

**Exhibits, Amended Plan,  
Motion to Modify Plan,  
Notice to Filing Party  
and Rule 3002.1**

*US Bankruptcy Court  
Middle District of PA*

# Exhibit

- How is this to be used?
  - It is **not for corrections** nor does it replace corrective entries.
  - It is **not for correspondence**.
  - It is **not for filing amended documents**.
  - **It is for Exhibits**. Something that should have been attached to a previous filing but was not attached to said filing (ex. Proposed orders, agreements, contracts).
  - **Exhibits will not be attached back to the prior filings** as was done with corrective entries.
  - **Exhibits should always relate** to something.

# Amended/Modified plans

## Guide Reference

Type of Pleading	Bankr. Code	Rules & Forms	Type of Notice	Served By	Recipients	Sched.
Modify Plan - (Post-Confirmation)	1329	FRBP 3015, LBR 3015-2 LBF 3015-2(a) & (b)	Passive - 21 Day	Movant (Serves Plan) Court (Serves Notice)	Matrix if not filed with LBF 3015-2(a) or LBF 3015-2(b) Affected Creditors if filed with LBF 3015-2(a) No notice required if filed with LBF 3015-2(b)	N/A
Modify Plan (Pre-Confirmation)	1323	FRBP 3015, LBR 3015-2	Semi-Passive - 28 Day	Movant (Serves Plan per LBR 3015-2(c)) Court (Serves Notice)	Matrix	N/A

## Local Rule 3015-2

### *Chapter 13 - Amendments to Plans.*

(c) *Service of Amended Plan - Pre Confirmation*. If an amended plan is filed after noticing of the confirmation hearing but prior to confirmation of the plan, the debtor will provide a copy of the amended plan to each party on the mailing matrix. Unless service is made electronically through the CM/ECF system, the debtor shall mail a copy of the amended plan to each creditor and party in interest. The Clerk will issue and send to the parties a notice setting confirmation objection and hearing dates for the amended plan.

# Local Rule 3015-2

## *Chapter 13 - Amendments to Plans*

(e) *Service of Amended Plan After Confirmation.* After filing a motion to amend a confirmed plan, the debtor will provide a copy of the amended plan to each party on the mailing matrix. Unless service is made electronically through the CM/ECF system, the debtor shall mail a copy of the amended plan to each creditor and party in interest. The Clerk will issue and send to the parties a passive notice setting the objection date on the post-confirmation amended plan. If an amended plan is filed that alters the treatment of the claims of a limited number of creditors, the debtor may be excused from serving the notice and amended plan on all creditors if L.B.F. 3015-2(a) is filed certifying that service has been made on the affected creditors. If an amended plan is filed to alter funding of the plan or to make technical amendments, but does not affect the payment of any creditor's claim, the debtor may be excused from serving the notice and amended plan on all creditors if L.B.F. 3015-2(b) is filed certifying the limited changes to the plan. If neither L.B.F. 3015-2(a) or L.B.F. 3015-2(b) is filed with the amended plan, the debtor shall provide a copy of the amended plan as directed above. The Clerk will issue and send to the parties a passive notice setting the objection date on the post-confirmation amended plan.

# Current Plan, Amended/Modified Plan Process

- Clerk's Office will serve the first confirmation hearing notice and the most recently filed plan whether it's the original plan or an amended plan.
- Any amended plan filed after this noticing will not be noticed by the Clerk's Office until counsel files a certificate of service showing that all creditors have been mailed a copy of said amended plan, contingent upon:
  - If there is sufficient time (32+ days until the hearing) to notice the amended plan, the Clerk's Office can notice the confirmation hearing for the original date.
  - If there is insufficient time (less than 32 days until the hearing) to notice the amended plan, the Clerk's Office will wait until the confirmation hearing is called before noticing the next confirmation hearing date.
- Counsel, when filing a Motion to Modify, must serve the modified plan and file a certificate of service of such. Counsel may also send the passive notice. If there is no certificate of service of the notice, the Clerk's Office will serve the passive notice.

# Notice to Filing Party (ntfp)

## Why is this notice being issued:

- Auctioneer surety bond was not filed (LBR 2014-(b))
- Caption of Motion does not contain a Respondent
- Claim PDF does not match Case
- Claim form not attached
- Contract employing agent or broker was not filed (LBR 2014-1(b))
- Creditor uploaded contains invalid name/address information
- Defective Amendment (LBR 1009-1(c))
- Discrepancy between CM/ECF entry and uploaded PDF
- Fee application cover sheet was not filed (LBR 2016-1(a))
- Matrix docketed but creditors not uploaded
- PDF document is unable to be opened
- Proposed order received is unrevisable or not attached to docket entry
- Reaffirmation Agreement Cover Sheet was not included (LBR 4008-1(a))
- Redacted PDF was not filed
- Summary of Schedules was not filed (Official Form 6)
- Unsigned Claim (only for PAPER filings)

Read the docket text of the notice – there may be information there to help determine what action is to be taken.

### **Selection/Text**

- Discrepancy between CM/ECF and PDF
- Proposed order is unreviseable or not attached
- Unsigned Claim

### **Response**

- If the image is incorrect, file an amended document or withdraw the incorrect one.
- Create reviseable order and docket it as an Exhibit (relate to prior filing).
- File signed form as amended claim.

# Rule 3002.1

## Filed by Creditor/Mortgagor

- Notice of Mortgage Payment Change Rule 3002.1
  - Official form B 10S1
  - Appears as “doc” on claims register
- Certificate of Service re: Rule 3002.1 Matter
  - For use to file separate cert of service
  - Appears as “doc” on claims register
- Notice of Mortgage Payment Change Rule 3002.1 (No Proof of Claim Filed)
  - Appears on Main Docket only

## Debtor Responses

- Response to Notice of Mortgage Payment Change Rule 3002.1
  - Appears on Main Docket, and claims register if a claim exists
  - No official form

# Rule 3002.1

## Filed by Creditor/Mortgagor

- Notice of Post-petition Mortgage Fees, Expenses and Charges Rule 3002.1
  - Official Form B 10S2
  - Appears on claims register as “doc”
- Certificate of Service re: Rule 3002.1 Matter
  - For use to file separate cert of service
  - Appears as “doc” on claims register

## Debtor can file

- Motion to Determine Final Cure and Mortgage Payment Rule 3002.1
- Motion to Determine Mortgage Fees, Expenses and Charges Rule 3002.1

## Creditor/Mortgagor Response

- Answer, Reference an existing motion/application

# Rule 3002.1

Filed by Trustee or Debtor

- Notice of Final Cure Mortgage Payment Rule 3002.1

Creditor/Mortgagor Response

- Response to Notice of Final Cure Mortgage Payment Rule 3002.1
  - No Official Form
  - Appears on claims register as “doc”
- Certificate of Service re: Rule 3002.1 Matter
  - For use to file separate cert of service
  - Appears as “doc” on claims register

# Rule 3002.1

- These Events are located under **Bankruptcy Events > Claim Actions**
  - Notice of Mortgage Payment Change Rule 3002.1
  - Notice of Mortgage Payment Change Rule 3002.1 (No Proof of Claim Filed)
  - Notice of Post-petition Mortgage Fees, Expenses and Charges Rule 3002.1
  - Response to Notice of Final Cure Mortgage Payment Rule 3002.1
  - Response to Notice of Mortgage Payment Change Rule 3002.1
  - Certificate of Service re: Rule 3002.1 Matter