



MEMORANDUM

To: Bankruptcy Practitioners in the Middle District of Georgia
From: Kyle George, Clerk of Court
Subject: Proposed Change to LBR 3015-2 Modifications to Plan March 14, 2017

1. One of the issues raised during the judges meeting on January 6, 2017 was the issue that, since we promulgated the new LBR 9004-1 form notices, many attorneys are using the LBR 9004-1 format for their notices regarding motions to modify plans prior to confirmation. This has created some confusion amongst the bar.
2. We have created a form notice similar to what we use for the LBR 9004-1 form notices, but tailored specifically for pre-confirmation plan modification.
3. The new rule will fall under LBR 3015-2 “Chapter 13 – Modifications to Plan.” The proposed rule adds a sub-paragraph (d) which includes guidance that:
 - a. Notices of motions to modify plans post-confirmation shall use the language described in LBR 9004-1(c)(5)(B) (Notice of Motion or Objection Other Than Objection to Claims); and
 - b. Notices of motions to modify plans pre-confirmation shall use one of two forms in the proposed LBR 3015-2. One form is for **modifications of a plan that will require a rescheduling of the confirmation hearing** (because of timeliness issues), and one form is for **modifications of a plan that will not require a rescheduling of the confirmation**.
4. Both forms have the language inserted in the LBR 9004-1 rule regarding obtaining a copy of the motion if not already served, as well as the language on the three day rule. We think the creation of this local rule will help standardize the practice and ensure compliance with code and rule.
5. The proposed rule is attached for comment. I would very much appreciate comments back to me via email no later than April 17, 2017. My email address is Kyle_George@gamb.uscourts.gov. Your assistance in this matter is greatly appreciated.

LBR 3015-2. Chapter 13 – Modifications to Plan

(a) **Content of a Plan Modification** A modification of a plan pursuant to § 1329 or § 1323 shall include a description of each proposed change or modification. This requirement cannot be satisfied by simply attaching the new proposed plan to the modification.

(b) **Service of the Modification** The modification shall be served by the proponent of the modification on the Trustee and on all parties in interest affected by the modification pursuant to LBR 9007-1 or LBR 2002-1(e).

(c) **Amended Budgets** For all post-confirmation modifications the debtor shall prepare and file a budget of current income and expenses.

(d) **Notices – Form.**

(1) All notices of motions to modify Chapter 13 plans *post-confirmation* shall use the language described in LBR 9004-1(c)(5)(B).

(2) All notices of motions to modify Chapter 13 plans *before* confirmation shall substantially conform to one of two options:

(A) Notice of Motion to Modify Chapter 13 Plan Before Confirmation with Rescheduled Confirmation Date shall be used if the timeliness of the notice **requires a rescheduling** of the Confirmation Hearing as follows:

(Remainder of Page Intentionally Left Blank)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
_____ DIVISION**

In re: : BANKRUPTCY CASE
: :
IMA SAMPLE : NO: 17-10000 ____ (presiding judge initials)
: :
Debtor(s) : CHAPTER 13 PROCEEDING

**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN BEFORE CONFIRMATION
WITH RESCHEDULED CONFIRMATION DATE**

(Movant), DEBTOR(S) IN THE ABOVE-STYLED BANKRUPTCY MATTER, HAS FILED DOCUMENTS WITH THE COURT TO MODIFY DEBTOR'S CHAPTER 13 PLAN PRIOR TO CONFIRMATION.

YOUR RIGHTS MAY BE AFFECTED. You should read these documents carefully and discuss them with your attorney, if you have one in this bankruptcy case. **If you do not have an attorney, you may wish to consult one.** If not served with this notice in accordance with the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, a copy of the motion may be obtained upon written request to counsel for the Movant (identified below) or at the Clerk's office.

The original confirmation was scheduled for _____ (date), 20__ . If you do not want the court to grant this motion, or if you want the court to consider your views on the motion, then you or your attorney shall file with the court a written objection or response within 21 days from the date of this notice **and attend the rescheduled confirmation hearing noted below.** If you are receiving this notice by mail, you may add 3 days to the response date. The objection or response should be sent to:

[Clerk, U. S. Bankruptcy Court
Middle District of Georgia or
P. O. Box 1957
Macon, Georgia 31202]
478-752-3506

[Clerk, U. S. Bankruptcy Court
Middle District of Georgia
P. O. Box 2147
Columbus, Georgia 31902]
706-649-7837

The rescheduled confirmation hearing shall be held on:

[Date of Scheduled Hearing] at [Time] at the [Location/Address].

If you mail your response or objection to the court for filing, you shall send it early enough so the court will **receive** the objection or response on or before the response date stated above.

Any response or objection shall also be served on the movant.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.

This notice is sent by the undersigned pursuant to L.B.R. 3015-2 (d)(2)(A).

Dated this _____

/s/ Electronic Attorney Signature
ELECTRONIC ATTORNEY, 123456
Attorney for Debtor(s)
Address Line 1
Address Line 2
City, State, Zip
(XXX) XXX-XXXX
Email.address@serviceprovider.com

(B) Notice of Motion to Modify Chapter 13 Plan Before Confirmation – **No Rescheduling Required** shall be used if the timeliness of the notice does not require a rescheduling of the Confirmation Hearing as follows:

(Remainder of Page Intentionally Left Blank)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
_____ DIVISION**

In re: : BANKRUPTCY CASE
: :
IMA SAMPLE : NO: 17-10000 ____ (presiding judge initials)
: :
Debtor(s) : CHAPTER 13 PROCEEDING

NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN BEFORE CONFIRMATION

(Movant), DEBTOR(S) IN THE ABOVE-STYLED BANKRUPTCY MATTER, HAS FILED DOCUMENTS WITH THE COURT TO MODIFY DEBTOR'S CHAPTER 13 PLAN PRIOR TO CONFIRMATION.

YOUR RIGHTS MAY BE AFFECTED. You should read these documents carefully and discuss them with your attorney, if you have one in this bankruptcy case. **If you do not have an attorney, you may wish to consult one.** If not served with this notice in accordance with the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, a copy of the motion may be obtained upon written request to counsel for the Movant (identified below) or at the Clerk's office.

The confirmation is scheduled for _____ (date), 20___. If you do not want the court to grant this motion, or if you want the court to consider your views on the motion, then you or your attorney shall file with the court a written objection or response within 21 days from the date of this notice **and attend the scheduled hearing.** If you are receiving this notice by mail, you may add 3 days to the response date. The objection or response should be sent to:

[Clerk, U. S. Bankruptcy Court
Middle District of Georgia or
P. O. Box 1957
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478-752-3506

[Clerk, U. S. Bankruptcy Court
Middle District of Georgia
P. O. Box 2147
Columbus, Georgia 31902]
706-649-7837

If you mail your response or objection to the court for filing, you shall send it early enough so the court will **receive** the objection or response on or before the response date stated above.

Any response or objection shall also be served on the movant.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.

This notice is sent by the undersigned pursuant to L.B.R. 3015-2 (d)(2)(B).

Dated this _____

/s/ Electronic Attorney Signature
ELECTRONIC ATTORNEY, 123456
Attorney for Debtor(s)
Address Line 1
Address Line 2
City, State, Zip
(XXX) XXX-XXXX
Email.address@serviceprovider.com