

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN**

**NOTICE OF NEW LOCAL FORM FOR A CHAPTER 13 PLAN**

On October 24, 2017, the Court entered Administrative Order 17-04 that approved the use of a Local Form for a Chapter 13 plan as permitted by the amendment to Federal Rule of Bankruptcy Procedure 3015(c), which becomes effective December 1, 2017. The administrative order explains that from and after December 1, 2017, the approved Local Form is the only form that may be used for filing a Chapter 13 plan in the Eastern District of Michigan, and that it must be used in all cases regardless of the date of filing of the case.

The new Local Form has many similarities to the model plan that was previously used in the Eastern District of Michigan with the Court's approval since January 1, 2013, but it also has some significant changes to comply with new Fed. R. Bankr. P. 3015.1, which also becomes effective December 1, 2017. Among the changes in the Local Form from the previously used model plan are the following:

- The Local Form must include an initial paragraph that contains any non-standard provisions, limits the amount of any secured

claim based on value of the collateral or avoids any security interest or lien.

- The Local Form must contain separate paragraphs for curing any default and maintaining payments on a claim secured by a debtor's principal residence; paying a domestic support obligation; paying a claim described in the "hanging paragraph" of § 1325(a) of the Bankruptcy Code; and surrendering any property that secures a claim with a request that the automatic stay be terminated as to the surrendered collateral.
- The Local Form must contain a final paragraph that sets forth any non-standard provisions and contains a statement that any non-standard provisions that are placed anywhere else in the Local Form are void, together with a certification that the Local Form contains no non-standard provisions other than those specifically set forth in this final paragraph.

As a result of the changes that are made by the Local Form, Chapter 13 practitioners will now be able to obtain a lien strip through a plan provision rather than an adversary proceeding, and will be able to avoid a lien under § 522(f) of the Bankruptcy Code by means of a plan provision rather than a motion.

For a clean version of the Local Form, click [here](#). For a redlined version that shows the changes that were made to the model Chapter 13 plan that was previously approved for use in the Eastern District of Michigan, click [here](#).

It is important for practitioners to carefully review the new Local Form in its entirety, as well as amended Fed. R. Bankr. P. 3015(c) and new Fed. R. Bankr. P. 3015.1, both of which will become effective December 1, 2017.

If a Chapter 13 plan is filed on or after December 1, 2017 that is not on the Local Form, the Clerk's office will send a deficiency notice with a 7 day deadline for the filing of a corrected plan on the Local Form. If a corrected plan on the Local Form is timely filed, the deadline is terminated and the case continues. If a corrected plan on the Local Form is not timely filed, the deficient plan will be stricken and the case may be dismissed.

**KATHERINE B. GULLO**  
**CLERK OF COURT**

Dated: October 24, 2017