

Local Rules of the United States Bankruptcy Court for the Western District of Missouri

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

A. Plan Summary. Each Chapter 13 plan must be filed with a plan summary or a combination plan/plan summary with all the information in the Local Form **(See Local Forms - MOW 3083-1.1)** Debtor shall serve the plan and summary on all creditors when the plan is filed and shall serve amended plans on all affected creditors.

B. Service of the Plan Summary. The plan or summary 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. For plans or amended plans filed on or after October 1, 2008, the debtor may use 8.0% of receipts rather than the statutory maximum of 10%, for trustee fees when calculating plans. The actual percent, set by the United States Attorney General pursuant to statute, may vary during the life of the plan and may require the plan payment to be increased during the life of the plan to accommodate the percentage then in effect in order for the plan to comply with §§1322(a)(1) and 1322(d).

D. Objections to Plans. It is the duty of affected creditors and not the trustee to file objections to confirmation of plans and amended plans on all grounds for non-confirmation. The trustee may also object. Unless otherwise noticed, objections to plan confirmation must be filed within 21 days after conclusion of the § 341 meeting of creditors. Absent timely objections, the plan may be confirmed without further notice.

E. Objections to Amended Plans. Objections to amended plans are due 21 days after the amended plan is filed.

F. Incorporation of the Plan Summary. If the Chapter 13 plan does not incorporate the plan summary by reference, to the extent there are inconsistencies between the plan and plan summary, the provisions of the summary are deemed to be the provisions of the plan.

G. 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 in a Chapter 13 case at any time the plan payments are more than 30 days delinquent. The 30-day delinquency is measured pursuant to § 1326 (a)(1). The debtor shall provide on Schedule I the full address for the debtor's payroll department to which the Chapter 13 trustee may cause a wage order to be issued, and shall amend Schedule I if their employment changes.

2. Vacating a Wage Order. In the event the debtor wants a wage order to the employer vacated, the debtor must file a motion to vacate the order and demonstrate that appropriate circumstances exist for the debtor's direct remittance of plan payments.