



UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
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CLERK OF COURT

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October 30, 2017

A letter to the Iowa Northern Bankruptcy Community,

RE: Model Chapter 13 Plan (Form B113)

On September 12th, 2017, the Judicial Conference of the United States Courts approved several amendments to Official Forms and changes to the Federal Rules of Bankruptcy Procedure.

One of the amendments is to Bankruptcy Rule 3015(c) – Form of Chapter 13 Plan. The amendment reads:

If there is an Official Form for a plan filed in a chapter 13 case, that form must be used unless a Local Form has been adopted in compliance with Rule 3015.1. With either the Official Form or a Local Form, a nonstandard provision is effective only if it is included in a section of the form designated for nonstandard provisions and is also identified in accordance with any other requirements of the form. As used in this rule and the Official Form or a Local Form, “nonstandard provision” means a provision not otherwise included in the Official or Local Form or deviating from it.

After consultation and discussion with the Chapter 13 Trustee, **the Northern District of Iowa Bankruptcy Court will use the Model Chapter 13 Plan (Form B113)**. Use of this form will be required as of December 1, 2017.

The form may be viewed at <http://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments/pending-changes-bankruptcy-forms>.

In addition to utilizing the Model Chapter 13 Plan form, effective December 1, 2017, **the responsibility for the Noticing of Chapter 13 Plans will fall to the attorney for debtor**. This change is in response to guidance from the Administrative Office of the United States Courts directing courts to introduce cost saving measures whenever possible. The confirmation hearing will no longer be set within the Notice of Chapter 13 Bankruptcy Case (the 341 Meeting notice). Instead, the Clerk's Office will prepare a Notice and Order Fixing Time to Object to Confirmation of the Plan

and Setting Confirmation Hearing and will serve this Notice and Order. The attorney for debtor(s) will serve a copy of the proposed plan as directed within the Federal Rules of Bankruptcy Procedure. Ideally, the plan will be served when it is filed with the court, but it must be served immediately upon the entry of the Notice and Order Fixing Time to Object to Confirmation of the Plan and Setting Confirmation Hearing on the docket. Also, the time frame for filing objections to the confirmation of the original plan has been changed from 28 days to 21 days. NOTE: These changes relate to original plans only. There will be no changes to procedures relating to amended/modified chapter 13 plans.

The above information was included in the Northern District of Iowa's *Frequent Filer* newsletter that was sent out mid-October.

In the Southern District of Iowa, a separate letter was sent out regarding the required usage of the Model Plan form. Receipt of a letter specifically addressing only the Southern District of Iowa's use of the form with no mention of the Northern District's usage may have caused some confusion for our attorneys who practice in both districts. After receipt of several questions from attorneys asking if the form was going to be required in the Northern District as well, this letter was prepared to ensure all attorneys were aware of the required usage of the Model Plan Form (Form B113) in the Northern and Southern Districts of Iowa.

I apologize for any confusion our prior method of information dissemination may have caused.

Sincerely,

A handwritten signature in black ink that reads "Jean L. Hekel". The signature is written in a cursive, flowing style.

Jean L. Hekel
Clerk of Court