

DRAFT
2/26/18

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

LOCAL GENERAL ORDER NO. ____

CHAPTER 13 341 AND CONFIRMATION PROCEDURES

Local Bankruptcy Rule 3015-3 is amended to read as follows:

Separate 341 meeting and confirmation hearing. In Chapter 13 cases, the meeting of creditors will no longer be held on the same date as the confirmation hearing. The debtor is required to appear for examination at the § 341 meeting of creditors. Confirmation hearings will be scheduled and held after the expiration of the non-governmental claims bar date. The debtor is not required to appear at the scheduled confirmation hearing if there are no unresolved objections to confirmation.

Service of original plan. If the debtor files a plan at the same time of the filing of the petition and creditor matrix, the clerk will serve the plan with the notice of a commencement of a Chapter 13 case. Otherwise, pursuant to Bankruptcy Rule 3015(d) the debtor shall serve the plan on all creditors when it is filed with the court.

Preconfirmation modification of a plan. The modification of treatment for a secured, priority, or nondischargeable debt that is already addressed in the original plan can be handled with an agreed withdrawal of objection to confirmation and/or joint motion for valuation which is not required to be served on other creditors. The modified treatment must be reflected in the final plan summary as set out below.

However, other preconfirmation plan modifications must be made by an amended plan form, which must be served by debtor on all creditors. The preconfirmation plan modifications which require an amended plan form include but are not limited to:

- (1) Adding or deleting a secured, priority, or nondischargeable debt;
- (2) Modifying the treatment of a secured, priority, or nondischargeable debt other than by consent; or
- (3) Modifying the plan payment or term of the plan.

Debtors are not required to sign the amended plan if signed by debtor's counsel.

Final plan summary. Within 10 days of the Chapter 13 trustee's recommendation of confirmation, the debtor shall file a final plan summary, using the form provided on the court's website, which shall include all changes made to the debtor's plan since it was originally filed. Failure to timely file the final plan summary may result in dismissal of the case or reduction of attorney's fees. The final plan summary will be a private filing event in CM/ECF.

Confirmation order. After the final plan summary has been filed, the Chapter 13 trustee shall prepare and submit to the court a proposed order confirming the terms of the debtor's plan. The clerk shall serve the confirmation order on all creditors who have filed claims. The order of confirmation will include a summary of the plan terms and the percentage to be paid to unsecured creditors. The order of confirmation will also include a negative notice provision that an unsecured creditor with an allowed claim may file an objection to the final plan terms within 21 days of the entry of the order. The court will schedule a hearing on any timely-filed objection to the order of confirmation. The Chapter 13 trustee shall begin disbursements pursuant to the plan upon entry of the confirmation order.

Postconfirmation modifications to plans. A request to modify a confirmed plan may be made by motion served upon the trustee, debtor, and any creditors whose treatment is proposed to be modified. The motion must be specific as to the proposed modification. A proposed modification which changes the percentage to unsecured creditors must be served on all creditors who have filed proofs of claim. No amended plan form is required, and the debtor is not required to sign the motion to modify. If the motion is granted, the Chapter 13 trustee shall prepare and submit to the court a proposed order approving modification of the terms of the debtor's plan, which the clerk shall serve on all creditors who have filed claims. The order approving the modification shall include a summary of the plan terms as modified and the percentage to be paid to unsecured creditors.

This order applies to cases filed on or after _____, 2018.

Dated:

HENRY A. CALLAWAY
CHIEF U.S. BANKRUPTCY JUDGE

JERRY C. OLDSHUE
U.S. BANKRUPTCY JUDGE