

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

Sonja K. Carter,

Debtor

Chapter 13

Case No. 17-10612

ORDER DENYING MOTION TO EXTEND TIME

The debtor filed a Motion to Enlarge Time to File Confirmation on Amended Chapter 13 Plan [Dkt. No. 11] (the “Motion”). The Motion is hereby denied.

This chapter 13 case began on October 30, 2017. [Dkt. No. 1.] On the same day, the debtor filed her chapter 13 plan. [Dkt. No. 2.] A hearing on confirmation of the plan was scheduled for January 4, 2018. *See* [Dkt. No. 4]. Under D. Me. LBR 3015-2(a), the debtor was responsible for serving the plan and a notice of confirmation hearing on the trustee and her creditors (even though the Court set the date, time and location of the confirmation hearing). The Motion does not explain why the debtor failed to file and serve her chapter 13 plan in a timely manner. She could have filed and served the plan—along with a notice of hearing that established December 28, 2017 as the deadline for objections to confirmation—at any point during the month of November, and would thereby have provided adequate notice of the confirmation hearing and the objection deadline. *See* Fed. R. Bankr. P. 2002(a)(9) (requiring at least 21 days’ notice of the deadline for objections to confirmation); Fed. R. Bankr. P. 2002(b) (requiring at least 28 days’ notice of the confirmation hearing); Fed. R. Bankr. P. 3015(d) (requiring the debtor to serve the plan on the trustee and all creditors when the plan is filed with the Court); Fed. R. Bankr. P. 3015(f) (stating that objections to confirmation must be filed at least 7 days prior to the hearing, unless the Court orders otherwise). Apparently, the debtor

waited until after the conclusion of the 341 meeting on November 28 to make changes to her plan that responded to input received from the chapter 13 trustee. While the Court appreciates the debtor's efforts to work cooperatively with the trustee, the service of a chapter 13 plan and a related notice of hearing should not await the conclusion of the 341 meeting, even if that has been a historical practice in this district. *See* 11 U.S.C. § 1324(b).

The confirmation hearing established by the debtor's Notice of Hearing [Dkt. No. 13] is hereby terminated. The confirmation hearing will proceed on January 4, 2018 as originally scheduled. The Clerk is directed to serve a copy of this order on the debtor and all creditors in this chapter 13 case.

Dated: December 15, 2017



Michael A. Fagone
United States Bankruptcy Judge
District of Maine