

## Notice Regarding Changes to Bankruptcy Forms and Rules Effective December 1, 2017

A summary of the Federal and Local Rule amendments are provided below. Please read the full rule changes by following the links provided.

### Federal Rules

The Judicial Conference of the United States approved [rule and form changes effective December 1, 2017](#). Amendments to objection, response, etc. deadlines are highlighted in red.

| Federal Rules |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Rule          | Summary of Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1001          | Incorporates language to align with Rule 1 F.R. Civ. P.; recognize affirmative duty to those employed by the Court <i>and the parties</i> to resolve cases fairly and without undue cost and delay.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1015          | (b) updated from "a husband and wife" to "spouses".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2002          | (a)(9) added to require at least <b>21 days'</b> notice of the time for filing objections to confirmation of a chapter 13 plan.<br>(b)(3) added to provide separately for <b>28 days'</b> notice of the date of the confirmation hearing in a chapter 13 case.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3002          | (a) amended to clarify a creditor (including a secured creditor), must file a proof of claim in order to have an allowed claim; in accordance with §506(d), failure of a secured creditor to file a proof of claim does not render the creditor's lien void.<br>(c) amended to alter calculation of bar date for proof of claims - in voluntary chapter 7, 12 and 13 cases = <b>70 days</b> after the petition filing date or order of conversion; in involuntary chapter 7 case = <b>90 days</b> from the entry of the order for relief.<br>(c)(6) amended to expand the exception to the bar date for cases in which a creditor received insufficient notice of the time to file a proof of claim.<br>(c)(7) added to provide a two-stage deadline for filing mortgage proofs of claim secured by an interest in the debtor's principal residence. |
| 3007          | (a) amended to specify the manner in which an objection to a claim and notice of the objection must be served; no longer requires that a hearing be scheduled or held on every objection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3012          | (a) the amount of a claim entitled to priority may also be determined by the Court.<br>(b) a request to determine the amount of a secured claim may be made in a chapter 12 or 13 plan, as well as by motion or a claim objection.<br>(c) determination for amounts of secured claims of a governmental unit may be made only by motion or in a claim objection, but not until the creditor has filed a claim or its time to file a claim has expired.                                                                                                                                                                                                                                                                                                                                                                                               |
| 3015          | (c) nonstandard provisions in a chapter 13 plan must be set out in the section of the Official or Local Form specifically designated for such provisions and must be identified in the manner required by the Local Form [ <b>NOTE:</b> District of Idaho has adopted a <a href="#">Local Form</a> ].<br>(d) amended to enure that the trustee and creditors and served with the plan before confirmation.<br>(f) amended to require service of an objection to confirmation at least <b>seven days</b> before the hearing to consider confirmation of a plan, unless the Court orders otherwise.<br>(g)(1) amount of a secured claim under §506(a) may be determined through a chapter 12 or 13 plan; (g)(2) provides for termination of the automatic stay under §§ 362, 1201 and 1301 as requested in the plan.                                   |

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|                 | (h) formerly subsection (g), amended to reflect that often the party proposing a plan modification is responsible for serving the proposed modification on other parties.                                                                                                                                                      |
| 3015.1<br>[NEW] | Adopts Official Plan Form, allows for districts to require Local Form for a plan in a chapter 13 case. Rule prescribes several formatting and disclosure requirements. [ <b>NOTE</b> : District of Idaho has adopted a <a href="#">Local Form</a> . Public notice was posted on 9/17/17, Comment Period ran 9/17/17-10/13/17]. |
| 4003            | (d) amended to provide that a request under § 522(f) to avoid a lien or other transfer of exempt property may be made by motion or by a chapter 12 or 13 plan.                                                                                                                                                                 |
| 5009            | (d) added to provide a procedure by which a debtor in a chapter 12 or 13 case may request an order declaring a secured claim satisfied and a lien released under the terms of a confirmed plan. [ <b>NOTE</b> : a new ECF event will be created for this motion].                                                              |
| 7001            | (2) amended to provide information on lien avoidance.                                                                                                                                                                                                                                                                          |
| 9009            | (a) permissible modifications to Official Forms.                                                                                                                                                                                                                                                                               |

## Local Rules

Redline/Strikeout versions of the changes to the Local Rules are available on the Court's [Rules page](#).

| Local Rules     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 2002.2          | (b)(1) amended to incorporate reference to new <b>21 day</b> notice period pursuant to (a)(9).                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2002.3          | (a)(1) and (2) amended to reflect changes in <b>new noticing timelines</b> of Fed. R. Bankr. P. 2002 (eliminates accelerated confirmation process).                                                                                                                                                                                                                                                                                                                                                                       |
| 2002.5          | (a) deleted due to changes in <b>new noticing timelines</b> prescribed by Fed. R. Bankr. P. 2002<br>(b) becomes the new (a) and outlines the <b>new noticing timelines</b> of Fed. R. Bankr. P. 2002 and <b>new objection deadline</b> on amended plans pursuant to Fed. R. Bankr. P. 3015(f).<br>(c) becomes the new (b) and deletes former requirements regarding filing of modified plans.<br><br>Advisory Committee Note updated to outline requirements of Fed. R. Bankr. P. 3015(h) regarding service requirements. |
| 2002.6<br>[NEW] | New rule created to minimize delay and administrative expenses to the bankruptcy estate.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4003.2          | Rule updated to incorporate "requests" pursuant to Fed. R. Bankr. P. 4003 (d).                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5005.1          | Deleted in its entirety as this information is contained on the Court's public website.                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 5005.2          | (c) amended to incorporate changes to Fed. R. Bankr. P. 9009 and reference to Idaho Form Chapter 13 Plan.                                                                                                                                                                                                                                                                                                                                                                                                                 |

## National and Local Forms

Pending changes to Official Bankruptcy Forms (OBF) can be found at the [US Courts website](#). Local forms changes can be found on the Court's [forms page](#).

| Local Forms               |                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chapter 13 Plan           | <p>Pursuant to amended Fed. R. Bankr. P. 3015(c) and new 3015.1, the District of Idaho has opted out of using the Official Form Chapter 13 Plan and will adopt a Local Form. Please visit the Court's <a href="#">forms page</a> to view the new Idaho Form Chapter 13 Plan.</p> <p>The 12/17 version of the plan will be required for all initial, amended and modified chapter 13 plans filed on or after 12/1/17.</p> |
| Official Bankruptcy Forms |                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| OBF 101<br>Voluntary Petition           | Part 2, line 11 updated to add language that if OBF 101A is filed, it is <u>a part</u> of the bankruptcy petition.                                                                                                                                                                                                                  |
| OBF 309 Notice<br>of Bankruptcy<br>Case | <p>Notice of Bankruptcy case forms have been updated for Chapter 11, 12 and 13 cases to incorporate language, if applicable, for</p> <p>Corporation/Partnership debtors - creditors are to determine whether §523(c) applies to their claim</p> <p>Individual debtors - Line 9 amended to remove reference to "plan summaries".</p> |