

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**IMPORTANT NOTICE TO THE BAR AND PUBLIC**  
**CONCERNING GENERAL ORDERS RESOLVING CERTAIN CHAPTER 13**  
**PAYMENT DISPUTE ISSUES TO BE EFFECTIVE JANUARY 17, 2005**

Two General Orders resolving certain Chapter 13 payment dispute issues were entered in the United States Bankruptcy Court for the District of New Jersey on January 4<sup>th</sup>, 2005 (“the *January 4<sup>th</sup>, 2005 General Orders*”).

**I. The General Order Pending Amendment of *D.N.J. LBR 3015-6, Objection to Confirmation Of Chapter 13 Plan*, provides that:**

1.a. A creditor’s proof of claim in an amount different from that set forth in a Debtor’s Chapter 13 Plan, shall constitute an Objection to Confirmation of the Plan. No further objection to confirmation of the Chapter 13 Plan need be filed. The proof of claim shall constitute an Objection to Confirmation of the Plan so long as the proof of claim is 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 Ch. 13 Plan whichever occurs first.

b. 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 for 60 days post confirmation is preserved.

c. This procedural transition contemplates a proposed amendment to *D.N.J. LBR 3015-6, Objections To Confirmation of Chapter 13 Plan* which is pending approval of Local Bankruptcy Rule Amendments by the United States District Court for the District of New Jersey pursuant to the Court’s Annual Rule Making Cycle for the year 2005.

**II. The General Order Relating To Motions For Relief From The Automatic Stay; and Requiring the Filing of Chapter 13 Debtor's Certification In Opposition to Creditor's Motion or Certification of Default and Related Forms, provides that:**

1. No appearances will be required for *uncontested* Chapter 13 Motions relating to the automatic stay. This procedural transition contemplates amendment to *D.N.J. LBR 4001-1, Automatic Stay-Relief From*, pending approval of Local Bankruptcy Rule Amendments by the United States District Court for the District of New Jersey pursuant to the Court’s Annual Rule Making Cycle for the year 2005.

2. A new form entitled *Chapter 13 Debtor's Certification in Opposition to Creditor's Motion or Certification of Default* must be filed with the Court and served upon the creditor and the Standing Chapter 13 Trustee, at least seven (7) days before the return date, pursuant to *DNJ LBR 9013-1(d), Motion Practice*, if filed in opposition to a *Motion for Relief from the Automatic Stay*; and within 10 days of the filing of a *Creditor's Certification of Default* under an *Order Resolving Motion to Vacate Stay and/or Dismiss with Conditions*. Absent the filing of this mandatory new form, the creditor's stay relief motion will be deemed uncontested, and the creditor's appearance at the hearing will *not* be required.

3. *Local Forms 16 (Post Petition Payment History On Note and Mortgage) or 16A (Post Petition Payment History on Vehicle Loan/Lease)* must be filed by secured creditors in conjunction with the filing of a *Creditor's Certification of Default* ;

4. The establishment on the Court's website [www.njb.uscourts.gov](http://www.njb.uscourts.gov), of a **new Creditor Address Database** for purposes of forwarding post petition payments is approved, subject to timely implementation of this Database subsequent to the effective date of the *January 4<sup>th</sup>, 2005 General Orders*.

5. Secured creditors shall be required to accept debtors' post petition payments, and to apply those payments to debtors' accounts; any such acceptance shall be without any prejudice to, waiver of, or estoppel as to the position of secured creditors in disputes with debtors, including payment and accounting disputes.

6. A new form entitled *Scheduling Order Regarding Certain Chapter 13 Payment Dispute Issues Relating To Motions for Relief From the Automatic Stay*, will be entered by the Court, requiring the exchange of payment records before the hearing, on the terms and conditions set forth therein.

7. The *January 4<sup>th</sup>, 2005 General Orders* become effective January 17th, 2005 upon which date, the above referenced procedural transitions are to be implemented; use of Local Forms 16, 16A in conjunction with a *Creditor's Certification of Default* is to become mandatory; as is use of the new mandatory form *Chapter 13 Debtor's Certification In Opposition to Creditor's Motion*.

**A copy of this Notice, together with the *January 4<sup>th</sup>, 2005 General Orders*, and related Forms and Orders is available on the Court's website at: [www.njb.uscourts.gov](http://www.njb.uscourts.gov), or at the Clerk's Office in each vicinage.**

**Dated: January 4<sup>th</sup>, 2005**

**James J. Waldron, Clerk**

