

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

REVISING LOCAL RULES 3015-7 AND 9013-4

STANDING ORDER # 22-04

**TO PERMIT THE USE OF LOCAL FORM CV-1
AFFIDAVIT IN SUPPORT OF CONFIRMATION
IN ALL CHAPTER 13 CASES ON A PERMANENT BASIS**

In 2020, after the onset of the COVID-19 pandemic, this Court temporarily modified its procedures to permit chapter 13 plans to be confirmed without debtors appearing at confirmation hearings if they filed a Local Form CV-1 affidavit in support of confirmation (see Standing Order # 20-10).

Based upon the widespread and successful use of Local Form CV-1 in this District since 2020, and in light of the purpose of these Local Rules to advance the just, speedy, and cost-effective determination of bankruptcy cases and proceedings within this District (see Vt. LBR 1001-1(b)), the Court finds cause to permit the use of Local Form CV-1 in all chapter 13 cases, on a permanent basis.

Accordingly, IT IS HEREBY ORDERED that Local Rules 3015-7(b) and 9013-4(b)(8) are revised to read as follows, with the changes redlined (and with clean copy attached):

Vt. LBR 3015-7. CONFIRMATION HEARINGS IN CHAPTERS 12 AND 13.

...

(b) Required Attendance.

Absent exigent circumstances and a prior Court order, the debtor and the debtor's attorney (if any), shall attend the confirmation hearing. The debtor must be in the courtroom promptly at the commencement of the confirmation hearing calendar. A debtor's failure to attend a confirmation hearing may result in dismissal of the case without further notice or hearing. However, a chapter 13 debtor who files an affidavit in support of confirmation (see Vt. LB Form CV-1) shall be excused from appearing at the confirmation hearing, unless the Court directs otherwise.

...

Vt. LBR 9013-4. HEARINGS –NOTICES UNDER DEFAULT PROCEDURE.

...

(b) Relief Available Through Use of the Default Procedure.

The default procedure may only be used for applications or motions seeking the following relief:

...

(8) confirmation of proposed chapter 13 plan (after debtor has testified or filed an affidavit in support of confirmation and with Court approval) (11 U.S.C. § 1323);

...

IT IS FURTHER ORDERED that these revisions to the Local Rules are effective upon entry of this Order.

SO ORDERED.

April 21, 2022
Burlington, Vermont



Heather Z. Cooper
United States Bankruptcy Judge

Attachment:
Revised Vt. LBR 3015-7 and 9013-4

VT. LBR 3015-7. CONFIRMATION HEARINGS IN CHAPTERS 12 AND 13.

(a) Filings Considered.

The Court will not consider any document filed after 10:00 am on the last business day preceding the date of the confirmation hearing.

(b) Required Attendance.

Absent exigent circumstances and a prior Court order, the debtor and the debtor's attorney (if any), shall attend the confirmation hearing. The debtor must be in the courtroom promptly at the commencement of the confirmation hearing calendar. A debtor's failure to attend a confirmation hearing may result in dismissal of the case without further notice or hearing. However, a chapter 13 debtor who files an affidavit in support of confirmation (see Vt. LB Form CV-1) shall be excused from appearing at the confirmation hearing, unless the Court directs otherwise.

(c) Requests to Postpone the Initial Confirmation Hearing.

A motion or stipulation to postpone an initial confirmation hearing, along with all necessary consents, must be filed at least seven days prior to the initial confirmation hearing date and served on all creditors. The initial confirmation hearing will proceed unless the Court enters an order granting the continuance and canceling the initial confirmation hearing.

(d) Requests to Postpone a Continued Confirmation Hearing.

Any motion or stipulation to postpone a continued confirmation hearing, along with any necessary consents, must be filed by 10:00 am on the last business day preceding the continued confirmation hearing date, and set forth good cause for the continuance. See Vt. LBR 9011-4(e) & (f); see also Vt. LBR 9013-1(f), (j).

VT. LBR 9013-4. HEARINGS –NOTICES UNDER DEFAULT PROCEDURE.

(a) Meaning of Default Procedure.

Certain requests for relief under the Bankruptcy Code or the Bankruptcy Rules may be determined without a hearing (at the option of the movant), provided parties entitled to notice of the motion are afforded an opportunity for a hearing. Under the default procedure, if a party files a timely response to the motion, the Court will hold a hearing on the date designated on the notice, unless the Court decides in its discretion, that no hearing is necessary and enters an order prior to the hearing date. If no response is timely filed, the Court may enter an order without a hearing. However, if an order has not been entered before the hearing date, the scheduled hearing will proceed, and the movant must appear. If the Court determines a hearing is necessary, it will hold a hearing even in the absence of a response to the motion. The default procedure is optional.

(b) Relief Available Through Use of the Default Procedure.

The default procedure may only be used for applications or motions seeking the following relief:

- (1) abandon property (11 U.S.C § 554(b));
- (2) allow administrative expenses (other than professional fees) (11 U.S.C. § 503(b));
- (3) automatic stay, relief from (11 U.S.C. § 362(d));
- (4) automatic stay, relief from co-debtor (11 U.S.C. § 1301);
- (5) automatic stay, declaration not in effect (11 U.S.C. § 362(c)(4));
- (6) claim, objection to (11 U.S.C. § 502(b));

- (7) compensation (11 U.S.C. §§ 326, 330, 331);
- (8) confirmation of proposed chapter 13 plan (after debtor has testified or filed an affidavit in support of confirmation and with Court approval) (11 U.S.C. § 1323);
- (9) convert a case (11 U.S.C. §§ 706, 1112(b), 1208(a), 1307);
- (10) credit counseling requirement, permanent waiver of (11 U.S.C. § 109(h)(4));
- (11) declare mediation closed, motion to (Vt. LBR 4001-7(f));
- (12) discharge in a chapter 12 case (11 U.S.C. § 1228(f));
- (13) discharge in a chapter 13 case (11 U.S.C. § 1328(h));
- (14) dismiss case for cause (11 U.S.C. §§ 707, 1112(b), 1208(c), 1307(c));
- (15) enlarge time to assume or reject a nonresidential lease (11 U.S.C. § 365(d)(4));
- (16) enlarge time to file chapter 11 plan or disclosure statement (11 U.S.C. §§ 1121(d), 1189);
- (17) enlarge time to file chapter 12 plan (11 U.S.C. § 1221);
- (18) enlarge time to file complaint objecting to discharge or dischargeability of a debt (11 U.S.C. §§ 523, 727; Fed. R. Bankr. P. 4004(b), 4007(c));
- (19) enlarge time to file motion to dismiss under §707 (11 U.S.C. § 707);
- (20) enlarge time to pay filing fee (Fed. R. Bankr. P. 1006(b));
- (21) examine any person or entity (Fed. R. Bankr. P. 2004);
- (22) exemption, objection to (Fed. R. Bankr. P. 4003(b));
- (23) final decree in chapter 11 case (Fed. R. Bankr. P. 3022);
- (24) forward mail of a corporate debtor to the trustee (11 U.S.C. § 542(e));
- (25) hardship discharge (11 U.S.C. §§ 1228(b), 1328(b));
- (26) lease property (11 U.S.C. § 363(b)(1));
- (27) lease or executory contract, assume or reject (11 U.S.C. § 365);
- (28) lien or mortgage, strip as wholly unsecured or avoid as impairing exemption (11 U.S.C. §§ 506(a), 522(f));
- (29) limit scope of employment and reduce scope of legal services (Vt. LBR 2016-1(h)(4));
- (30) mortgage mediation, direct parties to attend (Vt. LBR 4001-7);
- (31) modify chapter 11 subchapter V, 12, or 13 plan post-confirmation (11 U.S.C. §§ 1193, 1229, 1329);
- (32) modify mortgage (Vt. LBR 6004-1(f));
- (33) obtain credit (11 U.S.C. § 364(b), (c), and (d));
- (34) post-petition payment of mortgage creditor charges in conduit mortgage payment case (Vt. LBR 3015-6(a)(1));
- (35) redeem property (11 U.S.C. § 722);
- (36) reopen a case (Fed. R. Bankr. P. 5010);
- (37) sell property (11 U.S.C. §§ 363(b)(1) and (f), 1206);
- (38) settlement of an adversary proceeding or contested matter, approve (Fed. R. Bankr. P. 9019);
- (39) substitute counsel (Vt. LBR 2091-1(b) and (c));
- (40) tax returns, waive requirement to present or file (11 U.S.C. § 521(e)(2)(A)(i));
- (41) transfer adversary proceeding (28 U.S.C. § 1412);
- (42) trustee final report and account, approve report and compensation (11 U.S.C. §§ 704(a)(9), § 1183(b)(1), 1202(b)(1), 1302(b)(1));

- (43) turnover of property to the trustee (11 U.S.C. § 542);
- (44) vacate discharge to allow debtor to seek approval of a reaffirmation agreement (Vt. LBR 4008-1);
- (45) valuation of collateral and allowance of secured claim (11 U.S.C. § 506(b); Fed. R. Bankr. P. 3012);
- (46) venue, change (28 U.S.C. § 1412); and
- (47) waive requirement to make conduit mortgage payments (Vt. LBR 3015-6(a)(9), (b)(2)).

(c) Form of Hearing Notice.

In addition to the requirements set forth in Vt. LBR 9013-2(c), the following items must be included in each notice of motion filed under the default procedure:

- (1) Title of Notice. The title of the notice must be “Notice of Motion under Default Procedure.”
- (2) Response Deadline. The deadline for filing responses to a motion scheduled for a hearing using the default procedure may be no later than seven days before the hearing date; this 7-day period is in addition to the requisite notice period
- (3) Mandatory Language. A notice of motion using the default procedure must substantially comply with Vt. LB Form U-2.