

**LOCAL RULE 3015**  
**Chapter 12 and 13 Plans**

(a) *Service of 341 Meeting Notices and Plans* - A 341 meeting notice and a copy of the debtor's plan will be served upon all creditors and parties in interest listed on the mailing matrix by the standing trustee, or the Clerk. It shall be the responsibility of the debtor or the debtor's attorney to serve a copy of the debtor's plan upon all creditors and other parties in interest if: (1) the debtor failed to file a mailing matrix with the petition or has added creditors to such matrix after the date of filing, or (2) the debtor failed to file a plan with the petition, and the trustee or Clerk has previously noticed the case to creditors. Proofs of service shall be filed with the Clerk and a copy to the trustee.

(b) *Dismissal When the Debtor Fails to File Schedules, Statement or a Plan* - When a debtor files an original chapter 13 proceeding but does not file the schedules and statements required by FED. R. BANKR. P. 1007(b) with the original petition, or a plan required by FED. R. BANKR. P. 3015(b) with the original petition, the Court will send the debtor and debtor's attorney a notice that if the debtor fails to file these required documents or a proper motion for extension within 15 days of filing the petition, the case will automatically be dismissed by the Court without further hearing at the expiration of 15 days after service of the notice from the Court, or at the expiration of the period to which an extension has been granted if required documents are not filed by that date. This procedure shall not be used when a case has been converted to chapter 13 from another chapter of the Bankruptcy Code.

(c) *Payroll Orders in Chapter 13 Cases* - A payroll order shall be entered in every chapter 13 case, unless impracticable, or the debtor does not derive any income from wages. The debtor shall include the following language in the plan:

"The debtor will submit all disposable income directly to the control and supervision of the trustee. If the debtor becomes 30 days delinquent in making payments under the plan, the trustee may submit a payroll order to the Clerk with an appropriate affidavit (copied to the debtor and debtor's counsel) and the Court may enter the payroll order without further hearing. The debtor will notify the trustee immediately of any changes of employment until the plan is completed."

The debtor may for good cause file a motion to reconsider the entry of a payroll order if sufficient cause is present.

(d) *Bar Date for Objections to Confirmation* - Any objections by creditors to confirmation of a debtor's plan may be filed up to 5 days before the hearing or adjourned hearing set to consider confirmation of the plan.

(e) *Pre-Confirmation Amendments to Plans* - All pre-confirmation amendments to plans must be filed by the debtor or the debtor's attorney and served on the standing trustee and all creditors and parties in interest who may be adversely affected by the amended plan, with a notice of the hearing date for confirmation, including a statement that all objections to the amended plan must be filed with the Clerk at least 5 days prior to the hearing date. Proofs of service shall be filed with the Clerk and a copy to the trustee. All amendments shall indicate the chronological order of filing by being entitled with the prefix "First Amended ....; Second Amended...", etc.

(f) *Post-Confirmation Modifications or Amendments to Plans Filed by Debtors* - All post-confirmation modifications or amendments to confirmed plans may be noticed by the debtor or debtor's attorney on a "notice and opportunity" basis pursuant to LBR 9013. The debtor or debtor's attorney shall serve the standing trustee with the modification or amendment and a notice. The debtor or debtor's attorney shall serve all creditors and parties in interest who are adversely affected by the modification or amendment with a copy of the modification or amendment and a notice. Proofs of service shall be filed with the Clerk and provided to the trustee.

(1) *Bar Date for Objections to Post-Confirmation Modifications or Amendments to Plans* - Any responsive pleading filed by the standing trustee, a creditor or party in interest to a debtor's post-confirmation modification or amendment to a plan under subsection (a) above must be filed with the Clerk and served upon the debtor, debtor's attorney and chapter 13 trustee within 20 days of the date on which the debtor or debtor's attorney served the modification or amendment to the plan.

(2) *Remedy if an Objection is Not Timely Filed* - Should the chapter 13 trustee, a creditor or party in interest not file a timely objection as set forth in subsection (d)(1) above, the debtor or debtor's attorney shall, after the expiration of 25 days from the date of service of the modification or amendment, file with the Clerk an affidavit of no objection with a proposed order approving the modification or amendment to the plan. The Court may enter the order provided its form is acceptable to the Court.

(3) *Hearings* - If an objection is timely filed or the Court deems a hearing necessary, the Court shall schedule a hearing and shall provide a Notice of Hearing to the party filing the objection for service on the chapter 13 trustee, debtor and debtor's attorney.

(g) *Emergency Refunds to Debtors* - Emergency refunds to debtors of chapter 13 estate monies may be approved by and in the sole discretion of the chapter 13 trustee without Court authority upon the showing of proper cause. All such refunds shall be repaid to the chapter 13 estate before completion of all payments due pursuant to the plan.