

**Proposed Amendments to Local Rule 3015-1 (Chapter 13 Plan)
Submitted to Fifth Circuit**

**Rule 3015-1. 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.**

~~**(b) Chapter 13 Plan.**~~

~~All chapter 13 plans filed by or on or behalf of the debtor shall be typewritten.~~

(d) Notice

In all chapter 13 cases, the attorney for the debtor (or the debtor) shall serve a copy of the plan and a notice on ~~all creditors~~, the trustee, the United States Trustee, and all creditors ~~other parties in interest~~ when the plan is filed with the court. The notice shall include the ~~an~~ objection deadline as announced in the Notice of Chapter 13 Bankruptcy Case (Official Form 309D). The notice shall substantially comply with the format prescribed by the Clerk and made available on the Court's website. If a chapter 13 plan includes a Motion for Valuation of Collateral pursuant to Fed. R. Bankr. P. 3012 or a Motion to Avoid Lien pursuant to Fed. R. Bankr. P. 4003, the attorney for the debtor (or the debtor) shall serve a copy of the plan and a notice on affected creditors in the manner provided by Fed. R. Bankr. P. 7004 for service of a summons and complaint. The attorney for the debtor (or the debtor) shall file the notice and a certificate of service with the court that includes a copy of the plan and a record of the parties served.

(g) Modification of plan after confirmation.

(1) Requirement for amended Schedules I and J.

If a debtor in a chapter 12 or a chapter 13 case files a request to modify a confirmed plan pursuant to sections 1229 or 1329 based in whole or in part upon a change in the amount of the debtor's income or expenses, the debtor shall file amended Schedules I and J evidencing such change in financial circumstances contemporaneously with the Notice of Modification.

(2) Secured claims timely filed after plan confirmation.

If a proof of claim, which claims a security interest in the property of the debtor, is timely filed after confirmation of the plan, but is not provided for in the plan, the claim can only be paid through the confirmed plan following a request for modification and order, as provided for in Fed. R. Bankr. P. 3015(g). Nothing contained herein shall control the treatment of the claim in the confirmed plan.

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Rule 3015.1-1. Local Form for Chapter 13 Plan and Motions for Valuation and Lien Avoidance

All chapter 13 plans filed by or on behalf of the debtor shall be filed using the local form authorized by the judges of the Northern and Southern Districts of Mississippi under the authority of Fed. R. Bankr. P 3015.1. The local form chapter 13 plan for the Northern and Southern Districts of Mississippi is included as Appendix A to these Uniform Local Bankruptcy Rules.

All information entered on the local form chapter 13 plan shall be in a typewritten format.

From time to time, the judges of the Northern and Southern Districts of Mississippi may change the format or make typographical corrections (non-substantive changes) to the local form chapter 13 plan in Appendix A. Any such non-substantive changes will be reported to registered attorney filers via email. If the judges seek to make substantive changes to the local form chapter 13 plan, such proposed changes will be advertised for public comment and submitted to the Fifth Circuit Judicial Council for final approval as an amendment to the local rules.

Amendments to conform local bankruptcy rules to new amendments in Federal Rules of Bankruptcy Procedure that will become effective December 1, 2017:

- *Under amended Fed. R. Bankr. P. 3015(c), the new Official Form Chapter 13 Plan must be used unless a Local Form Chapter 13 Plan has been adopted in accordance with new Fed. R. Bankr. P. 3015.1*
- *The bankruptcy judges of the Northern and Southern propose to adopt a new Local Form Chapter 13 Plan.*