

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

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

**TO AMEND PROCEDURE FOR MODIFYING
CHAPTER 13 PLANS POST-CONFIRMATION
AND CLARIFYING PROCEDURE FOR AMENDING
CHAPTER 13 PLANS PRE-CONFIRMATION**

STANDING ORDER 06-04

WHEREAS Vt. LBR 3015-4(c) requires a motion to modify a confirmed Chapter 13 plan be filed with a proposed modified plan that identifies conspicuously all new, changed and/or deleted terms (by redlining, bolding, striking out, etc.); and further requires that the movant serve a copy of that motion, accompanied by the proposed modified plan, on the case trustee and all affected creditors; and

WHEREAS it appears the chapter 13 record and case docket would be clearer, and the nature of the modification would be easier to verify, if the court's rules distinguished the procedure for pre-confirmation changes to the plan from post-confirmation changes to the plan; and

WHEREAS the chapter 13 confirmation order used in this District includes a summary of all payments to be made under the plan so that anyone looking at the confirmation order has all the information about plan distributions and treatment of all claims, without reference to the plan; and

WHEREAS it appears that it would streamline the process if any changes made to the plan after the entry of a confirmation order were documented in a modified confirmation order;

THEREFORE, IT IS HEREBY ORDERED that the requirement that a motion to modify a chapter 13 plan after entry of a confirmation order be accompanied by a proposed modified plan is hereby STRICKEN;

IT IS FURTHER ORDERED that all motions to change the terms of a chapter 13 plan *after entry of the confirmation order* shall be made by means of a Motion to Modify Plan¹ and shall:

- (1) set forth the specific provisions of the plan to be modified (by paragraph number),
- (2) set forth both the treatment under the confirmed plan and the treatment proposed under the modified plan,
- (3) be accompanied by a proposed Order Modifying the Plan and Confirmation Order (in the format of the Model Order Modifying Plan and Confirmation Order attached here as Exhibit A, and referred to as Local Form 06-04 A), and
- (4) be served on the case trustee and all affected creditors.

¹ A Motion to Modify Plan may be filed using the default procedure See Vt. LBR 9013-4(b)(21).

THEREFORE, IT IS ORDERED that the Local Rules are hereby modified as follows:

VT LBR 3015-4(c) Additional Requirements. The movant shall also file a proposed order in the format of the Model Order Modifying Plan and Confirmation Order (Local Form 06-04). The proposed amended confirmation order shall be served on the case trustee and all affected creditors together with the debtor's motion to modify.

IT IS FURTHER ORDERED that the procedure for debtors to change the terms of a chapter 13 plan *prior to entry of the confirmation order* remains unchanged: the debtor files an amended plan, without need of a motion. A movant seeking to change the terms of a chapter 13 plan prior to the entry of a confirmation order *who is not the debtor* shall file a motion to amend plan accompanied by a proposed amended plan and serve it on the trustee and all affected parties.²

IT IS FURTHER ORDERED that to the extent practicable all plans, amended or modified plans filed in this District be filed in a format that comports with the recently developed model chapter 13 plan (attached here as Exhibit B, and referred to as Local Form 06-04 B).

SO ORDERED.

Rutland, Vermont
July 27, 2006



Colleen A. Brown
United States Bankruptcy Judge

² Such a motion can be filed using the default procedure and Rule 9013-4(b) is hereby amended to so provide.

Exhibit A to Local Rule 06-04
Local Form 06-04 A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

IN RE: _____

Debtors.

Chapter 13
Case # 06-_____

ORDER
GRANTING MOTION TO MODIFY PLAN
AND MODIFY CONFIRMATION ORDER

The debtors having moved to modify their confirmed Plan pursuant to 11 U.S.C. § 1329 (a), and after notice and an opportunity for a hearing, no objections having been filed, and it appearing to the Court that the proposed modification is consistent with the provisions of Chapter 13 and appropriate,

NOW THEREFORE, IT IS HEREBY ORDERED that the confirmed plan of the debtors dated _____ (doc # ___) is modified as follows, with the modifications to take effect at *month* _____ of the Plan (i.e. _____, 200_):

<i>Terms of the Plan to be modified</i>	<i>Prior to modification</i>	<i>After modification</i>
1. Monthly payment	\$ _____	\$ _____
2. Plan Term	_____ months	_____ months
3. Total to be paid into the Plan	\$ _____	\$ _____
3. Debtor's Attorneys Fees in Plan	\$ _____	\$ _____
4. Post-petition Mortgage arrearage	\$ _____	\$ _____
5. Dividend to General Unsecured Creditors	\$ _____	\$ _____
6. _____	\$ _____	\$ _____
7. _____	\$ _____	\$ _____

IT IS FURTHER ORDERED that all other terms of the confirmed plan and confirmation order not specifically modified by this order remain in full force and effect.

Rutland, Vermont
_____, 2006

Colleen A. Brown
United States Bankruptcy Judge

Exhibit B to Local Rule 06-04
Local Form 06-04 B

This form will not be available until on or after August 30, 2006