

D.N.J. LBR 3015-1 CHAPTER 13 PLAN

- (a) The Debtor shall file Local Form, *Chapter 13 Plan and Motions*.
- (b) Only motions to avoid judicial liens under 11 U.S.C. § 522(f) and to avoid liens and reclassify claims in whole or in part may be filed within the plan. If the Plan as proposed contains such motions, the Debtor must, within 21 days of the date of entry on the docket of the Notice of Hearing on Confirmation of Plan, serve each potentially affected creditor with a copy of the Plan and Local Form, *Chapter 13 Plan Transmittal Letter*. The Plan and Transmittal Letter shall be served in the manner provided for service by Fed. Rule Bankr. Proc. 9014. The Debtor shall file a Proof of Service of compliance with this subsection simultaneously upon completion of service of the Plan and Transmittal Letter.

- 1997 Comment: Formerly Local Rule 30.
- 2003 Comment: This rule is amended to implement the use of Local Form 8 - Chapter 13 Plan and Motions and Local Form 22 - Chapter 13 Plan Transmittal Letter.
- 2009 Comment: Subsection (b) is amended to require the Debtor to file a Proof of Service of compliance with this subsection on the same day as timely service of the Chapter 13 Plan and Transmittal Letter is effectuated.
- Dec., 2009 Comment Subsection (b) is amended to conform with the March 26, 2009, Supreme Court approval of changes to Bankruptcy Rule 9006 which addresses the method by which time is calculated. On May 7, 2009, the Statutory Time Period Technical Amendments Act of 2009 was enacted (Pub. L. No. 111-06). The law adjusts the time period in 28 statutes, including nine sections of the Bankruptcy Code, which are impacted by the federal rule changes. Both the statutory and rules changes take effect on the same day, December 1, 2009. Deadlines of less than 30 days have been changed to multiples of seven days so that the expiration of the deadline ordinarily would occur on a weekday. Under the revised rules: 5 day deadlines become 7 days; 10 and 15 day deadlines become 14 days; 20 day deadlines become 21 days; and 25 day deadlines become 28 days. Effective, December 1, 2009 conforming amendments to the Court's Local Rules, including the one set forth herein, have been approved by the Board of Bankruptcy Judges. Additional information concerning time computation amendments to the national rules, local rules, general orders and forms may be accessed at www.uscourts.gov/rules and www.njb.uscourts.gov.
- 2010 Comment: This rule is amended to eliminate the references to "D.N.J. Local Forms 8 and 22, " by substituting the caption of the Local Forms.
- Reference: 11 U.S.C. § 1321 Filing of plan; 11 U.S.C. § 1322 Contents of plan; **D.N.J. LBR 3015-2**.