

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 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, the United States Bankruptcy Court for the District of New Mexico hereby provide notice that it proposes to amend the New Mexico Local Bankruptcy Rules as follows:

1. 3015-2 Chapter 13 Plan and Confirmation – (revised subsection (c) to eliminate the deadline to object to confirmation and to eliminate the objection deadline for pre-confirmation plan modifications; revised subsection (e) to clarify that the notice of objection deadline is included as part of the notice of confirmation hearing).
2. 2016-1 Compensation of Professionals – (added a new subsection to require electronic reporting of fee applications to the United States trustee in searchable format for all fee applications in excess of \$25,000, unless the court orders otherwise).

These amendments are in addition to the proposed amendments to the New Mexico Local Bankruptcy Rules published for comment on April 3, 2017.

The reason for the proposed amendment to 3015-2 is the amendments to the Federal Rules of Bankruptcy Procedure, which will become effective December 1, 2017. Those amendments include revisions to Fed. R. Bankr. P. 2002 and Fed. R. Bankr. P. 3015. A new subsection (a)(9) in Fed. R. Bankr. P. 2002 provides for at least 21 days' notice of the time fixed for filing objections to confirmation of a chapter 13 plan. In addition, subsection (b)(3) of Fed. R. Bankr. P. 2002 provides for 28 days' notice of the hearing on confirmation of the Chapter 13 plan. Fed. R. Bankr. P. 3015 includes an amendment to subsection (f) to require service of objections to confirmation "at least seven days before the date set for the hearing on confirmation, unless the court orders otherwise." Together these rules eliminate the need for the New Mexico Local Bankruptcy Rules to fix the deadline to object to confirmation of a Chapter 13 plan and to require a 28-day notice of objection deadline for all plans and pre-confirmation plan modifications.

The new subsection to Rule 2016-1 will assist the United States trustee in reviewing fee applications. Compliance with the rule is required only with larger fee applications exceeding \$25,000.¹ Additional reporting is not required if the final fee application exceeds \$25,000 only because it includes previously approved interim fee applications. Even if the fee application would otherwise require compliance with the rule, the Court retains the power to order otherwise in appropriate circumstances.

A redlined copy of the proposed additional amendments to the New Mexico Local Bankruptcy Rules is 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 amendments to NM LBR 3015-2 outlined above. All comments will remain anonymous to the judges and chambers staff. Comments on the proposed amendment to NM LBR 3015-2 can be made by email to web_ntp@nmcourt.fed.us. Or, written comments may be sent by mail to Lana Merewether, Clerk, United States Bankruptcy Court, District of New Mexico, P.O. Box 546, Albuquerque, New Mexico 87103-0546.

The deadline for submitting comments is **Monday, October 30, 2017**.

Dated: September 22, 2017

¹ Section 331 limits the frequency for filing fee applications to “not more than once every 120 days.” 11 U.S.C. § 331.