

AMENDING THE PLAN

PLEASE NOTE: IN GENERAL THIS DIVISION DOES NOT USE THE RULE 202 NOTICE PROCEDURE FOR AMENDED PLANS. Use of such notices for amended plans prior to the confirmation hearing will usually force the Court to delay confirmation until after the Rule 202 notice period has expired. The filing of a 202 Notice establishing an objection deadline beyond the confirmation hearing will NOT result in the initial confirmation hearing being vacated, and may result in the Debtor and counsel having to attend a subsequent hearing on confirmation.

Every effort should be made to file an amended plan and serve the plan on the Chapter 13 Trustee and plan objectors prior to the confirmation hearing. Where the Debtor has filed an amended plan in response to objections prior to the confirmation hearing, Debtor must promptly mail or provide the amended plan, along with a Notice Pursuant to T.L.B.R. 3015-1(e), to only the objectors, the Chapter 13 Trustee, and all entries of appearance. The amended plan should not be mailed to all creditors prior to the hearing. **NO MOTION TO CONFIRM THE PLAN IS REQUIRED.**

Plan amendments filed prior to the initial confirmation hearing should not be submitted any sooner than the first day following the date the meeting of creditors is conducted and no later than thirteen (13) days following the meeting (T.L.B.R. 3015-1(e)(2)). The pre-confirmation hearing notice of the Amended Plan will help alert the objectors of their responsibilities in the confirmation process. **The Debtor must also file a Certification in accordance with T.L.B.R. 3015-1(d)** certifying the parties met and conferred, identifying the changes made in the amended plan, and, if the Debtor still resists certain objections, estimating the court time necessary for a contested hearing and whether evidence will be required.

The Debtor may file an amended plan prior to the confirmation hearing even though no objections were filed in order to correct an inadvertent error or omission, or as otherwise necessary to meet the Debtor's economic circumstances. The Debtor should provide a copy of the amended plan to the Chapter 13 Trustee and parties who have entered an appearance and requested notice. At the confirmation hearing the Court will determine what further notice is appropriate to creditors affected by the amended plan or to those against whom relief is sought.

PLEASE NOTE: MANY OF THESE FORMS ARE AVAILABLE IN THE "FORMS" SECTION OF OUR CHAMBERS WEBSITE OR IN THE "FORMS" SECTION OF THE MAIN COURT WEBSITE