

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

FILED

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In re:

The Administration of the
United States Bankruptcy Court
for the Eastern District of Michigan

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

Administrative Order
No. 18-04

**ADMINISTRATIVE ORDER AMENDING
LOCAL BANKRUPTCY RULES 3001-2(b) AND 9014-1(g)**

The Federal Rules of Bankruptcy Procedure were amended on December 1, 2018. One of the rules that was amended is Rule 3002.1(b) which applies in Chapter 13 cases. As amended, Rule 3002.1(b)(2) states that a party in a Chapter 13 case who objects to a notice of payment change filed by the holder of a claim secured by the debtor's principal residence may file a motion to determine whether the change is required to maintain payments under § 1322(b)(5) of the Bankruptcy Code.

This amendment changes the practice in the Eastern District of Michigan which currently permits a party in a Chapter 13 case to object to a notice of payment change by filing only an objection, and not a motion. This amendment

necessitates the Court making two changes to the Local Bankruptcy Rules for the Eastern District of Michigan.

Accordingly, to conform the Local Bankruptcy Rules for the Eastern District of Michigan to the Federal Rules of Bankruptcy Procedure, as amended on December 1, 2018,

IT IS HEREBY ORDERED that Local Bankruptcy Rule 3001-2(b) is amended to read as follows:

Rule 3001-2 Adjustment in a Periodic Payment on a Secured Claim in Chapter 13

* * * * *

(b) Objection. A party objecting to a creditor's notice under subpart (a) or to a notice of mortgage payment change filed under F.R.Bankr.P. 3002.1(b) must file a motion within 21 days after service of the notice to request a determination by the court. If a motion is filed, the court will schedule a hearing with notice to the debtor, the creditor and the trustee.

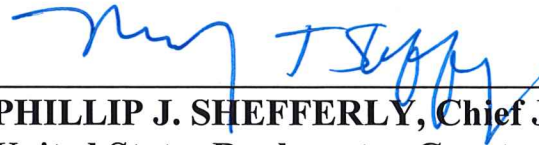
A red-lined version showing the changes to this rule is attached to this order.

IT IS FURTHER ORDERED that Local Bankruptcy Rule 9014-1(g) is amended to add new subpart (20), which reads as follows:

(20) a motion filed under Local Bankruptcy Rule 3001-2(b).

IT IS FURTHER ORDERED that the amendments made by this order are effective immediately.

IT IS FURTHER ORDERED that the Clerk of the Bankruptcy Court shall conform the Local Bankruptcy Rules on the Court's website to the amendments made by this order.



**PHILLIP J. SHEFFERLY, Chief Judge
United States Bankruptcy Court**

Dated: December 10, 2018

**Rule 3001-2 Adjustment in a Periodic Payment on a Secured Claim in
Chapter 13**

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(b) Objection. ~~The deadline to file an objection~~ A party objecting to a creditor's notice under subpart (a) or to a notice of mortgage payment change filed under F.R.Bankr.P. 3002.1(b); must file a motion within ~~is~~ 21 days after service of the notice to request a determination of such objection by the court. If ~~an objection a~~ motion is filed, the court will schedule a hearing with notice to the debtor, the creditor and the trustee.