

POST-CONFIRMATION MODIFICATION PROCEDURES AND FORMS

1. Preparing the Proposed Modification. Use the attached form entitled “Post-Confirmation Modification of Plan and Request for its Approval.” Note that a modification must quote any provision in the confirmed plan that is to be modified or deleted and state any new provision to be added. Alter the form if the proponent is the trustee or an unsecured creditor. **Do NOT include amended schedules with a Proposed Post-Confirmation Modification; file those documents separately.**

2. Preparing a Notice of Proposed Modification. This procedure applies only to attorneys; pro se debtors should not prepare a form of notice. Attorneys should use the attached form of notice. Select a date for the hearing on the proposed modification that is at least 30 days after the date of filing. Hearings on post-confirmation modifications are held on the same days as the Court holds hearings on confirmation of Chapter 13 plans BUT NOTE that the hearing time for modifications is different. Each judge maintains his or her own list of available hearing dates and times that may be accessed on the Court’s website or may be obtained from the judge’s chambers. NOTE ALSO: The form of Notice also requires the filer to insert the date on which the notice and proposed modification are being filed. It is from this date that the time to object runs.

3. Serving a Modification and Filing a Certificate of Service is NOT Required. The Court will serve all modifications and notices of hearings on modifications.

4. Electronic Filing of Proposed Modifications and Notices. This procedure applies only to attorneys who file electronically. File a combined document containing the notice and the proposed modification in the Plan category under the Event: 03 Chapter 13 Plan - Post-Confirmation Modification/Notice. In the process of filing, schedule the hearing on the proposed modification for the date and time stated in the Notice.

5. Non-Electronic Filing of Proposed Modifications and Notices. An attorney who does not file electronically should file a combined document containing the notice and the proposed modification. The notice must contain an appropriate hearing date and time. A pro se debtor should file only the proposed modification.

6. Attendance at Hearing. The proponent of a modification is **not** required to be present at the scheduled hearing on that modification unless a response opposing the modification has been timely filed. If a modification to which no objection is filed is unacceptable, the Court may inform the proponent to be present at the hearing, reschedule the hearing or disapprove the modification without a hearing, particularly if it cannot be approved as a matter of law. The Court will prepare orders with respect to modifications.

[Caption]

**POST-CONFIRMATION MODIFICATION OF PLAN
AND REQUEST FOR ITS APPROVAL**

John Doe, Debtor, proposes to modify the confirmed Chapter 13 plan in this case as set forth below and requests that this modification be approved.

MODIFICATION OF PLAN

John Doe, Debtor, hereby modifies the Chapter 13 Plan, which the Court confirmed on **[DATE OF ENTRY OF CONFIRMATION ORDER]**, as follows:

[Explain proposed modifications in detail. Quote each paragraph in the confirmed plan that the proponent proposes to change (whether by insertion or deletion) and set out each modified or new paragraph to be included in the plan as modified.]

Dated: _____

Debtor(s)

Name and Bar Number

Attorney for _____

Address, etc.