

**FILED**

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

**MAR. 17 2020**

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

**IN RE:**

**CHAPTER 13 CONFIRMATION PROCEDURES**

**THIRD AMENDED  
GENERAL ORDER**

The amendments to the Federal Rules of Bankruptcy Procedure, effective December 1, 2017, have required the court to review the procedure for chapter 13 plan confirmations in this district to arrive at 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 with the court 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 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 Case (Official Form 3081) (herein "Notice") served by the clerk. Any continuances of the original confirmation hearing shall be served by the party seeking the continuance, unless otherwise ordered by the court.
4. If no objection to the plan is filed within the time established by the Notice, the properly filed and served plan will be confirmed at the confirmation hearing as stated in the Notice.
5. If an objection to the plan is filed within the time established by the Notice, a confirmation hearing will be held on the date established in the Notice.
  - a. If the court overrules the objection, the properly filed and served plan 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) shall file an amended plan as a separate docket entry incorporating the agreed amendments or as directed by the court. The debtor(s) shall serve the amended plan, accompanied by a notice of confirmation hearing containing a date and time for the hearing obtained from the office of the Clerk of Court, upon the trustee and all creditors pursuant to the Federal Rules of Bankruptcy Procedure.<sup>1</sup> The notice of hearing on confirmation shall include a notification that objections to the amended plan shall be filed within seven days prior to the confirmation hearing date.

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<sup>1</sup> If the amendments affect only one creditor under the plan, service of the amended plan and the notice of hearing on the amended plan shall be limited to only the affected creditor or as the court directs.

c. Upon the filing of the amended plan, the trustee shall review the plan to determine if the amended plan incorporates the provisions provided in the consent order or the court's ruling in sustaining the objection and to determine if the debtor(s) properly served the amended plan.


i. If the amended plan complies with the consent order or order of the court and was properly served, no further action is necessary by the trustee, and the court will enter an order confirming the amended plan at the time of the confirmation hearing provided in the notice served with the amended plan.

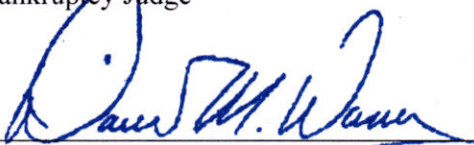
ii. If the amended plan does not comply with the consent order or order of the court or was not properly served, the trustee shall file an objection to the amended plan. The objection will be heard at the scheduled confirmation hearing.


6. Nothing herein shall prohibit a debtor(s) from amending the plan prior to confirmation pursuant to 11 U.S.C. §1323. Any amended plan filed within 21 days of the date of the confirmation hearing shall be accompanied by a motion to continue the confirmation hearing.

7. To the extent this order conflicts with any existing Eastern District of North Carolina Local Bankruptcy Rules, this order shall supersede those rules.

SO ORDERED, this 17<sup>th</sup> day of March, 2020.

  
Stephani W. Humrickhouse  
Chief Bankruptcy Judge

  
David M. Warren  
Bankruptcy Judge

  
Joseph N. Callaway  
Bankruptcy Judge