

Rule 3083-1. Chapter 13 Plan; Objections to Plan

A. Plan. Each Chapter 13 plan and amended plan must be filed using the Local Form. **(See Local Forms - MOW 3083-1.1)**. Notwithstanding the foregoing, if the only amendment to a plan is to change the plan payment, the Local Form need not be used; instead, a statement of the change in plan payment is sufficient and must be filed using the designated CM/ECF event. (Amended Chapter 13 Plan - Stmt of Plan Payment Change ONLY).

B. Service of the Plan.

1. Debtor shall serve the original plan on all creditors when the plan is filed with the court. Debtor shall file a certificate of service reflecting service on all creditors pursuant to all applicable federal and local rules within three (3) days after the plan is filed with the court.
2. Debtor shall serve an amended plan on all creditors affected by the amendment when the plan is filed with the court. Debtor shall file a certificate of service reflecting service on all creditors affected by the amendment pursuant to all applicable federal and local rules within three (3) days after the plan is filed with the court.
3. No plan will be considered for confirmation unless it is served when it is filed with the court and a certificate of service is filed within three (3) days thereafter.
4. The plan shall be served on the United States Attorney and the appropriate agency when the United States is a party in interest. **Appendix 1-9** contains a list of standard addresses of government agencies.

C. Plan Percentages. The debtor may use 8.0% of receipts rather than the statutory maximum of 10% of receipts for trustee fees when calculating plan length. The actual percent, set by the United States Attorney General pursuant to statute, may vary during the life of the plan.

D. Objections to Plans. It is the duty of affected creditors to file objections to confirmation of plans and amended plans on all grounds for non-confirmation. The trustee may also object to the confirmation of a plan.

1. The Court will conduct a confirmation hearing only upon the filing of a timely objection to confirmation, or a response is filed to the trustee's motion to deny confirmation of a Chapter 13 plan. Unless otherwise noticed, objections to plan confirmation must be filed within 21 days after conclusion of the § 341 meeting of creditors.
2. If neither a timely objection to confirmation nor a trustee's motion to deny confirmation is filed, the Court may confirm the plan without a hearing or reviewing any evidence.

3. If no response is filed to a Chapter 13 trustee's motion to deny confirmation, the Court may deny confirmation of a plan without a hearing.

E. Objections to Amended Plans. Objections to amended plans must be filed on or before 21 days after the amended plan is filed and served on the trustee and affected parties. If no timely objection to confirmation is filed and the Chapter 13 trustee does not file a timely motion to deny confirmation, the Court may confirm the amended plan without a hearing or reviewing any evidence.

F. Wage Order to Employer.

1. **Issuance of Wage Order.** The Chapter 13 trustee may cause a wage order to be issued to the debtor's employer upon a written request from the debtor or the debtor's attorney; the written request must provide the full address for the employer's payroll department. The Chapter 13 trustee may cause a wage order to the debtor's employer to be issued at any time the plan payments are more than 30 days delinquent as measured pursuant to § 1326 (a)(1). The Court may require the issuance of a wage order for cause shown on motion by the chapter 13 trustee or other party in interest or as a condition to granting or denying other relief. The debtor shall amend Schedule I and provide the full address for their employer's payroll department if their employment changes.
2. **Cancelling an Employer Wage Order.** In the event the debtor wants a wage order to the employer cancelled, the debtor must send a written request to the trustee and demonstrate to the trustee that appropriate circumstances exist for the debtor to remit plan payments directly to the trustee. If the trustee does not agree to the cancellation of the Employer Wage Order, the debtor may file a motion with the Court to vacate said order demonstrating to the Court that appropriate circumstances exist for the debtor to remit plan payment directly to the trustee.
3. **Motion for Immediate Wage Order.** If the Chapter 13 plan is not filed with the petition but the debtor would like a wage order to start, the debtor may file a motion for immediate wage order listing the name and address of his/her employer and the dollar amount to be withheld per month. Any order granting the motion for immediate wage order will instruct the trustee to issue the wage order per the terms set forth in the motion.