

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA**

Filed On

4/12/06

In re:

In the Matter of the Adoption of
Local Bankruptcy Rules for Chapter 13
Cases under BAPCPA

Misc. Proceeding No. 05-60001

GENERAL ORDER NO. 2006-1

**ORDER ADOPTING AMENDMENTS TO LOCAL BANKRUPTCY RULES
ON AN INTERIM BASIS, PENDING PUBLICATION AND COMMENT PERIOD**

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“BAPCPA”) amended several provisions of the Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (“the Code”), including provisions regarding the chapter 13 confirmation process. There are inconsistencies between this court’s existing Local Rules governing chapter 13 cases and BAPCPA’s provisions, which have generated considerable confusion regarding the chapter 13 confirmation process. The Local Rules Committee has drafted Local Rules and Forms pertaining to chapter 13 cases, but these rules and forms have not yet been published for comment. In order to provide guidance and establish uniformity in the chapter 13 confirmation process pending the adoption of chapter 13 Local Rules and Forms, the draft rules will be adopted on an interim basis. In accordance with 28 U.S.C. § 2071(e)¹ and the

¹28 U.S.C. § 2071(e) (2006) provides:

(e) If the prescribing court determines that there is an immediate need for a rule, such court may proceed under this section without public notice and opportunity for comment, but such court shall promptly thereafter afford such notice and opportunity for comment.

United States District Court's Miscellaneous General Order 880, dated March 18, 2003, which grants this court the authority to adopt amendments to its Local Bankruptcy Rules,

IT IS ORDERED that the draft versions of Local Bankruptcy Rules 2016-1, 2083-1, 3012-1, 3015-1, 3015-2 and 3015-3, and Local Bankruptcy Forms 5, 5B and 6A, are adopted effective **May 1, 2006**, for all cases in chapter 13 which have been filed on or after October 17, 2005. The draft versions are adopted on an interim basis, pending their publication for comment. Copies of the draft rules and forms, and a summary of the amendments contained therein, are attached.

DATED: April 12, 2006

BY THE COURT

/s/ Herb Ross
HERB ROSS
United States Bankruptcy Judge

/s/ Donald MacDonald IV
DONALD MacDONALD IV
United States Bankruptcy Judge

Serve: W. Wolfe, Clerk of Court
P. Krumrey, Systems Manager (for posting on web)
K. Hill, Esq., Office of U.S. Trustee
T. Yerbich, Esq., Court Rules Attorney
Attorney Participants in CM/ECF System (via e-mail for informational purposes)

4/12/06

Rule 2016-1 Compensation of Trustees and Professional Fees

(a) **General.** Except as otherwise specifically provided in this rule, requests for compensation and reimbursement under § 330 of the Code must comply with the guidelines promulgated by the Office of the United States Trustee.

(b) **Trustee.**

(1) Applications for compensation for services as trustee must state the maximum amount payable to the trustee as compensation under § 326(a) of the Code.

(2) [A] In each Chapter 13 case that is dismissed prior to confirmation of a plan, the standing trustee may deduct, after payment of court fees and costs and other § 503(b) administrative expenses, the sum of \$400.00 and an additional amount of \$80.00 for each hearing or meeting of creditors beyond the initial meeting that the trustee attended, from funds available for return to the debtors.

[B] The award under this paragraph may not exceed the amount specified in Rule 2002(a)(6), Federal Rules of Bankruptcy Procedure, without a separate application.

[C] The debtor may object to an award under this paragraph within ten (10) days of the entry of the order dismissing the case.

(c) **Attorney or Accountant for Trustee, Debtor in Possession, Debtor, Creditors' Committee, or Professional Under 11 U.S.C. § 503(b)(4).**

(1) [A] Applications for compensation and reimbursement under § 330(a) of the Code must be preceded by an order authorizing the employment of the professional.

[B] Unless otherwise specifically authorized by statute, rule or order of the court, an application for allowance of professional fees must be filed before payment of professional fees, including cases where employment of a professional on a contingency fee or percentage basis has been authorized by the court.

(2) Requests for compensation and reimbursement under §§ 330(a) and 503(b)(4) of the Code must contain a statement that the compensation sought will not be shared with another person except as provided in § 504 of the Code.

(3) Applications for compensation for services as attorney, accountant or other professional for the trustee, debtor in possession, debtor, creditors' committee, or under § 503(a)(4) of the Code must include the following detail:

[A] a statement that all services for which compensation is requested were performed for or on behalf of the trustee, debtor in possession, debtor, or creditors' committee, and not on behalf of a creditor or any other entity, except in the case of a professional seeking compensation under § 503(b)(4) of the Code;

[B] a separate itemization of each service rendered, including—

- (i) the date for each item,
- (ii) the actual time spent on each item, and
- (iii) the charge for the item;

[C] each item of service must be sufficiently descriptive to enable the court to determine whether the service was reasonable—

- (i) an entry such as "research" or "telephone call" will not be sufficient, and
- (ii) items should not be aggregated, the time spent and the description of individual tasks should be distinctly identified;

[D] use of minimum time increments no larger than 1/10 of an hour;

[E] a statement of the hourly billing rate of each professional person, legal assistant or employee for whom compensation is sought;

[F] an itemization of costs by category and method of computation; and

[G] identify any board certifications in the bankruptcy field held by the applicant.

(4) [A] Applications by an attorney or accountant for a debtor must in addition show that all services performed were in connection with the performance by the debtor of the duties prescribed by the Code, were otherwise beneficial to the debtor's estate or were rendered under an order of the court.

[B] Services on behalf of the debtor in discharge and dischargeability actions are not compensable from the estate.

(5) Except as provided in paragraph (h)(2) of this Rule, applications for fees and expenses must:

[A] be categorized to group identifiable projects separately;

[B] include a narrative description of major projects, and

[C] include a description of the bill attributable to all categories. For example, representation of a party in an adversary proceeding, a major contested matter, or plan formulation, are categories that are to be separately reported on the fee application.

(6) [A] Except as otherwise ordered by the court or provided by rule, applications must be noticed by the applicant in accordance with AK LBR 2002-1(a).

[B] Applicants must keep themselves informed as to the progress of administration of the estate so that notice may be included in the notice of the final accounting, or so that notice can be sent within the time allowed after confirmation of a plan in a case under chapter 9 or 11.

(7) The court may, in its discretion, order a hearing even if no objection is filed.

(d) Interim Fees

(1) No interim fees or expenses for attorneys or accountants will be paid in a chapter 7 proceeding unless the trustee certifies or the applicant can clearly demonstrate that interim payment would not prejudice any party having a higher or equal priority or claim to the funds.

(2) [A] The court may, on its own motion or at the request of a party in interest, order that a percentage of the fees requested in an interim application that are found to be reasonable will not be disbursed at the time of approval of the interim application but will instead be held back pending the court's action on a final fee application.

[B] The amounts held back —

(i) may be applied for as part of the final fee application, but

(ii) may not be placed in escrow.

[C] Any payment allowed as part of the final fee award will depend, among other factors, upon the assets available for payment at that time.

(e) Pre-Petition Retainers

(1) In all cases in which court approval of the payment of professional fees is required, a pre-petition retainer is considered property of the estate being administered, and:

[A] must be segregated in a separate trust account, and

[B] may not be applied to fees or costs incurred after the filing of the petition without an order of the court.

(2) A professional holding a pre-petition retainer must, in conjunction with the fee application, give notice that the professional intends to apply the retainer to post-petition fees and disbursements.

[A] A retainer may not be applied without a court order approving an application for interim or final compensation.

[B] The court may review the amount and circumstances of any retainer and may order a refund to the estate or other action as appropriate.

(f) Objections.

(1) A written objection to the allowance of fees must be filed with the court within the time set forth in the notice.

(2) A copy of the objection is to be transmitted to the United States trustee; and

(3) served on—

- [A] the applicant,
- [B] trustee,
- [C] debtor, and
- [D] any committee appointed under the Code.

(g) **Time of Payment.** Unless otherwise ordered by the court, all administrative expenses allowed by the court will be paid by the trustee with the final distribution, or upon confirmation of a Plan in a case under chapters 9, 11 or 12.

(h) **Applications in Chapter 12 and 13 Cases.**

(1) [A] Except as provided in paragraph (h)(2), attorney's fees must be applied for before allowance.

[B] The trustee may, without any personal liability to debtor or debtor's attorney, pay creditors and trustee's fees in advance of paying the administrative expense for debtor's attorney's compensation claim, if the debtor's attorney claiming compensation has not filed an application for compensation.

[C] When the trustee is served with notice of debtor's attorney's compensation application, the trustee must defer paying a lower priority creditor under § 1226(b)1) or § 1326(b)(1) of the Code until the court has ruled on the fee application.

[D] Attorney's fees for a chapter 12 or 13 debtor will not be allowed in excess of the amount designated in the chapter 12 or 13 plan absent a showing of extreme or unusual circumstances by the applicant.

(2) In a case under chapter 13, no application for allowance of attorney's fees need be filed and allowance of fees and expenses is deemed approved on confirmation of the plan, provided:

[A] if requested by the trustee, United States trustee, or ordered by the court, counsel has filed an itemized statement of fees and costs conforming to subparagraphs (c)(3)[B], [C], [D], and [E], with a copy

- (i) served on the chapter 13 trustee, and
- (ii) transmitted to the United States trustee;

[B] the fees and costs sought do not exceed the sum set forth in paragraph 2(c) of AK LBF 5 and the plan analysis attached to AK LBF 5; and

[C] in consumer (non-business) cases, the total fees to be paid, including the application of any prepetition retainer paid, does not exceed \$2,500.00 and costs, exclusive of any filing fees paid to the clerk of the court, do not exceed \$250.00; or

[D] in business (non-consumer) cases, the total fees to be paid, including the application of any prepetition retainer paid, does not exceed \$3,500.00 and costs, exclusive of any filing fees paid to the clerk of the court, do not exceed \$350.00.

[E] (i) The provisions of this paragraph notwithstanding, if the proposed chapter 13 plan does not provide for payment of allowed claims in full, any party in interest, including the United States trustee, may, at any time prior to confirmation of the plan, object to allowance of fees under this paragraph by filing a written objection, serving a copy thereof on the debtor, counsel for the debtor and the trustee, with transmittal to the United States trustee.

(ii) In the event an objection is filed and served, an application for allowance of fees must be filed, noticed and approved before any payment thereof is made.

(i) **Applications in Chapter 7 Cases.**

(1) Final applications for professional fees in chapter 7 cases must be filed and transmitted to the United States trustee not later than seven (7) days after the Trustee's Final Report Before Distribution is transmitted to the United States trustee.

(2) The provisions of paragraph (c)(3) notwithstanding, the final application may include an estimate for services to be rendered by the professional in connection with closing out the estate; provided, however, that:

[A] the applicant must file with the court, serve on the trustee, and transmit to the United States trustee, a statement of the actual fees incurred; and

[B] no allowance for fees for professional services rendered after the date the final application is filed in excess of \$500.00 will be allowed without substantiation as provided in paragraph (c)(3).

(3) Notwithstanding any other provision in these rules, in the event of an objection to the Trustee's Final Report Before Distribution, other than an objection to the fee application, the court may allow payment of fees in an amount greater than the amount set forth in the Trustee's Final Report Before Distribution.

Related Provisions:

11 U.S.C. § 326	Limitation on Compensation of Trustee
11 U.S.C. § 327	Employment of Professional Persons
11 U.S.C. § 328	Limitation on Compensation of Professional Persons
11 U.S.C. § 329	Debtor's Transactions with Attorneys
11 U.S.C. § 330	Compensation of Officers
11 U.S.C. § 331	Interim Compensation
FRBP 1006(b)(3)	Filing Fee — Postponement of Attorney's Fees
FRBP 2002(a)	Twenty-Day Notices to Parties in Interest
FRBP 2013	Public Record of Compensation of Trustees, Examiners, and Professionals
FRBP 2014	Employment of Professional Persons
FRBP 2016	Compensation for Services Rendered and Reimbursement of Expenses
FRBP 2017	Examination of Debtor's Transactions with Debtor's Attorney
FRBP 9034	Transmittal of Pleadings, Motion Papers, Objections, and Other Papers to the United States Trustee
AK LBR 2002-1	Notices
AK LBR 2016-2	Compensation of Debtor, Officers, Directors, Shareholders, Partners, Managers and Members
AK LBR 2016-3	General Administrative Expenses
AK LBF 7	Bankruptcy Court Calendar Request
AK LBF 15	Notice of Time for Filing Objection to Application for Fees
AK LBF 16	Notice of Application to Employ Creditor Attorney/Accountant by Debtor in Possession

COMMENT:

2016-1(b)(2)[A]: amended to increase the amount the chapter 13 trustee may retain in a case terminated prior to confirmation by 33%. No increase in this amount has occurred since 1996.

2016-1(c)(3)[G] [new]: Added to implement § 330(a)(3)(E) as amended by BAPCPA (that the court consider certifications in allowing compensation).

2016-1(h)(2): amended to (1) dispense with the requirement that the attorney file the accounting information for "no-look" fees unless ordered by the court or requested by the trustee or U.S. trustee and (2) increase the amounts to \$2,500 for consumer cases and \$3,500 for business cases.

Rule 2083-1 Chapter 13 Cases

(a) **Scheduling Hearings.** The parties should, to the extent practicable, move, notice and submit a calendar request for all hearings on objections to claims under Rule 3007, Federal Rules of Bankruptcy Procedure, and any other miscellaneous motions in conjunction with a chapter 13 case, so that the hearings on all motions are set for the same time, date and place.

(b) **Motions to Value Collateral.** Unless otherwise ordered by the court:

(1) a motion to value collateral under Rule 3012, Federal Rules Of Bankruptcy Procedure must be served and filed not later than the time the Plan and Notice of Confirmation Hearing Date is served; and

(2) the hearing thereon will be held at the same time as the hearing on confirmation of the plan.

(c) **Payments to Secured Creditors.**

(1) Unless otherwise ordered by the court, all payments required to be made under 11 U.S.C. § 1326(a)(1)(C) on debts paid through the plan must be made to the trustee concurrently with the payment required by 11 U.S.C. § 1326(a)(1)(A).

(2) The trustee must disburse the payment to the creditor entitled to such payment not later than the last business day of the month in which the payment is received from the debtor.

(3) If the debtor timely pays the cure amount specified in Paragraph 2(d) of the Plan, while making all required postpetition payments, the mortgage or secured loan agreement will be reinstated according to its original terms, extinguishing any right of the lender to recover any amount alleged to have arisen prior to the filing of the petition.

(d) **Reporting Requirements for Payments Made Directly to Creditors.**

(1) As a separate attachment to the plan, the debtor must provide a written schedule of all existing payment obligations as defined in § 1326(a)(1) (B) or (C) of the Code and all domestic support payments coming due after the date the petition was filed.

(2) On or before the third business day of each month, the debtor must provide the trustee with a certification of payments made directly by the debtor(s) during the preceding month:

[A] in the form substantially similar to LBF 5B; and

[B] having attached a copy of the receipt received from the creditor or, if no receipt was received, a photocopy of the check or other instrument used to make the payment.

Related Provisions:

11 U.S.C. § 521	Debtor's duties
11 U.S.C. § 341	Meeting of Creditors
11 U.S.C. § 343	Examination of Debtor
11 U.S.C. § 1307	Conversion or dismissal
11 U.S.C. § 1326	Payments
FRBP 2015(c)	Chapter 13 Trustee and Debtor
FRBP 3007	Objections to Claims
FRBP 3102	Valuation of Security
AK LBR 2003-1	Meeting of Creditors
AK LBR 2015-2	Monthly Financial Reporting Requirements
AK LBR 3012-1	Valuation of Collateral
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-3	Confirmation of Chapter 13 Plans
AK LBF 5B	Certification of Payments Made Directly to Creditors/Lessors

COMMENT:

2083-1(a): [Current 2081-1 without substantive change].

2083-1(b) [new]: Sets the time for filing a motion to value collateral contemporaneously with the time the debtor must serve the plan on creditors and automatically schedules the hearing to be held concurrently with the confirmation hearing.

2083-1(c) [new]: Paragraphs (1) and (2) require debtors to make all payments to secured creditors whose payments are to be made through the plan, including pre-confirmation payments, to the trustee and that the trustee disburse those payments to the creditor entitled to the payment not later than the last business day of each month. Paragraph (3) addresses the issue of curing prepetition arrearages. If the debtor timely performs under the plan as to curing of the arrearage and the payments coming due postpetition are timely made (whether by the trustee through the plan or directly by the debtor), upon completion of the plan, the debtor will be current. [This subsection in conjunction with 3015-3(i) should eliminate any dispute as to whether the debtor is "current" upon successful completion of the chapter 13 plan.]

2083-1(d) [new]: This subsection implements the requirements of § 1326(a)(1) that the debtor make payments directly to lessors and creditors holding PMSI claims to the extent those payments are not made through the trustee and provide evidence of the payment to the trustee. Paragraph (1) requires the debtor to provide the trustee with a list of the lessors/creditors covered so that the trustee may perform his monitoring obligations. Paragraph (2) requires the debtor to certify payments made during the preceding month and provide evidence that the payments were made.

Rule 3012-1 Valuation of Collateral

(a) **How Raised.** The value of collateral for a secured claim may be bought before the court for determination by separate motion or as part of an objection to claim filed under Rule 3007, Federal Rules of Civil Procedure.

(b) **Motion/Objection to Proof of Claim.** A motion to value collateral or an objection to a proof of claim that raises the issue of valuation must:

(1) state—

[A] value of the collateral,

[B] method of determining the value,

[C] amount of the claim, if any, that is secured,

[D] the date by which the opposition must be filed, and

[E] in case filed under chapter 13, the hearing date on the motion or objection; and

(2) be served on—

[A] each creditor having or claiming a security interest in the collateral,

[B] the trustee, and

[C] if represented by counsel, counsel for each.

(c) **Opposition to Motion or Objection to Proof of Claim.**

(1) A secured creditor who disagrees with the valuation of the collateral securing the creditor's claim may:

[A] File an objection to the valuation, which objection must state the—

(i) creditor's opinion of the value of the collateral,

(ii) method of determining the value, and

(iii) amount of the claim that is secured; and

[B] serve the objection on—

(i) the debtor,

(ii) any other creditor having or claiming to have a security interest in the collateral,

(iii) the trustee, and

(iv) if represented by counsel, counsel for each.

(2) The objection to the motion must be filed and served not later than twenty (20) days after the motion is served.

(3) Upon receipt of the objection, if requested by the creditor, the debtor must make the collateral available for examination and appraisal.

(4) Not later than five (5) days after an objection to valuation has been served, the debtor must:

[A] File a reply either—

(i) accepting the creditor's valuation, or

(ii) controverting the creditor's objection; and

[B] serve the reply on—

(i) the objecting creditor,

(ii) any other creditor having or claiming to have a security interest in the collateral,

(iii) the trustee, and

(iv) if represented by counsel, counsel for each.

(5) Failure of the debtor to file a timely controverting reply under paragraph (4) will be deemed an acceptance of the creditor's valuation.

(d) **Hearing.** Except as otherwise provided by these rules, any party desiring a hearing on the motion and any opposition thereto must request a hearing by submitting a Calendar Request.

(e) **Mandatory Discovery Exchange.**

(1) Unless otherwise ordered by the court or as provided by rule, in any case in which the valuation of collateral is placed at issue the parties must exchange all valuation data and appraisals not later than:

[A] In cases under chapter 13 of the Code, seven (7) days before the hearing; and
[B] in all other cases, ten (10) days before the hearing.

(2) Any party refusing or failing to comply with paragraph (1) may be subjected to such sanctions as the court may deem appropriate under the circumstances, including the assessment of costs and attorney's fees and/or the exclusion of the evidentiary materials not produced.

Related Provisions:

11 U.S.C. § 506	Determination of secured status
FRBP 3007	Objections to Claims
FRBP 3012	Valuation of Security
FRBP 9014	Contested Matters
AK LBF 2081-2	Chapter 11 Small Business Cases
AK LBF 2082-1	Chapter 12 Cases
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-3	Confirmation of Chapter 13 Plans
AK LBF 6A	Notice of Hearing on Confirmation of Chapter 13 Plan and Time to File Written Objections
AK LBF 7	Calendar Request

COMMENT: A new rule.

3012-1(a): Provides two vehicles for bringing the issue of the value of collateral before the court: either as part of an objection to a claim; or as a separate motion. Inclusion in a plan under chapters 9, 11, 12, or 13 is not an appropriate method for bringing the matter of determining collateral valuation before the court; a separate motion specifically served on the creditor(s) affected by the reduction in collateral value is required.

3012-1(b): The procedure for raising valuation, *i.e.*, “strip-down,” will usually be by motion filed by the debtor. The time for making the motion is governed by LBR 2081-2 in small business chapter 11 cases, 2082-1 in chapter 12 cases and 2083-1 in chapter 13 cases. In cases filed under chapter 9 or 11 (other than small business), it is expected the time will be set by the court at a status/scheduling conference. The motion is served on the trustee and all creditors who claim a security interest in the collateral (and, if represented by counsel, counsel), and advises them of the debtor’s proposed valuation and the basis for it. This rule also requires notice of last day for objecting and, in chapter 13 cases, the hearing date, be included in the body of the motion. Although it may be redundant in some instances, it conforms to the requirements of LBR 9013-2 and ensures that the creditor, who may not yet be represented by counsel (particularly in chapter 13) and familiar with the process, receives adequate notice of the critical times.

3012-1(c) [adapted from former 3015-3(a), (b)]: The objection by the creditor must be filed within 20 days of service and served on the debtor, trustee, and any other creditor claiming a security interest in the property.

3012-1(d): Except for chapter 11 small business and chapter 13 cases, in which the hearing date is automatically set on the same day as the confirmation hearing, either party may request a hearing by submitting a calendar request.

3012-1(e): Makes exchange of valuation data mandatory (consistent with other rules in which value is at issue). Shortens the time within which appraisal/valuation data is to be exchanged from 10 to 7 days in chapter 13 cases to compensate for the compressed time schedule between the time the objection is filed, controverting response is made and the hearing date.

Rule 3015-1 Chapter 13 Plans

(a) **Format.** Unless otherwise ordered by the court, a chapter 13 plan must conform to AK LBF 5 and include the plan, disposable income, and liquidation analyses, and schedule of direct payments to creditors attached to AK LBF 5.

(b) **Contents**

(1) The Alaska Permanent Fund Dividend is to be included in paragraph 1(b) of AK LBF 5 and may not be included in the regular periodic payments provided in paragraph 1(a).

(2) Payments to all secured creditors whose claims are not modified and provided for in paragraph 2(e) of AK LBF 5, other than payments to the holders of residential mortgages, must be included in paragraph 2(f) of AK LBF 5.

(3) Paragraph 2(h) of AK LBF 5 may be modified to provide separate classes of unsecured claims to the extent provided by §1322(b)(1) of the Code.

(4) The following matters may not be accomplished through a chapter 13 plan:

[A] lien avoidance;

[B] objections to claims;

[C] determination of the dischargeability of debts; and

[D] valuation of collateral.

(c) **Dismissal/Conversion.** [**Abrogated**]

(d) **Service of Plan.** [**Abrogated**]

(e) **Payroll Deduction.** Following a default of two (2) monthly payments, all future wage earner debtor chapter 13 plan payments will be by payroll deduction.

(f) **Reporting Income/Expenses.**

(1) Schedules of income and expenses, and required periodic financial reports, if any, must clearly delineate the source and amount of gross receipts and projected expenditures.

(2) Expenses incident to the production of any non-wage income must be accurately set forth.

(g) **Certification.** The plan must be signed by the debtor and debtor's attorney, if represented by counsel, which signatures constitute certification that the plan complies with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and this rule.

Related Provisions:

11 U.S.C. § 1322	Contents of Plan
11 U.S.C. § 1324	Confirmation Hearing
11 U.S.C. § 1325	Confirmation of Chapter 13 plan
11 U.S.C. § 1326	Payments
FRBP 1007(b)	Lists, Schedules and Statements; Time Limits — Schedules and Statements Required
FRBP 2002	Notices
FRBP 3007	Objections to Claims
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 7001	Adversary Proceedings
FRBP 9014	Contested Matters
AK LBR 2003-1	Meeting of Creditors
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3015-2	Confirmation of Chapter 13 Plans
AK LBR 3015-3	Objections to Valuation
AK LBR 9070-1	Number of Copies
AK LBF 5	Chapter 13 Plan (w/ Plan Analysis)

COMMENT:

3015-1(b)(2) [new]: Requires that all payments on secured obligations, even those that are not modified, other than on residential mortgages, must be made through the trustee. This includes auto loans, furniture loans, or any other loan secured by personal property.

3015-1(b)(4) [currently (b)(3)]: Amended to clarify that it is improper to (1) attempt to “strip down” a secured claim simply by including it in the plan, and (2) include a declaration that a debt is discharged or dischargeable in the plan. Strip down of a secured claim is governed by Rule 3012 and LBR 3012-1. Discharge of debts in chapter 13 is specifically governed by §1328 of the Bankruptcy Code and any attempt to evade or otherwise modify the provisions of §1328 in the plan is not permitted.

3015-1(c): Abrogated. Subject matter fully covered by 11 U.S.C. § 1307(c)(3).

3015-1(g): Amended to clarify that the signature of an attorney is required only when the debtor is represented by counsel.

Rule 3015-2 Amendment of Chapter 13 Plans.

(1) The proposed plan may be amended:

[A] as a matter of course without leave of court at any time prior to the first date set for the confirmation hearing; or

[B] with leave of court, at or after the first confirmation hearing if the plan is not confirmed.

(2) Any amendment prior to confirmation must be in the form of an amended plan.

(3) [A] Where the amendment does not adversely affect any other party in interest, the court may confirm the plan as amended without further notice or a hearing to those unaffected parties.

[B] Where the amendment would adversely affect another party in interest, the plan as amended must be mailed to each adversely affected party with a notice providing twenty-five (25) days to object to the amendment.

Related Provisions:

11 U.S.C. § 1323	Modification of plan before confirmation
11 U.S.C. § 1329	Modification of plan after confirmation
FRBP 2002	Notices to Creditors, Equity Security Holders, United States, and United States Trustees
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-3	Confirmation of Chapter 13 Plans
AK LBF 6B	Notice of Date to File Objections to Amended Plan

COMMENT: [Formerly 3015-2(f) renumbered.] Paragraph (1) amended slightly to make clear that an amendment prior to the confirmation hearing date may be made as a matter of course, but any subsequent amendment requires leave of court. Paragraph (2) is unchanged and former paragraph (4) was retained as paragraph (3) with subparagraph (3)[B] amended to increase the time for objecting to 25 days to bring into compliance with FRPB 2002(b). Paragraphs (3) and (5) of former 3015-2(f) were omitted as surplusage; the subject is covered in amended LBR 3015-3(g).

Rule 3015-3 Confirmation of Chapter 13 Plans

(a) **Applicability of Rule.** Unless otherwise ordered by the court, in all chapter 13 cases the plan confirmation process will conform to this rule.

(b) **Service of the Plan and Notice.**

(1) The debtor must mail the chapter 13 plan, plan analysis, Notice of Date to File Objections, and Notice of Confirmation Hearing Date to creditors not later than twenty-five (25) days after:

[A] the date the petition is filed in a case commenced as a case under chapter 13 of the Code; or

[B] the date of the order converting the case in a case converted to chapter 13 from another chapter of the Code.

(2) The trustee may lodge a dismissal order if the plan is not timely noticed to creditors.

(c) **Objections to Confirmation.**

(1) Any objection to the confirmation of the plan must be:

[A] in writing;

[B] filed not later than twenty-one (21) days after—

(i) the first date set for the meeting of creditors under § 341(a) of the Code in a case commenced under chapter 13 of the Code; or

(ii) the first date set for the meeting of creditors under § 341(a) of the Code following conversion in a case converted to a case under chapter 13 from another chapter of the Code;

[C] transmitted to the U.S. trustee; and

[D] served on—

[i] the trustee,

[ii] debtor, and

[iii] debtor's attorney.

(2) [A] An objection to confirmation must set forth with specificity the grounds for objection, identifying those provisions of §§ 1322 or 1325 of the Code with which the plan does not comply.

[B] An objection that does not comply with the requirements of subparagraph (2)[A] may be disregarded by the court.

(3) If a party filing an objection to confirmation does not appear at the confirmation hearing, the court may deem the objection as having been withdrawn.

(d) **Trustee's Recommendation.** The trustee must file a recommendation on plan confirmation:

(1) not later than twenty-eight (28) days after—

[A](i) the first date set for the meeting of creditors under § 341(a) of the Code in a case commenced under chapter 13 of the Code, or

(ii) the first date set for the meeting of creditors under § 341(a) of the Code following conversion in a case converted to a case under chapter 13 from another chapter of the Code;

(2) serve the recommendation on—

[A] the debtor,

[B] debtor's counsel,

[C] the holder of any domestic support obligation, and

[D] any party having filed an objection; and

(3) if the trustee recommends confirmation and no objection has been timely filed, the trustee must lodge a proposed order confirming the plan.

(e) **Response to Objection to Plan or Trustee's Recommendation.**

(1) In the event that an objection to the plan is timely filed under subsection (c) or the trustee files a recommendation that the plan not be confirmed, not later than thirty-five (35) days after the first date set for the meeting of creditors, the debtor must:

[A] (i) file an amended plan, and

(ii) serve the amended plan, together with notice of the time to object, on the trustee and all objecting parties; or

[B] (i) file a response to the objection or trustee's recommendation, and

(ii) serve the response on the trustee and all objecting parties;

[C] not later than thirty-five days after—

(i) the first date set for the meeting of creditors under § 341(a) of the Code in a case commenced under chapter 13 of the Code; or

(ii) the first date set for the meeting of creditors under § 341(a) of the Code following conversion in a case converted to a case under chapter 13 from another chapter of the Code.

(2) The trustee may lodge a dismissal order if the debtor does not timely file an amended plan or response as provided in paragraph (e)(1).

(f) Domestic Support Obligation Certification.

(1) In the event that no objection to confirmation is timely served and filed and the trustee recommends that the plan be confirmed, not later than five (5) days after the trustee's recommendation is served and filed, the debtor must:

[A] file a certification under penalty of perjury that—

(i) all domestic support payments coming due since the date the petition was filed have been paid, and

(ii) if any domestic support payment will come due with the next immediately following fifteen (15) days, that debtor expects to have sufficient funds and will make that payment on or before its due date;

[B] transmit the certification to the U.S. trustee; and

[C] serve the certification on—

(i) the trustee, and

(ii) the holder(s) of any domestic support claim(s).

(2) If the debtor fails to serve and file the certification as provided in paragraph (1), the debtor must:

[A] at the confirmation hearing provide evidence that all domestic support payments coming due since the petition was filed have been paid; or

[B] show cause why the case should not be dismissed.

(g) Confirmation Hearing.

(1) Unless otherwise ordered by the court, the confirmation hearing will be set automatically by the court without request.

(2) Upon the request of the debtor, U.S. trustee, trustee, or a creditor who has filed an objection to the plan or amended plan, for good cause shown, the court may continue the confirmation hearing for a period of not more than thirty (30) days.

(3) Matters ancillary to confirmation are to be filed, served, scheduled and noticed as provided in AK LBR 2083-1.

(h) Confirmation Without a Hearing. The chapter 13 plan or amended plan may be confirmed without a hearing if:

(1) [A] no objection to the plan or amended plan is timely filed,

[B] the trustee recommends confirmation, and

[C] the debtor files the certification provided in paragraph (f)(1);

(2) [A] any timely filed objection to the plan or amended plan is withdrawn, and

[B] the trustee recommends confirmation; or

(3) upon the stipulation of the debtor, trustee and any interested party who has filed an objection to the plan or amended plan.

(i) Payments by Trustee.

(1) Unless otherwise ordered by the court, upon notice and hearing, for good cause shown, or as otherwise provided by rule, the trustee will commence payments under the plan not later than the last business day of the month following the later of the entry of the order confirming the plan or the last day for filing a proof of claim by a governmental unit.

(2) Unless otherwise provided in the plan or the order confirming the plan, the trustee will make distributions under the confirmed plan not later than the last business day of each month.

(3) Prior to confirmation of the plan, the trustee will disburse any payment as defined in 11 U.S.C. § 1326(a)(1)(B) or (C) to the creditor entitled to such payment not later than the last business day of each month.

(j) Effect of Payments. Notwithstanding any other provision in the contract between the debtor and any creditor, payments by the debtor that are made timely to the trustee as provided in the plan or by otherwise applicable law or rule and timely distributed by the trustee are conclusively presumed to have been made timely for all purposes.

Related Provisions:

11 U.S.C. § 506	Determination of secured status
11 U.S.C. § 1307	Conversion or dismissal
11 U.S.C. § 1321	Filing of plan
11 U.S.C. § 1322	Contents of plan
11 U.S.C. § 1324	Confirmation hearing
11 U.S.C. § 1325	Confirmation of plan
11 U.S.C. § 1330	Revocation of an order of confirmation
FRBP 2002	Notices
FRBP 3002	Filing Proof of Claim or Interest
FRBP 3007	Objections to Claims
FRBP 3012	Valuation of Security
FRBP 3015	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case
FRBP 9014	Contested Matters
AK LBR 2083-1	Chapter 13 Cases
AK LBR 3012-1	Valuation of Collateral
AK LBR 3015-1	Chapter 13 Plans
AK LBR 3015-2	Amendment of Chapter 13 Plans
AK LBR 3070-1	Payments by Chapter 13 Trustee
AK LBR 9070-1	Number of Copies
AK LBF 5	Chapter 13 Plan (w/ Plan Analysis)
AK LBF 6A	Notice of Hearing on Confirmation of Chapter 13 Plan and Time to File Written Objections
AK LBF 7	Calendar Request

COMMENTS: [Formerly LBR 3015-2 renumbered as 3015-3 to conform to uniform numbering system.] The time frames for the steps necessary to obtain confirmation of a plan have been compressed to fit within the maximum 45-day time frame [as measured from the date of the creditors' meeting under §341(a)] mandated by §1324(b). The rule has also been restructured and revised to take into account that a confirmation hearing, even if not actually held, must be scheduled in all cases in order to assure that timely notice of the date and time of the hearing (if one is to be held) be timely given to all parties in interest. All times set for actions to be taken are measured from a fixed date, *i.e.*, the date the petition is filed or the date of the first §341 meeting. The rule has also been structured to provide for the situation in which the case under chapter 13 was converted from a case under another chapter of the Code or commenced as a case under chapter 13, *i.e.*, the date for noticing the plan runs from the date of the conversion order and the times for other actions from the date of the first post-conversion meeting of creditors.

Current LBR 3015-2(f) [Amendment of Plans] is now LBR 3015-2. Current LBR 3015-2(l) [Payments by Trustee] has been redesignated as LBR 3070-1.

3015-3(a) [current LBR 3015-2(a) without substantive change].

3015-3(b) [current 3015-2(c)]: The time within which the plan and required notices are to be sent to creditors is reduced from 30 to 25 days after the petition is filed. This ensures that creditors will receive not less than the 25 days notice required by FRBP of the last day for objections (set at 21 days after the §341 meeting).

3015-3(c) [current 3015-2(d)]: The time for filing objections to confirmation is set for 3 weeks (21 days) after the 341 meeting. This represents a substantial reduction from the current rule (objections due concurrently with the claims bar date). Also added ¶ (3) providing that if an objecting party fails to appear at the hearing, the court may deem the objection withdrawn. This provision was added out of fairness to the debtor and other interested parties in those situations where a person simply objects to the sake of objecting. Under this provision, if you object you also appear on that objection or risk that it be overruled.

3015-3(d) [current 3015-2 (e)]: Sets the time for the trustee to file his recommendation. The added week (7) days to the time for creditors' objections is to permit the trustee an opportunity to take any objection by a creditor into consideration.

3015-3(e) [current 3015-2(g)]: The revision from prior practice takes into account that the confirmation hearing will be scheduled and simply requires the debtor to respond appropriately to an objection in a timely manner. The debtor will actually have at least 14 days to respond to objections. Although there is only a seven-day period allowed for responding to a trustee's adverse recommendation, in practice the trustee will in most, if not all, cases have brought any deficiencies in the plan to the attention of the debtor at the §341 meeting so the debtor will have more than ample time to respond to the trustee's concerns.

3015-3(f) [new]: Provides the procedure for the debtor to certify that all postpetition domestic support payment have been made. Clause (ii) of subparagraph (1)[A] is designed to permit the court sufficient time to enter a confirmation order without a hearing. If the certification is untrue, *i.e.*, postpetition payments are not current or the debtor does not make the payment coming due within 15 days, grounds exist for revocation of the confirmation order under §1330. Paragraph (2) requires the debtor to appear at the confirmation hearing and either provide proof of payment or face dismissal under §1307(c)(11).

3015-3(g) [new]: Paragraph (1) provides that the court will schedule the chapter 13 confirmation hearing automatically, without a request from the debtor. The court will notify the debtor of the hearing date and time, and the debtor will then notice the plan and hearing in accordance with 3015-3(b). Under normal practice it is expected that this hearing will be set approximately 5 to 6 weeks after the first date set for the creditors' meeting under §341. Paragraph (2) provides for the granting of a limited time continuance of the confirmation hearing on the request of the debtor, U.S. trustee, trustee, or objecting creditor, but only for cause. [It is expected that continuances will be granted only where there is a showing that there is a realistic probability that objections to the plan can be overcome by amending the plan or where the debtor has filed an amended plan and the time for objecting has not yet run so as to give the parties an opportunity to work out differences.]

3015-3(h) [current 3015-2 (c)]: Relocated this as being a more logical sequence and more clearly spelled out the three conditions under which a plan (or amended plan) could be confirmed without the necessity of a hearing.

3015-3(i) [Current 3015-2(i) amended]: Paragraph (1) is current 3015-2(i) amended slightly to include as otherwise provided by law or rule as well as order of the court exception to the "normal" time that the trustee will commence payments under the plan. [This allows the trustee to continue to make the §1326(a)(1)(B) and (C) payments as provided in LBR 2083-1(c)(2).] This paragraph also amended to change the start date from 60 days after to the last day of the month following the later of the confirmation or last day for government entities to file claims. [This is more of a "consistency" change to coincide with new paragraph (2).] Paragraph (2) requires the trustee to make all payments not later than the last work day of the plan. Paragraph (3) is an exception to the "normal" time for commencing distributions by providing for pre-confirmation distribution of payments as defined in §1326(a)(1)(b) and (C).

3015-3(j) [new]: This subsection specifically addresses the issue of timeliness of payments made through the plan; if timely made by the debtor to the trustee and by the trustee to the creditor it is timely and no late charges or other charges for delinquency are to be assessed.

(ii) Other Secured Claims:

<u>Creditor/Collateral</u>	<u>Estimated Arrearage Amt</u>	<u>Number of Payments</u>	<u>Estimated Payment Amt</u>	<u>Interest Rate</u>
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(e) **Modified Secured Claims:** Distributions to secured creditors whose claims are duly filed and allowed, but are modified, estimated as follows:

<u>Creditor/Collateral</u>	<u>Value of Collateral</u>	<u>Number of Payments</u>	<u>Estimated Payment Amt</u>	<u>Interest Rate</u>
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[This paragraph 2(e) addresses the repayment terms of all secured claims that are not addressed under paragraph 2(d) above or under paragraphs 2(f) or 3 below. These "modified secured claims" are all those held by creditors whose rights are modified under applicable bankruptcy law. The allowed claims of each creditor listed in paragraph 2(e) will be allowed as a secured claim in the amount of the value of the security and paid in installments as shown until the balance, with interest as stated, has been paid. The remainder of the amount owing will be allowed as a general unsecured claim and paid under the provisions of paragraph 2(h) if a proof of claim is duly filed and allowed.]

(f) **Secured Claims Not Modified.** Distributions to secured creditors whose claims are duly filed and allowed, but are not modified and not paid directly by debtor under paragraph 3, in accordance with the contract terms as follows:

<u>Creditor/Collateral</u>	<u>Estimated Balance</u>	<u>Number of Payments</u>	<u>Payment</u>	<u>Interest Rate</u>
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(g) **Allowed Priority Unsecured Claims** in the order and in the amount prescribed by 11 U.S.C. § 507(a)(3) - (a)(9) including the following estimated tax claims:

<u>Tax Creditor</u>	<u>Type of Tax</u>	<u>Year</u>	<u>Amount</u>
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Debtor(s) will check the following correct answer:

Yes, I/we have filed all required tax returns. No, I/we have not filed all required tax returns.

(h) To **Unsecured Non-priority Claims** that are duly filed and allowed, the balance of the debtor's plan payments will be distributed pro-rata.

(i) **Alternate Payment Instructions to Trustee:**

Payments under paragraphs 2(b), (c), and (g) are to be made in equal installments over the commitment period.

Payments under paragraph 2(h) are to be made concurrently with payments made under paragraphs 2(a) – (f).

Other (specify) _____

3. **Secured Claims Not Modified:** The following creditors' claims are fully secured, are not modified, will be paid directly by the debtor(s) outside the Plan under the original contract terms, and will receive no distributions under Paragraph 2 (except distributions set out in paragraph 2(d) above):

(a) **Residential Mortgage:**

<u>Creditor/Collateral</u>	<u>Estimated Balance Owed</u>	<u>Present Monthly Payment</u>
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(b) **Other:** [See AK LBR 3015-1(b)(2)]

<u>Creditor/Collateral</u>	<u>Estimated Balance</u>	<u>Number of Payments</u>	<u>Payment</u>	<u>Due Date</u>
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4. **Secured Property Surrendered:** The secured property described below will be surrendered to the following named creditors, and any duly filed and allowed unsecured claim resulting from such surrender will be paid under Paragraph 2(g):

5. **Executory Contracts:** Except as provided above, the following executory contracts and unexpired leases of the debtor(s) are assumed or rejected as noted below. If rejected, the debtor(s) will surrender any collateral or leased property and any duly filed and allowed unsecured claim for damages will be paid under paragraph 2(g):

<u>Contract/Lease</u>	<u>Assumed /Rejected</u>
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6. **Plan Analysis/Disposable Income Analysis/Liquidation Analysis/Schedule of Direct Payments:** The attached Plan Analysis, Disposable Income Analysis, Liquidation Analysis, and Schedule of Direct Payments to Creditors are accurate to the best of my (our) knowledge. If there are discrepancies between the Plan and the analyses, the provisions of the Plan, as confirmed, control.

7. **Retention of Security Interests and Revesting of Property:** Secured creditors will retain their liens until the claims as determined under applicable nonbankruptcy law have been paid in full or a discharge is entered under 11 U.S.C. § 1328 as provided by 11 U.S.C. § 1325(a)(5)(B). Except as provided in this plan or in the order confirming the plan, upon confirmation of this plan all of the property of the estate vests in the debtor(s) free and clear of any claim or interest of any creditor provided for by this plan under 11 U.S.C. § 1327.

8. **Orders Granting Relief From Stay.** If at any time during the life of this plan, an order terminating the automatic stay is entered, no distributions under this plan will be made to the creditor obtaining relief from stay until such time as the creditor files an amended proof of claim. The allowed claim for a deficiency will be treated as a general unsecured claim under paragraph 2(g).

9. **Plan Changes:** The court may after hearing, upon such notice as the court may designate, increase or reduce the amount or the time for payment where it appears that circumstances so warrant.

10. **Certification.** It is certified that the foregoing plan complies with the requirements of the applicable provisions of the Bankruptcy Code (title 11, United States Code), the Federal Rules of Bankruptcy Procedure, and the Alaska Local Bankruptcy Rules.

DATED _____, 20__.

Attorney for Debtor(s)

SIGNED UNDER PENALTY OF PERJURY.

Debtor

Debtor

PLAN ANALYSIS

(Numerical References are to Plan Paragraphs)

Monthly Income and Expenses:

Monthly Income from Schedule I (excluding Alaska PFD) \$ _____
 Monthly Expenses from Schedule J \$ _____
 Difference (Schedule I <less> Schedule J) \$ _____

Debtor(s) Payments to Trustee:

1(a) \$ _____ (Mo. Pymt.) x _____ (No. Pymts) = \$ _____
 1(b) \$ _____ (Perm. Fund) x _____ (No. Years) = \$ _____
 1(c) \$ _____ (Tax Refund) x _____ (No. Years) = \$ _____
 1(d) \$ _____ (Add'l Pymts) x _____ (No. Pymts) = \$ _____
 TOTAL PAYMENTS (Life of Plan): \$ _____

Estimated Distributions by Trustee:

2(a) Trustee's Commission (10% of the total plan payments) \$ _____
 2(b) Domestic Support Obligations \$ _____
 2(c) Unpaid Attorney's Fees and Costs \$ _____
 2(c) Other Administrative (if known) \$ _____
 2(d) Total Arrearages Secured Claims (Not Modified)
 (i) Residential Mortgage \$ _____
 (ii) Other \$ _____
 2(e) Total Distributions Modified Secured Claims \$ _____
 2(f) Total Distributions Unmodified Secured Claims \$ _____
 2(g) Priority: Taxes \$ _____
 Other \$ _____
 2(h) Total Distributions Unsecured Claims \$ _____
 TOTAL DISTRIBUTIONS: \$ _____

DISPOSABLE INCOME DISTRIBUTION ANALYSIS

[Check ONE box as applicable and complete computation]

Disposable Income determined under §1325(b)(3) [See Official Form 22C, Line 23]
 Total Distributions Unsecured Claims (Line 2(h)) divided by 60 \$ _____
 Monthly Disposable Income (from Official Form 22C, Line 58) \$ _____

Disposable Income **not** determined under §1325(b)(3) [See Official Form 22C, Line 17 or 23]
 Total Distributions Unsecured Claims (Line 2(h)) divided by _____ (months in commitment period) \$ _____
 [See Official Form 22C, Line 17]
 Current Monthly Income [from Official Form 22C, Line 11] \$ _____
 <less> Marital Adjustment [as defined in Official Form 22C, Line 19] \$ _____
 <less> Support Income [as defined in Official Form 22C, Line 54] \$ _____
 <less> Qualified Support Deduction [as defined in Official Form 22C, Line 55] \$ _____
 <less> Monthly Expenses [from Official Form 6, Schedule J, Line 18] \$ _____
 <less> Payroll Deductions [from Official Form 6, Schedule I, Line 5] \$ _____
 Monthly Disposable Income \$ _____

LIQUIDATION ANALYSIS

(Insert Amounts from Bankruptcy Schedules for A, B, D, and E, Below)

A. Non Exempt Equity: in real property \$ _____
 in personal property \$ _____
 B. Value of Property Recoverable Under Avoiding Powers \$ _____
 C. **Total Estate Equity** (sum of A & B above): \$ _____
 D. Total Priority Debt \$ _____
 E. Total Unsecured Debt \$ _____
 F. Estimated Chapter 7 Administrative Expenses \$ _____
 G. Estimated Plan Dividend (Unsecured Creditors) _____ %
 H. Estimated Chapter 7 Dividend (Unsecured Creditors) _____ %

**SCHEDULE OF DEBTOR'S LEASE PAYMENTS, PAYMENTS TO SECURED CREDITORS
AND DOMESTIC SUPPORT OBLIGATIONS**

<u>Creditor/Nature of Claim</u>	Estimated <u>Balance</u>	Number of <u>Payments</u>	<u>Payment</u>	Due <u>Date</u>
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(Name of Attorney)
(Name of Firm)
(Address)
(Telephone)
(Facsimile)
(e-mail)

AK LBF 5B

Attorney for _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA

In re

) **Case No.**
) Chapter: 13
)

Debtor(s).

) **CERTIFICATION OF PAYMENTS MADE**
) **DIRECTLY TO CREDITORS/LESSORS**
) [11 U.S.C. §1326(a)]

I (We) _____ and _____, hereby declare
under penalty of perjury that the I (we) have made all payments for the month of _____, 20____
required to be made under § 1326(a)(1)(B) or (C) of the Bankruptcy Code and all domestic support payments
as stated in the Schedule of Direct Payments to Creditors attached to the Chapter 13 Plan dated
_____, 20____ and filed herein.

Attached hereto are copies of the receipts/checks/money orders/other documentation evidencing to
whom the payment was made, the date and amount of the payment made.

Dated:

Debtor

Co-Debtor

Unless otherwise ordered by the court,
due not later than three (3) business after
the end of the month in which the payments
are made. [See AK LBR 2083-1(d)(2)]

(Name of Attorney)
(Name of Firm)
(Address)
(Telephone)
(Telefax)

AK LBF 6A

Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ALASKA**

In re)
)
(Debtors' Names))
)
Debtors)
)
_____)

Case No.
Chapter: 13

**NOTICE OF HEARING ON CONFIRMATION
OF CHAPTER 13 PLAN AND
TIME TO FILE WRITTEN OBJECTIONS**

YOUR RIGHTS MAY BE AFFECTED. *You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy. (If you do not have an attorney, you may wish to consult one.)*

NOTICE is given that the debtor(s) has(have) filed the enclosed plan and pursuant to order of the court, confirmation of the plan is governed by the following requirements:

1. A hearing on confirmation of plan will be held on _____, 200__ at _____ o'clock ____m. in the Bankruptcy Court, Historic Courtroom, Old Federal Building, 605 West Fourth Avenue, Anchorage, Alaska. If you cannot attend the hearing in person, you may call the U.S. Bankruptcy Court In-Court Deputy Clerk at (907) 271-2655, ext. 2640, at least three (3) business days in advance of the hearing to request telephonic attendance.

2. Any objection to confirmation must be in writing, filed with the clerk at the below address and copies served on the following parties no later than (date ^{*}):

Clerk, U.S. Bankruptcy Court
605 W. Fourth Avenue, Rm 138
Anchorage, AK 99501-2296

Trustee: Larry D. Compton
400 D Street, Suite 210
Anchorage, AK 99501-2342

(Debtor's Name)
(Address)
(City, State, Zip)

(Debtor's Attorney)
(Address)
(City, State, Zip).

If you file a written objection and fail to attend the confirmation hearing in person or telephonically, the court may deem your objection withdrawn.

3. If no objections are filed and the trustee recommends confirmation, the plan may be confirmed without a hearing.

4. The failure of a party in interest to timely file an objection to confirmation constitutes acceptance of the plan under 11 U.S.C. § 1325 (a)(5)(A).

Dated: _____, 200__

(Name of Attorney Firm)

By
(Attorney's Name)
Attorney for Debtor(s)

* Unless otherwise ordered, 21 days after the first date set for the meeting of creditors under §341.