

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

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

STANDING ORDER # 15-01

**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**


Based upon input from the bar and the Chapter 13 Trustee, and 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 resources of the bar, the Chapter 13 Trustee and the Court; **THE COURT FINDS** there is good cause to modify the pertinent local rule to extend by approximately two weeks the date by which the Chapter 13 Trustee must file a motion to dismiss when a Chapter 13 debtor defaults on a plan payment obligation and fails to timely cure that default.

Accordingly, **IT IS HEREBY ORDERED** that Vt. LBR 3015-2(j)(5)(F)(i) is and revised to read as follows:

- (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, 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, within 14 days of the default. If the debtor does not cure the default, or file a motion to modify the Chapter 13 Plan, within 30 days of the filing of the Chapter 13 trustee's notice, then 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.
SO ORDERED.

February 2, 2015
Burlington, Vermont


Colleen A. Brown
United States Bankruptcy Judge