

Rule 2083-1. Chapter 13 - General.

(A) Required Supplemental Financial Information.

- (1) Information Required for Internal Revenue Service.** At the meeting of creditors, the debtor shall bring for the representative appearing on behalf of the Internal Revenue Service, copies of the debtor's tax returns (including applicable schedules and W-2 forms) for the 3 years preceding the filing, conversion or reinstatement of the debtor's case. Both husband and wife must re-sign the copies of the joint returns with original signatures even if only one spouse is a debtor. No notice or certificate of service of these items shall be filed with the court and no written proof of service is required.
- (2) Information Required for Chapter 13 Trustee.** Contemporaneously with the filing of a chapter 13 plan and pursuant to Local Rule 3015-1(B)(2), the debtor shall serve on the chapter 13 trustee evidence of debtor's income, including copies of the debtor's tax returns (including all attachments) for the three years preceding the filing of the petition, the last 3 pay stubs received prior to the filing of the petition, all documentary evidence of all exemptions included in Official Bankruptcy Form Schedule C and a detailed inventory of all personal property included in Official Bankruptcy Form Schedule B. These documents shall not be filed with the court.

☞ 2004 Amendment: Amended to require that a chapter 13 debtor provide additional documents to the chapter 13 trustee contemporaneously with the filing of the plan.

(B) Required Review of Claims by Attorney for Debtor.

- (1) Scope of Review Required.** Not later than 20 days after expiration of the claims bar date, the attorney for the debtor shall examine, from records maintained by the clerk, the claims register and copies of all claims filed in the case to determine whether additional action is necessary, including the filing and service in accordance with all applicable rules of:

 - (a)** an amended plan if the plan has not been confirmed;
 - (b)** a motion to modify the confirmed plan; or
 - (c)** objections to nonconforming claims.
- (2) Attorney for Debtor's Notice of Compliance with Claims Review Requirement.** A Local Form "Notice of Compliance by Attorney for Debtor With Local Rule 2083-1(B) Claims Review Requirement" certifying that the review required by subdivision (B)(1) of this rule has been completed shall be filed with the court and served on the trustee and the debtor.

- (3) **Failure to Comply.** If the provisions of this rule are not complied with, the trustee may serve upon the attorney for the debtor (with a copy also served on the debtor), a “Trustee’s Notice to Attorney for Debtor of Deficiency” which shall provide a 20 day deadline from the date of the notice for the attorney for the debtor to comply. If the deficiency is not cured, the trustee shall file a “Trustee’s Report of Non-Compliance with Claims Review Requirement” and the court may dismiss the case without further notice or hearing.
- (4) **Pro Se Debtors.** The provisions of this rule do not apply to debtors not represented by an attorney.

(C) Copy and Service Requirements in Chapter 13 Cases. Attorneys and parties in chapter 13 cases shall comply with these rules, court orders and clerk's instructions with respect to service requirements and deadlines, including the following:

- (1) As set forth by Local Rules 1002-1(A)(1) and 1007-1(A) and pursuant to the "Clerk's Filing Instructions", original petitions, schedules, statements, lists, plans, and disclosure of compensation documents must be accompanied by three extra copies, regardless of whether the papers are filed with the petition or filed by the subsequent deadline established for filing these documents. Upon receipt of the copies, the clerk shall provide one set to the assigned chapter 13 trustee. Failure of the debtor to provide the clerk with sufficient copies will be brought to the attention of the court.
- (2) All other papers filed or served in a chapter 13 case must be served on the chapter 13 trustee by the filing or serving party.

The provisions of this order are in addition to, and do not supercede nor substitute for, any other service requirements set forth by federal or local rule or order of this court. Attorneys or parties who fail to comply with these copy and service requirements shall be subject to disciplinary proceedings before the court.

[Comment: Due to the expedited nature of the chapter 13 confirmation process in this court, it is essential that the chapter 13 trustee assigned to a case be provided with copies of the petition, schedules, statements, plans, and all other papers in a timely manner. This court has established requirements in the local rules, court orders and clerk's instructions that set forth copy, deadline and service requirements.]

 2004 Amendment: New section created to incorporate the provisions of AO Order 04-3.