

The slide features a large, bold title 'RULE & FORM CHANGES' in a serif font, centered on a light gray, textured rectangular background. Below the title, the text 'Effective 12/1/17' is displayed in a smaller, black serif font. To the right of this text is a red circular seal with a white border. In the bottom right corner of the slide, the presenter's name 'Julie Gibson' and title 'Data Quality Analyst/Trainer' are listed in a small, black sans-serif font.

[Presenter: Julie Gibson, DQA/Trainer]

There are several changes to the official bankruptcy forms and the Federal Rules of Bankruptcy Procedure that become effective on December 1st.

The explanation I will provide for each is a condensed description taken from the Committee Notes on the draft sent to Congress in January and is not to be considered a legal interpretation.

Links to these changes are available on our website and are contained within this slide presentation which will also be made available on our website after the seminar.

Please be sure to thoroughly review all changes and amendments to determine how they may affect you and your clients.



AMENDMENTS TO THE
OFFICIAL BANKRUPTCY
FORMS

OFFICIAL FORMS

- **Voluntary Petition for Individuals Filing for Bankruptcy**, Form 101
- **Notice of Bankruptcy Case filing for Chapters 11, 12, and 13**, Forms 309F, 309G, 309H, and 309I
- **Plan of Reorganization for Small Business Under Chapter 11**, Form 425A
- **Disclosure Statement for Small Business Under Chapter 11**, Form 425B
- **Monthly Operating Report for Small Business Under Chapter 11**, Form 425C
- **Periodic Report Regarding Value, Operations, and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest**, Form 426

<http://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments/pending-changes-bankruptcy-forms>



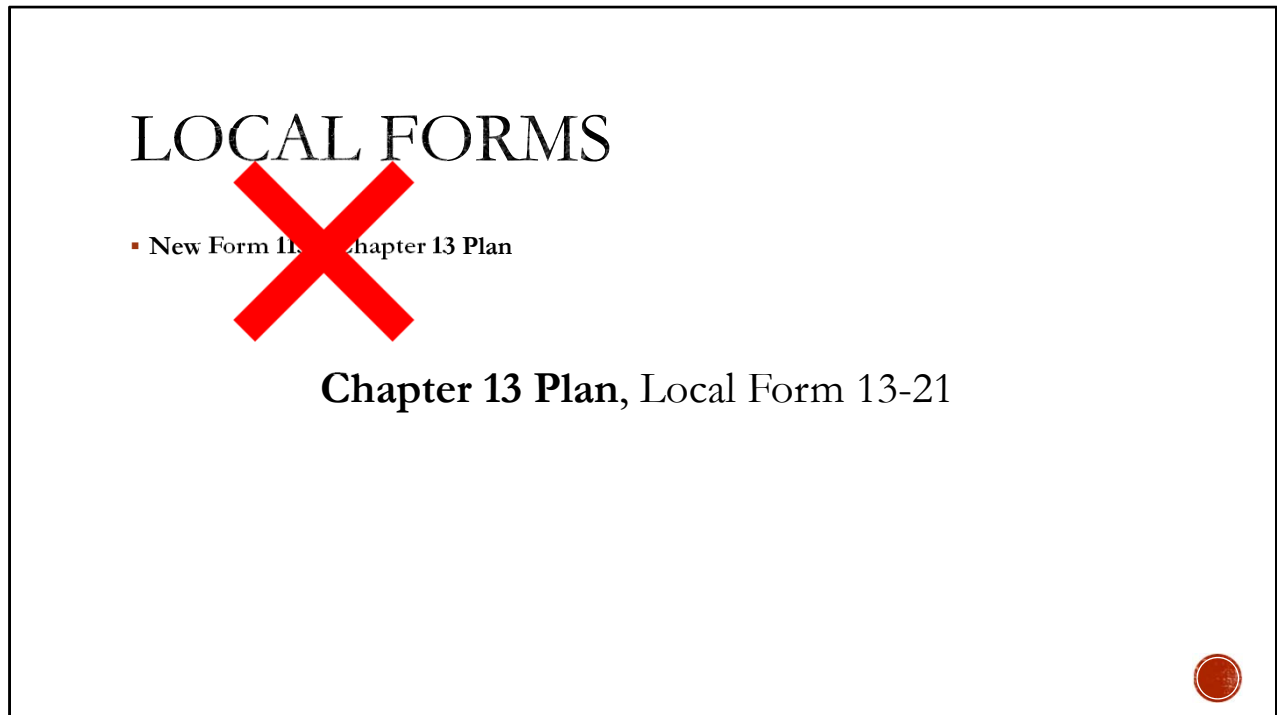
Voluntary Petition for Individuals Part 2, Line 11 is amended to accurately reflect the requirements of § 362(L) of the Bankruptcy Code, with regard to eviction judgments. It will note that Form 101A, the *Initial Statement About an Eviction Judgment Against You* is to be filed as part of the bankruptcy petition instead of separately.

Notices of Bankruptcy Case Filing and meeting of creditors for chapters 11, 12, and 13 are modified to remove any language referring to “plan summaries” in conformance with amendments to Rule 3015(d).

Plan of Reorganization for Small Business Under Chapter 11, Disclosure Statement of Small Business Under Chapter 11, and the Monthly Operating Report for Small Business Under Chapter 11 are revised as part of the Forms Modernization Project and modifications include formatting and stylistic changes throughout the forms. The Plan form also includes a new “Summary” section.

The Periodic Report Regarding Value, Operations, and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest, Form 426, is revised and renumbered as part of the Forms Modernization Project and changes have been made to make the form easier for the debtor to complete and better identify the kinds of information that must be disclosed in accordance with section 419 of BAPCPA and Rule 2015.3.

Each of these revised forms and the committee notes detailing the changes may be viewed at www.uscourts.gov at the address shown on the screen. As I stated earlier, this slide presentation will be posted to our website where you can access the links.



The other form I want to discuss is the new Chapter 13 Plan form.

Amendment to Rule 3015 and adoption of new Rule 3015.1 of the Federal Rules of Bankruptcy Procedure require the use of a national chapter 13 plan form unless a district adopts a local plan which meets the requirements of these Rules.

The bankruptcy court for the Northern District of Florida has adopted a local plan form.

CHAPTER 13 PLAN (LF 13-21)

www.flnb.uscourts.gov/forms

FORM LF 13-21 (REV. 10/27/17)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
DIVISION

In re: _____ Case No. _____
Chapter 13

Debtor(s): _____ Check if this is an AMENDED PLAN (First, Second, ...)

CHAPTER 13 PLAN

PART 1: NOTICES

To Creditors: Your rights may be affected by this plan.

You should read this plan and other documents sent to you carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one. If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation prior to the chapter 13 plan date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. Creditors who are not individuals (i.e., corporations, LLC's, etc.) must have an attorney in order to have their objections considered by the Court. Creditors must file a timely proof of claim in order to be paid under any plan.

To Debtor: You must check one box on each line to state if the plan includes the following items. If an item is checked as "Not included," or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in § 3.2, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included <input type="checkbox"/> Not included
1.2	Debtor intends to avoid a judicial lien or security interest, see § 3.4.	<input type="checkbox"/> Included <input type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 2.	<input type="checkbox"/> Included <input type="checkbox"/> Not included

PART 2: PLAN PAYMENTS AND PLAN LENGTH

2.1 **Payments to the Trustee:** The future earnings or other future income of the debtor are submitted to the supervision and control of the trustee. The debtor (or the debtor's employer) shall pay to the trustee the sum of \$ _____ per month for _____ months, and (if applicable) then \$ _____ per month for _____ months. *(Add additional language if necessary.)*

Total base of plan payments: \$ _____

¹All references to "debtor" shall include both debtors in a joint case.

Use of form will be required for all Chapter 13 plans filed in the Northern District of Florida effective December 1, 2017.

One of the primary goals of a plan form was to make information more uniform and easier to locate within the document regardless of the division or district in which the debtor filed or the judge to whom the case was assigned. Each district that adopts a local form must use that one form throughout the district.

The new local chapter 13 plan was developed by an *ad hoc* committee consisting of attorneys representing both debtors and creditors throughout the Northern District of Florida, the standing chapter 13 trustee for the Northern District of Florida, and members of the Clerk's Office. Upon completion, it was reviewed and received preliminary approval by Chief Judge Karen Specie, and then published for public comment, after which Judge Specie granted final approval for use starting on December 1.

The plan forms must be formatted pursuant to new Rule 3015.1 which requires numbered paragraphs, boldface type and headings, and an initial paragraph for the debtor to indicate if the plan contains nonstandard provisions and other required information.

The plans must also contain separate paragraphs for the cure and maintenance of home mortgages, payment of domestic support obligations, treatment of secured claims, and surrender of property securing a claim.

For those courts who have adopted a local plan form, that is the form that must be used in that district. **You may not opt to use the official form instead.**

The new chapter 13 plan form for the Northern District of Florida has been posted to our website in both fillable PDF format and in Real Text Format (with a .rtf extension) which should open in both Word and WordPerfect.

The form has also been provided to the major petition preparation software vendors for inclusion in their programs. If your firm uses a program that is not from one of the bigger vendors, you may want to let them know that the form is available so that they can incorporate it into your program.

CHAPTER 13 PLAN (LF 13-21)

- Length
 - Local form is 6 pages (before completion) vs 14 pages (before completion) of official form
- Official (national) form contains requests for valuation of secured claims, stay relief, assumption/rejection of contracts/leases, and lien avoidance.
 - **THESE ITEMS ARE NOT CONTAINED WITH THE LOCAL PLAN FORM AND MUST BE FILED BY SEPARATE MOTION IN THE NORTHERN DISTRICT OF FLORIDA.**

FORM LF 13-21 (REV. 12/01/13)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
DIVISION

In re: _____ Case No. _____
Debtor(s) Chapter 13

Check if this is an AMENDED PLAN (First, Second, ...)

CHAPTER 13 PLAN

PART 1: NOTICES

To Creditors: Your rights may be affected by this plan.

You should read this plan and other documents sent to you carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one. If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation prior to the deadline set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. Creditors who are not individuals (i.e., corporations, LLCs, etc.) must have an attorney in order to have their objections considered by the Court. Creditors must file a timely proof of claim in order to be paid under any plan.

To debtor: You must check one box on each line to state if the plan includes the following items. If an item is checked as "Not included," or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in § 3.2, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included <input type="checkbox"/> Not included
1.2	Debtor intends to avoid a judicial lien or security interest, see § 3.4	<input type="checkbox"/> Included <input type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 3.	<input type="checkbox"/> Included <input type="checkbox"/> Not included

PART 2: PLAN PAYMENTS AND PLAN LENGTH

2.1 Payments to the Trustee: The future earnings or other future income of the debtor are submitted to the supervision and control of the trustee. The debtor (or the debtor's employer) shall pay to the trustee the sum of \$ _____ per month for _____ months, and (if applicable) then \$ _____ per month for _____ months. (Add additional language if necessary)

Total base of plan payments: \$ _____

¹All references to "debtor" shall include both debtors in a joint case.

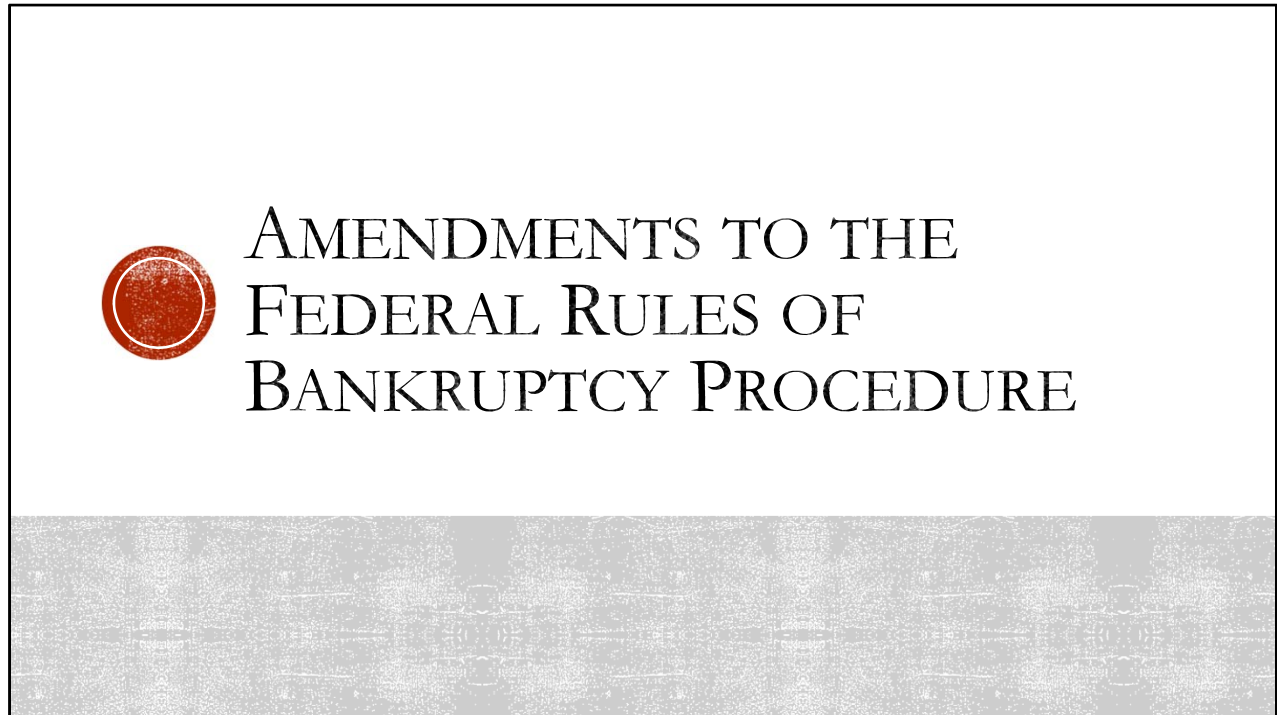
²Use of them will be required for all Chapter 13 plans filed in the Northern District of Florida effective December 1, 2017.

The local plan form is 6 pages in length before completion, so it may be longer depending on the complexity of each case but the *ad hoc* committee made every attempt to keep the document as short as possible and still meet the requirements of the Rule in order to save noticing costs.

The national form is 14 pages long, before it's filled out.

The **national form** contains requests for valuation of secured claims, stay relief, assumption or rejection of contracts and leases, and lien avoidance.

These items must be filed by separate motion in the Northern District of Florida. This is not a change to current practice and our local plan does not include provisions for these items.



The text on the following slides was obtained from the Committee Notes from the March 16, 2017, memorandum transmitting the proposed amendments to the Supreme Court for review and approval and is not subject to local court interpretation other than a maybe a comment here and there about local practice and procedure.

AMENDMENTS TO THE F.R.B.P.

2002 – Notices to Creditors...

Subdivision (a)(9) is added to require at least 21 days' notice of the time for filing objections to confirmation of a chapter 13 plan.

Subdivision (b)(3) is added to provide separately for 28 days' notice of the date of the confirmation hearing in a chapter 13 case.

These amendments conform to amended Rule 3015 which governs the time for presenting objections to confirmation of the chapter 13 plan.



Rule 2002 subdivisions (a)(9) and (b)(3) are added to conform to amended Rule 3015 concerning confirmation of the chapter 13 plan.

AMENDMENTS TO THE F.R.B.P.

3002 – Filing a Proof of Claim or Interest

Subdivision (a) is amended to clarify that creditors must file a proof of claim in order to have an allowed claim but that failure to do so does not render the lien void.

Subdivision (c) is amended to change the calculation of the bar date for proofs of claim in chapter 7, chapter 12, and chapter 13 cases. The amendment changes the time for filing a proof of claim from 90 days after the 341 meeting to 70 days after the petition date or date of conversion.



Subdivision (a) is amended to clarify that creditors must file a proof of claim in order to have an allowed claim but that failure to do so does not render the lien void.

Remember, this is a very condensed synopsis of the Committee Notes. These changes are more complex than the sentence or two that I'm providing throughout this presentation and you should read each of these amendments to get the full scope of the changes.

Subdivision (c) is amended to change the calculation of the proof of claim deadline in chapters 7, 12, and 13 cases. Currently the deadline is 90 days after the 341 meeting. This deadline is being changed to 70 days after the petition date or date of conversion.

AMENDMENTS TO THE F.R.B.P.

3002 – Filing a Proof of Claim or Interest

Subdivision (c)(6) is amended to expand the exception to the bar date for cases in which a creditor received insufficient notice of the time to file proof of claim.

Subdivision (c)(7) is added to provide a two-stage deadline for filing mortgage proofs of claim secured by an interest in the debtor's principal residence. Those proofs of claim must be filed with the appropriate Official Form mortgage attachment within 70 days of the order for relief.



AMENDMENTS TO THE F.R.B.P.

3007 – Objections to Claims

Subdivision (a) is amended to specify the manner in which an objection to claim and notice of the objection must be served.



The amendment to Rule 3007 clarifies that Rule 7004 does not apply to the service of most claim objections and that instead, a claimant must be served by first-class mail addressed to the person whom the claimant most recently designated on its proof of claim to receive notices, at the address so indicated.

This does not apply to claims by the United States, an officer or agency of the United States, or an insured depository institution for whom service must be made according to Rule 7004.

Additionally, 3007 will no longer require that a hearing be scheduled or held on every objection, formally allowing negative notice procedures so common to the local courts.

AMENDMENTS TO THE F.R.B.P.

3012 – Determining the Amount of Secured and Priority Claims

Subdivision (a) provides that a party in interest may seek a determination of the amount of a secured claim & the amount entitled to priority may be determined by the court.

Subdivision (b) provides that a request to determine the amount of a secured claim may be made in a chapter 12 or chapter 13 plan, as well as by a motion or claim objection, and provides requirements for service of the request or objection.

Subdivision (c) clarifies that a determination under this rule with respect to a secured claim of a governmental unit may be made only by motion or in a claim objection but not until the government unit has filed a proof of claim or the time to file a proof of claim has passed.



Bear in mind that the local plan form adopted for chapter 13 cases in the Northern District of Florida does not contain all of the provisions allowed in these amendments and we require that a separate motion must be filed for valuation.

AMENDMENTS TO THE F.R.B.P.

3015 – Filing, Objecting to Confirmation, Effect on Confirmation, and Modification of a Plan in a Chapter 12 or 13 Case

Subdivision (c) is amended to require use of an Official Form if one is adopted for chapter 13 plans unless a Local Form has been adopted consistent with Rule 3015.1. Subdivision (c) also provides that nonstandard provisions in a chapter 13 plan must be set out in the section of the Official or Local Form specifically designated for such provisions.



Again, we have adopted local form 13-21 as the chapter 13 plan form in the Northern District of Florida.

AMENDMENTS TO THE F.R.B.P.

3015 – Filing, Objecting to Confirmation, Effect on Confirmation, and Modification of a Plan in a Chapter 12 or 13 Case

Subdivision (d) Subdivision (d) is amended to ensure that the trustee and creditors are served with the plan before confirmation.

Subdivision (f) is amended to require service of an objection to confirmation at least seven days before the hearing to consider confirmation of a plan, unless the court orders otherwise.



AMENDMENTS TO THE F.R.B.P.

3015 – Filing, Objecting to Confirmation, Effect on Confirmation, and Modification of a Plan in a Chapter 12 or 13 Case

Subdivision (g)(1) provides that the amount of a secured claim under § 506(a) may be determined through a chapter 12 or chapter 13 plan in accordance with Rule 3012.

Subdivision (g)(2) provides for termination of the automatic stay under §§ 362, 1201, and 1301 as requested in the plan.



Again, the local plan form adopted for chapter 13 cases in the Northern District of Florida does not contain all of the provisions allowed in these amendments. We require that a separate motion must be filed for these matters.

AMENDMENTS TO THE F.R.B.P.

3015 – Filing, Objecting to Confirmation, Effect on Confirmation, and Modification of a Plan in a Chapter 12 or 13 Case

Subdivision (h) was formerly subdivision (g). It is redesignated and is amended to reflect that often the party proposing a plan modification is responsible for serving the proposed modification on other parties.



This is consistent with current practice in the Northern District of Florida. The Court currently does this noticing in cases in which the attorney has filed a *Notice of Pro Bono Representation* but the attorney is responsible for noticing in cases for which they receive compensation.

AMENDMENTS TO THE F.R.B.P.

3015.1 – Requirements for a Local Form for Plans Filed in a Chapter 13 Case

New Rule: This new rule sets out features required for all Local Forms for plans in chapter 13 cases. Under the rule, only one local form may be adopted in a district.



AMENDMENTS TO THE F.R.B.P.

4003 - Exemptions

Subdivision (d) is amended to provide that a request under § 522(f) to avoid a lien or other transfer of exempt property may be made by motion or by a chapter 12 or chapter 13 plan. Lien avoidance not governed by this rule requires an adversary proceeding.



The plan form for the Northern District of Florida does not provide for lien avoidance. All requests to avoid liens must be made in the form of a motion in this district.

AMENDMENTS TO THE F.R.B.P.

5009 – Closing Chapter 7, Chapter 12, Chapter 13, and Chapter 15 Cases; Order Declaring Lien Satisfied

Subdivision (d) is added to provide a procedure by which a debtor in a chapter 12 or chapter 13 case may request an order declaring a secured claim satisfied and a lien released under the terms of a confirmed plan.



Subdivision (d) is added to provide a procedure by which a debtor in a chapter 12 or chapter 13 case may request an order declaring a secured claim satisfied and a lien released under the terms of a confirmed plan.

There will be a new motion event in CM/ECF for you to use when filing this request.

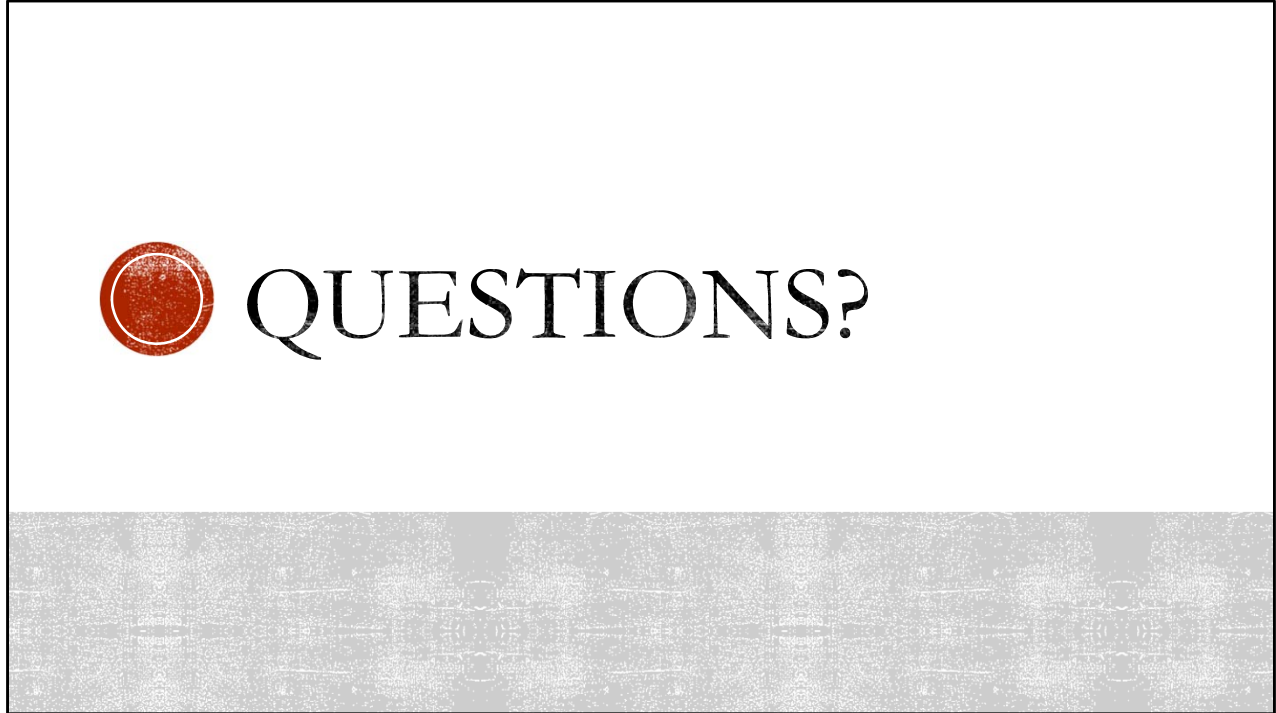
AMENDMENTS TO THE F.R.B.P.

7001 – Scope of Rules of Part VII

Subdivision (2) is amended to provide that the determination of the amount of a secured claim under Rule 3012, like a proceeding by the debtor to avoid a lien on or other transfer of exempt property under Rule 4003(d), does not require an adversary proceeding. The determination of the amount of a secured claim may be sought by motion or through a chapter 12 or chapter 13 plan in accordance with Rule 3012. An adversary proceeding continues to be required for lien avoidance not governed by Rule 4003(d).



The plan form for the Northern District of Florida does not provide for this. All requests to determine the amount of a secured claim must be made in the form of a motion in this district.



We cannot answer questions that may be considered legal interpretation or advice, but if you have questions of a procedural nature regarding these changes, please type them into the chat window and we would be happy to try to answer them.