



United States Bankruptcy Court District of New Jersey

Honorable Kathryn C. Ferguson, Chief Judge
Jeanne A. Naughton, Clerk

The purpose of this notice is to advise New Jersey Bankruptcy Court CM/ECF participants of new system and operational developments and to highlight issues that require immediate attention.

Office Locations

Newark

Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, NJ 07102
Phone (973) 645-4764

Trenton

Clarkson S. Fisher US Courthouse
402 East State Street
Trenton, NJ 08608
Phone (609) 858-9333

Camden

US Post Office and Courthouse
401 Market Street
Camden, NJ 08101
Phone (856) 361-2300

CONTENTS

- 2018 Local Rules and Forms
- Chapter 13 Plan and Motions
- Power of Attorney
- Order Respecting Amendment to Schedules D, E/F, G, H, or List of Creditors
- D.N.J. LBR 9013-2. Motions: Filing and Service; Hearing Date

2018 LOCAL RULE AND FORM REVISIONS

The Court's Notice to the Bar and Public Concerning 2018 Local Rule and Form Revisions was posted to the Court's website on July 18, 2018. All revised Local Rules and forms are attached to the [Notice](#) for ease of reference. The following Local Rules and Forms have been amended or added under the Court's 2018 Local Rule Making Cycle. Efilers are reminded that the Local Rules of the U.S. Bankruptcy Court for the District of New Jersey, when published, supersede all previously entered general orders concerning Court policy which is governed by Local Rule. The changes to the Local Rules and Forms are effective August 1, 2018.

D.N.J. LBR 2016-5. Compensation of Debtor's Attorney in a Chapter 13 Case

- Disclosure of Chapter 13 Debtor's Attorney Compensation
- Chapter 13 Debtor's Attorney Fee Application Cover Sheet

D.N.J. LBR 4001-4. Status of Automatic Stay

- Motion for Order Confirming Automatic Stay is Not in Effect

D.N.J. LBR 4002-1. Certification in Support of Discharge

- Certification in Support of Discharge

D.N.J. LBR 9013-4. Motions: Proposed Order

- Certification Concerning Order to be Submitted

D.N.J. LBR 9024-1. Vacating Dismissal of Case

- Order on Motion to Vacate Dismissal of Case

A complete Local Rules [package](#) is available on the Court's website. Details regarding the implementation of Local Rule 2016-5 and 4002-1 follow.

IMPORTANT: While many of the above forms were already in use after being implemented by General Order, all have been revised during the 2018 Local Rule Cycle. Please ensure that you are using the most recent version of each form – all are dated 8/1/18.

D.N.J. LBR 2016.5. COMPENSATION OF DEBTOR'S ATTORNEY IN A CHAPTER 13 CASE

Considering the substantial revisions to this Rule, the Court wishes to emphasize the following provisions:

FOR CASES FILED UNDER, OR CONVERTED TO, CHAPTER 13 ON OR AFTER AUGUST 1, 2018:

- The debtor's attorney must file with the petition or within 14 days after conversion, new mandatory local form, *Disclosure of Chapter 13 Debtor's Attorney Compensation* on which the attorney must indicate their method of compensation as follows:

Standard Fee of \$4,750.00 OR Hourly Billing

- "Supplemental" fee applications may not be filed in cases filed under, or converted to, Chapter 13 on or after August 1, 2018.

IMPORTANT: "Supplemental" fee applications are defined as requests for fees that are submitted using the Court's local forms, *Certification of Debtor's Counsel Supporting Supplemental Chapter 13 Fee* and *Order Granting Supplemental Fees*.

- When filing a fee application for \$10,000.00, inclusive of expenses, a Chapter 13 debtor's attorney must include new mandatory local form, *Chapter 13 Debtor's Attorney Fee Application Cover Sheet*.

D.N.J. LBR 4002-1. CERTIFICATION IN SUPPORT OF DISCHARGE

Please be advised that a discharge will not be issued in a Chapter 13 case unless a **valid** *Certification in Support of Discharge* is filed. The clerk will issue a Correction Notice when the following issues arise concerning the *Certification*:

- Certification has not been completed (one of the check boxes have not been checked),
- Certification is not signed,
- Certification is filed **PRIOR** to the Trustee's Plan Complete Letter,
- Certification is dated **PRIOR** to the Trustee's Plan Complete Letter.

CHAPTER 13 PLAN AND MOTIONS

In an effort to more closely conform with the national Chapter 13 Plan, the Court has approved changes to local form, *Chapter 13 Plan and Motions*, which is attached for ease of reference. A Notice to the Bar will be posted on the Court's website in the coming days.

The Court wishes to highlight the changes summarized below. The revised Chapter 13 Plan and Motions will be effective September 1, 2018.

- The Plan contains a text box that states the following which refers to the check boxes at the bottom of page 1.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan (emphasis added).

- The debtor and the debtor's attorney are only required to sign the last page of the Plan.

POWER OF ATTORNEY

As noted in a previous edition of this *Notice*, when a document filed with the Court is signed by a Power of Attorney, or a motion is filed that seeks permission from the Court to allow a Power of Attorney to appear in a case on behalf of a party, the document creating the Power of Attorney relationship must also be filed. A new event is available for e-filing the documentation: Power of Attorney. The event is located in the Misc. Events category of CM/ECF.

ORDER RESPECTING AMENDMENT TO SCHEDULES D, E/F, G, OR H, OR LIST OF CREDITORS

The Court's Order Respecting Amendment to Schedules D, E/F, G, or H, or List of Creditors has been revised effective August 1, 2018, and now includes the following language.

It is further ORDERED that the added creditors or parties have

1. until the original deadline, if any, fixed by the Court to file a complaint to object to the debtor's discharge or dischargeability of certain debts, or 60 days from the date of this Order, whichever is later;
2. until the original deadline, if any, fixed by the Court to file a proof of claim or required supplement, or 60 days from the date of this Order, whichever is later;
3. until the original deadline fixed by the Court to object to exemptions, or 30 days from the date of this Order, whichever is later.

D.N.J. LBR 9013-2. MOTIONS: FILING AND SERVICE; HEARING DATE

The Court having determined the need for a Local Rule to account for expedited motion practice, a [General Order Pending Adoption of Amendments to D.N.J. LBR 9013-2. Motions: Filing and Service; Hearing Date](#) has been entered. The provisions of amended Local Rule 9013-2 are effective August 1, 2018.

COURT HOLIDAY SCHEDULE

Please be advised that the Court will be closed on the following days:

Monday, September 3, 2018

Monday, October 8, 2018

Monday, November 12, 2018

CM/ECF Helpdesk:

By telephone:

Camden: 856-361-2301

Newark: 973-645-3366

Trenton: 609-858-9401

By email:

cmecf_help_desk@njb.uscourts.gov

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security

Assumption of Executory Contract or Unexpired Lease

Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

Case No.:

Judge:

Debtor(s)

Chapter 13 Plan and Motions

Original

Modified/Notice Required

Date:

Motions Included

Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

DOES DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

DOES DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

DOES DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: _____

Initial Debtor: _____

Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ _____ per _____ to the Chapter 13 Trustee, starting on _____ for approximately _____ months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- Future earnings
- Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- Sale of real property

Description:

Proposed date for completion: _____

- Refinance of real property:

Description:

Proposed date for completion: _____

- Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

None

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan **NONE**

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- Not less than \$ _____ to be distributed *pro rata*
- Not less than _____ percent
- Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon confirmation
- Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) _____
- 3) _____
- 4) _____

d. Post-Petition Claims

The Standing Trustee is, is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
--	--

Are Schedules I and J being filed simultaneously with this Modified Plan? Yes No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

- NONE
- Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: _____

Debtor

Date: _____

Joint Debtor

Date: _____

Attorney for Debtor(s)