

Chapter 13 §341 Meeting of Creditors and Hearing for Confirmation of Plan Process

1. 341 Meeting of Creditors.

- a. Mobile cases - §341 Meeting of Creditors will be held on Thursdays at 8:30 a.m. Selma cases – §341 hearings will be held at 8:00 a.m.
- b. 341 meeting of creditors shall be held no sooner than 21 days and no later than 50 days from date of filing.
- c. The Debtor is required to appear for examination at the §341 meeting of creditors.
- d. If the Debtor is unable to appear at the initial §341 meeting of creditors, the Trustee will reset the §341 hearing for the next available date.
- e. At the discretion of the Trustee, the §341 hearing will be considered concluded and the case may proceed to a hearing for confirmation of the Debtor's plan.
- f. The hearing for confirmation of the plan shall be held no sooner than 20 days and no later than 45 days from conclusion of the §341 meeting of creditors.

2. Hearing for Confirmation of Plan.

- a. Mobile cases - Confirmation hearings will be held on Thursdays at 9:30 a.m. Selma cases – confirmation hearings will be held on Thursdays at 8:00 a.m.
- b. Objections to confirmation of the Debtor's plan must be filed by noon 7 days prior to the date of the confirmation hearing.
- c. Objections to the Debtor's plan filed after the objection deadline will be overruled by the Court unless a motion to allow late objection is filed.
- d. The Debtor will not be required to appear at the scheduled confirmation hearing unless requested by the Trustee or objecting creditor.
- e. The Court will hear unresolved/contested objections to confirmation on Wednesday afternoons (HAC – 2:00 p.m.)(JCO – 2:30 p.m.).
- f. The Trustee will file a motion to dismiss and/or an objection to confirmation for the following reasons:
 - i. Failure of the Debtor to appear for §341 testimony.
 - ii. Filing deficiencies.
 - iii. Failure to make plan payments.
 - iv. Feasibility.
 - v. Over the debt limit.

- g. Confirmation of the Debtor's plan will be recommended by the Trustee if:
 - i. The §341 meeting of creditors has been held and concluded.
 - ii. All objections to confirmation have been resolved.
 - iii. All filing deficiencies have been cured.
 - iv. Debtor plan payments are current.

3. Final Plan Summary.

- a. The Debtor shall file a final plan summary which shall include all changes made to the Debtor's plan within ten days of the expiration of the non-governmental bar date or the Trustee's recommendation of confirmation, whichever occurs later.
- b. The final plan summary will be a private filing event in ECF.

4. Order Confirming Plan.

- a. As soon as practical after the filing of the final plan summary, the Chapter 13 Trustee shall submit a proposed order confirming the Debtor's final plan summary. 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 negative notice language stating that a party in interest may file an objection to the final plan terms within 21 days of entry of the order provided that their treatment has changed since the filing of the original plan.
- b. The Court shall schedule a hearing on any timely filed objection to the order of confirmation. The Court will hear objections to the order of confirmation on Wednesday afternoons (HAC – 2:00 p.m.)(JCO – 2:30 p.m.).
- c. The Trustee may increase the amount of 1325 payments to allow payments to complete during the plan term
- d. Disbursements per the plan shall begin after entry of the order of confirmation.

ECF Events needed:

- 1. Event for amended §341 notice that includes the date of the hearing for confirmation of the plan. (Clerk's office).
- 2. Event to show §341 has been concluded and continuing matter for confirmation hearing. (Clerk's office).
- 3. Event for Trustee's objection to confirmation. (Clerk's office).
- 4. Event to show confirmation hearing is concluded. Need deadline flag for final plan summary at ten days of the expiration of the non-governmental bar date or the Trustee's recommendation of confirmation, whichever occurs later.
- 5. Private event for final plan summary. (Clerk's office).
- 6. Event for order confirming plan with opportunity to object. (Clerk's office).
- 7. Event for Trustee's motion to dismiss for failure to file final plan summary.

Documents needed:

1. Amended §341 notice that includes the date of hearing for confirmation of the plan. (Clerk's office).
2. Trustee's objection to confirmation – drop down box – reasons for objecting. (Trustee's office).
3. Final Plan Summary. (Trustee's office).
4. Order confirming plan with opportunity to object. (Trustee's office).
5. Motion to dismiss for failure to file final plan summary. (Trustee's office).

Noticing:

1. §341 meeting of creditors/confirmation hearing and plan. Court will notice all if plan filed timely.
2. Amended plans. Debtor's counsel to notice.
3. Confirmation order. Court to notice.

Still to be decided:

1. Is a specific motion to modify post-confirmation along with the proposed negative notice order confirming/amended plan sufficient? Currently an amended plan is required along with a motion to modify post-confirmation.