

N.D.W.V. LBR 3015-3

Chapter 13 - Confirmation

(a) A written objection to a proposed Chapter 13 plan shall be filed with the Clerk of the Bankruptcy Court with certificate of service thereof on the trustee, debtor(s), and counsel for the debtor(s) within the time set by Court order. (See N.D.W.V. LBR 5005-4.10 re: electronic) If no objection is filed within such time, creditors will be deemed to have accepted the proposed plan and the Court may confirm the proposed plan without further notice to parties in interest.

(b) Confirmation hearings shall be set not sooner than 30 days after the bar date for unsecured claims. Debtor(s)'s counsel shall review the proofs of claims and shall file any objections to any proof of claim prior to the scheduled confirmation hearings.

(c) Counsel shall, if necessary, file motions to continue confirmation no later than one week before the scheduled confirmation hearing.

(d) In the event the trustee does not recommend confirmation, but the debtor(s) is (are) willing to comply with the trustee's objections, debtor(s)'s counsel shall advise the trustee in writing no later than noon the Monday before the scheduled confirmation hearing. A letter, which the trustee can attach to an amended recommendation to be filed with the Court, is sufficient. It is not necessary to file an amended plan if there are no creditors that are adversely affected. The order of confirmation should reflect this agreed upon change.

(e) The Chapter 13 trustee shall, no later than three (3) days before the scheduled confirmation hearing, and sooner if practicable, file a recommendation of confirmation. In the event the trustee recommends confirmation without a hearing, the debtor(s) and debtor(s)'s counsel are excused from attending the confirmation hearing. Other hearings which necessitate

the appearance of the debtor(s) and counsel may be scheduled at the same time. The trustee's recommendation does NOT affect the attendance of counsel and the debtor(s) at other matters.

Cross Reference

11 U.S.C. 1325

11 U.S.C. 1327

Bankruptcy Rule 3015