IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:	)	
	)	
RULE 3015-2 and	)	GENERAL ORDER NO. 14-01
APPENDIX R	)	
	)	

IT IS HEREBY ORDERED that effective as of April 1, 2014, existing Local Rule 3015-2 of the United States Bankruptcy Court for the District of Nebraska is hereby amended in its entirety, as attached hereto, and Appendix "R," attached hereto, is added to the Appendix of the Local Rules. This General Order shall apply to all pending and subsequently filed cases.

IT IS SO ORDERED.

DATED: March 20, 2014.

Thomas L. Saladino, Chief Bankruptcy Judge

Rule 3015-2. Chapter 13 - General

A. **Form**. Chapter 13 plans shall be in substantial conformity with Appendix "G." Chapter 13 plans and amended plans are governed by Neb. R. Bankr. P. 9013-1 and are treated as a "Motion" under that Rule.

B. **Timely Filing of Plan, Schedules, and Statement of Affairs**. The Chapter 13 plan, schedules, and statement of affairs must be filed within the time authorized by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure. If these required documents are not timely filed, and no motion for an extension of time has been filed, the Chapter 13 trustee, with authorization from the United States Trustee, will file a Notification of Debtor's Failure to Comply and the case will be dismissed without further notice or hearing. Fed. R. Bankr. P. 1007(c), 3015(b), 11 U.S.C. § 1307(c)(9).

C. **Plan Filed with the Petition**. If the plan is filed with the petition, counsel for the debtor shall serve the plan, with a resistance date of 14 days after the conclusion of the meeting of creditors. Counsel will not have the exact date of the meeting of creditors when the petition and plan are filed. Therefore, the notice may state: "Any resistance to the plan must be filed no later than 14 days after the conclusion of the meeting of creditors."

D. **Plan Not Filed with the Petition**. If the plan is not filed with the petition, it shall be filed and served, with an appropriate resistance date. No resistance date required under Neb. R. Bankr. P. 9013-1 shall be set for a date earlier than 14 days after the conclusion of the meeting of creditors.

E. **Pre-confirmation Adequate Protection and Lease Payments**. The Chapter 13 plan shall provide that § 1326(a)(1) pre-confirmation adequate protection and lease payments are to be paid in the plan and through the Chapter 13 trustee. The plan shall list the creditor name, address, last four digits of the account number, payment due date, and payment amount for each creditor receiving § 1326(a)(1) pre-confirmation adequate protection or lease payments. The debtor must immediately commence plan payments to the trustee for the amounts necessary to pay these pre-confirmation payments plus statutory trustee's fees. The debtor shall not reduce plan payments to the trustee under § 1326(a)(1)(B) and (C) without an order of the Court. A creditor may file a motion requesting a change in the amount of the § 1326(a)(1) pre-confirmation payments pursuant to § 1326(a)(3). Until the creditor's motion is resolved, the Chapter 13 trustee shall continue to make the payments proposed to such creditor as set forth in the plan.

1. The Chapter 13 trustee is authorized to pay § 1326(a)(1) pre-confirmation payments set forth in the proposed plan without entry of an order of the Court. No payments shall be made to a creditor until a proof of claim is filed. Pre-confirmation payments shall be made to the creditors within 30 days of the filing of the proof of claim unless sufficient funds have not been paid by the debtor to the trustee in order to make such payments within seven working days prior to the end of such 30-day period. The

Chapter 13 trustee is authorized to deduct from an allowed claim, as of the date of payment, each § 1326(a)(3) pre-confirmation payment made by the trustee.

2. If a creditor obtains an order for payments under § 1326(a)(3) and the case is dismissed prior to confirmation, the creditor shall receive from the trustee any payments due and owing upon dismissal of the case from funds collected by the trustee under § 1326(a)(1)(A) less statutory trustee fees and allowed § 503(b) claims including the debtor's attorney fees.

F. **Objection to Confirmation**.

1. If a timely objection to confirmation is filed, the debtor has 14 days after the objection to confirmation deadline to file a response with the Court. All responses shall set forth specific factual and legal details and conclude with a request for relief. Any response that fails to include specific factual and legal details will not be considered.

   a. If the debtor fails to file a timely response to the objection to confirmation or files a response that lacks specific factual and legal details, the Court will enter an order sustaining the objection and denying confirmation of the debtor's plan, and the debtor will be ordered to file an amended plan in 21 days. Further, repeated failure by the Debtor to file a response to plan objections may result in dismissal of the bankruptcy case for unreasonable delay that is prejudicial to creditors and/or for failure to confirm a plan.

   b. Upon timely filing a proper response, debtor's attorney shall immediately contact the objecting party and attempt to resolve the objection through a stipulated confirmation order or an amended plan.

   c. If the objection to confirmation is settled, the parties must notify the Courtroom Department of the settlement and file a stipulated confirmation order or an amended plan. All confirmation orders submitted shall be in conformity with Appendix "H." No confirmation order shall be entered before the meeting of creditors has been concluded.

   d. If debtor's attorney and the objecting party are unable to resolve the objection despite all good faith efforts, any party may file a Certification and Request for Confirmation Trial in the form of Appendix "R." THE COURT WILL NOT SET A CONFIRMATION TRIAL UNTIL THE CERTIFICATION AND REQUEST IS FILED. If a proper certification and request is filed, the Court will set a confirmation trial date at which all parties and their attorneys and witnesses shall appear and live testimony shall be presented. Alternatively, if the issues in dispute are purely legal in nature, the parties may request a trial or hearing on stipulated facts. The only issues to be addressed at trial shall be those specifically set forth in the plan objection(s) and debtor's response.

e. If a Certification and Request for Confirmation Trial is not filed within 60 days after the filing of a response to a plan objection, confirmation will be denied and the Court may consider dismissing the case for failure to confirm a plan without further notice or hearing.

2. In a Chapter 13 case, the debtor must file the certification of payment of domestic support obligations (Appendix "K") with the Court at least seven days prior to the expiration of the Objection to Confirmation deadline. A certification must be filed prior to confirmation of all original plans, all amended plans, and all post-confirmation amended plans. If the certification is not filed with the Court, the confirmation or approval may be denied. The certification should not be filed before the applicable plan is filed.

3. If no timely objections to confirmation are filed, the Clerk shall enter a text-only order confirming the plan.

G. **Extension of Time to File Plan**. If an extension of time to file a plan is granted and the plan is not filed and noticed at least 14 days prior to the first date set for the meeting of creditors, the Chapter 13 trustee will continue the meeting of creditors. Notice of the rescheduled meeting of creditors shall be sent by counsel for the debtor to all creditors and parties requesting notice and a certificate of service shall be filed with the Court. If the plan is not filed at least 14 days prior to the second date set for the meeting of creditors, the Chapter 13 trustee, with authorization from the United States Trustee, will file a Notification of Debtor's Failure to Comply and the case will be dismissed without further notice or hearing.

H. **Tax Returns**. A debtor operating under a confirmed plan must file post-petition tax returns, both state and federal, and pay post-petition taxes, both state and federal, on a timely basis. The debtor shall comply with all requirements of Title 26 of the United States Code or applicable state tax code. Failure to file post-petition federal or state tax returns or failure to timely pay post-petition federal or state tax liabilities, in the manner prescribed by Title 26, or applicable state law, absent a showing of good cause, may be considered a material default of a confirmed plan. All post-petition federal and state tax returns and all post-petition federal and state tax liabilities are included in this paragraph, including returns or liabilities for which the debtor is a responsible party under 26 U.S.C. § 6672 or similar state laws.

I. **Employer Deduction**. To enhance the likelihood that a debtor will successfully complete a plan, each plan shall provide for an employer wage deduction and transmission to the Chapter 13 trustee unless the debtor, through counsel, files a detailed motion concerning the reason the debtor does not desire an employer deduction. Such motion shall be served upon the trustee, with an appropriate resistance date required by Neb. R. Bankr. P. 9013-1. If the trustee does not object, the motion will be granted by a text-only order in the electronic docketing system. If the trustee objects, a hearing shall be scheduled.

J. **Employment of Attorney for the Debtor**. No application for appointment as attorney for a Chapter 13 debtor is required.

K. **Discharge**. Within 14 days after the trustee files the "Certificate of Final Payment," the debtor must file with the Court the Certification by Debtor in Support of Discharge Regarding (1) Payment of Domestic Support Obligations and (2) Discharge in Prior Cases (Appendix "P") or the case may be closed without a discharge. In such an event, a Motion to Reopen (with payment of the full filing fee) shall be required to permit filing of the certificate and entry of the discharge.

APPENDIX "R"

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	CASE NO. BK[Case number]
	)	
[Debtor's name],	)	CH. [Chapter]
	)	
Debtor(s).	)	

CERTIFICATION AND REQUEST FOR CONFIRMATION TRIAL

_____[name of attorney]____, as attorney of record for __[name of client or trustee]__, hereby certifies, under oath, as follows:

a. One or more objections to confirmation of Debtor's proposed Chapter 13 plan have been filed and the undersigned has contacted the opposing party/attorney for the opposing party to discuss, and have discussed with the opposing party/attorney, all potential resolutions to the objection.

b. Despite all good faith efforts, the parties have determined that they are unable to reach a consensual resolution of the objection to confirmation and a trial to the Court is necessary. I recognize that merely asserting that I have been unable to reach the opposing party/attorney is not, in and of itself, "good faith efforts."

c. I understand that upon filing this certification, the Court will set deadlines for evidence and other matters and will schedule a trial date at which all parties, attorneys, and witnesses must appear in person to provide sworn testimony unless the Court grants a request to hear or try the matter on stipulated facts.

d. I understand that the Court has a limited number of dates available for trial and is relying upon this Certification to set aside a trial date on my representation that a trial is necessary. I hereby request that the Court set the plan and objection for trial.

Dated: _____.

_____
___[Name of attorney]__

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

Subscribed, sworn to, and acknowledged before me by _____, this _____ day of _____, 20__.

_____
Notary Public