

DRAFT COMPROMISE RULE 3015(c)

RULE 3015(c). Plans for Use in Chapter 13 Bankruptcy Cases.

(i) **FORM OF CHAPTER 13 PLAN.** Each District may mandate the use of a chapter 13 plan that conforms with this Rule (a “Conforming Plan”). If a District does not mandate the use of a single Conforming Plan, then only Official Form 113 may be utilized to propose a chapter 13 plan. Provisions not otherwise included in the Conforming Plan or in Official Form 113 or that deviate from the Conforming Plan or Official Form 113 are effective only if they are included in a section designated for nonstandard provisions and are also identified in accordance with any other requirements of the Conforming Plan or Official Form 113.

(ii) **REQUIREMENTS FOR A LOCAL RULE ADOPTING A CONFORMING PLAN.** A Conforming Plan must be adopted pursuant to a local rule or Order that:

1. Requires that the Conforming Plan must be used for all proposed chapter 13 plans in the District.
2. Prohibits alteration of the Conforming Plan.
3. Mandates that all non-standard provisions be contained only in the final paragraph of the Conforming Plan in a paragraph labeled “**Non Standard Provisions.**”
4. Mandates that each proposed Conforming Plan contain a certification by the debtors and their lawyer that no changes had been made to the Conforming Plan (other than the possible inclusion of Non Standard Provisions in the final paragraph of the Conforming Plan) and that the Debtor does not seek confirmation of any provision that has been deemed not to be effective under these Rules.
5. Is available as part of Local Rule 3015 or is posted on the Court’s website.

(iii) **CONSPICUOUS LABELING.** Each paragraph of a Conforming Plan must be labeled, in bold, with a title setting for the general subject matter of the paragraph. Examples are “**Payments Made to Chapter 13 Trustee**”, “**Treatment of Secured Claims**”, “**Executory Contracts**”, etc.

(iv) **PROCEDURE FOR ADOPTING A CONFORMING PLAN.** A District electing to adopt a Conforming Plan must do so only after public notice and opportunity for public comment. If a District determines that exigent circumstances require an amendment to the Conforming Plan without full notice and opportunity for public comment, the amendment must be subject to reconsideration following notice and opportunity for public comment.

(v) **REQUIREMENT OF INFORMATIONAL STATEMENT.** Each debtor who proposes a plan (whether the plan is a Conforming Plan or a plan on Official Form 113) must include an Informational Statement. The Informational Statement must be contained in a cover page or at the beginning of the proposed plan. The Informational Statement must indicate whether the Plan:

1. Contains any Non Standard provisions.
2. Limits the amount of any secured claim based on a valuation of the collateral for the claim.
3. Avoids any security interest or lien.
4. Cures defaults and/or maintains payments on a claim that is secured by property that is the Debtor's principal residence.
5. Provides for the treatment of a Domestic Support Obligation.
6. Provides for a treatment of the type described in the final paragraph of § 1325(a) of the Bankruptcy Code.

The Informational Statement must substantially conform to Official Form 113A.

(vi) PROPERTY THAT IS SURRENDERED UNDER A CONFIRMED PLAN. If a confirmed plan provides for the surrender of property, the stays arising under § 362 and § 1301 of the Bankruptcy Code terminate with respect to the surrendered property on the effective date of the plan without the requirement of any further order. The termination of the stays does not authorize actions to impose personal liability or to collect the debt from any property that is not surrendered. A plan that provides for the surrender of property will constitute a request by the Debtor for relief from the co-debtor stay to the extent provided in this subsection.

(vii) DETERMINING AMOUNTS OF CLAIMS AND AMOUNTS OF MONTHLY MORTGAGE PAYMENTS. Subject to Rule 3015(g), a provision in a confirmed plan that purports to reduce the aggregate amount of a claim is ineffective. A provision in a plan that purports to alter the amount of a contractual mortgage payment on a claim secured only by a security interest in real property that is the debtor's principal residence is ineffective unless (i) the claim is of the type described in § 1322(c)(2) of the Bankruptcy Code; (ii) the holder of the claim has agreed in writing to the alteration; or (iii) the alteration is subject to the approval of the holder of the claim.

(viii) DETERMINING WHETHER TO AVOID A LIEN. A Conforming Plan may include a provision that provides for the avoidance of a lien in a manner consistent with these Rules. A Conforming Plan is not required to include such a provision.

(ix) DETERMINING VALUE OF COLLATERAL. A Conforming Plan may include a provision that values collateral. A Conforming Plan is not required to include such a provision.

(x) DISTRICT OPTION. Notwithstanding Rule 3015(c)(ii)(1), a District that has mandated the use of a Conforming Plan may (i) require a debtor to file only the Conforming Plan; or (ii) allow a debtor to file either the Conforming Plan or Official Form 113.

OFFICIAL FORM 113A

**INFORMATIONAL STATEMENT TO BE INCLUDED
AT BEGINNING OF EVERY CHAPTER 13 PLAN**

Answer "Yes" or "No" for each statement:

- | | | |
|----------------------|---------------------|--|
| <u> </u>
Yes | <u> </u>
No | This Plan contains non-standard provisions in [identify part/paragraph/
section number]. |
| <u> </u>
Yes | <u> </u>
No | This Plan limits the amount of secured claims in [identify part/paragraph/
section number] based on a valuation of the collateral for the claim. |
| <u> </u>
Yes | <u> </u>
No | This Plan avoids a security interest or lien in [identify part/paragraph/
section number]. |
| <u> </u>
Yes | <u> </u>
No | This Plan cures or maintains a loan secured by the Debtor's principal
residence in [identify part/paragraph/section number]. |
| <u> </u>
Yes | <u> </u>
No | This Plan provides for the treatment of a Domestic Support Obligation in
[identify part/paragraph/section number]. |
| <u> </u>
Yes | <u> </u>
No | This plan includes a claim that was either: (1) incurred within 910 days
before the petition date and secured by a purchase money security interest
in a motor vehicle acquired for the personal use of the debtor(s); or (2)
incurred within 1 year of the petition date and secured by a purchase
money security interest in any other thing of value. |

RULE 3002(c)

(c) TIME FOR FILING. In a voluntary chapter 7 case, chapter 12 case or chapter 13 case, a proof of claim is timely filed if it is filed not later than 70 days after the order for relief or the date of the order of conversion to a case under chapter 12 or chapter 13. In an involuntary chapter 7 case, a proof of claim is timely filed if it is filed not later than 90 days after the order for relief is entered. But in all cases, the following exceptions apply: