

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

PUBLIC NOTICE

**Revisions to Local Bankruptcy Rules
United States Bankruptcy Court for the Eastern District of Virginia
Effective July 1, 2004**

The following is a summary of Court-approved technical revisions to the Local Bankruptcy Rules for the United States Bankruptcy Court for the Eastern District of Virginia, effective July 1, 2004:

1. *Local Bankruptcy Rule 1006-1 Fees: Installment Payments – (B) Schedule of Payments.* LBR 1006-1(B) is amended by means of a technical revision to the “1 Month After Filing” column, at the Chapter 11 line, by changing the stated figure from \$400 to \$409.
2. *Local Bankruptcy Rule 3015-2 Chapter 13 Plan Requirements – (C) Dismissal of Case for Defects with Chapter 13 Plan and Related Motions and Notice of Chapter 13 Plan and Related Motions – (2) Dismissal of Case Upon Denial of Confirmation.* LBR 3015-2(C)(2) is amended by means of a technical revision clarifying that a previously filed and court-approved plan remains in full force and effect should the court deny confirmation of a subsequently filed modified plan and that the options set forth in the rule would not be available under such circumstances.
3. *Local Bankruptcy Rule 4001(a)-1 Relief from Automatic Stay – (B) Caption.* LBR 4001(a)-1(B) is amended by means of a technical revision to conform the rule provision to the current practice of not requiring the assignment of contested matter numbers with respect to motions for relief from stay.

Date: June 17, 2004

WILLIAM C. REDDEN
CLERK OF COURT

**REVISIONS
TO THE
LOCAL BANKRUPTCY RULES**

UNITED STATES BANKRUPTCY COURT

for the

EASTERN DISTRICT OF VIRGINIA



**Effective July 1, 2004
(Ver. 06/14/04)**

Rule 1006-1 FEES: INSTALLMENT PAYMENTS

(A)

(B) *Schedule of Payments*: Any application to Pay Filing Fee in Installment shall propose a payment plan in accordance with the following schedule:

	At Filing	1 Month After Filing	2 Months After Filing
Chapter 7	\$75	75	59
Chapter 11	\$430	400 <u>409</u>	--
Chapter 12	\$105	75	59
Chapter 13	\$70	70	54

Comments

1006-1(B) The revision to the “1 Month After Filing” column at the Chapter 11 line from \$400 to \$409 effects a technical change only.
[Change effective 7/1/04.]

RULE 3015-2(C)(2) CHAPTER 13 PLAN REQUIREMENTS

(C) *Dismissal of Case for Defects with Chapter 13 Plan and Approval of Related Motions*

....

(2) *Dismissal of Case Upon Denial of Confirmation, ~~Except as provided in LBR 1017-3~~*: Except as provided in LBR 1017-3, if the Court denies confirmation of the debtor’s original or subsequently modified Chapter 13 Plan and Related Motions, unless the Court has entered an order previously confirming a plan, the Clerk is directed to issue an order dismissing the chapter 13 case unless, within twenty (20) days after denial of conformation:

- (a) ...;
- (b) ...;
- (c) ...; or
- (d)

An order previously entered by the Court confirming a Chapter 13 Plan shall remain in full force and effect if a subsequently modified Chapter 13 Plan and Related Motions is denied confirmation by the Court.

Comments

3015-2(C)(2) This technical change clarifies that a previously filed and court-confirmed plan remains in full force and effect should the court deny confirmation of a subsequently filed modified plan and that the options set

forth in the rule would not be available under such circumstance. [Change effective 7/1/04.]

RULE 4001(a)-1 RELIEF FROM AUTOMATIC STAY

(B) *Caption*: The motion for relief from stay, and any pleading or other paper (excepting exhibits) filed pursuant to such a motion, shall include the same caption as an adversary proceeding except that the caption shall not include ~~a contested matter (CM) number where the~~ an adversary proceeding (AP) number. ~~would otherwise appear.~~

Comments

4001(a)-1 Subdivision (B) of the rule has been amended to effect a technical change in that contested matter (CM) numbers no longer are required. [Change effective 7/1/04.]