

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MICHIGAN

NOTICE REGARDING AMENDMENTS TO BANKRUPTCY RULES,

BANKRUPTCY FORMS, AND CM/ECF EVENTS

EFFECTIVE DECEMBER 1, 2017

A. Changes to Federal Rules of Bankruptcy Procedure

Amendments to the following Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”) are effective December 1, 2017: 1001, 1006, 1015, 2002, 3002, 3007, 3012, 3015, 4003, 5009, 7001, and 9009. In addition, **new** Bankruptcy Rule 3015.1 is also effective on December 1, 2017.

For a complete set of materials regarding the Rules, click below.

http://www.uscourts.gov/sites/default/files/2017-04-27-congressional_package_rev_4-25_final_final_with_signed_letters_and_orders_0.pdf

B. Clerk’s Office Information related to the changes to the Federal Rules of Bankruptcy Procedures

Below you will find information regarding clerk’s office procedural changes, new CM/ECF event codes and modifications to CM/ECF events, and modified official and local forms resulting from the amendments to the Federal Rules of Bankruptcy Procedures and new rule 3015.1. The information below is not a comprehensive list of rule changes. This information is **only** meant as a guide to clerk’s office changes.

Rule	Description	Clerk’s Office Procedure	CM/ECF Event Code
3002	The Proof of Claim deadline in voluntary Chapters 12, 13 has been changed to 70 days from the filing date of the petition or 70 days from the filing date of the order of conversion to a Chapter 12 or 13.	The Notice of Commencement of Case for Chapters 12 and 13 will be modified to change the Proof of Claim deadline from the current 90 days from the date of the 341 meeting of creditors to 70 days from the filing date of the petition. Consistent with current practice, no proof of claim deadline will be set in a Chapter 7 case until the Notice of Assets is filed.	Internal event change which does not affect filers.
3007	A hearing may be scheduled at the time an Objection to Claim is filed or when a Response to the objection is filed.	No change to clerk’s office procedures. Follow Local Rule 3007-1 which states that an objection to claim must be filed with a completed form “Notice of Hearing on Objection to Claim” available on the court’s website, and a certificate of service.	Filers to use existing event: Objection to Claim with response date and Notice of Hearing

Rule	Description	Clerk's Office Procedure	CM/ECF Event Code
3012	A request to determine the amount of a secured claim may be made in a Chapter 12 or 13 plan, in a claim objection or by motion. A request to determine the amount of a secured claim of a governmental unit may be made only by motion or in a claim objection after the governmental unit files a proof of claim or after the time for filing one under Rule 3002 (c)(1) has expired.	No changes	<p>New Event:</p> <p>Motion to Determine Amount of Secured Claim Under Rule 3012</p> <p>This motion follows Local Rule 9014.</p> <p>The submitted order associated with this motion must indicate if the property is valued at an amount less than, equal to or more than the secured claim.</p>
3015.1(new)	<p>A district may require use of a Local Chapter 13 Plan.</p> <p>Administrative Order 17-04 approved the use of a Local Form.</p>	<p>If a Chapter 13 Plan is filed on or after December 1, 2017, it must be filed on the new local form. On December 1, 2017, the new form will be found on the court's web site under Forms, All Local Forms, Chapter 13 Plan.</p> <p>If the Chapter 13 Plan is not filed on the correct local form, the clerk's office will send a 7 day deficiency for the filing of a corrected plan. If a corrected plan is not timely filed, the deficient plan will be stricken and the case may be dismissed.</p> <p>To file a Corrected Chapter 13 Plan, select the Chapter 13 Plan event, and type corrected in the final docket text.</p>	<p>The Chapter 13 Plan event will be modified. Filers must check a box for any request included in the plan.</p> <p><input type="checkbox"/> Request for liens to be stripped [Class 3.1]</p> <p><input type="checkbox"/> Request for judicial liens and non-possessory, non-purchase money liens to be avoided [Class 3.2]</p> <p><input type="checkbox"/> Request to assume or reject executory contracts and/or unexpired leases [Class 6]</p> <p>Click here for step by step instructions for filing a Chapter 13 Plan.</p> <p>The event code for an Amended Chapter 13 Plan Pre-Confirmation has also been modified.</p> <p>Click here for step by step instructions for filing an Amended Chapter 13 Plan Pre-Confirmation.</p>

Rule	Description	Clerk's Office Procedure	CM/ECF Event Code
5009	A debtor may request an order that the secured claim has been satisfied and the lien has been released under the terms of a confirmed plan. The request shall be made by motion and shall be served on the holder of the claim and any other entity the court designates in the manner provided by Rule 7004 for service of a summons and complaint.	No change	New Event: Motion to Declare Secured Claim Satisfied and Lien Released This motion follows Local Rule 9014.

C. FORM CHANGES

Official Forms	Clerk's Office Procedure
Voluntary Petition, Official Form 101 Amendment: Part 2, line 11, is amended to reflect the requirements of §362(l) of the Bankruptcy Code. All debtors against whom an eviction judgment has been entered with respect to their residence must fill out Official Form 101A (<i>Initial Statement About an Eviction Judgment Against You</i>), whether or not they desire to remain in their residence. Form 101A is deemed to be part of the petition.	<p>If the incorrect official form is filed, the clerk's office will enter an Order Directing the Filing of Official Form. A corrected petition must be filed within 14 days with a Coversheet for Amendments. If the correct official form is not filed within the 14 day deadline, the case may be dismissed.</p> <p>If Form 101A, <i>Initial Statement About an Eviction Judgment Against You</i> is required and not filed with the petition, the clerk's office will send a Notice of Missing Documents. If the <i>Initial Statement About an Eviction Judgment</i> is not filed within 14 days, the case may be dismissed.</p>
341 Forms, Chapters 11, 12, 13 Official Forms 309F, 309G, 309H, 309I Amendment: Official Form 309F, (Notice of Chapter 11 Case) is amended at Lines 8 and 11. Official Form 309G, (Notice of Chapter 12 Bankruptcy Case, Individual Debtors), Official Form 309H, (Notice of Chapter 12 Bankruptcy Case, Corporations and Partnerships), Official Form 309I, (Notice of Chapter 13 Bankruptcy Case) are all amended at Line 9 to remove references to "plan summaries" in conformance with amendments to Rule 3015(d).	No clerk's office procedural changes. You will notice that the deadline for filing a proof of claim is 70 days from the date of the filing of the petition.
Local Forms	Clerk's Office Procedure
Chapter 13 Plan This Chapter 13 Plan was adopted by Administrative Order 17-04. This form can be found on the court's web site under Forms, All Local Forms, Chapter 13 Plan	If the incorrect form is filed, the clerk's office will send a Notice of Deficiency for non-compliant Chapter 13 Plan. If a corrected plan is not filed within 7 days, the court may strike the pleading and the case may be dismissed.

D. CM/ECF Events

Modified Events	New Events
Chapter 13 Plan Click here for step by step instructions. Amended Chapter 13 Plan Click here for step by step instructions.	Motion to Determine Amount of Secured Claim Under Rule 3012 Motion to Declare Secured Claim Satisfied and Lien Released

If you need assistance, please contact the court's help desk at (313) 234-0065.

Date: November 30, 2017

Katherine B. Gullo
Clerk of Court