



# MEMORANDUM

**To:** Bankruptcy Practitioners, Middle District of Georgia  
**From:** Kyle George, Clerk of Court  
**Subject:** Federal and Local Rule Change Instructional Memo November 2, 2017

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1. The purpose of this memorandum is to remind bankruptcy practitioners in the Middle District of Georgia of previously issued information regarding the federal and local rule changes effective December 1, 2017. Additionally, this memorandum provides instruction and guidance on uploading Chapter 13 Plans on or after December 1, 2017 which will assist the Clerk's office in obtaining required statistical reporting information.

2. On August 16, 2017, we forwarded a copy of the proposed changes to the Federal Rules of Bankruptcy Procedure to all CM/ECF attorney users. The proposed changes can be found on our website at:

[http://www.gamb.uscourts.gov/USCourts/sites/default/files/pdf/Proposed\\_Amendments\\_to\\_Procedures\\_2017.pdf](http://www.gamb.uscourts.gov/USCourts/sites/default/files/pdf/Proposed_Amendments_to_Procedures_2017.pdf)

3. On October 10, 2017, we issued a memorandum detailing changes to the local rules due to the federal rule changes. Additionally, the memorandum proposes changes to local rules that were not directly caused by federal rule changes and were therefore submitted to the public for comment. The memorandum also discusses new service requirements related to Chapter 13 plans (and other federal rules) and the court's expectations for attorneys regarding service requirements. That memorandum can be found on our website at:

[http://www.gamb.uscourts.gov/USCourts/sites/default/files/local\\_rules/Memo\\_Dember\\_2017.pdf](http://www.gamb.uscourts.gov/USCourts/sites/default/files/local_rules/Memo_Dember_2017.pdf)

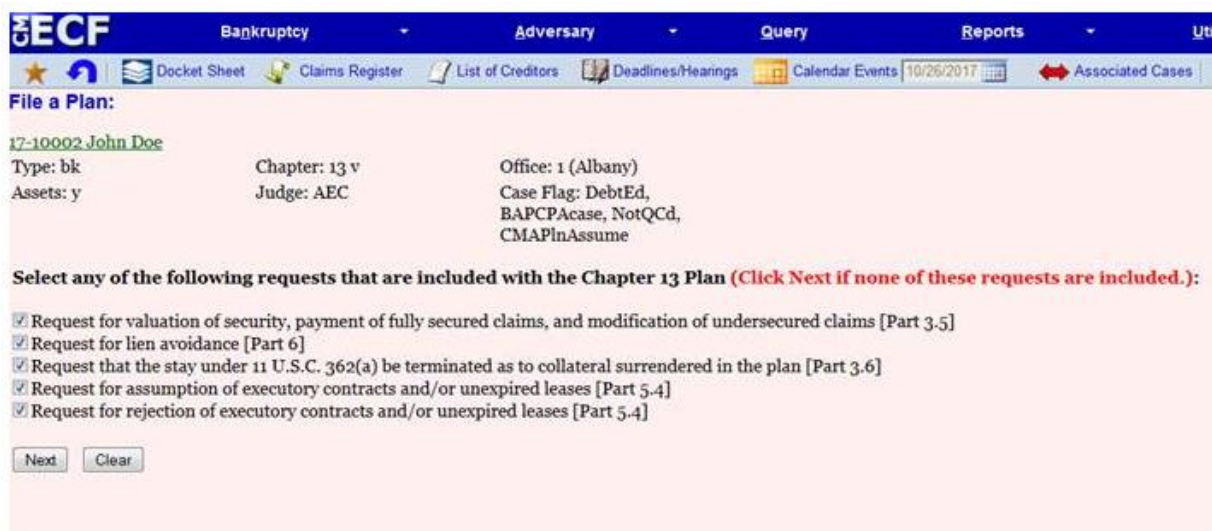
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4. The new local Chapter 13 Plan has been in development for some months now. After two public commentary periods, the new local plan was approved on October 26, 2017 by administrative order from the court. We sent a copy of the new local plan to all CM/ECF attorney users on the same day. That implementation memo can be found on our website at:

[http://www.gamb.uscourts.gov/USCourts/sites/default/files/local\\_rules/Memo\\_Ch13\\_Plan.pdf](http://www.gamb.uscourts.gov/USCourts/sites/default/files/local_rules/Memo_Ch13_Plan.pdf)

5. The following provides users instructions on what the “Chapter 13 Plan” event in CM/ECF will look like. We have structured the CM/ECF event to allow attorneys to indicate what type of reliefs are sought in the plan. This will assist the clerk’s office with our obligation to provide statistical data in accordance with law.

a. When the user uploads a plan, he or she will see the following:



The screenshot shows the CM/ECF interface for filing a plan. The top navigation bar includes 'Bankruptcy', 'Adversary', 'Query', 'Reports', and 'Util'. Below the navigation bar are several utility icons: 'Docket Sheet', 'Claims Register', 'List of Creditors', 'Deadlines/Hearings', 'Calendar Events' (showing 10/26/2017), and 'Associated Cases'. The main content area is titled 'File a Plan:' and displays the following information:

17-10002 John Doe	Chapter: 13 v	Office: 1 (Albany)
Type: bk	Judge: AEC	Case Flag: DebtEd, BAPCPAcase, NotQCd, CMAPIAssume

Below this information, there is a section titled 'Select any of the following requests that are included with the Chapter 13 Plan (Click Next if none of these requests are included.):'. There are five checkboxes, all of which are checked:

- Request for valuation of security, payment of fully secured claims, and modification of undersecured claims [Part 3.5]
- Request for lien avoidance [Part 6]
- Request that the stay under 11 U.S.C. 362(a) be terminated as to collateral surrendered in the plan [Part 3.6]
- Request for assumption of executory contracts and/or unexpired leases [Part 5.4]
- Request for rejection of executory contracts and/or unexpired leases [Part 5.4]

At the bottom of the form, there are two buttons: 'Next' and 'Clear'.

There are five options that may be selected. Users are requested to check the block for any of the reliefs that will be included in the plan. As to the number of reliefs requested, users are not required to provide that information. Case managers in the clerk’s office will extract that data after the plan is confirmed. No further effort on the user’s part is required.

b. The following screenshot is what the user will see once the plan is ready for upload and includes the text that will appear on the docket (the text will vary based upon the requests selected):

**File a Plan:**

17-10002 John Doe

Type: bk	Chapter: 13 v	Office: 1 (Albany)
Assets: y	Judge: AEC	Case Flag: DebtEd, BAPCPAcase, NotQCd, CMAPInAssume

Chapter 13 Plan and Request for Valuation of Security and Request for Lien Avoidance and Request Relief from Stay and Request for Assumption of ~~EXECUTORY~~ Contracts and Unexpired Leases and Request for Rejection of ~~EXECUTORY~~ Contracts and Unexpired Leases. filed by Debtor John Doe (Reblin, Trish)

**Attention!!** Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

6. In the past, the Clerk's office has provided a certain number of weeks as a "grace period" for attorneys to file the appropriate document. Because of the long-term nature of a Chapter 13 Plan and the requirement, as of December 1, 2017, that Chapter 13 Plans conform with Federal Rule 3015.1, we will not be able to provide a grace period. It is important for attorneys to use the new local plan effective December 1, 2017. In a situation where the outdated form is used, the case manager will contact the attorney and notify him or her of the situation. Once notified, the attorney will have 24 hours in which to file the new plan. If the new plan is not filed within the 24 hour period, the attorney will be responsible for noticing the plan to the trustee and all creditors when the plan is filed with the court. Requests for exception to this policy will be directed immediately to the Clerk or his designated representative.

7. Please review the memoranda mentioned above. If you have a question, please direct it to me at [Kyle.George@gamb.uscourts.gov](mailto:Kyle.George@gamb.uscourts.gov) no later than November 13, 2017. We will collect all the questions, answer them, and send them back out to bankruptcy practitioners prior to the December 1 implementation date.