NEW PROCEDURES FOR OBTAINING
CONFIRMATION OF CHAPTER 13 PLANS
IN THE ROCHESTER BANKRUPTCY COURT

1. Commencing on November 17, 2005, Notice of the Chapter 13 initial 341 meeting and the confirmation hearing[1] will be sent by the Court to all creditors. The Court will include a copy of the plan, if filed with the petition.

2. A suggested model plan will be posted to the Court's web site. Debtors are encouraged to use the model plan. Use of a customized form or a software form by a debtor's attorney is acceptable. The Court's web site will have a sample appendix to be attached to any plan not conforming exactly to the model plan. If an attorney uses a form other than the exact model plan form or appendix, the attorney must inform the Court and Trustee of all differences between the suggested forms and the forms actually used.

3. If the petition is filed without a plan, the debtor must file with the Court and serve a copy of the plan, with notice of the confirmation hearing, on the Trustee and all creditors. Proof of service must be filed with the Court. A form will be available for debtors to use to notice the confirmation hearing. The debtor must contact the Trustee's office to receive a date and time for the confirmation hearing, to be included in the notice. The exact procedure will be contained in an instruction letter sent to the debtor or debtor's attorney by the Trustee. This step, if required, is viewed as part of the attorney's regular "no look" fees for a Chapter 13.

4. The dates of 341 meetings will continue to be scheduled according to 2003 Rule. For the Rochester cases 341 meetings will generally be held on Mondays, (except the first Monday of each month) at the following times: 8:45 am, 9:45 am, 10:45 am, 1:00 pm, 2:00 pm, 3:00 pm and 4:00 pm. Attorneys are encouraged to batch file their cases to increase the likelihood that the cases will be scheduled in the same time slot. However, batching is not guaranteed.

5. There will be no change in the scheduling of §341 meetings for Chapter 13 cases in Watkins Glen. Confirmation hearings will be scheduled on separate dates pursuant to 11 USC 1324.

6. For Rochester cases, confirmation hearings will generally take place on the first Monday of each month on an hourly basis from 9:00 am to 11:00 am and again hourly from 1:00 pm to 3:00 pm. Motions will be scheduled if time is available in these slots; otherwise motions will be scheduled

at 4:00 pm. These motions will be the same motions currently allowed to be scheduled on the Chapter 13 calendar.

7. Not less than14 days prior to the confirmation hearing, the debtor must file with the Court and serve on all parties in interest 1) a signed (in compliance with ECF rules) amended plan which conforms with any changes needed to be made to solve written or oral objections to the plan; 2) the checklist of reasons why the debtor had to file Chapter 13; and 3) a certificate that post petition domestic support obligations are current. The next day, a certificate of service of the above items must be filed with the Court by the debtor.

8. Seven (7) days prior to the confirmation hearing, the Trustee will file with the Court a 341 Meeting Report and the Trustee's objections, if any, to confirmation. These will be sent electronically to debtor's attorney and by mail to the debtor.

9. Public confirmation hearings will continue to be conducted with the Court presiding, and the Trustee, debtor and debtor's attorney required to be present.

10. If the Court confirms the plan, and if the plan was changed at confirmation, then within 14 days, the debtor will file an amended plan signed by the debtor. If the Court requires that the amended plan be served on all parties in interest, the debtor must first serve the amended plan and file a certificate of service with the Court the next day. This extra service will be considered part of the attorney's no look fees, unless otherwise ordered by the Court. This amended plan will be attached to a simplified one page confirmation order which will refer to said plan by filing date and indicate that it is confirmed. The amended plan will thus be part of the confirmation order.

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[1] Notice of the confirmation hearing will be sent by the Court only if the plan is filed with the petition.