



# Newsletter

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## Changes to Federal Rules of Bankruptcy Procedure Effective December 1, 2017

The following changes to the Federal Rules of Bankruptcy Procedure were adopted by the Supreme Court on April 27, 2017. The changes are effective on December 1, 2017.

### **Rule 1001 (Scope of Rules and Form)**

- Edit to text only

### **Rule 1006(b)(1) (Payment of Filing Fee in Installments)**

- “A voluntary petition by an individual shall be accepted for filing, regardless of whether any portion of the filing fee is paid, if accompanied by the debtor’s signed application, prepared and as prescribed by the appropriate Official Form, stating that the debtor is unable to pay the filing fee except in installments.
- For chapters 7, 12, and 13 cases, the Court will require a minimum of \$75 within 10 days of filing the petition. If the installment application is denied, the Clerk will require full payment within 2 business days.
- For chapter 11 individual cases, the Court will require a minimum of \$430 within 10 days of the filing of the petition. If the application is denied, the Clerk will require full payment with 2 business days.

### **Rule 1005(b) (Consolidation or Joint Administration of Cases Pending in Same Court)**

- Edit to text to change “a husband and wife” to spouses.

### **Rule 2002 (Notice to Creditors)**

- Subdivision (a)(9) was added to require at least 21 days’ notice of the time for filing objections to confirmations of a chapter 13 plan.
- Subdivision (b)(3) added a separate requirement of 28 days’ notice of the date for a chapter 13 confirmation hearing.

# Changes to Federal Rules of Bankruptcy Procedure Effective December 1, 2017 (Continued)

## Rule 3002(c) (Filing a Proof of Claim or Interest)

- In a voluntary chapter 7, 12, or 13 case the deadline for filing a proof of claim has been changed from 90 days after the Section 341 meeting of creditors to 70 days after the order for relief or the date of the order of conversion to a case under Chapter 12 or 13.

## Rule 3007 (Objection to Claims)

- Edit to text only.

## Rule 3012 (Determining the Amount of Secured and Priority Claims)

- Subsection (b) is new and provides that the determination of a secured claim may be made in a chapter 12 or chapter 13 plan.
- Subsection (c) a request to determine the amount of a secured claim may be made by motion, in a claim objection, or in a plan filed in a chapter 12 or chapter 13 case.
- Subsection (c) a request to determine the amount of a claim entitled to priority may be made by motion only after a claim is filed or in a claim objection.
- Subsection (c) a request to determine the amount of a secured claim of a governmental unit may be made by motion only or claim objection after the governmental unit files a proof of claim or after the time for filing one under Rule 3002(c)(1) has expired.

## Rule 3015.1 (Requirements for a Local Form for Plans filed in a Chapter 13 Case if the National Model Plan is not used)

- The U.S. Bankruptcy Court has adopted the use of a local form for plans filed in chapter 13 cases. The embedded reliefs shown below are new to the National Model Plan but have always been included in our district's local Chapter 13 Plan.
  - Request for valuation of security, payment of fully secured claims, and modification of undersecured claims **(Part 7.3.b)**
  - Request for lien avoidance **(Part 7.3.c)**
  - Request that the stay under 11 U.S.C. 352(a) be determined as to collateral surrendered in the plan **(Part 7.5)**
  - Request for assumption of executory contracts and/or unexpired leases **(Part 8)**

## Rule 4003 (Exemptions)

- Subsection (d) provides that a request under 522(f) to avoid a lien or other transfer of property exempt under the Code can be made by motion or through the chapter 12 or 13 plan.

## Changes to Federal Rules of Bankruptcy Procedure Effective December 1, 2017 (Continued)

### Rule 5009 (Closing Chapter 7, Chapter 12, Chapter 13, and Chapter 15 Cases)

- Subdivision (d) was added to allow a chapter 12 or chapter 13 debtor to request an order declaring that a secured claim has been satisfied and the lien has been released under the terms of the confirmed plan. Requests must be made by motion.

### Rule 7001 (Scope of Rules of Part VII)

- Subdivision (2) is amended to clarify that determination of the amount of secured claim under Rule 3012 does not require an adversary proceeding.

### Rule 9009 (Forms)

- Subdivision (a) is amended to fine permissible changes to Official Forms. “The Official Forms prescribed by the Judicial Conference of the United States shall be used without alteration, except as otherwise provided in these rules, in a particular Official Form, or in a national instruction for a particular Official Form.” Forms may be modified to permit minor changes not affecting wording or the order of presenting information.

## Chapter 13 Plan Eastern District of Louisiana

**Effective December 1, 2017 the U.S. Bankruptcy Court will require the use of a new Chapter 13 Model Plan in accordance with Rule 3015.1 of the Federal Rules of Bankruptcy Procedure. The new plan can be found on our website at <http://www.laeb.uscourts.gov/news/chapter-13-model-plan-effective-december-1-2017>**

<p>Location: United States Bankruptcy Court Hale Boggs Federal Building 500 Poydras Street, Suite B-601 New Orleans, LA 70130</p>	<p>Hours: 8:30am to 4:30pm Monday-Friday, except federal holidays</p> <p>Questions: 504-589-7878</p>
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E-mail your suggestions for a future topic to be included in the newsletter to:

[Newsletter@laeb.uscourts.gov](mailto:Newsletter@laeb.uscourts.gov)

The Mission of the United States Bankruptcy Court for the Eastern District of Louisiana is to adjudicate and administer cases under the Bankruptcy Code and Rules for the benefit of the public and those who come before the court. The court provides an accessible and impartial forum to all who seek bankruptcy protection or the resolution of disputes in bankruptcy cases within our jurisdiction.