

FILED

MAY 22 2018

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

**STEPHANIE J. BUTLER, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF NC**

IN RE:

GENERAL ORDER

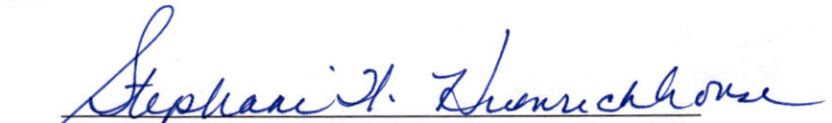
CHAPTER 13 CONFIRMATION PROCEDURES

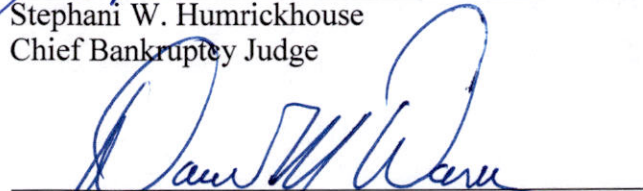
The amendments to the Federal Rules of Bankruptcy Procedure, effective December 1, 2017, require the court to review the procedure for chapter 13 plan confirmations in this district to present a revised uniform procedure. The following procedure shall be applicable to all cases filed on or after July 1, 2018.


1. The debtor(s) or attorney for the debtor(s) shall file a plan on the date the petition is filed or within fourteen (14) days thereafter.
2. The debtor(s) or attorney for the debtor(s) shall serve a copy of the plan upon the trustee and all creditors pursuant to the Federal Rules of Bankruptcy Procedure at the time the plan is filed.
3. The clerk shall set a date for a confirmation hearing and a deadline for objections to the confirmation of the plan and shall provide notice of both in the Notice of Chapter 13 Bankruptcy Case served by the clerk. Any notices of continuance of the original confirmation hearing shall be served by the party seeking the continuance.
4. If no objection to the plan is filed within the time established by the Notice of Chapter 13 Bankruptcy Case, the plan served will be confirmed without further hearing.
5. If an objection to the plan is filed within the time established by the Notice of Chapter 13 Bankruptcy Case, a hearing will be held on the date set forth for confirmation in the Notice of Chapter 13 Bankruptcy Case, unless the parties enter into a consent order resolving the objection prior to the date of the hearing.
 - (a) If the court overrules the objection, the plan served will be confirmed at the confirmation hearing.
 - (b) If the parties enter into a consent order resolving the objection prior to the date of the confirmation hearing or the court sustains the objection, the debtor(s) or attorney for the debtor(s) may file an amended plan incorporating the provisions set forth in the consent order or the court's order sustaining the objection and serve the amended plan upon the trustee and all creditors pursuant to the Federal Rules of Bankruptcy Procedure. Upon the filing of the amended plan, the trustee shall review the plan to determine if the amended plan incorporates the provisions set forth in the consent order or the court's order sustaining the objection.

- (1) If the amended plan complies with the consent order or order of the court, no further action is necessary by the trustee, and the court will enter an order confirming the amended plan at the expiration of fourteen (14) days from the date the amended plan is filed.
 - (2) If the amended plan does not comply with the consent order or order of the court, the trustee shall complete a text entry on the docket of the case indicating the plan's noncompliance within fourteen (14) days from the date the amended plan is filed. The court will then set a status conference in the case.
6. Nothing herein shall prohibit a debtor from amending the plan prior to confirmation pursuant to 11 U.S.C. § 1323. Any such amendment being served on the trustee and all creditors pursuant to the Federal Rules of Bankruptcy Procedure.
7. To the extent this order conflicts with any existing Local Bankruptcy Rule for the Eastern District of North Carolina, this order shall supersede each applicable Local Bankruptcy Rule.

SO ORDERED, this 22nd day of May, 2018.


Stephani W. Humrickhouse
Chief Bankruptcy Judge


David M. Warren
Bankruptcy Judge


Joseph N. Callaway
Bankruptcy Judge