

1 **Rule 3015. Filing, Objection to Confirmation, Effect of**  
2 **Confirmation, and Modification of a Plan**  
3 **in a Chapter 12 ~~Family Farmer's Debt~~**  
4 **~~Adjustment~~ or a Chapter 13 ~~Individual's~~**  
5 **~~Debt Adjustment Case~~**

6 (a) FILING OF CHAPTER 12 PLAN. The debtor  
7 may file a chapter 12 plan with the petition. If a plan is not  
8 filed with the petition, it shall be filed within the time  
9 prescribed by § 1221 of the Code.

10 (b) FILING OF CHAPTER 13 PLAN. The debtor  
11 may file a chapter 13 plan with the petition. If a plan is not  
12 filed with the petition, it shall be filed within 14 days  
13 thereafter, and such time may not be further extended  
14 except for cause shown and on notice as the court may  
15 direct. If a case is converted to chapter 13, a plan shall be  
16 filed within 14 days thereafter, and such time may not be  
17 further extended except for cause shown and on notice as  
18 the court may direct.

19 (c) ~~DATING.~~ Every proposed plan and any  
20 ~~modification thereof shall be dated.~~ FORM OF CHAPTER

21 13 PLAN.

22 (1) Official or Local Form. If there is an  
23 Official Form for a plan filed in a chapter 13 case, that  
24 form must be used unless a Local Form has been  
25 adopted under paragraph (2). With either the Official  
26 Form or a Local Form, nonstandard Pprovisions not  
27 otherwise included in the Official Form or deviating  
28 from it are effective only if they are included in a  
29 section of the Official Fform designated for  
30 nonstandard provisions and are also identified in  
31 accordance with any other requirements of the  
32 Official Fform. As used in this rule and the Official  
33 Form or a Local Form, “nonstandard provision”  
34 means a provision not otherwise included in the  
35 Official or Local Form or deviating from it.

36                   (2) Requirements for a Local Form.  
37                   Notwithstanding Rule 9029, a district may require that  
38                   a Local Form be used instead of the Official Form if  
39                   the following conditions are satisfied:  
40                   (A) A single Local Form is adopted for the  
41                   district after public notice and an opportunity for  
42                   public comment.  
43                   (B) Each paragraph of the Local Form is  
44                   numbered and labeled in boldface type with a  
45                   title stating the general subject matter of the  
46                   paragraph.  
47                   (C) The Local Form includes an initial  
48                   paragraph stating that the plan does or does  
49                   not—  
50                   (i) contain any nonstandard provision;

51 (ii) limit the amount of a secured claim  
52 based on a valuation of the collateral for the  
53 claim; or  
54 (iii) avoid a security interest or lien.  
55 (D) The Local Form contains separate  
56 paragraphs for—  
57 (i) the cure of any default and maintenance  
58 of payments on a claim secured by the  
59 debtor’s principal residence;  
60 (ii) payment of a domestic support  
61 obligation;  
62 (iii) payment of a claim described in the  
63 final paragraph of § 1325(a) of the  
64 Bankruptcy Code; and  
65 (iv) surrender of property securing a claim  
66 with a request that the stay be terminated as  
67 to the surrendered collateral.

68                   (E) The Local Form contains a final paragraph  
69                   for the placement of nonstandard provisions,  
70                   with a statement that any nonstandard provision  
71                   placed elsewhere in the plan is void, and requires  
72                   a certification by the debtor’s attorney or by an  
73                   unrepresented debtor that the plan contains no  
74                   nonstandard provision other than those set out in  
75                   the final paragraph.

76                   (d) ~~NOTICE AND COPIES. The plan or~~  
77                   a summary of the plan shall be is not included with the each  
78                   notice of the hearing on confirmation mailed pursuant to  
79                   Rule 2002, the debtor shall serve the plan on the trustee and  
80                   all creditors when it is filed with the court. ~~If required by~~  
81                   ~~the court, the debtor shall furnish a sufficient number of~~  
82                   ~~copies to enable the clerk to include a copy of the plan with~~  
83                   ~~the notice of the hearing.~~

84 (e) TRANSMISSION TO UNITED STATES  
85 TRUSTEE. The clerk shall forthwith transmit to the  
86 United States trustee a copy of the plan and any  
87 modification thereof filed pursuant to subdivision (a) or (b)  
88 of this rule.

89 (f) OBJECTION TO CONFIRMATION;  
90 DETERMINATION OF GOOD FAITH IN THE  
91 ABSENCE OF AN OBJECTION. An objection to  
92 confirmation of a plan shall be filed and served on the  
93 debtor, the trustee, and any other entity designated by the  
94 court, and shall be transmitted to the United States trustee,  
95 ~~before confirmation of the plan~~ at least seven days before  
96 the date set for the hearing on confirmation, unless the  
97 court orders otherwise. An objection to confirmation is  
98 governed by Rule 9014. If no objection is timely filed, the  
99 court may determine that the plan has been proposed in

100 good faith and not by any means forbidden by law without  
101 receiving evidence on such issues.

102 (g) EFFECT OF CONFIRMATION. Upon the  
103 confirmation of a ~~In a~~ chapter 12 or chapter 13 ~~case plan~~,

104 (1) ~~a~~Any determination made in the plan in  
105 accordance with Rule 3012 of the amount of a secured  
106 claim under § 506(a) of the Code is binding on ~~its~~ the  
107 holder of the claim, even if the holder files a contrary  
108 proof of claim under Rule 3002 or the debtor  
109 schedules that claim under § 521(a) of the Code, and  
110 regardless of whether an objection to the claim has  
111 been filed under Rule 3007.

112 (2) Any request in the plan for termination of  
113 the stay imposed by § 362(a), § 1201(a), or § 1301(a)  
114 is granted.

115 ~~(g)~~(h) MODIFICATION OF PLAN AFTER  
116 CONFIRMATION. A request to modify a plan pursuant to

117 § 1229 or § 1329 of the Code shall identify the proponent  
118 and shall be filed together with the proposed modification.  
119 The clerk, or some other person as the court may direct,  
120 shall give the debtor, the trustee, and all creditors not less  
121 than 21 days' notice by mail of the time fixed for filing  
122 objections and, if an objection is filed, the hearing to  
123 consider the proposed modification, unless the court orders  
124 otherwise with respect to creditors who are not affected by  
125 the proposed modification. A copy of the notice shall be  
126 transmitted to the United States trustee. A copy of the  
127 proposed modification, or a summary thereof, shall be  
128 included with the notice. ~~If required by the court, the~~  
129 ~~proponent shall furnish a sufficient number of copies of the~~  
130 ~~proposed modification, or a summary thereof, to enable the~~  
131 ~~clerk to include a copy with each notice.~~ If a copy is not  
132 included with the notice and the proposed modification is  
133 sought by the debtor, a copy shall be served on the trustee



134 and all creditors in the manner provided for service of the  
135 plan by subdivision (d) of this rule. Any objection to the  
136 proposed modification shall be filed and served on the  
137 debtor, the trustee, and any other entity designated by the  
138 court, and shall be transmitted to the United States trustee.  
139 An objection to a proposed modification is governed by  
140 Rule 9014.

#### **Committee Note**

This rule is amended and reorganized.

Subdivision (c) is amended to require use of an Official Form if one is adopted for chapter 13 plans unless a Local Form has been adopted consistent with subdivision (c)(2). Subdivision (c)(1) provides ~~The amended rule also provides~~ that nonstandard provisions in a chapter 13 plan must be set out in the section of the Official or Local Form specifically designated for such provisions and must be identified in the manner required by the Official or Local Form. Subdivision (c)(2) sets out features required for all Local Forms in order to promote consistency among them. Local Forms may, but need not, require that valuation and lien avoidance occur through the plan confirmation process.

Subdivision (d) is amended to ensure that the trustee and creditors are served with the plan in advance of confirmation. Service may be made either at the time the plan is filed or with the notice under Rule 2002 of the hearing to consider confirmation of the plan.

Subdivision (f) is amended to require service of an objection to confirmation at least seven days before the hearing to consider confirmation of a plan, unless the court orders otherwise. ~~The seven-day notice period may be altered in a particular case by the court under Rule 9006.~~

Subdivision (g) is amended to provide to set out two effects of confirmation. Subdivision (g)(1) provides that the amount of a secured claim under § 506(a) may be determined through a chapter 12 or chapter 13 plan in accordance with Rule 3012. That determination controls over a contrary proof of claim, without the need for a claim objection under Rule 3007, and over the schedule submitted by the debtor under § 521(a). The amount of a secured claim of a governmental unit, however, may not be determined through a chapter 12 or chapter 13 plan under Rule 3012. Subdivision (g)(2) provides for termination of the automatic stay under §§ 362, 1201, and 1301 as requested in the plan.

Subdivision (h) was formerly subdivision (g). It is redesignated and amended to clarify that service of a proposed plan modification must be made in accordance with subdivision (d) of this rule. The option to serve a summary of the proposed modification has been retained. Unless required by another rule, service under this subdivision does not need to be made in the manner

provided for service of a summons and complaint by Rule 7004.

