

DRAFT June 12, 2002

In re:)
)
) Case No. 602-xxxx-fra13
)
Debtor(s)) NOTICE AND ORDER RE: FAST TRACK
) CONFIRMATION
)
_____)

The court is evaluating alternative methods for processing and confirming plans in chapter 13 cases. In particular, the court seeks to expedite confirmation of plans not objected to by the trustee or any interested party. This case has been selected for inclusion in the pilot program.

In place of the procedures ordinarily required by local rules, it is

ORDERED that the debtor, trustee, and interested parties shall proceed as follows:

1. Any party objecting to confirmation of the debtor(s)' proposed plan of reorganization shall take one or both of the following actions:

(A) Deliver a written objection to the trustee, debtor(s), and debtor(s)' counsel (but not the court or interested parties), not less than five (5) days before the date set for the meeting of creditors pursuant to 11 U.S.C. § 341(a); **and/or**

(B) attend the meeting of creditors and advise the debtors(s) and the trustee on the record of any objection.

2. If any interested party (including the trustee) still objects to confirmation upon conclusion of the first meeting of creditors, then, within 10 days of the conclusion of the final meeting, EACH objecting party must do each of the following: (a) FILE a written objection with the Court, accompanied by proof of service; **and** (b) SERVE a copy of the objection on the trustee, Debtor, and any debtor's counsel. The objection shall be in the form required by applicable Bankruptcy Rules of Procedure.

3. A. If there is no timely objection to the proposed plan then, within 21 days of the conclusion of the meeting of creditors, counsel for the debtors (or the debtor(s), if there is no debtors' counsel) shall submit to the trustee a form of order confirming the plan using LBF#1350.1. The trustee shall review and approve the proposed order and forward it to the court within 7 days of receipt. The court will review the proposed order and approve it without a hearing, or notify interested parties that a hearing will be required.

B. If the Trustee recommends confirmation, but cannot approve the form of the order, he shall so notify the debtor or debtor's attorney, who shall make the required changes and resubmit the order within 7 days. If the trustee and Debtor cannot agree, the trustee shall immediately file

DRAFT June 12, 2002

a written objection, and the matter will proceed on the contested docket as in other cases where there is an objection to confirmation.

C. If the debtor is not current on reconfirmation plan payments at the time an order confirming the plan is submitted, the trustee shall not forward the order to the court, and shall immediately file an objection to confirmation.

D. The deadline for initial submission of the Order Confirming Plan may be extended by the court, but not by the trustee. Any motion to extend time shall state that the trustee has been consulted, and note the trustee's position. Such motions will be determined summarily.

E. If debtor(s)' counsel (or debtor) fails to submit a proposed order of confirmation within the time allowed the court may order appropriate sanctions, including reduction of allowed attorney's fees, or conversion or dismissal of the case. In most instances the minimum sanction will take the form of reduction of allowed attorneys' fees at the rate of \$50 for each day the order is late. The Clerk is instructed to dismiss any case in which the Order has not been submitted within the time provided for in this order.

4. If there is a timely objection to the proposed plan, the final hearing on confirmation will be held (unless ¶5 of this order applies), without further notice at 9:30 a.m. on the day set by the court for the confirmation hearing. Evidence may be taken at this hearing. At the conclusion of the hearing the court may confirm the plan as presented or modified, or deny confirmation. If confirmation is denied, the court may order that a modified plan be submitted, or the case converted or dismissed.

5. A. If an objection is made because of a failure to file tax returns the debtor(s) shall either file the required returns not less than 8 days prior to the date set by the court for the confirmation hearing **or, not less than 14 days prior to that date,** file a motion for an order extending the time for filing tax returns. When the returns are filed with the taxing authority, proof of filing shall be filed with the court, and a copy of the proof and the returns themselves served on the trustee.

B. Failure to file the returns within the time specified may result in dismissal of the case. If the **only** timely objection(s) to confirmation is (are) based on failure to file tax returns, no hearing will be held: once the returns are filed, the parties shall immediately proceed as required under ¶3 above.

6. All local rules, general orders, or provision in any previous notice which are inconsistent with the forgoing are suspended for the purposes of this case; all consistent rules remain in full force and effect.

TO SUMMARIZE: If no timely objection to confirmation is made in the manner required by this order the plan may be confirmed without a hearing. If there is a timely filed

DRAFT June 12, 2002

objection, there will be a **final confirmation hearing** at 9:30 a.m. on the date set for the confirmation hearing and set out in the Notice of Commencement of Case. IF the only objection to confirmation is based on debtor(s)' failure to file returns, no hearing will be held, and the case dismissed if the returns are not filed according to the terms of this order.

Frank R. Alley, III
United States Bankruptcy Judge

cc: Debtor(s)
Debtor(s) counsel
Trustee

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