

RULE 3015-1 - CHAPTER 13 - PLAN AND MODIFICATIONS

(a) ~~FormForms. AnyIn a Chapter 13 plan andcase, the Notice of Hearing on Confirmation filed in this District shall comport with following~~ Maine Bankruptcy Forms No. 2 and 2A in substance and in form must be used:

- i. ~~(b) Signature. EveryForm 2 (Local form plan);~~
- ii. ~~Form 2A (Notice of confirmation hearing);~~
- iii. ~~Form 2B (Proposed confirmation order); and~~
- iv. ~~Form 2C (Certificate of service for chapter 13 plan).~~

(b) ~~Modifications Generally. Any party filing a modified plan under 11 U.S.C. § 1323 or amendment thereto shall be signed bymoving to modify a confirmed plan under 11 U.S.C. § 1329 must use Maine Bankruptcy Form 2, and any modified sections of the debtorplan must be clearly identified on the first page of the plan. A motion to modify a confirmed plan under 11 U.S.C. § 1329 must identify the reason(s-) for the requested modification.~~

(c) ~~Date. Every plan or amendment thereto shall be dated as required by Fed. Notice of ModificationsR. Bankr. P. 3015(e).~~

RULE 3015-2 - CHAPTER 13 - AMENDMENTS TO PLANS

(a) ~~Post Confirmation Amendments. The debtor must provide notice of any modification under 11 U.S.C. § 1323 to the trustee and all creditors affected by the modification.~~

~~Simultaneously with the filing of a motion to modify a plan under 11 U.S.C. § 1329, the movant must provide the notice required by Fed. R. Bankr. P. Prior to filing a post-confirmation modification to a Chapter 13 plan, the proponent of the modification shall consult with the Standing Chapter 13 trustee regarding the proposed modification, its feasibility and permissibility. A motion seeking approval of a modification shall be accompanied by a certification of the proponent or the proponent's counsel that such consultation has taken place and, if known, a statement of the trustee's position on the proposed modification.~~

~~(b) — Form. Any amended Chapter 13 plan filed in this District shall comport with Maine Bankruptcy Form No. 2 in substance and in form. Those parts of the amended plan that are changed from the previous plan shall be clearly identified.~~

~~(c) — Service. Within fourteen (14) days of filing an amended plan, debtor's counsel (or 3015(h) to the debtor, if pro se) shall serve a copy of the amended plan on all parties in interest. Any amended plan filed before the last date for filing claims shall be served on all parties in interest as reflected on the mailing matrix, and as otherwise required by rule; any amended plan filed after the last date for filing claims shall be served on those creditors who have filed proofs of claim with the Clerk, and as otherwise required by rule. Confirmation of an amended plan shall be sought pursuant to D. the trustee, and all creditors affected by the modification. Me. LBR 3015-3 or 11 U.S.C. § 1329, as appropriate.~~

RULE 3015-32 - CHAPTER 13 - CONFIRMATION HEARING

(a) Service of Plan and Notice of Hearing on Confirmation. Under Fed. R. Bankr. P. 2002 and consistent with D. Me. LBR 3015-1(a), the debtor is directed to provide notice of (i) the date, time, and location of the hearing to consider confirmation of the ~~chapter~~Chapter 13 plan; and (ii) the deadline for objections to confirmation.

(b) Hearing on Confirmation. ~~Any party in interest is entitled to a hearing on Absence of Objections. If there are no timely objections to confirmation of a Chapter 13 plan. In the absence of a timely filed objection to confirmation, the Court may rule on confirmation pursuant to D. Me. LBR 9013-1(g)(1), without a hearing.~~

RULE 3015-3 – ALLOWANCE AND PAYMENT OF CLAIMS BY THE TRUSTEE

(a) Certain Pre-Confirmation Distributions by the Trustee. If the Chapter 13 plan includes a requirement that the trustee make distributions to creditors under 11 U.S.C. § 1326(a)(1)(B) or

(C), then the trustee is authorized to make such distributions in accordance with the plan. If the plan is modified to alter or eliminate the distribution under section 1326(a)(1)(B) or (C), then the trustee's authorization will be limited accordingly. In addition, the Court may limit the trustee's authorization under this D. Me. (e) Filing of Claims. Claims shall be filed as provided by Fed. R. Bankr. P. 3002, 3004 or 3005.

~~(1) — *Claim filed by Creditor.* Any creditor who files or amends a proof of claim shall serve a copy on the trustee and counsel for the debtor, or upon the debtor directly if pro se.~~

~~(2) — *Claim filed by debtor, trustee or co-debtor.* Any claim filed by the debtor, trustee or co-debtor on behalf of a creditor pursuant to Fed. R. Bankr. P. 3004 or 3005 shall be served on the creditor on whose behalf the proof is filed in addition to the parties to be served under paragraph (c)(1). Such timely filed claim shall be deemed allowed for the purposes of payment pursuant to Fed. R. Bankr. P. 3001(f) and D. Me. LBR 3015-3(d) thirty (30) days from the date of service, except as otherwise provided by express order of the Court.~~

~~(d) — Allowance and Payment of Claims.~~

~~(1) — *Claims allowed* LBR 3015-3(a).~~

~~(b) Motion to Allow and Disallow Claims. Pursuant to Fed. R. Bankr. P. 3001(f), a timely filed claim is allowed as filed except as otherwise determined upon objection by a party in interest, pursuant to the order allowing and disallowing claims Not later than two hundred ten (210) days after confirmation, or other order of Court after notice and hearing.~~

~~(2) — *Objections to Claims.* A party in interest may object to a claim pursuant to Fed.~~

~~R. Bankr. P. 3007. Objections shall be filed no later than thirty (30) days after the~~

~~filing of the motion to allow claims filed pursuant to D. Me. LBR 3015-3(d)(3).~~

~~(3) — *Allowance and Payment of Claims.* The trustee may pay allowed secured and priority~~

~~claims as filed pursuant to a confirmed plan unless an objection to such claim is pending. After~~

~~the last date for filing claims, the debtor or the trustee shall~~the petition date, the debtor or the

trustee must file a motion to allow and disallow claims. Such motion may ~~also~~ address

objections to claims, priority of claims, the avoidability of liens, and any other ~~matter which may~~

~~be raised pursuant to statute or rule. Payment of general unsecured claims shall be made only~~

~~after the order allowing and disallowing claims except as otherwise authorized by order of~~

~~Court.~~appropriate matter. The motion(s) and order(s) shall comport with Maine Bankruptcy

Forms 3 and 4 ~~in substance and in form.~~

[Amended Effective May 8, 2017]

(c) — Objections to Claims. In a Chapter 13 case, objections to claims must be filed no later

than thirty (30) days after the filing of the motion to allow and disallow claims pursuant to D.

Me. LBR 3015-3(b).