

Chapter 13 Confirmation Procedures for the

Honorable Joseph G. Rosania, Jr.

Courtroom B

I. Filing Chapter 13 and Important Deadlines:

Court procedures and case management in Chapter 13 cases are governed by Fed. R. Bankr. P. 3015, Local Bankruptcy Rule 3015-1 and Local Bankruptcy Forms 3015-1.1 through 3015-1.6. Please familiarize yourself with these Rules and Forms. Unless indicated otherwise, this Court follows all Local Rule procedures set forth in Local Rule 3015. Local Rules and Forms are available at <https://www.cob.uscourts.gov/local-rules>.

If the Debtor files a Chapter 13 plan with the original Voluntary Petition, or at the time of conversion to Chapter 13, the Court will mail the Chapter 13 plan together with the Notice of Chapter 13 Bankruptcy Case by first class U.S. mail to all creditors and interested parties listed on the Debtor's Creditor Address Mailing Matrix. The Chapter 13 plan must be in substantial conformity with Local Bankruptcy Form 3015-1.1.

If the Debtor does not file a Chapter 13 plan with the Voluntary Petition, or at the time of conversion to Chapter 13, then the Chapter 13 plan must be filed within 14 days from the petition date or date of conversion to Chapter 13 pursuant to 11 U.S.C. § 1307(c)(3) and Fed. R. Bankr. P. 3015(b). In the event the Debtor fails to timely file the Chapter 13 plan, the case may be dismissed by the Court without further notice or order.

In the event the Chapter 13 plan is filed after the filing of the Voluntary Petition or conversion to Chapter 13, the Debtor shall mail a copy of the Chapter 13 plan along with a Notice in substantial compliance with Local Bankruptcy Form 3015-1.2, to the Chapter 13 Trustee and all parties listed on the Creditor Address Mailing Matrix. The Debtor must file a Certificate of Service evidencing the mailing of the Chapter 13 Plan and Notice no later than three (3) days following the service of the Chapter 13 Plan and Notice; failing which confirmation of the Chapter 13 plan may be denied.

Please carefully review the “Notice of Chapter 13 Bankruptcy Case” which is served on all creditors and interested parties at the commencement of the case for important dates and deadlines. Important dates and deadlines include but are not limited to: (i) the date and time of the meeting of creditors, (ii) the deadline for challenging dischargeability of certain debts, (iii) the bar date for the filing of proofs of claim, (iv) the deadline to object to exemptions, (v) the deadline for providing documents, (vi) the date and time of the confirmation hearing, and (vii) the deadline for filing objections to plan confirmation.

Filing a deficient case is strongly discouraged and is subject to dismissal pursuant to provisions of 11 U.S.C. § 521(i) without further notice from the Court.

II. Confirmation Hearing:

This Court holds Chapter 13 Confirmation hearings on a pre-determined trailing docket on Thursdays at 10:00 a.m., in Courtroom B.

Counsel for Debtor and the *pro se* Debtor who have timely and fully complied with Local Bankruptcy Rule 3015-1 and filed a meaningful Confirmation Status Report in substantial conformity with L.B. Form 3015-1.4, may appear at the hearing by telephone, by calling the conference line: 1-888-684-8852 Access Code: 9369782.

If the Confirmation Status Report or the Verification of Confirmable Plan is not filed **or** timely filed, **or** If the Court has not issued an order confirming the Chapter 13 plan or an order vacating and rescheduling the confirmation hearing, counsel for the Debtor or the *pro se* Debtor **must** appear in person at the confirmation hearing. This applies to cases and parties located outside of the Denver Metropolitan Area.

III. Requests for Continuance of Hearings:

If the Section 341 Meeting is rescheduled or continued to a date beyond the date set for the initial confirmation hearing, the Debtor shall either (a) appear at the originally scheduled initial confirmation hearing and request new deadlines be established by the Court, or (b) promptly file a motion requesting a continuance of the initial confirmation hearing and setting of new deadlines.

Motions filed within seven (7) court days prior to the date of the initial confirmation hearing may be considered by the Court at the scheduled hearing requiring the personal attendance by counsel for the Debtor or the *pro se* Debtor.

IV. Confirmation of the Plan:

IF NO OBJECTIONS TO CONFIRMATION ARE FILED

If no objections are filed to plan confirmation and no amendments are necessary, and the Debtor is able to verify all of the statements required in the Verification of Confirmable Plan, then Debtor must file a Verification of Confirmable Plan in substantial conformity with Local Bankruptcy Form 3015-1.3 in order to obtain an order confirming Chapter 13 plan. **The Verification of Confirmable Plan must be filed no earlier than ten (10) days after the date first set for the meeting of creditors and no later than seven (7) days prior to the confirmation hearing.**

If no objections are filed to plan confirmation but an amendment to the plan is needed, the Debtor must file the amended plan, with all changes clearly and conspicuously indicated, along with a completed Confirmation Status Report in substantial conformity with Local Bankruptcy Form 3015-1.4. **The Confirmation Status Report must be filed no earlier than ten (10) days after the date first set for the meeting of creditors and no later than seven (7) days prior to the confirmation hearing.**

IF OBJECTIONS TO CONFIRMATION ARE FILED

If an objection to plan confirmation was filed, the Debtor and objecting party must Meet and Confer, as defined in L.B.R. 9001-1, no later than ten (10) days prior to the confirmation hearing. The parties' failure to Meet and Confer may result in the Court striking the objection, denying plan confirmation and/or taking other appropriate actions.

If the objection to plan confirmation is resolved and has been formally withdrawn, the plan is otherwise ready for confirmation, and the Debtor is able to verify all of the statements required in a Verification of Confirmable Plan, the Debtor must file a Verification of Confirmable Plan in substantial conformity with Local Bankruptcy Form 3015-1.3 in order to obtain an order confirming Chapter 13 plan.

If there are objections to plan confirmation and the Debtor is filing or intends to file an amended plan to resolve some or all of the objection(s), the Debtor must file a Confirmation Status Report **no later than seven (7) days prior to the confirmation hearing**. The Debtor must also file the amended plan, with all changes clearly and conspicuously indicated, **either seven (7) days prior to the confirmation hearing or on the date indicated in the Confirmation Status Report**.

If there are remaining objections to plan confirmation and the Debtor is not filing an amended plan to resolve them, the Debtor must file a Confirmation Status Report **no later than seven (7) days prior to the confirmation hearing**. After the filing of the Confirmation Status Report, the Court may keep the matter on the docket or issue a separate order vacating hearing.

V. Modification of a Confirmed Chapter 13 Plan:

This division follows the procedure for post-confirmation modification contained in Local Bankruptcy Rule 3015-1(h). If the modification is requested after the claims bar date has expired, service may be limited to the Chapter 13 Trustee, any party whose interest is affected by the modification, and those creditors who have filed proofs of claim.