

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

EFFECTIVE
August 13, 2015

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In re:)
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AMENDMENT OF LOCAL RULE 3015) ADMINISTRATIVE ORDER 2015-05
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Pursuant to LR 1001(c), the bankruptcy judges of the District of Nevada hereby adopt this Administrative Order and amend LR 3015 to read as follows:

LR 3015. CHAPTER 13 PLAN AND CONFIRMATION.

(a) Standard form of chapter 13 plans and orders confirming chapter 13 plans. Each chapter 13 standing trustee may issue a form chapter 13 plan, a form chapter 13 plan summary and a form order for confirming a chapter 13 plan. Unless the court orders otherwise, the format prescribed by the trustee must be observed. The standing trustees may, from time to time, revise the form plans, form plan summaries and orders. The trustees will reissue any revised form plans and orders with a notation of the effective date of the revision.

(b) Chapter 13 plan guidelines. Each chapter 13 standing trustee may issue guidelines for the administration of chapter 13 plans. The guidelines will set forth positions that the trustee will generally follow in administering plans. The guidelines may also set procedures for scheduling confirmation hearings, filing objections to confirmation, and submitting orders confirming chapter 13 plans. The standing trustees may, from time to time, revise the guidelines. The trustees will reissue any revised guidelines with a notation of the effective date of the revision.

(c) Copies of forms and guidelines. Copies of the form chapter 13 plan, a chapter 13 plan summary and the form order confirming a chapter 13 plan, and guidelines will be available from each trustee. If there are revisions to the form chapter 13 plan or form chapter 13 plan summary, the standing trustee will post the revisions on the respective trustee's website and advise the clerk of the bankruptcy court of any changes.

(d) Extension of time. A motion to extend the time to file a plan must be filed within the fourteen (14) day time period provided by Fed. R. Bankr. P. 3015(b), and will be set on a hearing date of not less than fourteen (14) days' notice.

(e) Service of plan. Upon the filing of a plan or an amended plan, the debtor shall

serve a copy of the plan, or a summary thereof, on the chapter 13 trustee, all creditors, and other parties in interest who do not receive copies by electronic filing. , however, if an amended plan was served upon any party in interest, but the amended plan: (i) does not change or amend that party's treatment under the plan; and (ii) such party in interest did not file an objection to the amended plan or a notice of appearance in the case, such party in interest need not receive notice of any subsequent plans at the time of confirmation, provided the court approves the amended plan and the prior notice. The debtor shall file with the plan or amended plan a certificate of service certifying that a copy of the plan or summary of the plan has been served upon the trustee, all creditors and parties in interest, in accordance with Fed. R. Bankr. P. 2002(b).

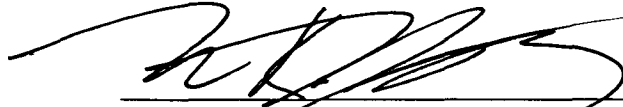
(f) Service of modification of a chapter 13 plan. A request by the debtor to modify a chapter 13 plan pursuant to 11 U.S.C. §1329 shall be filed on the form chapter 13 plan and shall be set for hearing on the court's calendar on a date and time designated for chapter 13 plan confirmation matters pursuant to LR 9014(b)(1). Upon the filing of the modification of the chapter 13 plan, the debtor shall serve a copy of the modified plan, or a chapter 13 plan summary, on the chapter 13 trustee, all creditors, and other parties in interest who do not receive copies by electronic filing. The debtor shall file with the modified plan a Certificate of Service certifying that a copy of the chapter 13 plan or chapter 13 plan summary and the time fixed for filing objections pursuant to Fed. R. Bankr. P. 3015(g) has been served upon the trustee, all creditors and parties in interest, in accordance with Fed. R. Bankr. P. 2002(b) and LR 9014 (b)(1)and (2).

(g) Direct payments to lessors and creditors. As authorized by 11 U.S.C. § 1326(a)(1), all payments that the debtor is obligated to make under Section 1326(a)(1)(B) or 1326(a)(1)(C) must be made to the lessor or creditor only if the debtor's plan so provides. In all other cases, the payments must be made to the chapter 13 trustee together with all payments made to the trustee under Section 1326(a)(1)(A). Chapter 13 trustees must separately account to each lessor or creditor for all payments received either (i) in the same way that they account for all other payments received under Section 1326(a); or (ii) as the court approves in accordance with separate agreements with each lessor or creditor.

(1) Payments tendered to the trustee that are intended as lease or adequate protection payments pursuant to the express terms of the debtor's proposed chapter 13 plan or that are deemed to be lease or adequate protection payments pursuant to 11 U.S.C. 1326(a)(1)(B) and (C) may be disbursed to the applicable lessor or secured creditor by the trustee prior to confirmation of the debtor's chapter 13 plan along with the trustee's regular monthly disbursements.

(2) Payments tendered to the trustee that are intended as lease or adequate protection payments pursuant to the express terms of the debtor's proposed chapter 13 plan or that are deemed to be lease or adequate protection payments must be impressed with a lien in favor of the secured creditor, and must be distributed to the secured creditor pursuant to this subsection. The filing of an amended chapter 13 plan may not recharacterize any lease or adequate protection payment received by the trustee prior to the date the amended plan was filed.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Mike K. Nakagawa', written over a horizontal line.

Mike K. Nakagawa, Chief Judge
United States Bankruptcy Court
District of Nevada