

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:

AMENDMENT TO LOCAL RULE 3015-3  
CHAPTER 11 SUBCHAPTER V, 12 AND  
13 – DISMISSAL OF CASE UPON  
PAYMENT DEFAULT  
AND  
APPENDIX “Q” SUBCHAPTER V STATUS  
REPORT

Debtor(s).

GENERAL ORDER 21-01

This General Order, effective August 1, 2021, amends the Nebraska Rules of Bankruptcy Procedures adopted on December 17, 2018, following a meeting of the Bankruptcy Practice Committee for the District of Nebraska and recommendations from a subcommittee thereof. Local Rule 3015-3 and the Appendices will be formally updated during the next Local Rule revision process.

IT IS HEREBY ORDERED:

- (1) Effective August 1, 2021, Subchapter V Small Business Status Reports must be substantially in the form set forth in Appendix “Q.”
- (2) Effective August 1, 2021, Neb. R. Bankr. P. 3015-3 is amended to include Chapter 11 Reorganization Cases for Small Business Debtors or Debtors Under Subchapter V (“Chapter 11 Subchapter V”).

**RULE 3015-3.            CHAPTERS 11 SUBCHAPTER V, 12 AND 13 - DISMISSAL OF  
CASE UPON PAYMENT DEFAULT**

A.     **Notice of Default.** If the debtor defaults on a plan payment to the trustee, the trustee may file a notice of payment default in a case under Subchapter V of Chapter 11 where the trustee is disbursing payments, Chapter 12, or Chapter 13. The notice must state the amount of the default and the date on which the next scheduled payment is due. The notice must also state that under this Local Rule, the court will dismiss the debtor’s bankruptcy case unless, within 21 days after the notice, the debtor either cures the default and makes all payments due or makes other arrangements acceptable to the trustee. The notice must state the specific calendar date by which the payment default must be cured.

B.     **Cure.** Within 21 days after the mailing of a notice of payment default, the debtor must either cure the default by making all payments or dispute the default.

C. **Dispute.** If the debtor disputes the payment default occurred, the debtor must file a request to set the matter for hearing that contains facts that support a default does not exist. A hearing will then be scheduled on affidavit evidence during which the debtor must offer evidence establishing all plan payments were made and a default does not exist. The filing of a contested matter, including an amended or modified plan, will not constitute a dispute as to the existence of the default and will not, alone, preclude dismissal of the case.

D. **Additional Time.** The court will not act on a request for hearing for additional time to cure a payment default or to take other action. The debtor must make these requests directly to the trustee and must not file a request for hearing.

E. **Trustee's Declaration.** The court will dismiss the debtor's case without further notice or hearing if the trustee files a declaration the establishes that the trustee complied with this Local Rule and served the notice of payment default on the debtor and the debtor's counsel and the debtor did not timely cure the default.

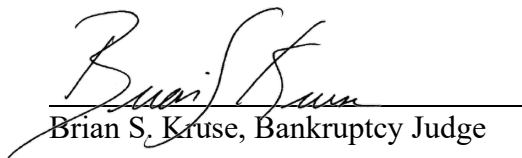
IT IS SO ORDERED.

Dated: July 6, 2021

BY THE COURT:



Thomas L. Saladino, Chief Judge



Brian S. Kruse, Bankruptcy Judge

APPENDIX "Q"  
SUBCHAPTER V STATUS REPORT  
Effective August 1, 2021  
IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

In the matter of: ) Case No. BK\_\_\_\_\_ )  
 ) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
Debtor. )

**Subchapter V Status Report**

The debtor submits this status conference report pursuant to 11 U.S.C. § 1188(c).

1. **Background.** Briefly describe the nature of the debtor's business or occupation, the reasons for filing bankruptcy and the desired goals of a reorganization plan.
2. **Plan.** Identify whether the debtor intends to propose a consensual or non-consensual plan and the reason for the type of plan.
3. **Parties.** Identify key parties, by name and category (secured, priority, unsecured, equity, trustee, other) with whom the debtor must communicate to confirm a plan. For each party, identify any important discussions that have already occurred, or any reasons discussions have not occurred.
4. **Efforts.** Describe efforts the debtor has undertaken to develop a plan of reorganization and any actions contemplated to formulate the plan. Also, if the debtor intends to propose a consensual plan, explain the steps being taken to achieve support for the plan.
5. **Obstacles.** List what the debtor believes to be significant obstacles or challenges to the confirmation of a plan, such as valuation disputes, claim adjudication, adversary proceeding litigation, or significant motions that may be filed.
6. **Collateral.** Identify who creditors should contact to inspect any collateral. Also, if the debtor anticipates a need to use cash collateral, identify the cash collateral and the secured parties with an interest in such collateral.
7. **Other.** Identify any additional information the debtor believes would be helpful to the court or parties in interest (e.g., executory contracts or unexpired leases, sale or surrender of real or personal property, any unusual circumstances, or any reason the debtor cannot file a plan within the 90-day deadline of 11 U.S.C. § 1189(b).