

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
8537 FEDERAL BUILDING
300 NORTH LOS ANGELES STREET
LOS ANGELES, CALIFORNIA 90012

(213) 894-0992

SAMUEL L. BUFFORD
JUDGE

January 12, 1990

Mr. James E. Macklin, Jr.
Administrative Office of
the United States Courts
Washington, D.C. 20544

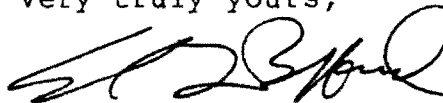
Re: Proposed Admended Bankruptcy Rules
for Chapter 13 Cases

Dear Mr. Macklin:

I enclose proposed amendments to the Bankruptcy Rules to accommodate the needs of Chapter 13 cases. These rules have been drafted by judges representing districts which include twenty-five percent of the Chapter 13 cases in the United States.

Because these proposals are not transmitted in time for you to circulate them to the Committee prior to the January 18, 1990 hearing in San Francisco, I will bring copies to the hearing.

Very truly yours,



SAMUEL L. BUFFORD

SLB:gjf
Enclosure

PROPOSED AMENDED BANKRUPTCY RULES
FOR CHAPTER 13 CASES

RULE 2002

(a) TWENTY-DAY NOTICES TO PARTIES IN INTEREST.

Except as provided in subdivisions (h), (i), and (l) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, trustee, all creditors and indenture trustees not less than 20 days notice by mail of ... (9) the time fixed for filing objections and the hearing to consider confirmation of a chapter 12 or chapter 13 plan.

(b) TWENTY-FIVE DAY NOTICES TO PARTIES IN INTEREST.

Except as provided in subdivision (l) of this rule, the clerk or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees not less than 25 days notice by mail of ... (2) the time fixed for filing objections and the hearing to consider confirmation of a chapter 9, chapter 11, ~~or chapter 13~~ plan.

RULE 2003

(a) DATE AND PLACE. Unless the case is a chapter 9 municipality case, ~~or a chapter 12 family farmer's debt adjustment case, or a chapter 13 individual's debt adjustment case,~~ the United States trustee shall call a meeting of creditors to be held not less than 20 nor more than 40 days after the order for relief. In a chapter 12 case, the United States trustee shall call a meeting of creditors to be held not less than 20 nor more than 35 days

after the order for relief. In a chapter 13 case, the United States trustee shall call a meeting of creditors to be held not less than 20 nor more than 60 days after the order for relief. ...

RULE 2013

...

COMMITTEE NOTE

...

The rule is not applicable to standing trustees serving in chapter 12 or chapter 13 cases. See §§ 1202, 1302 of the Code.

RULE 3002

(a) NECESSITY FOR FILING. An unsecured creditor, a secured creditor, or an equity security holder must file a proof of claim or interest in accordance with this rule for the claim or interest to be allowed, except as provided in Rules 1019(3), 3003, 3004 and 3005.

...

(c) TIME FOR FILING. In a chapter 7 liquidation ~~or chapter 13 individual's debt adjustment~~ case, a proof of claim shall be filed within 90 days after the first date set for the meeting of creditors called pursuant to § 341(a) of the Code, and In a chapter 12 family farmer's debt adjustment case, a proof of claim shall be filed within five days after the first date set for the meeting of creditors called pursuant to § 341(a) of the Code. In a chapter 13 individual's debt adjustment case, a proof of claim shall be

filed not later than five days before the first date set for the meeting of creditors called pursuant to § 341 of the Code. ...

RULE 3004

If a creditor fails to file a proof of claim before the expiration of the time for filing claims prescribed by Rule 3002(c) or fixed by the court pursuant to Rule 3003(c), whichever is applicable, the debtor or trustee may do so in the name of the creditor, (1) in a chapter 7 liquidation, or chapter 11 reorganization, ~~or chapter 13 individual's debt adjustment case,~~ within 30 days after the expiration of the time for filing claims prescribed by Rule 3002(c) or fixed by the court pursuant to Rule 3003(c), whichever is applicable, ... or (3) in a chapter 13 individual's debt adjustment case, 30 days after the expiration of the time for filing claims prescribed by Rule 3002(c) or fixed by the court pursuant to Rule 3003(c) (whichever is applicable), or on or before the hearing on confirmation of the plan, whichever is earlier.

RULE 3005

(a) FILING OF CLAIM. If a creditor has not filed a proof of claim pursuant to Rule 3002 or 3003(c), an entity that is or may be liable with the debtor to that creditor, or who has secured that creditor, may execute and file a proof of claim in the name of the creditor, if known, or if unknown, in the entity's own name, (1) in a chapter 7 liquidation, chapter 11 reorganization, or chapter

13 individual's debt adjustment case, within 30 days after expiration of the time for filing claims prescribed by Rule 3002(c) or 3003(c) whichever is applicable, ... or (3) in a chapter 13 individual's debt adjustment case, 30 days after the expiration of the time for filing claims prescribed by Rule 3002(c) or fixed by the court pursuant to Rule 3003(c) (whichever is applicable), or on or before the hearing on confirmation of the plan, whichever is earlier. ...

RULE 3007

(a) FILING OF OBJECTIONS. An objection to allowance of claim shall be in writing and filed ...

(b) TIME FOR FILING OBJECTIONS. The court may fix the time within which objections to proofs of claim or interest may be filed. In chapter 13 individual's debt adjustment cases, objections to claims shall be filed within 30 days after the time fixed for filing claims pursuant to Rule 3002(c) or 3003(c), whichever is applicable, or within thirty days after a claim has been filed on behalf of a creditor pursuant to Rules 3004(3) or 3005(a)(3).

RULE 3015

...

(d) NOTICE AND COPIES. The plan or summary of the plan shall be included with each notice of the hearing on confirmation mailed pursuant to Rule 2002-(b)(a)(9), unless otherwise ordered by the

court. If required by the court, the debtor shall furnish a sufficient number of copies to enable the clerk or the chapter 13 trustee to include a copy of the plan or summary of the plan with the notice of hearing, or shall serve a copy of the plan or summary of the plan pursuant to Rule 2002(a)(9).

(e) TRANSMISSION TO UNITED STATES TRUSTEE. The clerk shall forthwith transmit to the United States trustee a copy of the plan and any modification thereof filed pursuant to subdivision (a) or (b) of this rule, unless the court orders otherwise.