

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**Scheduling of Confirmation Hearings
under 11 U.S.C. § 1324
in Cases Filed On or After October 17, 2005**

Standing Order # 05-12

WHEREAS the current practice in this District is to hold confirmation hearings on the same day, and shortly after, the § 341(a) meeting of creditors in each chapter 13 case; and

WHEREAS this practice has resulted in a very expeditious confirmation of chapter 13 cases and commencement of payments to creditors; and

WHEREAS the bankruptcy bar of both debtors' and creditors' attorneys, as well as the Chapter 13 Trustee have requested that the Court continue this practice; and

WHEREAS § 1324, as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, provides that

the hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under §341(a), unless the court determines that it would be in the best interest of the creditors and the estate to hold such hearing at an earlier date and there is no objection to such earlier date;


NOW, AFTER DUE CONSIDERATION, IT IS HEREBY ORDERED that

- (1) based upon local geography, travel distances, and the economic impact of holding the confirmation hearings and § 341(a) meetings on different dates, as well as the success of past practice, the Court will presume that it is in the best interests of the creditors of all chapter 13 debtors and all chapter 13 bankruptcy estates to continue the current practice of holding chapter 13 confirmation hearings on the same day as the initial § 341(a) meeting of creditors; and
- (2) this presumption may be rebutted, in any particular case, by a creditor or party in interest filing an objection showing that it is in the best interest of the creditors and the estate for the confirmation hearing to be held not earlier than 20 days after the § 341(a) meeting of creditors;
- (3) such an objection, if in writing, shall be filed no later than 5 days prior to the § 341(a) meeting of creditors and may be made orally at the time set for the confirmation hearing if the creditor or party in interest does not have information sufficient to make the objection until after the § 341(a) meeting; and

(4) this practice shall apply to all cases filed on or after October 17, 2005.

SO ORDERED.

October 20, 2005
Rutland, Vermont


Colleen A. Brown
United States Bankruptcy Judge