

N. D. Miss. Bankruptcy Clerk's Office

Summary of Changes to Federal Bankruptcy Rules - Effective December 1, 2017

Rule 1001	Last sentence amended to add the requirement that the rules be “administered, and employed by the court and the parties” without undue cost or delay.
Rule 1006(b)	Language added to clarify that a voluntary petition accompanied by an application to pay filing fee in installment may not be refused for lack of an initial payment.
Rule 1015(b)	Terms “husband and wife” were replaced with the term “spouses.”
Rule 2002	Subsection (a)(9) was added to require at least 21 days’ notice of the time for filing an objection to confirmation of a chapter 13 plan. Subsection (b)(3) was added to require at least 28 days’ notice of the date for a chapter 13 confirmation hearing.
Rule 3002(a)	Amended to clarify that a secured creditor must file a proof of claim to have an allowed claim and to clarify that failure to file a proof of claim does not void a secured creditor’s lien.
Rule 3002(c)	Calculation of bar date for proofs of claim in voluntary chapter 7, 12, and 13 cases changed to 70 days after the petition date. Additional time provided to supplement proofs of claim secured by the debtor’s principal residence with to attachments required by Rule 3001(c)(1) and (d).
Rule 3007	Amended to clarify the manner in which an objection to claim must be served. If the objection is to a claim of an insured depository institution, the United States, or any of officers or agencies of the United States, certain provisions of Rule 7004 are applicable.
Rule 3012	Subsection (b) added a provision that a request to determine the amount of a secured claim may be made in a chapter 12 or chapter 13 plan; and that if such a request is made in this manner, the plan must be served on the holder of the claim pursuant to Rule 7004. Subsection (c) provides, however, that for secured claims of governmental units, the determination may only be made by motion or in a claim objection.
Rule 3015(c)	Amended to require use of an Official Form if one is adopted for chapter 13 plans unless a Local Form, consistent with Rule 3015.1, is adopted. The rule further provides certain requirements for nonstandard plan provisions.
Rule 3015(d)	Requires the plan to be served when it is filed or with the confirmation hearing notice.
Rule 3015(f)	Amended to require service of an objection to confirmation at least seven days before the confirmation hearing, unless the court orders otherwise.
Rule 3015(g)	Confirmation of a chapter 12 or chapter 13 plan makes the determination of a secured claim under Rule 3012 binding on the holder of the claim even if a contrary proof of claim is filed or the debtor schedules the claim, and regardless of whether an objection to claim is filed. Requests in the plan to terminate certain stay provisions will be granted upon confirmation.
Rule 3015.1	New rule which provides requirements for a local chapter 13 plan form.
Rule 4003	Amended to provide that a request under 522(f) may be made by motion pursuant to Rule 9014 or by a chapter 12 or chapter 13 plan served in accordance with Rule 7004.
Rule 5009	Subsection (d) added to allow a chapter 12 or chapter 13 debtor to request an order declaring a secured claim satisfied and the lien released under the terms of a confirmed plan.
Rule 7001	Subsection (2) amended to clarify that an adversary proceeding is not required to determine the amount of a secured claim under Rule 3012.
Rule 9009	Amended to outline permissible changes to Official Forms.

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Summary of Changes to Local Bankruptcy Rules - Effective December 1, 2017

Rule 1009-1 Rule 3002-1	Amended to reflect the change in Federal Rule 3002(c) to allow 70 days (previously 90 days) in which to file a proof of claim.
Rule 3007-1	Amended to conform to the change in Federal Rule 3007 to require notice of a 30-day response deadline to be filed and served with an Objection to Claim.
Rule 3015-1	Subsection (d) added to require that a Notice be served with the chapter 13 plan and to incorporate service requirements of Federal Rule 7004 to creditors affected by a Motion to Avoid Lien or a Motion for Valuation of Collateral included in the chapter 13 plan.
Rule 3015.1-1	New rule which prescribes use of the local chapter 13 plan form adopted by the Northern and Southern Districts of Mississippi as authorized under the corresponding Federal Rule.
Rule 4001-1	Amended to provide an exception for confirmation orders to the rule's requirement that all orders affecting real property incorporate the legal description in the order or attach it thereto as an exhibit.

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FILING THE NEW CHAPTER 13 PLAN AND NOTICE OF PLAN IN CM/ECF

1. Submit the required information in CM/ECF under *Bankruptcy>Plan>Chapter 13 Plan*.
2. Select all motions and requests that are included in the chapter 13 plan form that you are filing.

File a Plan:

[15-10025-JDW De Doe and Ce Doe](#)

Select any of the following motions/requests (if any) that are included with the Chapter 13 Plan, and click Next to continue.

Motion for Valuation of security, payment of fully secured claims, and modification of undersecured claims [Part 3.2]

Motion to Avoid Lien under Section 522 [Part 3.4]

Request that the Stay under 11 U.S.C. 362(a) be terminated as to collateral surrendered in the plan [Part 3.5]

Request for assumption of executory contracts and/or unexpired leases [Part 6]

3. Verify that the motions and requests that appear in the docket text are the same as those included in the plan to be filed before submitting on the screen below. In the event the docket text is inconsistent with the copy of the chapter 13 plan filed, the clerk's office may issue a notice to the filer to correct the error by refileing the plan.

File a Plan:

[15-10025-JDW De Doe and Ce Doe](#)

Docket Text: Final Text

Chapter 13 Plan , Motion for Valuation of Security, Motion to Avoid Lien under Section 522, Request to Terminate Stay as to Collateral Surrendered, Request for Assumption of Executory Contracts and Unexpired Leases. Filed by Eight Attorney on behalf of Ce Doe, De Doe (Attorney, Eight)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Have you redacted?

4. Pursuant to Miss. Bankr. L. R. 3015-1, a notice and certificate of service must be filed with a copy of the plan and a record of the parties served. The notice ("Notice of Plan") referred to in this rule shall include the objection deadline and confirmation hearing date as announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I aka § 341 Notice) as shown below.

N. D. Miss. Bankruptcy Clerk's Office

9: Filing of plan

Miss. Bankr. L.R. 3015-1(d) requires the debtor to serve a copy of the plan and related notice on the Trustee, the US Trustee, and all creditors. The plan may contain a motion for valuation of security and/or a motion to avoid lien. Any objection to the plan or to any motion contained therein shall be in writing and filed with the Clerk of Court on or before [Last Day to Object docket date]. Objections will be heard on [Conf Hrg docket date] at [Conf Hrg docket time and location], unless otherwise ordered by the court. If no objection is timely filed, the plan may be confirmed without a hearing.

5. The Notice of Plan must substantially comply with the format prescribed by the Clerk. A copy of the Notice of Plan will be available around mid-November on the Bankruptcy Forms page of the Court's website at www.msnb.uscourts.gov.
6. Once the *Notice of Plan* and *Certificate of Service* are completed, file the documents with a copy of the plan and a record of the parties served in CM/ECF under *Bankruptcy>Other>Notice and Certificate of Service of Chapter 13 Plan*.

Miscellaneous:

[15-10025-JDW De Doe and Ce Doe](#)

Docket Text: Final Text

Notice and Certificate of Service of Chapter 13 Plan Filed by Eight Attorney on behalf of Ce Doe, De Doe RE: (related document(s)[2] Chapter 13 Plan filed by Debtor De Doe, Joint Debtor Ce Doe). (Attorney, Eight)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Have you redacted?

7. Remember that creditors affected by a Motion for Valuation or a Motion to Avoid Lien included in the plan must be served in compliance with Fed. R. Bankr. P. 7004. Attorneys should review the rule carefully to ensure parties are properly served.

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the Northern District of Mississippi

Case number _____

Check if this is an amended notice.

Notice of Filing Chapter 13 Plan and Motions for Valuation and Lien Avoidance

The above-named Debtor(s) has filed a *Chapter 13 Plan and Motions for Valuation and Lien Avoidance* (the "Plan") with the Bankruptcy Court in the above-referenced case (see attachment).

Any objection to confirmation of the Plan or the motions contained therein shall be filed in writing with the Clerk of Court at 703 Hwy. 145 North, Aberdeen, MS 39730 on or before **[insert deadline for objections to confirmation announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309!)]**. Copies of the objection must be served on the Trustee, US Trustee, Debtor(s), and Attorney for Debtor(s).

Objections to confirmation will be heard and confirmation determined on **[insert confirmation hearing date, time, and location announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309!)]**, unless the court orders otherwise. If no objection is timely filed, the Plan may be confirmed without a hearing.

x _____
 Signature of Attorney for Debtor(s)

 Address Line 1

 Address Line 2

 City, State, and Zip Code

 Telephone Number

 MS Bar Number

 Email Address

Dated: _____
 MM/DD/YYYY

Sample Certificate of Service for Notice and Chapter 13 Plan with Motions for Valuation (Part 3.2) and/or Motions to Avoid Lien (Part 3.4)

CERTIFICATE OF SERVICE

I, John Smith, attorney for Debtor(s), do hereby certify that by filing the attached Notice and Chapter 13 Plan, I have caused the following parties to be served electronically via ECF:

John Doe, Esq.
Jane Doe, Chapter 13 Trustee
Office of the U.S. Trustee

I certify that I have this day served a true and correct copy of the attached Notice and Chapter 13 Plan by U. S. mail,¹ postage prepaid, to the following creditor(s) listed in Sections 3.2 and/or 3.4 of the Plan pursuant to Fed. R. Bankr. P. 7004:

Jane Smith, Officer XYZ Bank 123 Main Street Anywhere, MS 54321	Registered Agent's Name A&B, Inc. 456 Main Avenue Anywhere, MS 54321	Sole Proprietor Jones 789 Main Circle Anywhere, MS 54321
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I further certify that I have this day served a true and correct copy of the Notice and Chapter 13 Plan by U. S. mail, postage prepaid, to all other parties listed on the attached master mailing list (matrix).

Dated: December 1, 2017

/s/John Smith

John Smith
Attorney at Law
ABC Street
Anytown, MS 12345
(662) 123-4567

(Reminder: Pursuant to Local Rule 3015-1, creditors affected by Sections 3.2 and 3.4 of the plan must be served in a manner provided by Fed. R. Bankr. P. 7004. Attorneys should review the requirements under this rule to ensure parties are properly served.)

¹ If the creditor is an insured depository institution, service has been made by certified mail.

Effective 12/01/17, notice of a 30-day response deadline must be filed with an Objection to Claim.

A copy of this form is available on the Bankruptcy Forms page of the Court's website at www.msnb.uscourts.gov.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: _____
DEBTOR(S)

CHAPTER 13
CASE NO. _____

NOTICE OF OBJECTION TO CLAIM

YOU ARE HEREBY NOTIFIED that an objection to your claim has been filed in the above referenced bankruptcy case. Your claim may be reduced, modified, or eliminated. If you do not want the Court to eliminate or change your claim, a written response to the attached objection to claim must be filed with:

Clerk, U.S. Bankruptcy Court
Northern District of Mississippi
703 Hwy 145 North
Aberdeen, MS 39730

and a copy must be served on the undersigned Debtor(s)' attorney and the Chapter 13 trustee on or before thirty (30) days from the date of this notice. In the event a written response is filed, the court will notify you of the date, time and place of the hearing thereon.

DATED: _____

CHAPTER 13 STANDING TRUSTEE:

[Name]
[Address]

ATTORNEY FOR DEBTORS
[Name]
[Address]
[Phone Number]