

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

Attachment A  
to 12/12/14 BB Agenda

11/21/14 DRAFT

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In re:

**MODIFICATION OF  
LOCAL RULES OF PRACTICE AND  
PROCEDURE IN BANKRUPTCY COURT,  
DISTRICT OF VERMONT**

**STANDING ORDER # 14-04**

**TO REVISE LOCAL RULE 3015-2(J)(5)(F)(I),  
TO ALTER THE TIME PERIOD WITHIN WHICH,  
UPON A DEBTOR'S FAILURE TO MAKE A PLAN  
PAYMENT, THE CHAPTER 13 TRUSTEE MUST  
FILE A MOTION TO DISMISS**

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Based upon input from the bar and the Chapter 13 case trustee, and consideration of the Court's experience with the conduit mortgage program, as set forth under Vt. LBR 3015-2(j), and in an effort to expedite the efficient use of the Court's resources, the Court deems it appropriate to modify the pertinent local rule to defer the date by which, upon a Debtor's failure to make a Chapter 13 plan payment, the Chapter 13 Trustee must file a motion to dismiss, by approximately two weeks.

Accordingly, IT IS HEREBY ORDERED that Vt. LBR 3015-2(j)(5)(f)(i) is revised to read as follows (with change underlined):

- (F) **Duties upon the Debtor's Default.** If the debtor fails to make any timely or full Chapter 13 plan payment, including the first Chapter 13 plan payment, then the Chapter 13 trustee must take the following steps:
- (i) The first time the debtor fails to make a timely or full Chapter 13 plan payment, within 14 days of the default, the Chapter 13 trustee must file and serve upon the debtor, the debtor's attorney, and the Mortgage Creditor a notice of delinquency specifying the due date and amount of the missed payment, and the amount needed to cure the plan payment default. If the debtor does not cure the default or file a motion to modify the Chapter 13 plan, then, within 30 days of the filing of the Chapter 13 trustee's notice, the Chapter 13 trustee must promptly file and serve upon all parties in interest a motion to dismiss the case based upon the payment default and any other grounds the Chapter 13 trustee deems warrant dismissal of the case.

IT IS FURTHER ORDERED that these changes are effective upon entry of this Standing Order.