

N.D.W.V. LBR 3015-2

Chapter 13 - Amendments to Plans.

(a) In the event that an amended plan is filed less than two weeks prior to the scheduled confirmation hearing, debtor(s)'s counsel shall file and shall serve on the entire mailing matrix in the case a notice that the scheduled confirmation hearing is continued. Debtor(s)'s counsel shall subsequently notice creditors of the amended plan and the date of the confirmation hearing. In the event debtor(s)'s counsel fails to give notice of the filing of the amended plan and the continuance of the confirmation hearing, debtor(s)'s counsel may be assessed the costs of the noticing by the Clerk's Office and may be assessed the attorney fees or other fees, as appropriate, for any party who appears for the confirmation hearing without notice of the filing of the amended plan.

(b) After confirmation, if there are substantial changes in the debtor(s)'s situation to require a modification of the debtor(s)'s confirmed plan, debtor(s)'s counsel shall file a motion to modify a confirmed plan, which shall substantially comport with Appendix P. The motion to modify a confirmed plan shall be served on all parties in interest. The Chapter 13 trustee shall, no later than five (5) days prior to the hearing scheduled on the motion to modify the confirmed plan, file a report and recommendation. Any party in interest who objects to the modification of the confirmed plan shall file and serve a written objection on the debtor(s), debtor(s)'s counsel and the trustee no later than five (5) days prior to the scheduled hearing on the motion to modify.

(c) In the event that the taxing authorities file proofs of claim pursuant to 11 U.S.C. §1305, debtor(s)'s counsel shall file an objection to the same or a motion to modify the confirmed plan within thirty (30) days of the filing of the claim. If neither objection nor modification is filed, the trustee shall send notice to the debtor(s) and debtor(s)'s counsel of the

amount necessary to increase the plan payments in order to pay the claim in full and not adversely affect the distribution to unsecured creditors pursuant to the terms of the confirmation order. If there is a wage withholding order in effect, the trustee is authorized to submit an amended wage withholding order changing the amount necessary for the payment of the plan as confirmed plus the post-petition tax claims. The amount in the notice by the trustee shall be the new plan payment and failure of the debtor(s) to comply with the same may result in the dismissal of the case.

Cross Reference

11 U.S.C. 1305

11 U.S.C. 1323

11 U.S.C. 1329

Bankruptcy Rule 3015