

D.N.J. LBR 3015-6 OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN

- (a) An objection to confirmation of the plan shall be filed with the court and served upon the debtor, debtor’s attorney, the chapter 13 trustee, and any other party in interest at least seven (7) days prior to the confirmation hearing date set in the *Notice of Hearing on Confirmation of Plan* or *Notice of Modification of Chapter 13 Plan*, whichever occurs later.
- (b) Except as provided in subsection (c) of this rule, a **proof of claim** filed that asserts a claim that is greater than, either the scheduled amount of the claim or the amount of the claim as designated in the plan serves as an objection to confirmation as to the amount of the claim, without appearance by the creditor at the confirmation hearing. The proof of claim shall be served in accordance with subsection (a) of this rule. The creditor shall file a proof of service prior to the scheduled confirmation hearing. The plan may be confirmed using the amount asserted in the proof of claim. The right of the debtor to file an objection to the allowance of a claim pursuant to [D.N.J. LBR 3007-1](#) is preserved, without the need for oral or written reservation at confirmation.
- (c) Where a motion to avoid liens or partially avoid liens has been filed in the plan, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion and serves as an objection to confirmation. The proof of claim shall be served in accordance with subsection (a) of this rule. The creditor shall file a proof of service prior to the scheduled confirmation hearing. In order to prosecute the objection, the creditor must appear at the confirmation hearing, which shall be the hearing on the motion. Failure to appear to prosecute the objection may result in the motion being granted and the plan being confirmed pursuant to the terms as set forth in the plan.

2001 Comment: This rule is new; it sets forth the time within which objections to confirmation of the chapter 13 plan must be filed and served.

2003 Comment: This rule is amended to eliminate reference the Chapter 13 Summary of Plan.

2005 Comment: Subsection (b) is added to allow a creditor’s proof of claim in an amount different from that set forth in a debtor’s Chapter 13 Plan to constitute an objection to confirmation. No further objection to confirmation of the Chapter 13 Plan need be filed. The proof of claim must be served upon the debtor, debtor’s attorney, the chapter 13 trustee and any other party in interest, at least seven days prior to the confirmation hearing date set in the Notice of Hearing on Confirmation or Notice of Modification of Chapter 13 Plan whichever occurs first. Confirmation of the Chapter 13 Plan may occur using the amount listed in the creditor’s proof of claim. The right of the debtor to file an objection to the allowance of a claim pursuant to [D.N.J. LBR 3007-1](#), *Claims - Objections*, for 60 days post confirmation is preserved, without the need for oral or written reservation at confirmation.

2006 Comment: Subsection (b) is amended to clarify that where a proof of claim asserts a claim that is greater than either the scheduled amount of the claim or the amount of the claim as designated in the plan, the plan may be confirmed using the amount asserted in the proof of claim without the need for an appearance by the creditor at the confirmation hearing. By operation of the rule, the debtor's right to object to the claim is reserved for 60 days after confirmation. Subsection (c) is added to clarify and highlight that where a plan includes a motion to avoid liens or partially avoid liens, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion and serves as an objection to confirmation. In order to prosecute the

objection, the creditor must appear at the confirmation hearing, as the failure to do so may result in the plan being confirmed pursuant to the terms as set forth in the plan, including the relief sought by the motion.