

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 Required.** This procedure applies only to attorneys. For pro se cases, 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, the proposed modification, and the certificate of service in the Plan category under the Event: 03-Chapter 13 - Post-Confirmation Plan 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, the proposed modification and the certificate of service. 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.

[Caption]

**NOTICE OF FILING OF MODIFICATION OF CONFIRMED PLAN,
DEADLINE FOR FILING WRITTEN OBJECTIONS AND
HEARING DATE AND TIME IF OBJECTION IS TIMELY FILED**

To: Creditors and Other Parties in Interest

PLEASE TAKE NOTICE that Debtor has filed a proposed modification to the confirmed plan in this case, a copy of which modification you are receiving with this Notice or have recently received by mail. Pursuant to Rule 3015(h) of the Federal Rules of Bankruptcy Procedure, any creditor or other party in interest opposing this proposed Modification must file that objection in writing with the Court on or before the following deadline.

DEADLINE FOR FILING OBJECTION: Twenty-four (24) days after the date on which this proposed Modification was filed. The proposed modification was filed on **[Date of Filing of Modification]**. If the twenty-fourth day after the date of filing falls on a week-end or holiday, the deadline is extended to the next business day.

PLACE OF FILING: Clerk, United States Bankruptcy Court
Room 1340 United States Courthouse
Richard B. Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

[For the other Divisions, substitute the correct address of the Clerk's office.]

If you mail an objection to the Court for filing, you must mail it early enough so the Court will receive it on or before the deadline stated above.

You must also serve a copy on the undersigned at the address stated below and on the Debtor at: **[Address of Debtor]**.

PLEASE TAKE FURTHER NOTICE that if an objection to the proposed Modification is timely filed, the Court will hold a hearing on the modification on **[Date of Hearing]** at _
_m. in Courtroom _ , U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia. **If no
objection is timely filed, the Court may approve the proposed modification without further
notice or hearing.**

Date: _

Debtor(s)

Name and Bar Number
Attorney for _
Address, etc.