



MEMORANDUM

To: Bankruptcy Practitioners, Middle District of Georgia
From: Kyle George, Clerk of Court
Subject: Federal and Local Rule Change Instructional Memo November 21, 2017

The below is from an email sent to the bar on November 15, 2017:

In the memorandum we submitted to you on November 2, 2017 regarding use of the new Chapter 13 Plan, we noted that we would collect all the questions posed to us about the plan, answer them, and submit them to you in (this) communication.

We are providing a document that we believe will be helpful to you in the coming weeks adjusting to using the new plan and in particular when to use the new plan during the transition period. The chart attempts to answer the questions regarding "when do I have to use the new plan?" The chart explores various scenarios of situations where:

- Both a petition and plan are filed before 12-1-17
- A petition is filed before 12-1-17 and the plan is filed before 12-1-17 (but not concurrently with the petition)
- A petition or a conversion is filed before 12-1-17 but the plan is filed on or after 12-1-17
- A petition and a plan is filed before 12-1-17 and a plan is modified on or after 12-1-17; and
- Both a petition and plan are filed on or after 12-1-17

The chart will help you determine if you need to file a plan under the new format or not.

In addition to the chart, here are some other questions posed:

Q: What happens if I use the old form to file the original plan with the new event?

A: The Clerk's office staff will contact your office and ask that you file the plan on the proper form on or after December 1, 2017. If, after 24 hours has passed and the plan has not been uploaded on the proper form, then you will be responsible for serving the plan in accordance with LBR 3015-1.

Q: Do I have to use the fillable pdf form? What if I have more than 3 secured creditors or need to add creditors or other information in any given section?

A: The fillable pdf form will most likely handle most of your plans. We have added additional fillable lines to the form (without increasing the page length) to allow you to add additional creditors. We have also provided a Word version of the form, available on our website at <http://www.gamb.uscourts.gov/USCourts/forms> so that you can add more creditors or other information where the fillable pdf won't let you.

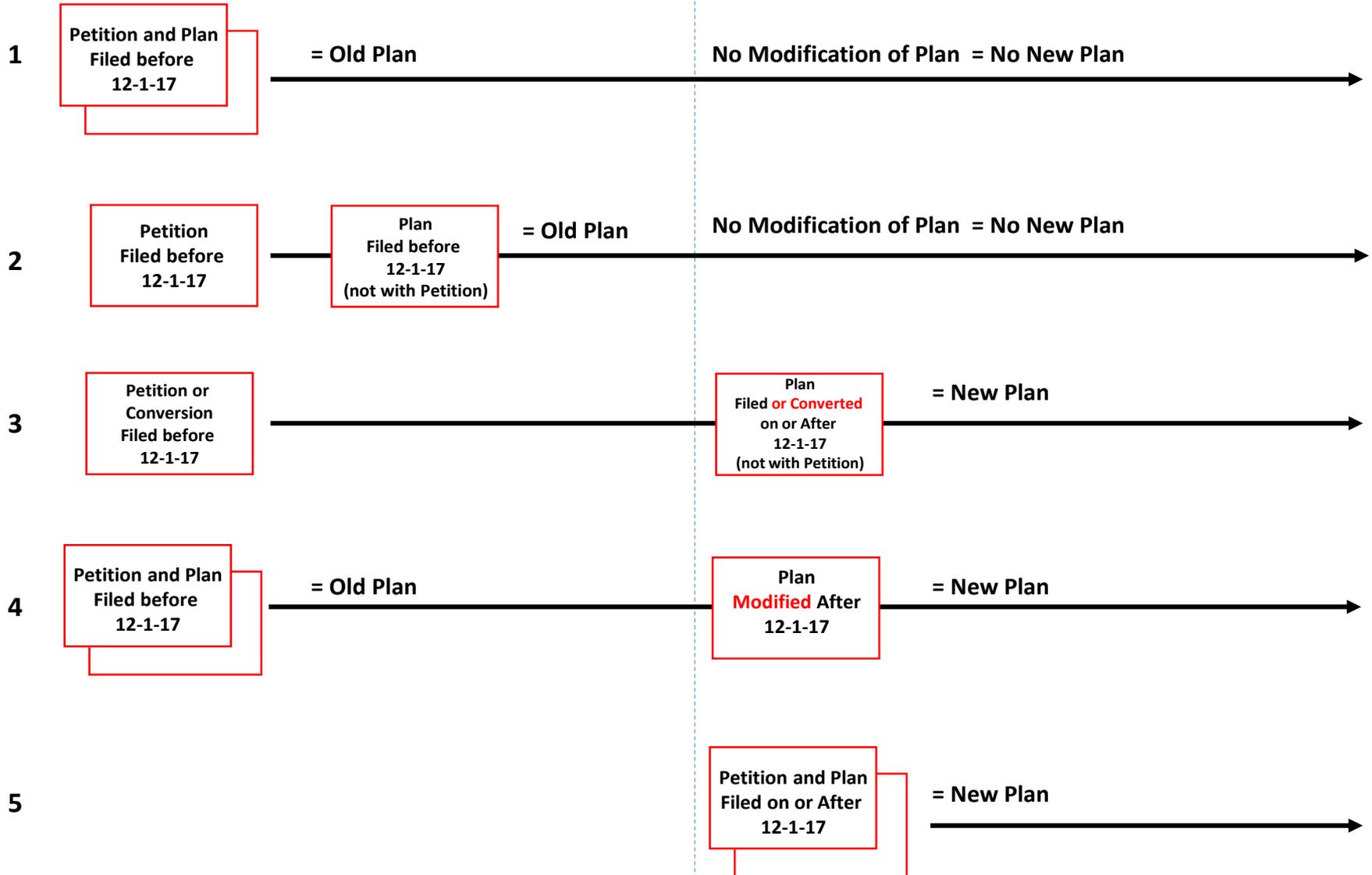
Q: If I do not serve a creditor or other entity in accordance with FRBP 7004 as required in some cases under the new rules, will the Clerk's office follow up with my office to remind me to make proper service and file a Certificate of Service?

A: No, it is the attorney's responsibility to serve in accordance with FRBP 7004. The Clerk's office cannot provide legal advice.

We hope you find this information useful.

GAMB Chapter 13 Old Form/New Form Guide

December 1, 2017



Notes for Chapter 13 Old Form/New Form Guide

Situation 1: When both case and plan are filed before December 1, you can use and continue to use the old plan format if there is no modification after December 1.

Situation 2: When the case is filed without the plan but both are filed before December 1, you can use and continue to use the old plan format if there is no modification after December 1.

Situation 3: Case is filed before December 1 but the plan is not filed until after December 1 *or conversion to a Chapter 13*, you must use the new plan form *because* the new event after December 1 will not allow you to use the old form.

Situation 4: When both the case and the plan are filed before December 1, you should file the old plan format. If you have to modify the plan on or after December 1, then you must use the new plan form *because* the new event after December 1 will not allow you to use the old form.

Situation 5: If both the case and the plan are filed on or after December 1, you must use the new plan form.