

**NOTICE OF REQUEST FOR PUBLIC COMMENTS**  
**ON THE PROPOSED REVISED DISTRICT WIDE MANDATORY CHAPTER 13 PLAN**  
**FOR THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF NEBRASKA**

You are encouraged to review and submit written comments regarding proposed revision of the Chapter 13 Plan for the Bankruptcy Court for the District of Nebraska. Comments should be submitted to [Kathleen A. Laughlin, Chapter 13 Trustee by e-mail](mailto:Kathleen.A.Laughlin@uscourts.gov) at no later than April 30, 2017.

Attached to this Notice is a copy of the proposed Nebraska Chapter 13 Plan Form and a copy of proposed Rule of Bankruptcy Procedure 3015.1. As a member of the Chapter 13 Plan Subcommittee of the Nebraska Bankruptcy Practice Committee, I was asked by Chief Judge Thomas L. Saladino to circulate the Subcommittee's proposed Nebraska Chapter 13 Plan Form for comment. I will forward all comments received to the Judge and Subcommittee for their consideration after April 30, 2017. Members of the subcommittee included: Roxanne Alhejaj, Matt Eck, Kathleen Laughlin, John Lentz, Tom McGuire, Brandon Tomjack, John Turco, and Sam Turco.

I strongly urge all Nebraska Chapter 13 Bankruptcy participants and their staff to review the proposed Nebraska Chapter 13 Plan and Rule and raise any relevant comments or concerns. Please read proposed Rule 3015.1 before reading the proposed plan so you are familiar with the requirements of the rule. Below are some of the reasons for a plan revision and some of the highlights of the proposed plan as compared to the current plan in use in this District.

**Brief History and Reason for Revision:**

Beginning in 2011, the Advisory Committee on the Federal Rules of Bankruptcy Procedure began discussions regarding adoption of a National Chapter 13 Plan Form. Over the years, various versions of a National Chapter 13 Plan Form were considered, and comments were solicited. Thereafter, in 2015, the Advisory Committee on the Federal Rules of Bankruptcy Procedure developed two new proposed rules in response to the concerns expressed by many bankruptcy judges. Bankruptcy Rule 3015 provides for the use of a National Chapter 13 Plan in all jurisdictions. Bankruptcy Rule 3015.1 provides for a method whereby a district can "opt-out" of the use of the National Chapter 13 Plan Form if a Local Plan Form is adopted that meets certain requirements.

These proposed rules, Bankruptcy Rule 3015 and Bankruptcy Rule 3015.1, have been approved by the Advisory Committee on the Federal Rules of Bankruptcy Procedure. However, the Judicial Conference and the United States Supreme Court must still approve these rules. Congress also always has the opportunity to comment on any rule changes although this does not happen often. The comment periods for substantive changes have expired. It is expected that the rules will become effective December 1, 2017.

Chief United States Bankruptcy Judge Thomas L. Saladino appointed a Chapter 13 Plan Subcommittee to develop a recommendation as to whether to adopt the National Chapter 13 Plan provided for by Bankruptcy Rule 3015 or to develop a Local Chapter 13 Plan consistent with proposed Rule 3015.1. The subcommittee reviewed the National Chapter 13 Plan, the current Local Standard Chapter 13 Plan, the differences between the two plans, the pros and con's of each plan, and the mandatory provisions required under Bankruptcy Rule 3015.1 of a revised Local Chapter 13 Plan. The subcommittee decided that a Local Chapter 13 Plan Form should be recommended to Chief Judge Saladino. It was decided at the Nebraska Bankruptcy Practice Committee to move forward with adopting a revised form of the local plan regardless of whether national rules are ultimately finalized.

#### HIGHLIGHTS:

- The plan contains various new provisions required by proposed Rule 3015.1.
- The provisions of the form plan cannot be changed unless the “nonstandard” provision is set forth in Part 11 of the plan. To be effective, a “nonstandard” provision must be set forth in Part 11 and the box indicating that Part 11 was utilized must be checked on the first page of the plan.
- Proofs of claim will continue to control the amount to be paid to a creditor and the valuation of collateral subject to the debtor's right to object to the claim. One exception will be claims not subject to §506 valuation (“910 claims) as in the current Chapter 13 Plan.
- Lien avoidance and lien stripping will continue to be achieved through either a motion to avoid the lien or an adversary proceeding, as appropriate.
- The “Order of Payment of Claims” section has been revised to allow all of debtor's attorney fees to be paid after confirmation with only “minimum” payments to secured creditors, “minimum” payments to domestic support creditors and executory contract payments paid before attorney fees. No specific monthly payment is provided for attorney fees since all funds available after “minimum payments” and executory contract payments will be paid on attorney fees.
- The length of the plan can be significantly shortened by deleting extra plan language in many paragraphs after checking that paragraph of the plan as “NONE”.

The shortened time for filing proofs of claim under new proposed Rule 3002(c) is referenced in Part 10 of the plan.

The comments may be submitted electronically by [clicking here](#).

The deadline for submission of comments is *April 30, 2017*.