) shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

UNITED STATES BANKRUPTCY JUDGE

Signature(s) of Debtor(s): _____ / _____

Address _____

City, state, zip: _____

Telephone number: _____

If represented by counsel:

Attorney name: _____

Address: _____

City, state, zip: _____ Telephone number: _____

Note to Debtor: Debtors must sign this order before submitting it to the Court. The Court will not accept debtor's personal check. Payment must be made in cash or by certified check or money order made payable to Clerk, United States Bankruptcy Court. Mail check or money order to U. S. Bankruptcy Court, District of New Mexico, PO Box 546, Albuquerque, NM 87103-0546, or deliver to the Customer Service Counter, Dennis Chavez Federal Building and U. S. Courthouse, 500 Gold Avenue, SW, Room 10206, Albuquerque, between 8:30 a.m. and 4:30 p.m. weekdays.

USE OF THIS FORM IS REQUIRED BY COURT ORDER

United States Bankruptcy Court
District of New Mexico

**Instructions for Filing an
Application for Waiver of the Chapter 7 Filing Fee for
Individuals Who Cannot Pay the Filing Fee in Full or in Installments**

If you cannot afford to pay the fee either in full at the time of filing or in installments, then you may request a waiver of the filing fee by completing this application (NM Form 510) and filing it with the Clerk of Court. In the District of New Mexico, you must use local NM Form 510 in lieu of official form B3B to apply for a waiver of the chapter 7 filing fee.

A judge will decide whether you have to pay the fee. By law, the judge may waive the fee only if your income is less than 150 percent of the official poverty line applicable to your family size for the applicable year and you are unable to pay the fee in installments. For a chart showing 150% of the official poverty line, go to

<http://www.uscourts.gov/bankruptcycourts/povertyguidelines.pdf>.

For more information about the poverty guidelines, visit the website of the United States Department of Health and Human Services at <http://aspe.hhs.gov/poverty/index.shtml>.

Required information. Complete all items in the application and attach requested schedules. Sign the application on the last page. If you and your spouse are filing a joint bankruptcy petition, each of you must provide information as requested and sign the application.

Use of NM Form 510 in lieu of Official Form B3B is required by Order of the Court.

United States Department of Health and Human Services

2008 Federal Poverty Guidelines

Last Updated on January 23, 2008

Federal Register / Vol. 73, No.15 / Notices / Pages 3971 - 3972

Monthly Guidelines						
If Your Family Size Is	If Your Monthly Income is 100% of Federal Poverty Guidelines*	If Your Monthly Income is 125% of Federal Poverty Guidelines*	If Your Monthly Income is 130% of Federal Poverty Guidelines*	If Your Monthly Income is 150% of Federal Poverty Guidelines*	If Your Monthly Income is 185% of Federal Poverty Guidelines*	If Your Monthly Income is 200% of Federal Poverty Guidelines*
1	\$867	\$1,083	\$1,127	\$1,300	\$1,603	\$1,733
2	\$1,167	\$1,458	\$1,517	\$1,750	\$2,158	\$2,333
3	\$1,467	\$1,833	\$1,907	\$2,200	\$2,713	\$2,933
4	\$1,767	\$2,208	\$2,297	\$2,650	\$3,268	\$3,533
5	\$2,067	\$2,583	\$2,687	\$3,100	\$3,823	\$4,133
6	\$2,367	\$2,958	\$3,077	\$3,550	\$4,378	\$4,733
7	\$2,667	\$3,333	\$3,467	\$4,000	\$4,933	\$5,333
8	\$2,967	\$3,708	\$3,857	\$4,450	\$5,488	\$5,933
9	\$3,267	\$4,083	\$4,247	\$4,900	\$6,043	\$6,533
10	\$3,567	\$4,458	\$4,637	\$5,350	\$6,598	\$7,133
Each additional member add:	\$300	\$375	\$390	\$450	\$555	\$600

Annual Guidelines						
If Your Family Size Is	If Your Annual Income is 100% of Federal Poverty Guidelines*	If Your Annual Income is 125% of Federal Poverty Guidelines*	If Your Annual Income is 130% of Federal Poverty Guidelines*	If Your Annual Income is 150% of Federal Poverty Guidelines*	If Your Annual Income is 185% of Federal Poverty Guidelines*	If Your Annual Income is 200% of Federal Poverty Guidelines*
1	\$10,400	\$13,000	\$13,520	\$15,600	\$19,240	\$20,800
2	\$14,000	\$17,500	\$18,200	\$21,000	\$25,900	\$28,000
3	\$17,600	\$22,000	\$22,880	\$26,400	\$32,560	\$35,200
4	\$21,200	\$26,500	\$27,560	\$31,800	\$39,220	\$42,400
5	\$24,800	\$31,000	\$32,240	\$37,200	\$45,880	\$49,600
6	\$28,400	\$35,500	\$36,920	\$42,600	\$52,540	\$56,800
7	\$32,000	\$40,000	\$41,600	\$48,000	\$59,200	\$64,000
8	\$35,600	\$44,500	\$46,280	\$53,400	\$65,860	\$71,200
9	\$39,200	\$49,000	\$50,960	\$58,800	\$72,520	\$78,400
10	\$42,800	\$53,500	\$55,640	\$64,200	\$79,180	\$85,600
Each additional member add:	\$3,600	\$4,500	\$4,680	\$5,400	\$6,660	\$7,200

** Effective November 1, 1998: Legal Immigrant children, elderly and disabled are again eligible for Food Stamps.

Chart prepared and updated by the Association of Arizona Food Banks

Available Programs Based on Income Level						
If Your Family Size Is	If Your Monthly Income is 100% of Federal Poverty Guidelines*	If Your Monthly Income is 125% of Federal Poverty Guidelines*	If Your Monthly Income is 130% of Federal Poverty Guidelines*	If Your Monthly Income is 150% of Federal Poverty Guidelines*	If Your Monthly Income is 185% of Federal Poverty Guidelines*	If Your Monthly Income is 200% of Federal Poverty Guidelines*
1	\$867	\$1,083	\$1,127	\$1,300	\$1,603	\$1,733
2	\$1,167	\$1,458	\$1,517	\$1,750	\$2,158	\$2,333
3	\$1,467	\$1,833	\$1,907	\$2,200	\$2,713	\$2,933
4	\$1,767	\$2,208	\$2,297	\$2,650	\$3,268	\$3,533
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6	\$2,367	\$2,958	\$3,077	\$3,550	\$4,378	\$4,733
7	\$2,667	\$3,333	\$3,467	\$4,000	\$4,933	\$5,333
8	\$2,967	\$3,708	\$3,857	\$4,450	\$5,488	\$5,933
9	\$3,267	\$4,083	\$4,247	\$4,900	\$6,043	\$6,533
10	\$3,567	\$4,458	\$4,637	\$5,350	\$6,598	\$7,133
Each additional member add:	\$300	\$375	\$390	\$450	\$555	\$600
Programs You MAY Be Eligible For	Food Stamps**	Food Stamps**	Food Stamps**	No Longer Eligible	No Longer Eligible	No Longer Eligible
	Food Plus Commodities for Seniors	Food Plus Commodities for Seniors	Food Plus Commodities for Seniors	No Longer Eligible	No Longer Eligible	No Longer Eligible
	WIC or Food Plus Commodities	No Longer Eligible				
	Free School Lunch & Breakfast Programs	Free School Lunch & Breakfast Programs	Free School Lunch & Breakfast Programs	Reduced School Lunch & Breakfast Programs	Reduced School Lunch & Breakfast Programs	No Longer Eligible
	Free Summer Food Program	No Longer Eligible				
	Senior Nutrition Sites (60 yrs. & older)					
	TEFAP Commodities (in Emergency Food Boxes)	No Longer Eligible				
	Free Child & Adult Care Food Program	Free Child & Adult Care Food Program	Free Child & Adult Care Food Program	Reduced Child & Adult Care Food Program	Reduced Child & Adult Care Food Program	No Longer Eligible

*Guidelines effective January 23, 2008

** Effective November 1, 1998: Legal Immigrant children, elderly and disabled are again eligible for Food Stamps.

Chart prepared and updated by the Association of Arizona Food Banks

United States Bankruptcy Court
District of New Mexico

In re:

Debtor.

Case No. 7-

**Application for Waiver of the Chapter 7 Filing Fee
for Individuals Who Cannot Pay the Filing Fee in Full or in Installments**

Part A. Family Size and Income

1. Including yourself, your spouse, and dependents you have listed or will list on **Schedule I, Current Income of Individual Debtors**, how many people are in your family? (Do not include your spouse if you are separated AND are not filing a joint petition.) _____
2. Restate the following information that you provided, or will provide, on **Line 16 of Schedule I**. Attach a completed copy of Schedule I, if it is available. \$ _____
3. State the monthly net income, if any, of dependents included in Question 1 above. Do not include any income already reported in Question 2. If none, enter \$ 0. \$ _____
4. Add the "Total combined monthly income" reported in Question 2 to your dependents' monthly net income from Question 3. \$ _____
5. Do you expect the amount in Question 4 to increase or decrease by more than 10% during the next 6 months? Yes ____ No ____ If yes, explain: _____

Part B. Monthly Expenses

6. EITHER (a) attach a completed copy of Schedule J, Current Expenditures of Individual Debtor, and state your total monthly expenses reported on Line 18 of that Schedule, OR (b) if you have not yet completed Schedule J, provide an estimate of your total monthly expenses.
Total monthly expenses from Schedule J or estimate: \$ _____
7. Do you expect the amount in Question 6 to increase or decrease by more than 10% during the next 6 months? Yes ____ No ____ If yes, explain: _____

Part C. Real and Personal Property EITHER (1) attach completed copies of Schedules A (Real Property) and Schedule B (Personal Property) OR (2) if you have not yet completed those schedules, answer the following questions.

8. State the amount of cash you have on hand: \$ _____
9. State below any money you have in savings, checking, or other accounts in a bank or other financial institution.

<u>Name of Financial Institution</u>	<u>Type of account such as checking, savings, CD</u>	<u>Amount</u>
_____	_____	\$ _____
_____	_____	\$ _____

10. State assets owned by you. **Do not list ordinary household furnishings and clothing.**

Address _____
Home _____ Value: \$ _____
Amount owed on mortgages/liens: \$ _____

Address _____
Other real estate _____ Value: \$ _____
Amount owed on mortgages/liens: \$ _____

Motor vehicle model/year: _____ Value: \$ _____
Amount owed: \$ _____

Motor vehicle model/year: _____ Value: \$ _____
Amount owed: \$ _____

Other (Describe): _____ Value: \$ _____
Amount owed: \$ _____

11. State below any person, business, organization, or governmental unit that owes you money and the amount that is owed.

<u>Name of Person, Business, or Organization that Owes You Money</u>	<u>Amount Owed:</u>
_____	\$ _____
_____	\$ _____

Part D. Additional Information

12. Have you paid an **attorney** any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___ If yes, how much have you paid? \$ _____

13. Have you promised to pay or do you anticipate paying an **attorney** in connection with your bankruptcy case? Yes ___ No ___ If yes, how much have you promised to pay or do you anticipate paying? \$ _____

14. Have you paid **anyone other than an attorney** (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___ If yes, how much have you paid? \$ _____

15. Have you promised to pay or do you anticipate paying **anyone other than an attorney** (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor(s).

Case No.

**Debtor's Certification of Completion
of Postpetition Instructional Course in Personal Financial Management¹**

Every individual debtor in a chapter 7, chapter 11 in which section 1141(d)(3) applies, or chapter 13 case must file this certification. If a joint petition is filed, each spouse must complete and file a separate certification. Complete one of the following statements and file by the deadline stated below:

_____ I certify that on _____, I completed an instructional course in personal financial management provided by _____, an approved provider of the course. A document attesting to the completion of the course is attached.

_____ I certify that I am not required to complete an instructional course in personal financial management course because:

_____ I am incapacitated or disabled, as defined in 11 U.S.C. § 109(h), or

_____ I am on active military duty in a military combat zone.

A copy of the order waiving this requirement is attached.

Date signed: _____ Debtor's signature: _____

Debtor's address: _____

Debtor's telephone: _____

BY ORDER OF THE COURT, FILE THIS FORM IN LIEU OF OFFICIAL FORM 23

¹Completion of a course in personal financial management and the filing of a certification of completion with the court are required pursuant to 11 U.S.C. sections 727(a)(11) and 1328(g)(1) and NM Interim Bankruptcy Rules 1007(b)(7) and 4004 (c)(1)(h). Completion of the course is also required in chapter 11 cases of individuals where section 1141(d)(3) applies.