

Filing (Amended) Chapter 13 Plan and Notice of Confirmation Hearing

- 1) Obtain form for calculating modified plan, if needed.
- 2) Use form "Notice of Confirmation Hearing" (available at <http://www.cnytrustee.com/forms.htm>), or you can use it as a guide.
- 3) You must provide at least **28 days' notice** between the date you mail the notice and the next hearing date (see Bankruptcy Rule 2002(b)).
- 4) Check Bankruptcy Court's web site (<http://www.nynb.uscourts.gov/usbc/motions/Motions.htm>) for hearing dates and times.
- 5) A Notice of Confirmation Hearing must be filed **electronically** with the Bankruptcy Court. The Notice of Confirmation Hearing and Plan (or Amended Plan) should be filed separately.

The first plan should be filed under *Bankruptcy > Plan > Chapter 13 Plan* and any amended plan(s) should be filed under *Bankruptcy > Plan > Amended Chapter 13 Plan*.

If the plan is filed with the petition, the Bankruptcy Court will file and serve the Notice of Confirmation Hearing. Otherwise, it must be filed and served by the Debtor's attorney (see Local Bankruptcy Rule 3015-1(c)).

File the Notice of Confirmation Hearing under *Bankruptcy > Notices > Notice of Hearing* and link it to the Chapter 13 Plan or Amended Chapter 13 Plan in the docket. Select "plan" for the category, make sure the box next to the plan or amended plan is checked, and type "on Confirmation of Chapter 13 Plan" in text box after "Notice of Hearing."

- 6) You need to **always** give notice to Chapter 13 Trustee **and** the U.S. Trustee. Electronic notice is sufficient.
- 7) The creditors that need to receive notice are:
 - a) If this is the **first plan**: **all** creditors must receive notice.
 - b) If this is an **amended plan**: those creditors whose treatment is being adversely affected need to receive notice (i.e, if you are reducing the dividend to unsecured creditors, all unsecured creditors must receive notice of the hearing and amended plan).