

Motion to Modify Chapter 13 Confirmed Plan

Docketing Event

- Bankruptcy> Motions/Applications/Objections (or Trustee/US Trustee)> Motion to Modify Confirmed Plan
 - Bankruptcy> Plans, Disclosure Statements, and Related Matters> Modified Confirmed Chapter 13 Plan
-

Negative Notice: Yes

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 1322\(a\), \(b\)](#)

[11 U.S.C. § 1323\(c\)](#)

[11 U.S.C. § 1325\(a\)](#)

[11 U.S.C. § 1329](#)

[Fed. R. Bankr. P. 3015\(g\)](#)

[Local Rule 1009-1](#)

[Administrative Order FLMB 2018-2](#)

[Chapter 13 Model Plan](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 10/26/17

Last Revision: 4/26/2018 2:55:43 PM

Description

A motion to modify a confirmed Chapter 13 plan (also called a motion to amend confirmed plan) is filed typically by the debtor, but these motions can also be filed by the trustee or a creditor with an allowed, unsecured proof of claim. 11 U.S.C. § 1329. The motion requests modification of plan payments due to circumstances that arose after confirmation and necessitate an adjustment. Common situations that might necessitate modifying the plan are the debtor's income is lowered, one income in a joint debtor case is lost, or a debtor's mortgage payments change.

11 U.S.C. § 1329 allows modification of the plan any time after confirmation but prior to completion of all payments under the confirmed plan. It also sets out how the plan may be modified to change the payments to creditors or to a particular class of creditors, or to extend or reduce the payment period.

11 U.S.C. § 1329(b)(2) states "the plan as modified becomes the plan unless, after notice and hearing, such modification is disapproved."

Filing Checklist

Review the motion to determine if it:

- Is signed;
- Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- Is properly served and includes a proper certificate of service;

- Contains negative notice that has the correct language located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days if any party was served by U.S. Mail).