

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:)
)
ADMINISTRATION OF) GENERAL ORDER NO. 17-1
CHAPTER 13 CASES IN THE)
NORTHERN DISTRICT OF)
OHIO)

INTERIM ORDER REGARDING SERVICE OF CHAPTER 13 PLANS

This Interim Order is effective for all Chapter 13 cases filed in the United States Bankruptcy Court for the Northern District of Ohio on or after December 1, 2017. This Interim Order shall remain in effect until the promulgation of an appropriate Local Bankruptcy Rule after notice and comment pursuant to Rule 9029 of the Federal Rules of Bankruptcy Procedure.

(a) *Valuation and Lien Avoidance Through Chapter 13 Plans.* Effective December 1, 2017, amendments to Rules 3012 and 4003 of the Federal Rules of Bankruptcy Procedure will permit debtors in Chapter 13 cases to value certain secured claims and avoid certain liens through Chapter 13 plans. In such situations, the amended rules require that the Chapter 13 plan be served on the affected creditors in the manner provided by Rule 7004 of the Federal Rules of Bankruptcy Procedure for service of a summons and complaint.

(b) *Debtors Responsible for Service in the Manner Provided by Rule 7004.* Regardless whether the clerk has served the Chapter 13 plan on some or all of the debtors' creditors by mail or by any other means, the debtors and their attorneys are responsible for ensuring that creditors whose claims are subject to valuation or lien avoidance under Rules 3012 and 4003 are served with the Chapter 13 plan in the manner provided by Rule 7004 for service of a summons and complaint. Insured depository institutions must be served by certified mail addressed to an officer of the institution under Rule 7004(h), and corporations must be served by mailing a copy to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process under Rule 7004(b)(3). Service of Chapter 13 plans in the manner provided by Rule 7004 for service of a summons and complaint is the responsibility of the debtors and their attorneys, and not the responsibility of the clerk. This responsibility extends to any proposed modified plan through which the debtors seek to value certain secured claims or avoid certain liens.

INTERIM ORDER REGARDING SERVICE OF CHAPTER 13 PLANS

(c) *Certificate of service.* The debtors shall append a certificate of service that includes the date and method of service and the identity by name and address of each entity served, consistent with Local Bankruptcy Rule 9013-3.

(d) Nothing in this Interim Order shall relieve any party from complying with any obligation under the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Rules for the United States Bankruptcy Court, Northern District of Ohio, or any applicable Administrative or General Orders. The debtors are responsible for serving copies of the Chapter 13 plan on all creditors under Rule 3015(d) if the plan is not included with the notice of the hearing on confirmation mailed under Rule 2002.

/s/ Russ Kendig
Russ Kendig
Chief United States Bankruptcy Judge

Dated: October 31, 2017

/s/ Mary Ann Whipple
Mary Ann Whipple
United States Bankruptcy Judge

/s/Arthur I. Harris
Arthur I. Harris
United States Bankruptcy Judge

/s/ Kay Woods
Kay Woods
United States Bankruptcy Judge

/s/ Jessica E. Price Smith
Jessica E. Price Smith
United States Bankruptcy Judge

/s/ John P. Gustafson
John P. Gustafson
United States Bankruptcy Judge

/s/ Alan M. Koschik
Alan M. Koschik
United States Bankruptcy Judge