

2020-05

US BANKRUPTCY COURT
SOUTHERN DISTRICT OF MS

UNITED STATES BANKRUPTCY COURT
NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI

FILED
Jun 26, 2020 - 7:36 am

DANNY L. MILLER
CLERK

By 

**STANDING ORDER DESIGNATING PRESUMPTIVE
11 U.S.C. § 1325(a)(5)(B) INTEREST RATE**

The United States Supreme Court has held that the “prime-plus method” is the proper method to determine the interest rate to be applied to a secured creditor’s claim paid under the “cram down” option of 11 U.S.C. § 1325(a)(5)(B). *Till v. SCS Credit Corp.*, 541 U.S. 465, 124 S.Ct. 1951, 158 L.Ed.2d 787 (2004). The prime-plus method (now commonly known as the “*Till* rate”) begins with the national prime rate, which is then adjusted upward depending on certain risk factors. *Id.* Both the Supreme Court and the Court of Appeals for the Fifth Circuit have observed that the risk enhancement is typically 1% to 3%. *Wells Fargo Bank, N.A. v. Texas Grand Prairie Hotel Realty, L.L.C. (In re Texas Grand Prairie Hotel Realty, L.L.C.)*, 710 F.3d 324, 332 (5th Cir. 2013) (citing *Till*, 541 U.S. at 480). As the prime rate of interest is currently 3.25% per annum, an adjustment to the locally recognized *Till* rate is warranted.

Accordingly, for all chapter 13 cases filed on or after August 1, 2020, the presumptive *Till* rate shall be 5.25%. The presumptive rate will be periodically reviewed and adjusted depending on fluctuations in the prime interest rate.

This Order amends and supersedes all previous standing orders and memoranda setting a presumptive *Till* rate in chapter 13 cases.

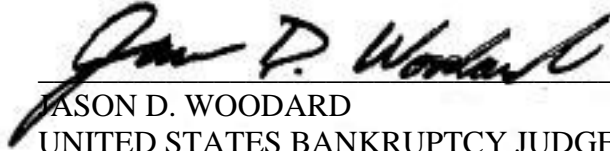
SO ORDERED this 26th day of June, 2020.




NEIL P. OLACK
UNITED STATES BANKRUPTCY JUDGE



KATHARINE M. SAMSON
UNITED STATES BANKRUPTCY JUDGE



JASON D. WOODARD
UNITED STATES BANKRUPTCY JUDGE



SELENE D. MADDOX
UNITED STATES BANKRUPTCY JUDGE