

RULE 3015-1. CHAPTER 13—PLAN

- (a) Requirement for use of Local Chapter 13 Plan Form. In a case commenced on or after December 1, 2017, the required Chapter 13 Plan (Local Official Form 14) must be used without alteration, except as otherwise provided in these rules, or in instructions issued by the Court for the Form. (The Form may be used in a case commenced before December 1, 2017.) The Form may be modified to permit minor changes not affecting wording or the order of presenting information, including changes that:
- (1) expand the prescribed areas for responses in order to permit complete responses;
 - (2) delete space not needed for responses; or
 - (3) delete items requiring detail in a question or category if the filer indicates—either by checking “no” or “none” or by stating in words—that there is nothing to report on that question or category.
- (b) Service. In a chapter 13 case, the debtor or the attorney for the debtor must mail a copy of the debtor's plan, on the date of the plan, to all creditors and the additional entities specified on the required Local Official Form 14, and complete the certificate of service that accompanies Local Official Form 14.
- (c) Notice of Deadline for Objections. The plan must include a conspicuous notice of the deadline for filing an objection to confirmation of the plan and serving the objection on the debtor, the debtor's attorney, and the Chapter 13 Trustee. Unless the Court approves notice of a different deadline, the deadline for a creditor to file and serve an objection to a plan is 21 days after the date of the plan.

RULE 3015-2. CHAPTER 13—AMENDMENTS TO PROPOSED PLAN

- (a) General. The requirements of [LBR 3015-1](#) apply to any amended chapter 13 plan except that:
- (1) a plan that only increases payments to the trustee need be served only on the trustee; and
 - (2) the Court, when the Court deems it appropriate, may allow the debtor to amend the plan by a praecipe not served on creditors or by oral amendment at the confirmation hearing, in which event the order of confirmation must reflect any such amendments.

(b) Confirmation of Amended Plan When It Does Not Materially Adversely Affect Any Creditor. The Court may confirm an amended chapter 13 plan without awaiting the expiration of the time for objections thereto if:

- (1) there was a prior plan as to which the time to object expired before any amended plan was filed;
- (2) any entity that objected to that prior plan consents to confirmation of the amended plan or the amended plan moots that entity's objections;
- (3) no other entities timely objected to that prior plan and the changes proposed by the amended plan do not adversely affect such other entities; and
- (4) the Court determines that the plan otherwise meets the requirements for confirmation.

Note: LBR 3015-2(a)(2) allows amendments to be made at the confirmation hearing when the Court deems it appropriate (for example, when the amendments are not adverse to any creditor or when all adversely affected creditors consent).

RULE 3015-3. CHAPTER 13—CONFIRMATION HEARING AND NOTICE OF CONFIRMATION OF PLAN.

(a) Attendance of Debtor and Counsel at Confirmation Hearing. Neither the debtor nor the debtor's counsel need attend the confirmation hearing if:

- (1) the Chapter 13 Trustee has recommended confirmation of the chapter 13 plan, and either no objections to confirmation of that plan have been timely filed, or any that were timely filed, have been withdrawn; or
- (2) the Chapter 13 Trustee has objected to confirmation of the plan, and the trustee and any other entity who timely objected to confirmation of the plan have agreed to a continuance.

(b) Notice of Confirmation of Plan. When a chapter 13 plan is confirmed, the Clerk will transmit to all entities on the mailing list under [LBR 2002-2](#):

- (1) a copy of the confirmation order; or
- (2) a notice of entry of the order confirming the plan, specifying which plan was confirmed and, if there were any amendments thereto, giving notice that there

were amendments thereto reflected in the order of confirmation.

Note: LBR 3015-2(a) allows certain amendments to be made orally or by praecipe not served on creditors. In addition, when multiple plans are filed in a case a creditor may not have received the latest version. Accordingly, LBR 3015-3(b) assures that when creditors begin receiving payments they will know what plan is controlling in the event that something different from the original plan was confirmed.

RULE 3015-4. CHAPTER 13—MODIFICATION OF CONFIRMED PLAN

- (a) A request to modify a confirmed plan shall be made by a motion that includes (1) conspicuous notice that objections to the motion must be filed and served within 21 days after the date of the motion, and (2) a proposed order that lists as recipients all entities on the Bankruptcy Noticing Center mailing list.
- (b) Unless the proposed modification is to increase or decrease monthly payments, the motion must attach the proposed modified plan,
- (c) When a modified plan is attached to the motion, the proposed modified plan shall comply with LBR 3015-1, but the proposed modified plan need not be served on entities not adversely affected by the proposed modified plan.

RULE 3015-5. CHAPTER 13---DISTRIBUTIONS UNDER CHAPTER 13 PLAN

- (a) Order of Distribution on Allowed Claims in Chapter 13 Cases. Unless otherwise stated in Section 9, entitled Non-Standard Provisions, of a confirmed Plan, the Chapter 13 Trustee shall make distributions in the order listed below:
 - (1) Trustee commission under 11 U.S.C. § 1326(b)(2).
 - (2) At the same time and pro rata, allowed unsecured claims for: (i) any domestic support obligations under 11 U.S.C. § 507(a)(1); and (ii) any administrative claims under 11 U.S.C. § 507(a)(2), including any Debtor's counsel fee allowed by Bankruptcy Court order following an application by Debtor's counsel.
 - (3) Claims payable to any former Chapter 7 Trustee under 11 U.S.C. § 1326(b)(3).
 - (4) Other priority claims defined by 11 U.S.C. § 507(a)(3) – (10).

- (5) At the same time and pro rata with payments on priority claims under paragraph 4 above, allowed secured claims as follows:
 - (A) Allowed secured claims for pre-petition arrears, designated to be paid under the Plan, in equal monthly amounts.
 - (B) Allowed secured claims, designated to be paid in full under the Plan, in equal monthly amounts at any specified interest rate.
 - (6) After payment of both allowed priority claims and allowed secured claims that are to be paid under the Plan, allowed general unsecured claims, meaning unsecured claims not entitled to priority.
- (b) Alteration of Order of Distribution if Necessary to Assure Payment of Allowed Secured Claims Within a Reasonable Time. If compliance with this rule will cause unreasonable delay under 11 U.S.C. § 1322(a)(5) or § 1325(a)(5)(B)(iii)(I) in the commencement of or completion of payments on an allowed secured claim, the Trustee may adjust the payments, or the secured creditor may apply for an order to alter the payment scheme.