

Changes to Court Forms from Versions Published for Public Comment

The Court appreciates the input of each individual who took the time and effort to analyze and comment on the proposed local rules and forms changes posted for comment on 9/21/17 and 10/5/17.

After considering that input, the Court has adopted final versions of the rules and forms with the following changes from the posted versions:

Chapter 13 Plan Form

1. Paragraph 1, **Plan Motions**. Modified Motion for Relief to include property covered by a rejected contract or lease: Termination of the automatic stay with respect to surrendered property, set out in paragraph 4(b)(4), or property subject to a rejected contract or lease, set out in paragraph 5.
2. Paragraph 4, **Trustee Disbursements and Treatment of Claims**. Added the following sentence to make it clear that a creditor must file a proof of claim to receive payments from the trustee: The trustee must not make any disbursement under this paragraph except on account of an allowed claim or allowed administrative expense.
3. Paragraph 4(b), **Treatment of Secured Claims**. Modified the lien-retention language as follows: ~~Secured creditors shall retain their liens until payment of the underlying debt, determined under non-bankruptcy law, or discharge under §1328(a), at which time the lien shall terminate and be released by the creditor.~~ Secured creditors' liens shall be treated in accordance with §1325(a)(5)(B)(i) and must be released when retention ends under that section.
4. Paragraph 4(b)(1), **Cure of Default and Claim Modification**. Modified the language as follows: The holder of a claim listed in the "Estimated Secured Claim if Paying in Full" column will receive the amount of the claim that is secured as set forth in the creditor's proof of claim, except if, pursuant to § 1325(a)(9), § 506 does not apply because (a) the claim is a "910 claim" or (b) the debt is for any other thing of value and was incurred during the 1-year period before filing, the creditor will receive the total amount of the claim total amount of the claim as set forth in the creditor's proof of claim.
5. Paragraph 4(b)(3), **Adequate Protection**. Clarified the first sentence as follows: ~~Adequate protection payments~~ Payments must be disbursed by the trustee before confirmation, as adequate protection, from funds on hand with the trustee in the payment amounts specified in the plan for personal-property-secured creditors.
6. Paragraph 5, **Executory Contracts and Leases**. Added the following sentence to grant stay relief for property covered by a rejected contract or lease. Debtor MOVES that the stay of § 362(a) be terminated as to all property covered by rejected executory contracts and leases and that the stay of § 1301 be terminated.

7. Paragraph 13, **Reservation of Rights and Powers**: Added the following as new paragraph 13:
Reservation of Rights and Powers. Except as expressly set forth in this plan or the confirmation order, neither this plan nor the confirmation order affects any right or power of debtor or the trustee, including debtor's rights under § 1302 and the rights of the trustee or any trustee's assignee under 11 USC chapter 5.
8. Renumbered **Additional Nonstandard Provisions** to paragraph 14 and made related changes on page 1 of the plan.

Notice of Objection to Claim; And Hearing Thereon (Court Form NOCH)

The Court has corrected "objection" to "response" and added in obtaining a withdrawal of the objection as an option for resolution. The text of the notice now reads as follows:

An objection to your claim in this bankruptcy case has been filed and is enclosed with this notice.

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

A **HEARING**, on the objection to claim, at which testimony will not be received, will be held:

DATE: **TIME:**

LOCATION:

If you do not want the court to eliminate or change your claim, then you or your attorney must:

1. Obtain a written withdrawal of the objection to claim by the objecting party. In order to obtain a withdrawal, you may need to provide the objecting party with any documentation supporting your claim that was not included when you filed your claim with the court. You should send this documentation to the objecting party's address or addresses listed at the bottom of objection to claim. The written withdrawal of the objection must be filed with the court.

OR

~~12.~~ Prepare a written response to the objection, explaining your position, ~~and~~ file it with the court at the address below, and appear at the hearing at the date, time and location shown above. The ~~objection~~ response must be filed within 35 days of the "FILED" date shown above.

Mail your response to:
Clerk, US Bankruptcy Court
1001 SW 5th Ave #700
Portland, OR 97204

You must also send a copy of your response to the objecting party at the address or addresses listed at the bottom of the objection to claim.

~~2. Appear at the hearing at the date, time and location shown above.~~

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

Clerk, U.S. Bankruptcy Court