

**2017 CHANGES TO
BANKRUPTCY RULES AND FORMS
IN CHAPTER 13 CASES
IN THE EASTERN DISTRICT OF KENTUCKY**

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Chapter 13 Trustee EDKY**

CAVEATS AND DISCLAIMERS

- Read the Rules and Forms. I could be wrong; I could change my mind.
- Handouts may NOT be used as evidence in any matter or in defense of any motion, objection, or order.
- I do not represent the views of the Court.

Introduction

Rule Changes Affect:

- Claims
 - Bar Date
 - Requirements for Secured Creditors
 - Procedures for Determining Treatment of Claims
- Objections to Claims
- Plan Requirements and Effect of Confirmation
- Notice and Service Requirements

Introduction

Form Changes:

- Chapter 13 Plan
- Order for Adequate Protection
- Notice of Objection to Claim
- Order Avoiding Judicial Lien
- Order Declaring Lien Satisfied
- Order Compelling Release of Judicial Lien
- Motion/Order to Incur Debt to Purchase Car

Effective Date

December 2017						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	NOTES				

Rules and Forms are effective as to cases filed on or after December 1, 2017, absent an Act of Congress.

ECF might be down for awhile on Dec. 1.

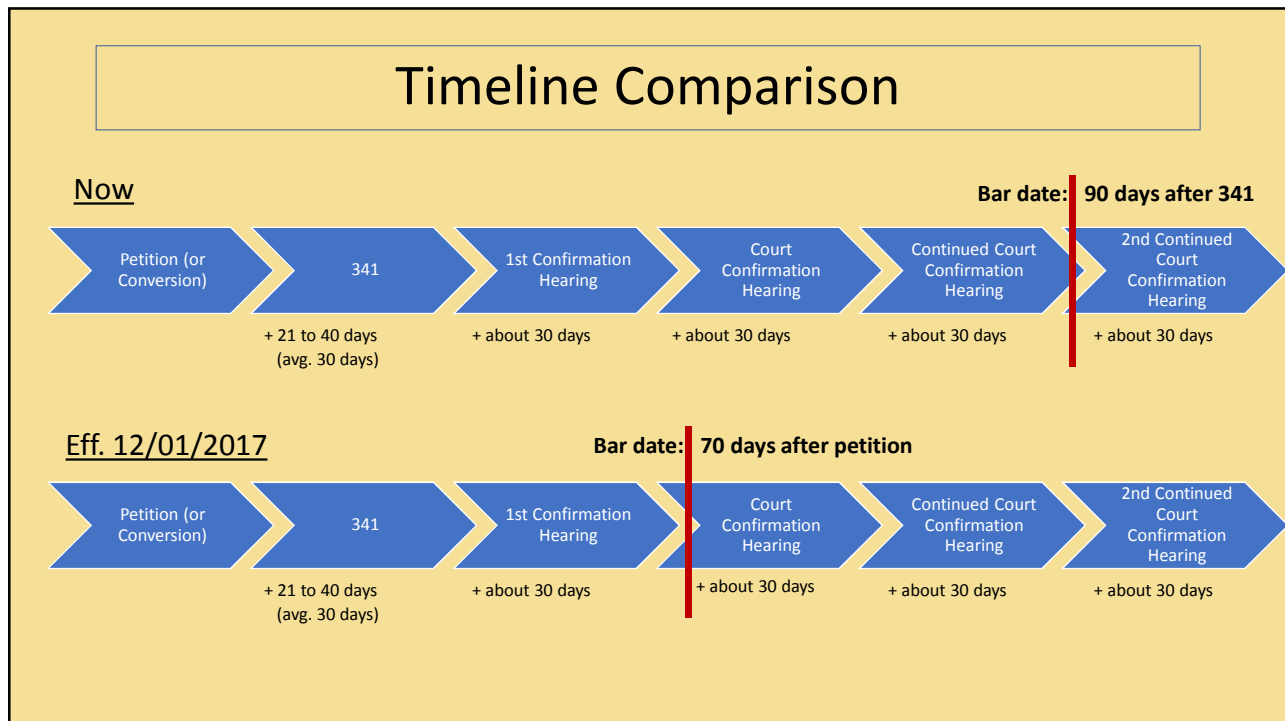
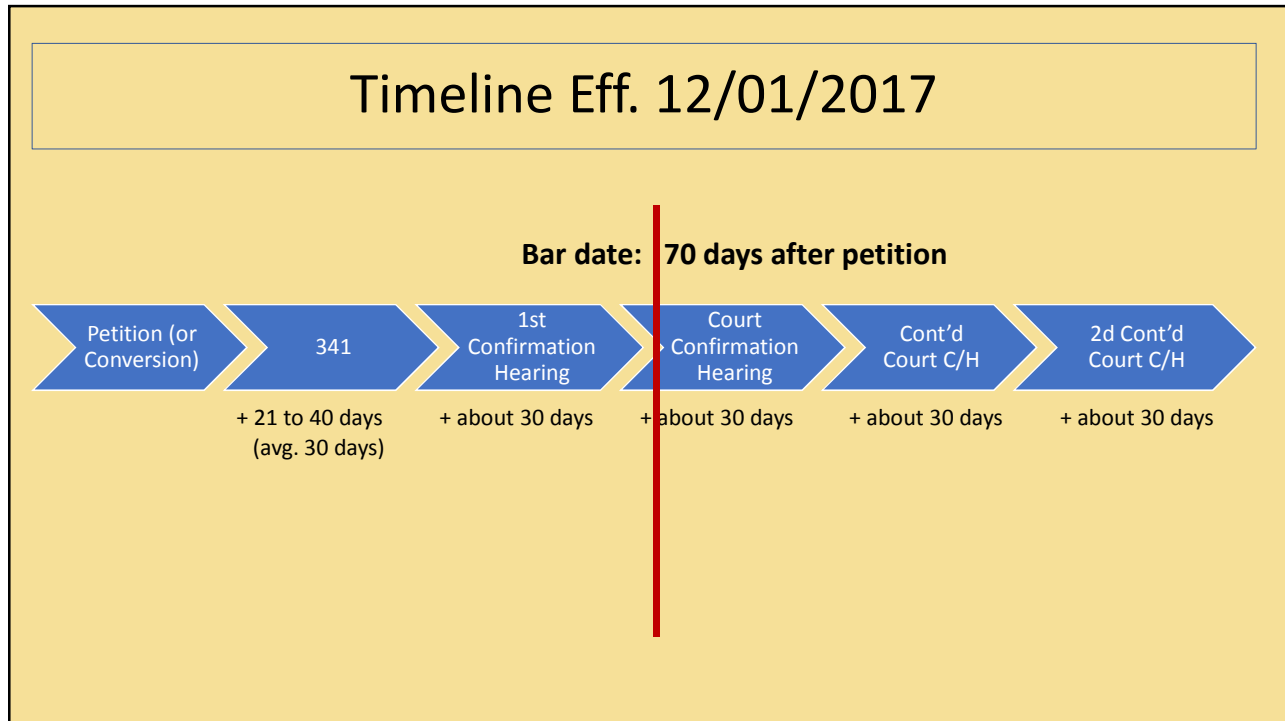
Claims

Filing Proofs of Claims (Nongovernmental Units)

<u>Now</u>	<u>Effective 12/01/2017</u>
<ul style="list-style-type: none"> Rule 3002 requires unsecured creditors to file POC Bar date is 90 days after first 341 date Bar date not applicable to secured creditors Local Rule 3002.1(a) requires secured creditors to file POC before trustee may pay claim 	<ul style="list-style-type: none"> Rule 3002 requires secured creditors and unsecured creditors to file POC Bar date is 70 days after petition (or conversion to 13) Bar date applies to secured and unsecured creditors Local Rule 3002.1(a) is deleted (unnecessary)

Timeline Now





Debtor File POC For Creditor

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment

- 30 days after creditor's bar date (Rule 3004).
- Debtor's deadline can be extended (Rule 9006).
 - on request made before the deadline; or
 - on request made after the deadline for excusable neglect.

Creditor With Insufficient Notice of Bar Date

- Bar date may be extended if creditor did not get timely notice because debtor did not file schedules on time. [Rule 3002\(c\)\(6\)](#).
- Late claim of creditor inadvertently omitted from schedules – still disallowed.
- In EDKY, late claim is disallowed but nondischargeable.

Proof of Claim by Governmental Units

- No change in bar date
- Still 180 days from petition (except as to tax claims filed postpetition per section 1308)

Rule 3002(c)(1).

Objections to Claims

Limited Changes to Official Forms Allowed

Now

- Use Official Form “with alterations as appropriate.”

Rule 9009(a).

Effective 12/01/2017

- “Official Forms may be modified to permit minor changes not affecting wording or the order of presenting information.”

Rule 9009(a).

Objection to Proof of Claim - Notice

- File Notice like **Official Form 420B** with Objection.
- Give 30 days’ notice of:
 - hearing, or
 - deadline for creditor to request hearing (N&O).

Rule 3007.

Official Form 420B (Notice of Objection to Claim) (12/16)

United States Bankruptcy Court
District of _____

In re _____)
(Set forth here all names including married, maiden,)
(and trade names used by debtor within last 8 years.))
Debtor _____) Case No. _____)
Address _____) Chapter _____)
Last four digits of Social Security or Individual Tax-payer)
Identification (TIN) No(s), (if any): _____)
Employer Tax Identification (EIN) No(s) (if any): _____)

NOTICE OF OBJECTION TO CLAIM

_____ has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before (date), you or your lawyer must:

(if required by local rule or court order.)

(File with the court a written response to the objection, explaining your position, at (address of the bankruptcy clerk's office))

If you mail your response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above.

You must also send a copy to:

(objector's attorney's name and address)

(names and addresses of others to be served[])

Attend the hearing on the objection, scheduled to be held on (date), (year), at _____ a.m./p.m. in Courtroom _____, United States Bankruptcy Court, (address).

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Date: _____ Signature: _____
Name: _____
Address: _____

Official Form 420B (Notice of Objection to Claim) (12/16)

United States Bankruptcy Court

District of _____

In re _____)
(Set forth here all names including married, maiden,)
and trade names used by debtor within last 8 years.))
 Debtor _____)
 Address _____)
 Case No. _____)
 Chapter _____)
 Last four digits of Social Security or Individual Tax-payer)
 Identification (ITIN) No(s), (if any): _____)
 Employer's Tax Identification (EIN) No(s), (if any): _____)

NOTICE OF OBJECTION TO CLAIM

_____ has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before (date), you or your lawyer must:

{If required by local rule or court order.}

[File with the court a written response to the objection, explaining your position, at:
 (address of the bankruptcy clerk's office)]

If you mail your response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above.

You must also send a copy to:
 (objector's attorney's name and address)
 (names and addresses of others to be served)]

Attend the hearing on the objection, scheduled to be held on (date), (year), at _____ a.m./p.m. in Courtroom _____, United States Bankruptcy Court, (address).

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Date: _____ Signature: _____
 Name: _____
 Address: _____

Objection to Proof of Claim - Service

Fill in this information to identify the case:

Debtor 1 _____
 Debtor 2 (Spouse, if any) _____
 United States Bankruptcy Court for the _____ District of _____
 Case number _____

Official Form 410
Proof of Claim 04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of banking accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 305) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?
 Name of the current creditor (the person or entity to be paid for this claim) _____
 Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?
 No
 Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?
 Where should notices to the creditor be sent?
 Name _____
 Number Street _____
 City _____ State _____ ZIP Code _____
 Contact phone _____
 Contact email _____

Where should payments to the creditor be sent (if different)?
 Name _____
 Number Street _____
 City _____ State _____ ZIP Code _____
 Contact phone _____
 Contact email _____

- Serve all creditors by first class mail to notice address in POC (most recent if amended), **Rule 3007(a)(2)**,

Yes. From whom?

Where should notices to the creditor be sent?

Name _____
 Number Street _____
 City _____ State _____ ZIP Code _____
 Contact phone _____
 Contact email _____

AND . . .

Objection to Proof of Claim - Service on Insured Depository Institutions:

- Also serve insured depository institutions per Rule 7004(h) as if serving a summons and complaint:
 - Send by certified mail to an officer of the institution (with exceptions).



Objection to Proof of Claim - Service on United States or Its Officers or Agencies:

- Also serve U.S. per 7004(b)(4) & (b)(5):
 - Send by first class mail to:
 - Civil process clerk, U.S. Attorney for EDKY; and
 - Attorney General of U.S. at Washington DC; and
 - Agency or officer subject to the action or objection; and
 - If agency is corp., to att'n of officer or to agent for service of process per 7004(b)(3).



Objection to Claim – Certificate of Service

- Review current certificate of service –
 - Probably says “serve by first-class mail and electronically”
- If objecting to IRS or other U.S. POC, add Rule 7004 service addresses to certificate of service?
- If objecting to claim of bank or credit union, indicate service by certified mail to officer?
- Or state: “serve by first-class mail, electronically, and as otherwise required by Rule 3007”?

Treatment of Claims

Treatment of Claims Eff. 12/01/2017

- New and amended rules are more specific as to:
 - Procedure for dealing with certain claims:
 - Valuing secured claims of nongovernmental units;
 - Valuing secured claims of governmental units;
 - Determining amount of priority claims of all creditors;
 - Avoiding liens under § 522(f);
 - Seeking release of lien.
 - And how to serve the appropriate plan, motion, or objection on the affected creditor(s).
 - **HINT: service per Rule 7004 is almost always required.**

Determining Amount of Secured Claim of Nongovernmental Unit

- On request of a party and after notice and hearing, court may determine amount of a secured claim under § 506(a) of the Code. **Rule 3012(a).**
- Request to value claim of nongovernmental creditor (bank, finance company, credit union, mortgage creditor, etc.) may be made:
 - In plan;
 - By motion; or
 - By objection to claim.

Rule 3012(b).

Notice to Creditors

- Creditors are to receive:
 - 21 days' notice of the time fixed for filing objections to confirmation; and
 - 28 days' notice of the hearing to consider confirmation of a chapter 13 plan. [Rule 2002\(a\)\(9\) and \(b\)\(3\)](#).
 - 14 days' notice of any motion. [Local Rule 2002-1\(a\)](#).
 - 30 days' notice of objection to claim. [Rule 3007](#).

Determining Amount of Secured Claim of Nongovernmental Creditor - Service

- If request to determine secured claim is in the plan, serve plan per Rule 7004 as if serving a summons and complaint in adversary proceeding:
 - Serve on corporation by mail addressed to the attention of an officer or to any agent for service of process per Rule 7004(b)(3);
 - Serve on insured depository institution by certified mail to officer per Rule 7004(h);
 - Serve an individual per Rule 7004(b)(1) by mailing copy to residence or business address.

[\(Rule 3012\(b\); 7004\)](#)

Objection to Confirmation of Plan

Now

- Deadline for objection to initial plan is 7 days after first 341 date. [Local Rule 3015-3\(a\)](#).
- Deadline for objection to modified plan is 7 days after filing of modified plan.
[Local Rule 3015-3\(a\)](#).

Effective 12/01/2017

- Deadline for objection to initial plan is 7 days before first confirmation hearing date. [Rule 3015\(f\)](#).
- Deadline for objection to modified plan is still 7 days after filing of modified plan.
[Local Rule 3015-3\(a\)](#).

Effect of Confirmation

- Determination in the plan of secured claim amount under Rule 3012 is binding:
 - Even if POC is different;
 - Regardless of how debtor scheduled claim; and
 - Regardless of whether or not an objection to claim was filed.
- [Rule 3015\(g\)](#)

Determining Amount of Secured Claim of Nongovernmental Creditor - Service

- If request to determine secured claim is by motion, serve motion per Rule 7004 as if serving a summons and complaint in adversary proceeding.
 - Serve on corporation by mail addressed to the attention of an officer or to any agent for service of process per Rule 7004(b)(3);
 - Serve on insured depository institution by certified mail to officer per Rule 7004(h);
 - Serve an individual per Rule 7004(b)(1) by mailing copy to residence or business address.

(Rule 9014; 7004)

Determining Amount of Secured Claim of Nongovernmental Unit - Service

- If request to determine secured claim of nongovernmental creditor is made by objection to claim:
 - Follow special rules for service on insured depository institution (Rule 7004(h));
 - Serve all other creditors by mailing copy to notice address in POC.
 - Don't forget the Notice of Objection.

(Rule 3007)

Determining Amount of Secured Claim of Governmental Unit

- “Governmental unit”: U.S., State, Commonwealth, municipality, etc., or any department, agency, or instrumentality.
 - On request of a party and after notice and hearing, court may determine amount of a secured claim under § 506(a).
 - Request as to a governmental unit may be made only:
 - By motion (after governmental bar date); or
 - By objection to claim.
- Rule 3012(a) and (c).**

Determining Amount of Secured Claim of Governmental Unit - Service

- If request to determine secured claim of governmental unit is by motion, serve motion per Rule 7004 as if serving a summons and complaint in adversary proceeding.
 - Follow special rules for service on United States (7004(b)(4) and (b)(5));
 - Serve a state or other governmental unit per Rule 7004(b)(6) by mailing motion to person designated by state or local law to receive service of process.

(Rule 9014; 7004)

Determining Amount of Secured Claim of Governmental Unit - Service

- If request to determine secured claim of governmental unit is made by objection to claim:
 - Follow special rules for service on United States (7004(b)(4) and (b)(5));
 - Serve all other governmental units by mailing copy to notice address in proof of claim.
 - Don't forget the Notice of Objection.

(Rule 3007)

Determining Amount of Priority Claim of Any Creditor

- On request of a party and after notice and hearing, court may determine amount of a claim entitled to priority.
- Request may be made only:
 - By motion (after a claim is filed); or
 - By objection to claim.

Rule 3012(a) and (b).

Determining Amount of Priority Claim of Any Creditor - Service

- If request to determine priority claim of anyone is by motion, serve motion per Rule 7004 as if serving a summons and complaint in adversary proceeding.
 - Follow special rules for service on United States (7004(b)(4) and (b)(5));
 - Serve a state or other governmental unit per Rule 7004(b)(6).
 - Serve an individual per Rule 7004(b)(1) by mailing copy to residence or business address.

(Rule 9014; 7004)

Determining Amount of Priority Claim of Any Creditor - Service

- If request to determine priority claim of is made by objection to claim:
 - Follow special rules for service on United States (7004(b)(4) and (b)(5));
 - Serve all other governmental units by mailing copy to notice address in proof of claim.
 - Serve objection to priority claim of nongovernmental unit by mailing copy to notice address in POC.
 - Don't forget the Notice of Objection.

(Rule 3007)

Avoiding a Lien Under § 522(f)

- A proceeding to avoid a lien under § 522(f) must be commenced:
 - By motion per Rule 9014; or
 - In plan.
- Motion to avoid a lien under § 522(f) or plan that avoids the lien must be served per Rule 7004 as if serving a summons and complaint in adversary proceeding.

Rule 4003(d); Rule 9014.

Avoiding a Lien Under § 522(f)

- Reminder: Lien may be avoided under § 522(f) to the extent the lien impairs an exemption and the lien is -
 - A judicial lien; or
 - Nonpossessory, nonpurchase-money security interest in household goods, etc.
- § 522(f) lien avoidance requires math:
 $(\text{lien} + \text{other liens} + \text{exemption}) > \text{value of debtor's property}$

Avoiding a Lien Under § 522(f) in Plan

Plan includes a section that shows the required calculation . . .

3.4 Lien avoidance.
Check one.
 None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.
The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.
 The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(c) and Bankruptcy Rule 4003(c). If more than one lien is to be avoided, provide the information separately for each lien.

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
Name of creditor	a. Amount of lien \$ _____	Amount of secured claim after avoidance (line a minus line f) \$ _____
	b. Amount of all other liens \$ _____	
Collateral	c. Value of claimed exemptions = \$ _____	Interest rate (if applicable) _____ %
	d. Total of adding lines a, b, and c \$ _____	Monthly payment on secured claim \$ _____
Lien identification (such as judgment date, date of lien recording, book and page number)	e. Value of debtor(s) interest in property = \$ _____	Estimated total payments on secured claim \$ _____
	f. Subtract line e from line d. \$ _____	
	Extent of exemption impairment (Check applicable box): <input type="checkbox"/> Line f is equal to or greater than line a. The entire lien is avoided. (Do not complete the next column.) <input type="checkbox"/> Line f is less than line a. A portion of the lien is avoided. (Complete the next column.)	

Insert additional claims as needed.

Also Follow Local Rules and Forms

Avoiding a Non-PMSI Lien Under § 522(f) – Local Requirements

- Motion to avoid nonpossessory, non-PMSI lien on exempt household goods must:
 - Identify the property and its value;
 - State the amount of the claimed exemption; and
 - State that the lien is a nonpossessory, nonpurchase-money security interest.
- Proposed order must state that unless case is dismissed, lien will not survive bankruptcy or affix to or remain enforceable against the debtor's interest in the property identified in the motion.

Local Rule 4003-2(b).

Request for Order Declaring Lien Satisfied – New Rule 5009(d)

- If a secured claim is subject to a lien, debtor may request entry of an order declaring that the secured claim has been satisfied and the lien has been released under the terms of a confirmed plan. [\(Rule 5009\(d\)\)](#).
- Request must be made by motion and served per Rule 7004 as if serving a summons and complaint in adversary proceeding. [\(Rule 5009\(d\)\)](#).
- File motion at end of case (but creditors should watch for motion filed prematurely).

Other Local Forms

Avoiding a Judicial Lien Under § 522(f) – Local Requirements

Motion to avoid a judicial lien must include proposed order using **Local Form 4003-2(a)**.
(Local Rule 4003-2(a)).

Local Form 4003-2(a)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
DIVISION**

IN RE: _____ CASE NO. _____
DEBTOR(S) _____

ORDER AVOIDING JUDICIAL LIEN

This matter is before the Court on the Debtor's Motion to Avoid Lien pursuant to 11 U.S.C. § 522(f)(A) (the "Motion"). The Debtor represents that the following judicial lien or liens impair one or more exemptions to which the Debtor would have been entitled under 11 U.S.C. § 522(b) (listed in order of highest priority to lowest priority):

Name of Lienholder	Collateral	Location	Book/Page	Amount Owed
(Add lines if necessary)				TOTAL:

The Debtor states the lien held by [LIEHOLDER] impairs the Debtor's exemption in the Real Property as follows (insert additional claims as needed):

A. Amount of lien to be avoided:	
B. Amount of all other liens:	
C. Value of claimed exemption:	
Statutory basis for exemption:	
D. Total of adding lines A, B, and C:	
E. Value of debtor(s)' interest in property:	
F. Subtract line E from line D:	
G. Extent of Impairment (choose one of the following):	Line F is equal to or greater than line A, so the entire lien is avoided. Line F is less than line A, so a portion of the lien is avoided.

Avoiding a Judicial Lien Under § 522(f) – Local Requirements

Local Form 4003-2(a),
Order Avoiding Judicial
Lien, is recordable.

The Court having reviewed the record and being otherwise sufficiently advised, it is ORDERED:

- The Motion is GRANTED;
- [IF LIEN IS FULLY AVOIDED] The lien or liens are AVOIDED and no longer have any force or effect pursuant to the terms of 11 U.S.C. § 522(f)(1)(A);
OR
[IF LIEN IS PARTIALLY AVOIDED] The lien or liens are PARTIALLY AVOIDED and is now a lien against the Real Property only in the amount of [REMAINING AMOUNT] pursuant to the terms of 11 U.S.C. § 522(f)(1)(A);
- Unless the Debtor's bankruptcy case is dismissed, the avoided portion of the Lienholder's judicial lien will not survive the bankruptcy case or affix to or remain enforceable against Debtor's interest in the Real Property; and
- The Lienholder shall release a fully avoided lien or liens, or partially release a partially avoided lien or liens, within 30 days of the entry of this Order. If the Lienholder fails to act within 30 days, the Debtor is authorized to present this Order to the applicable recording office and the designated recording officer shall note the release in the applicable lien records.

Request for Order Declaring Lien Satisfied

Motion under Rule 5009 must include proposed order using [Local Form 5009-1](#).
([Local Rule 5009-1](#)).

Order is recordable.

Local Form 5009-1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
DIVISION

IN RE _____

CASE NO. _____

DEBTOR(S) _____

CHAPTER 12 OR 13 ORDER DECLARING LIEN SATISFIED

This matter is before the Court on the Debtor's motion to declare liens satisfied pursuant to Federal Rule of Bankruptcy Procedure 5009(d). The Debtor represents that the following secured claim or claims have been satisfied and the related lien or liens have been released under the terms of the Debtor's confirmed plan [ECF No. ____]:

Name of Lienholder	Recording Office	Book/Page or Filing Number

It is ORDERED the lien or liens described above are deemed satisfied and no longer have any force or effect. The Lienholder shall release the lien or liens within 30 days of the entry of this Order. If the Lienholder fails to act within 30 days, the Debtor is authorized to present this Order to the applicable recording office and the designated recording officer shall note the release in the applicable lien records.

Order Compelling Release of Judicial Lien

Motion for release of judicial lien filed of record against debtor who did not own property on the petition date must include proposed order using [Local Form 4003-2\(c\)](#).

[Local Rule 4003-2\(c\)](#).

Order is recordable.

Local Form 4003-2(c)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
DIVISION

IN RE _____

CASE NO. _____

DEBTOR(S) _____

ORDER COMPELLING RELEASE OF JUDICIAL LIEN

This matter is before the Court on the Debtor's Motion to Compel [LIENHOLDER] (the "Lienholder") to release its judicial lien of record in [NAME OF] Book ____, Page ____, in the [COUNTY] Clerk's Office, [STATE]. The Debtor owns no real estate to which the judicial lien can attach, but the Debtor represents that the judicial lien impairs the Debtor's discharge pursuant to 11 U.S.C. § 524. The Court having reviewed the record and being otherwise sufficiently advised,

It is ORDERED the Debtor's Motion is GRANTED. The Lienholder shall release its judicial lien within 30 days of the entry of an order granting the Debtor a discharge in this bankruptcy case, or within 30 days of entry of this Order, whichever is later. If the Lienholder fails to act within 30 days, the Debtor is authorized to present this Order, with a copy of the Order of Discharge attached, to the designated recording officer who shall note the release in the applicable lien records.

Obtaining Credit to Buy Car

- Motion to obtain credit to purchase a vehicle must conform to **Local Form 4001-3-1**.
 - New motion to incur debt to purchase vehicle, **Local Form 4003-3-1**, is more detailed than existing generic motion to incur debt.
 - Still flexible so debtor can request installment payment, interest rate, and/or duration “not to exceed” the terms set forth in the motion.
- Proposed order must conform to **Local Form 4001-3-2**.
Local Rule 4001-3.

Adequate Protection

Procedure for Adequate Protection

- Pre-confirmation adequate protection payments are not provided for in new plan.
- Debtor must file **Local Form 3015-4(b)**, Order for Adequate Protection Payments and Opportunity to Object, when plan is filed and served.

Local Rule 3015-4(b).

Procedure for Adequate Protection

- Debtor files Order for Adequate Protection **Local Form 3015-4(b)** with plan.
- Order is entered immediately.
- Creditors have 21 days to object.
- Payments per the order commence ASAP and continue pending a ruling on objection.

Procedure for Adequate Protection

- Not specified in local rules, but creditors who were not given adequate protection may:
 - file motion for adequate protection;
 - request entry of order immediately; and
 - tender a proposed order similar to **Local Form 3015-4(b)**:
 - Tweak language referring to debtors and creditors;
 - Still give parties 21 days to object but allow adequate protection payments in the interim.

Procedure for Adequate Protection

- Order for Adequate Protection **Local Form 3015-4(b)** provides, consistent with current practice:
 - Creditor must file POC to get adequate protection payments;
 - After confirmation, attorney's fee will be paid concurrently with adequate protection;
 - Upon dismissal pre-confirmation, creditor will receive adequate protection before rest of funds are returned to debtor.