

United States Bankruptcy Court

WESTERN DISTRICT OF MICHIGAN

CHAMBERS OF
SCOTT W. DALES
CHIEF JUDGE

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ONE DIVISION AVENUE NORTH
GRAND RAPIDS, MICHIGAN 49503

November 28, 2017

VIA ECF NOTIFICATION

Members of the Bar
United States Bankruptcy Court
for the Western District of Michigan

Re: Amendments to Fed. R. Bankr. P. 3002 and Increased Importance of Filing
Matrix with the Chapter 13 Petition

Ladies and Gentlemen:

As you are undoubtedly aware, on December 1, 2017, several changes to the Federal Rules of Bankruptcy Procedure will take effect, including an amendment to Fed. R. Bankr. P. 3002 shortening the deadline for filing proofs of claims, and requiring *secured* creditors to file proofs of claim. Under the former rule, non-government creditors had 90 days from the first date set for the meeting of creditors in which to file their claims; under the new rule, they will have only 70 days, measured from the date of the order for relief which, in a chapter 13 case, is the petition date.

Because the new claims bar date for non-government creditors (including secured creditors) will pass much earlier in the case, it is even more important that debtors file complete and accurate mailing matrices with their petitions: every day that goes by without a matrix on file is one day less for creditors (now including secured creditors) to file their proofs of claim. Inadequate notice of proceedings will not only jeopardize the creditors' opportunity to share in any dividend under the plan, but in extreme cases may also affect the dischargeability of debts under 11 U.S.C. § 523(a)(3).

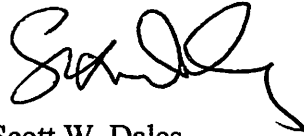
These concerns similarly arise from the practice in so-called "emergency filings" of filing an obviously incomplete matrix, generally listing a single real estate creditor, with the intent of amending the matrix when time permits. Under the new rule, unfortunately, time will generally not permit.

Given the new, more direct relationship between the filing of the matrix and the bar date for claims, the court will strictly enforce Fed. R. Bankr. P. 1007(a)(1) and LBR 1007-2(c), both of which require debtors to file a matrix with the petition. Debtors who are unable to file a matrix should immediately file a motion under Fed. R. Bankr. P. 1007(a)(5) showing "cause" to enlarge the time. The failure to do so will likely elicit from the court an order to show cause why the case should not be dismissed. Moreover, the court may condition any extension of the time to file the matrix with a corresponding extension of the claims bar date.

Members of the Bar
November 28, 2017
Page 2

I am sending this letter to alert you to these important rule changes, and the court's anticipated response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott W. Dales". The signature is fluid and cursive, with a prominent loop at the end.

Scott W. Dales