

file a motion to modify (to amend). As the rule is written, the bar date notice procedure applies to the motion, not to the amended plan per se.² Thus, debtors must submit a motion to modify, a bar date notice regarding the motion, a certificate of service and a proposed order.³

THEREFORE, IT IS ORDERED that the debtors' amended plan be filed as of the date submitted. The debtors shall file a motion to modify, a bar date notice regarding the motion and a certificate of service and a proposed order granting the motion.

Dated this 14th day of May, 1991.

LEE M. JACKWIG
CHIEF U.S. BANKRUPTCY JUDGE

² Every effort was made to draft the local rules in such a way that they complied with the national rules, addressed concerns raised by the clerk's office, the U.S. Trustee's office and the general bankruptcy practitioner, and yet maintained established and acceptable procedures whenever possible. Unfortunately, the prior practice with respect to modification of Chapter 13 plans both before and after confirmation was never uniform and the new rules have not yet succeeded in correcting that situation.

³ The proposed order (granting the motion, not confirming the plan) may seem either inappropriate given section 1323(a) and (b) or superfluous insofar as a form confirmation order will be processed by the clerk's office when an amended plan is confirmed. Until the local rules are revised, however, debtors should continue to submit a proposed order granting the motion to modify. Parties in interest who wish to object to the amended plan should do so within the time period set forth in the bar date notice regarding the motion to modify.