

Local Rule of Bankruptcy Procedure 3015. FILING, OBJECTION TO CONFIRMATION, AND MODIFICATION OF A PLAN IN A CHAPTER 12 FAMILY FARMER'S DEBT ADJUSTMENT OR A CHAPTER 13 INDIVIDUAL'S DEBT ADJUSTMENT CASE.

(a) Plan and Confirmation Order Format - Chapter 13

Every Chapter 13 debtor shall file a proposed Chapter 13 plan in a format which substantially conforms to *TXEB Local Form 3015-a*. Any proposed confirmation order must substantially conform to *TXEB Local Form 3015-b*.

(b) Service and Notice

A debtor filing an original or modified Chapter 12 or 13 plan must serve such plan upon the master mailing list (matrix) as constituted by the Court on the date of service, including the standing trustee. A certificate of service evidencing the proper service of the plan on the matrix must be filed with the Court or such plan will be stricken. If a plan summary is not filed concurrently with a proposed plan, the plan summary must clearly identify by date of filing the proposed plan which it summarizes.

(c) Plan Payments

1. Except to the extent that a proposed Chapter 13 plan provides for retention of collateral and direct payments by the debtor to the holder of a claim secured thereby or is otherwise authorized by the Court, no Chapter 13 debtor may provide adequate protection payments directly to a holder of a secured claim under the provisions of §1326(a)(1)(C) but shall instead tender required adequate protection payments to the Chapter 13 Trustee in an amount to be established in the debtor's proposed Chapter 13 plan or as otherwise ordered by the Court.
2. Any adequate protection payment tendered to the Chapter 13 Trustee pursuant to this rule shall be held solely for the benefit of the affected secured creditor to the exclusion of the debtor and shall be tendered to that secured creditor by the Chapter 13 Trustee upon the earlier of plan confirmation, or the dismissal or the conversion of the Chapter 13 case, notwithstanding any failure of a debtor to confirm a Chapter 13 plan.

(d) Chapter 12 - Initial Confirmation Process

1. In a Chapter 12 case, the initial confirmation hearing date will be established by separate order.

2. An objection to confirmation by a creditor or party-in-interest must be filed no later than seven (7) days prior to confirmation, and untimely objections may not be considered by the Court.
3. The Chapter 12 Trustee must submit a confirmation recommendation and report, in which the Trustee must set forth all objections to the confirmation of the proposed Chapter 12 plan. This report must be filed with the Court and served on the debtor and the debtor's attorney at least seven (7) days prior to the scheduled confirmation hearing.

(e) **Chapter 13 - Initial Confirmation Process**

1. The notice of the initial § 341 meeting of creditors in a Chapter 13 case contains notice of the initial hearing to consider confirmation of a proposed Chapter 13 plan.
2. An objection to confirmation by a creditor or party-in-interest, other than the Chapter 13 Trustee, must be filed no later than fourteen (14) days prior to the scheduled hearing to consider confirmation of the plan, and untimely objections may not be considered by the Court.
3. No later than seven (7) days prior to the scheduled hearing to consider confirmation of the plan, a debtor shall tender to the Chapter 13 Trustee:
 - (A) a proposed confirmation order in a format which substantially conforms to *TXEB Local Form 3015-b*;
 - (B) a declaration under penalty of perjury from the Debtors regarding the status of post-petition mortgage obligations which substantially conforms to *TXEB Local Form 3015-c*;
4. No later than seven (7) days prior to the scheduled hearing on confirmation of the plan, the Chapter 13 Trustee must determine whether to recommend confirmation of the proposed plan to the Court:
 - (A) if the Chapter 13 Trustee wishes to object to the confirmation of a proposed plan, a confirmation report must be filed in which the Trustee must set forth all objections to the confirmation of the proposed Chapter 13 plan. This report must be filed with the Court and served on the debtor and the debtor's attorney at least seven (7) days prior to the scheduled confirmation hearing;
 - (B) if the Chapter 13 Trustee wishes to recommend confirmation of the

proposed plan and if all objections have been resolved, the Chapter 13 Trustee may upload an approved proposed confirmation order to the Court and such action will constitute a recommendation by the Trustee for confirmation of the proposed plan without the necessity of presenting additional documentation.

5. Upon the upload of an approved confirmation order by the Chapter 13 Trustee, the confirmation of the plan shall be considered unopposed, the attendance of the Debtor and the Debtor's counsel at the scheduled confirmation hearing shall be excused, and the Court may enter the submitted confirmation order without further hearing. Upon its review of the proposed plan and confirmation order, the Court reserves the right to reschedule the confirmation hearing with notice to all parties.
6. Upon the denial of any original or modified Chapter 13 plan by the Court, any objection previously filed to that plan is resolved for all purposes and any objection by a creditor or party-in-interest to the confirmation of a subsequently-proposed Chapter 13 plan must be filed no later than seven (7) days prior to the scheduled hearing to consider that subsequently-proposed plan.

(f) Pre-Confirmation Modification Process

1. If a Chapter 12 or Chapter 13 plan is modified in the pre-confirmation period with less than 35 days' notice before the confirmation hearing, the confirmation hearing will proceed only if the Court determines that:
 - (a) the modification does not adversely affect any creditors;
 - (b) any adversely affected creditor has consented; or
 - (c) the adverse impact of the modification on creditors is de minimis.

If a pre-confirmation modification does not meet one of the three preceding requirements and additional notice of the modified plan is therefore required, a new confirmation hearing shall be scheduled, the deadline for filing an objection to the modified plan shall be extended to seven (7) days prior to the new confirmation hearing date, and the debtor shall provide notice of the new confirmation hearing date and the corresponding new 7-day objection deadline to the master mailing list (matrix) as constituted by the Court on the date of service. A certificate of service evidencing that proper notice has been given must be filed with the Court.

2. In the event that a new confirmation hearing is required to be scheduled due to a pre-confirmation modification of the plan, and unless the Court orders otherwise, the continuation of the confirmation hearing in that context shall establish a final dismissal deadline for achieving confirmation of the proposed plan without the necessity of the entry of an independent order and, in the event that the debtor fails to confirm such a modified plan upon consideration by the Court at the rescheduled confirmation hearing, the underlying bankruptcy case shall be immediately dismissed, pursuant to §349(a) of the Bankruptcy Code, without further notice or hearing and with prejudice to the rights of the debtor to file a subsequent petition under any chapter of Title 11, United States Code, for a period of 120 days from the entry of the order of dismissal.

(g) Claims Adjudication in Chapter 13 Cases

1. A Trustee's Recommendation Concerning Claims ("TRCC") shall be filed by the Chapter 13 Trustee within 45 days following the latter of: (a) the expiration of the time allowed for the filing of a proof of claim by a governmental unit; (b) the entry of an order confirming the Chapter 13 plan. The Chapter 13 Trustee is authorized to extend the TRCC deadline to a specified future date without leave of court on one occasion in any case by filing a notification with the Court which outlines the necessity for such an extension.
2. A TRCC shall contain the following 28-day negative notice language and notice of bar date for filing objections to claim:

Notice Regarding Trustee's Recommendation Concerning Claims:

THIS DOCUMENT SHALL CONSTITUTE AN **OBJECTION TO YOUR CLAIM** UNLESS THE RECOMMENDATION IN THIS DOCUMENT CONCERNING YOUR CLAIM ACCEPTS YOUR PROOF OF CLAIM PRECISELY AS FILED.

NO HEARING WILL BE CONDUCTED ON THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE TRUSTEE WITHIN **TWENTY-EIGHT (28) DAYS** FROM DATE OF SERVICE UNLESS THE COURT SHORTENS

OR EXTENDS THE TIME FOR FILING SUCH OBJECTION.

IF NO OBJECTION IS TIMELY SERVED AND FILED TO THIS DOCUMENT, THE TRUSTEE'S RECOMMENDATION CONCERNING YOUR CLAIM SHALL BE SUSTAINED AS UNOPPOSED AND YOUR CLAIM SHALL BE ALLOWED ONLY AS SET FORTH IN THIS DOCUMENT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

Notice of Deadline for Filing Objections to Claim:

YOU ARE FURTHER NOTIFIED that the **deadline for filing an objection** to the allowance of any proof of claim filed in this case, or to avoid or otherwise challenge the validity of any security interest claimed in any proof of claim in this case, is the **twenty-first (21st) day** following the date of service of this document.

3. A TRCC shall be accompanied by a proposed order and shall be served upon the master mailing list (matrix) as constituted by the Court on the date of service.
4. A TRCC recommendation concerning a filed proof of claim shall constitute a valid objection to the allowance of such claim as filed (a "challenged claim") if the recommendation:
 - (A) clearly identifies the basis upon which the claim is being challenged;
 - (B) contains proof in support of the objection, which may include references to any entry upon the Court's docket or claim registry of which the Court can properly take judicial notice under Fed. R. Evid. 201, which is sufficient to overcome the presumption of validity imposed by Fed. R. Bankr. P. 3001(f); and
 - (C) is served upon the affected claimant at the address disclosed

by such claimant in its proof of claim.

5. If no objection is timely filed to the TRCC by the holder of a challenged claim and the TRCC recommendation constitutes the only pending objection to the allowance of that claim, the objection reflected by the TRCC recommendation shall be sustained, such claim shall be allowed only in the amount set forth in the TRCC recommendation, and such determination shall be binding upon the holder of the challenged claim. Under such circumstances, the Chapter 13 Trustee is authorized to make disbursements on such claim according to the provisions of the TRCC without further order of the Court.
6. If an objection is timely filed to the TRCC by the holder of a challenged claim, the claim objection contained in the TRCC shall be set for hearing on not less than 30 days' notice. In such event, subject to the resolution of any claim objection filed by another party-in-interest and any payment reserve requirements imposed by this LBR, the Chapter 13 Trustee is authorized to make disbursements on all other claims according to the unopposed recommendations of the TRCC without further order of the Court.
7. The bar date for any party-in-interest to object to the allowance of any proof of claim filed in a Chapter 13 case, or to avoid or otherwise challenge the validity of any security interest claimed in any proof of claim filed in a Chapter 13 case, shall be established as the 21st day following the date of service of the TRCC and such bar date shall be prominently displayed in the TRCC as set forth in this rule.
8. Any claim objection filed by a party-in-interest in a Chapter 13 case must comply with the requirements of LBR 3007.
9. The Chapter 13 Trustee shall reserve funds attributable to any challenged claim until the dispute regarding such claim has been resolved. If the claim resolution results in an increase of money available for distribution to any class of creditors under the confirmed plan, the Chapter 13 Trustee may accordingly adjust payments to be made on allowed claims without the necessity of filing an additional TRCC.

(h) Post Confirmation Modification

1. A proponent requesting the post-confirmation modification of a Chapter 12 or Chapter 13 plan must file the modified plan as an attachment to a motion seeking confirmation of the modified plan which specifies the precise changes sought by the modification including, but not limited to, the

following:

- (A) the purpose of or the necessity for the modification;
 - (B) the changes being made as to the plan payment, the term of the plan; the proposed distribution to any class, or any other substantive provision; and
 - (C) the amount of additional attorneys' fees requested for services pertaining to the modification, subject to the provisions and limitations of LBR 2016(h)(5).
2. A proponent of a Chapter 12 or Chapter 13 post-confirmation modification must serve the proposed modification and the accompanying motion to the master mailing list (matrix) as constituted by the Court on the date of service as required by Fed. R. Bankr. P. 3015(g) and file a certificate of service evidencing such service. The motion must also contain the following 28-day negative notice language:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS AN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-EIGHT (28) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

3. With the exception of the expanded response time, modifications shall be handled in accordance with the Court's usual motion procedures.