

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re: COURT ADMINISTRATIVE MATTERS:
Proposed Mandatory Local Form Chapter 13
Plan and Proposed Amendments to New Mexico
Local Bankruptcy Rules

Misc. No. 17-001

**NOTICE OF PROPOSED MANDATORY LOCAL FORM CHAPTER 13 PLAN AND
PROPOSED AMENDMENTS TO NEW MEXICO LOCAL BANKRUPTCY RULES**

Pursuant to 28 U.S.C. § 2071, Fed.R.Civ.P. 83, Fed.R.Bankr.P. 9029, and Administrative Order No. 84-0324 of the United States District Court for the District of New Mexico authorizing the Bankruptcy Court to make local rules governing practice and procedure in bankruptcy cases and adversary proceedings in this district, and in accordance with proposed Bankruptcy Rule 3015.1 authorizing districts to require use of a local form Chapter 13 Plan, the United States Bankruptcy Court for the District of New Mexico hereby provides notice that it proposes to require use of a local form Chapter 13 Plan and to amend the New Mexico Local Bankruptcy Rules as follows:

NM LF 3015.1 – Chapter 13 Plan (NM LF 3015.1 is a “combo plan” that may include motions to limit the amount of a secured claim based on valuation of collateral; motions to strip wholly unsecured mortgages, motions to avoid nonpossessory nonpurchase money security interests or judicial liens; and/or motions to assume or reject executory contracts and/or unexpired leases. NM LF 3015.1 also allows debtors to include nonstandard provisions);

1005-1 Name of Non-Individual Debtor in Petition Caption (amended to conform to local practice requiring the caption to include the form of the organization, in addition to the debtor’s current registered name and jurisdiction);

3015-2 Chapter 13 Plan and Confirmation (new subsection (a) requiring use of the local form Chapter 13 Plan and subsection (d) requiring service of motions included in a Chapter 13 Plan);

3021-1 Pre-Confirmation Adequate Protection Payments in a Chapter 13 Case (new rule authorizing the Chapter 13 Trustee to make pre-petition adequate protection payments without a court order);

6004-1 Notice of Proposed Use, Sale, or Lease of Property (new rule incorporating Standing Order Requiring Movants to Prepare and Serve Notices Required by Fed.R.Bankr.P. 6004);

7016-1 Pretrial Matters (new subsection (a) incorporating Standing Order Regarding Fed.R.Bankr.P. 7008, 7012, or 9027 providing that a party's failure to comply with such rules constitutes implied consent to the Court entering final orders and judgment; revised subsection (b) confirming the Court's flexibility to order use of an alternative form of pre-trial order, or no pre-trial order at all); and

9013-1 Motion Practice in Contested Matters – General (amended to require party submitting an order granting relief by default to specify in the order the method of service).

A copy of the proposed local form Chapter 13 Plan (NMLF 3015.1) and a redlined copy of the proposed amendments to the New Mexico Local Bankruptcy Rules are available at the Office of the Clerk of the United States Bankruptcy Court and posted on the Bankruptcy Court's website: www.nmb.uscourts.gov.

Pursuant to 28 U.S.C. § 2071(b), the United States Bankruptcy Court for the District of New Mexico invites public comment on the proposed local form Chapter 13 Plan and the proposed amendments to the local rules. All comments will remain anonymous to the judges and chambers staff. Comments on the proposed local form Chapter 13 Plan and proposed amendments to the local rules can be made by email to ntp@nmcourt.fed.us. Or, written comments may be sent by mail to Norman H. Meyer, Jr., Clerk, United States Bankruptcy Court, District of New Mexico, P.O. Box 546, Albuquerque, New Mexico 87103-0546.

The deadline for submitting comments is **Friday, May 19, 2017**. The targeted effective date for the revised local rules is July 5, 2017.

Dated: April 3, 2017