

PART III

CLAIMS AND DISTRIBUTIONS TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

3001-1 *Claims and Equity Security Interests - General*

- a. **Proof of Perfection.** Prior to the meeting of creditors in Chapter 7, 12 and 13 cases, all creditors asserting a security interest in property of the estate or property of the debtor shall submit to the trustee proof that the asserted security interest has been perfected in accordance with applicable law. Creditors asserting security interests are requested but not required to also submit a statement of the approximate amount of debt secured by each lien; and, with respect to motor vehicles, the date on which application was made for notation of lien on the certificate of title.
- b. **Failure to Comply.** In the event that the holder of a secured claim does not comply with the provisions of this rule and the trustee gives notice to the creditor in writing that it has failed to comply with the rule, the trustee shall be entitled to recover costs (including reasonable attorney's fees) related to the filing and/or preparation of an adversary proceeding against the creditor, if the creditor fails to cure its noncompliance within twenty (20) days of service of notice.

3004-1 *Filing of Claims by Debtor or Trustee*

When the debtor or trustee elects to file a proof of claim pursuant to FED. R. BANKR. P. 3004, the Notice of Filing of Proof of Claim by Debtor [Trustee] in the form of Appendix C must be completed and filed with each proof of claim.

3007-1 *Objections to Claims*

LBR 9013-1 is modified as follows with respect to objections to claims:

- (1) The notice of objection to claim shall provide a thirty (30) day period for the filing of a response.
- (2) Every objection to claim and notice shall be accompanied by an affidavit or declaration under penalty of perjury that states with specificity the basis for the objection.

3011-1 *Unclaimed Funds in Chapter 7, Chapter 12 and Chapter 13 Cases*

- a. **Motions to Withdraw Unclaimed Funds.** A motion to withdraw unclaimed funds shall be in the form of Appendix D.

- b. **Compliance with LBR 9013-1.** A motion to withdraw unclaimed funds shall be filed and served in accordance with LBR 9013-1 on the debtor, the debtor's attorney, the trustee, the United States Trustee, the United States Attorney and the creditor or payee for whom the funds were deposited.
- c. **Service of the Motion on the Clerk.** A copy of the motion to withdraw unclaimed funds shall be delivered by the movant to the Clerk or Chief Deputy in Room 200, Second Floor, Customs House, 701 Broadway, Nashville, Tennessee.

3015-1 *Chapter 13 - Plan*

- a. **Form.** All Chapter 13 plans filed in this district shall substantially conform to the Model Plan in Appendix J.
- b. **Service of the Plan Filed after the Filing of the Petition.** If a Chapter 13 debtor elects to file a plan after the filing of the petition pursuant to FED. R. BANKR. P. 3015, the debtor must serve the proposed plan on all creditors, any party in interest who has requested notice, the Chapter 13 trustee and the United States Trustee and file a certificate of service pursuant to LBR 9013-3.
- c. **Service of the Plan When Special Address or Method of Service is Required.** When the Chapter 13 plan includes motions or other contested matters that require special notice or service under FED. R. BANKR. P. 9014 or 7004—for example, notice to a corporation or service on an insured depository institution—the debtor or debtor's counsel shall: (1) provide the required special address on the list and mailing matrix filed pursuant to LBR 1007; and, (2) give notice or make service and file a certificate of service pursuant to LBR 9078-1 when a method of notice or service is required other than first class mail.

3015-2 *Chapter 13 - Amendments to Plans*

- a. **In General.** In addition to the requirements of LBR 9013-1, any motion or agreed order that amends or modifies a proposed or confirmed Chapter 13 plan must include a verified comparative budget and statement of impact on creditors in the form of Appendix B. This provision includes but is not limited to motions and agreed orders to:
 - (1) suspend payments;
 - (2) incur credit; or
 - (3) change the amount or timing of any payment.
- b. **Proposed Order.** Any proposed order or agreed order that amends or modifies a proposed or confirmed Chapter 13 plan must restate the terms of the amendment or modification as indicated in the motion to amend or modify.

3017-1 *Disclosure Statement*

- a. **Notice Requirements.** At the time of filing a Chapter 9 or Chapter 11 plan and disclosure statement the proponent of the plan shall file a proposed order and notice of hearing with respect to the adequacy of the disclosure statement. The proponent of the plan shall serve the order and notice for hearing on the adequacy of the disclosure statement, the proposed disclosure statement and the plan on the debtor, the debtor's attorney, the United States Trustee, any trustee and trustee's attorney, any committee and counsel for the committee, all secured creditors, the ten largest unsecured creditors if no committee is serving, the Internal Revenue Service, the Securities and Exchange Commission (if debtor is a corporation or limited partnership) and any party in interest that requests in writing a copy of the disclosure statement or plan.
- b. **Service of Order Approving the Disclosure Statement.** The proponent of the plan shall give the notice required by FED. R. BANKR. P. 3017(d).

3017-2 *Disclosure Statement - Small Business Cases*

In a small business Chapter 11 case, notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given by the plan proponent and shall be combined with notice of the hearing on confirmation of the plan.

3020-1 *Chapter 11 - Confirmation*

The proponent of the plan shall give the notice required by FED. R. BANKR. P. 3020(c).

3022-1 *Final Report/Decree (Ch. 11)*

With the motion for a final decree pursuant to FED. R. BANKR. P. 3022, the debtor shall file a final report certifying the disbursements made under the plan and comply with LBR 9013-1.

3070-1 *Chapter 13 - Payments.*

All fees, compensation or reimbursement of expenses of debtors' attorneys approved by the Court which are to be paid from property of the estate shall be classified as an administrative expense, paid after the filing fee, and continuing alimony and support payments but ahead of payments to all other creditors. Unless the confirmed plan provides otherwise, the distributions to attorneys who have received no compensation prior to the filing of the petition shall be a first payment of \$175 (inclusive of expenses) plus additional payments of twelve and one-half percent (12.5%) of disbursements until the approved fees and expenses are paid in full. Attorneys will be reimbursed for actual expenses incurred in mailing notices in an amount not to exceed \$0.75 per notice (\$3.00 for certified mail), but only upon receipt by the trustee of the certificate of service filed pursuant to LBR 9013-3.

