

AMENDMENTS TO THE CHAPTER XIII RULES
AND OFFICIAL FORMS

Rule 13-203. Notices to creditors and the United States.

(b) *Other notices to all creditors.*—Except as provided in subdivision (e) of this rule, the court shall give notice by mail to all creditors, including creditors secured by estates in real property or chattels real, of (1) the dismissal of the case pursuant to Rule 13-112 or 13-215; (2) the time fixed, if any, for filing rejections of a modification of a plan pursuant to Rule 13-212; (3) the time fixed, if any, for filing a complaint objecting to the debtor's discharge pursuant to Rule 13-404 (b)(1); (4) the order of discharge as provided in Rule 13-404 (e); (5) the waiver, denial, or revocation of a discharge as provided in Rule 13-406; and (6) the time allowed for filing a complaint to determine the dischargeability of a debt pursuant to § 17c (2) of the Act as provided in Rule 13-407 (a)(2).

Rule 13-204. Meetings of creditors.

(a) *First meeting.*

(1) *Date and place.*—Promptly after the filing of a plan the court shall call a first meeting of creditors, but if there is an application or motion to dismiss or to convert to bankruptcy under Rule 13-112, or an appeal from or a motion to vacate an order entered under that rule, the court may delay fixing a date for such meeting. A copy or a summary of the last filed plan and a form of proof of claim containing provision for acceptance or rejection of the plan shall accompany the notice of the meeting. The notice shall state that any secured claim not filed before the conclusion of the first meeting of creditors or within such extended time as the court may fix will not be treated as a secured claim for purposes of

voting and distribution and that any creditor filing a claim who has not filed a written acceptance or rejection of the plan pursuant to Rule 13-202 prior to the conclusion of the first meeting of creditors shall be deemed to have accepted the plan. The meeting may be held at a regular place for holding court or at any other place within the district more convenient for the parties in interest.

Rule 13-206. Examination.

(d) *Scope of examination.*—The examination under subdivisions (a) and (b) of this rule may relate only to the acts, conduct, or property of the debtor, or to any matter which may affect the administration of the debtor's estate, or to his right to discharge. The examination of a spouse under subdivisions (a) and (b) of this rule shall be subject to the provisos of § 21a of the Act.

Rule 13-207. Employment and compensation and reimbursement of attorneys and accountants governed by Bankruptcy Rules.

The employment of attorneys and accountants for the trustee and the authorization of the trustee to act as an attorney or accountant for the estate shall be governed by Bankruptcy Rule 215. The compensation and reimbursement of expenses of such an attorney or accountant for an estate and the compensation and reimbursement of the debtor's attorney shall be governed by Bankruptcy Rule 219, but the reference in Bankruptcy Rule 219 (d) to Rule 220 shall be read as a reference to Rule 13-210.

Rule 13-302. Filing proof of claim.

(e) *Time for filing.*

(1) *Secured claims.*—A secured claim, whether or not listed in the Chapter XIII Statement, must be filed before the conclusion of the first meeting of creditors in the Chapter XIII case unless the court, on application before the expiration of that time and for cause shown, shall grant a reasonable, fixed extension of time. Any claim

not properly filed by the creditor within such time shall not be treated as a secured claim for purposes of voting and distribution in the Chapter XIII case. Notwithstanding the foregoing, the court may permit the later filing of a secured claim for the purpose of distribution by the debtor, the trustee, or a codebtor.

Rule 13-303. Filing of claims by debtor or trustee.

If a creditor fails to file his claim before the conclusion of the first meeting of creditors in the Chapter XIII case, the debtor or the trustee may execute and file a proof of such claim as an unsecured claim on Official Form No. 13-10 in the name of the creditor. Such claim shall be treated as a filed claim only for purposes of allowance and distribution. The court shall forthwith mail notice of such filing to the creditor and to the debtor if the claim is filed by the trustee, or to the trustee if the claim is filed by the debtor. The creditor may nonetheless file a proof of claim pursuant to Rule 13-302, which proof when filed shall supersede the proof filed by the debtor or trustee.

Rule 13-304. Claim by codebtor.

A person who is or may be liable with the debtor, or who has secured a creditor of the debtor, may, if the creditor fails to file his claim before the conclusion of the first meeting of creditors, file a proof of such claim as an unsecured claim pursuant to Rule 13-302 in the name of the creditor, if known, or if unknown, in his own name. No distribution shall be made on the claim except on satisfactory proof that the original debt will be diminished by the amount of the distribution. The creditor may nonetheless file a proof of claim pursuant to Rule 13-302, which proof when filed shall supersede the proof of claim filed pursuant to the first sentence of this rule.

Rule 13-305. Post-petition claims.

Notwithstanding Rule 13-302 (e), the court may at

any time while a case is pending permit the filing of a proof of claim for the following:

(1) Claims for taxes owing to the United States, or to any state, or any subdivision thereof, at the time of the filing of the petition under Rule 13-103 or 13-104 which had not been assessed prior to date of confirmation of the plan, but which are assessed within one year after the date of the filing of such petition;

(2) Claims for taxes owing to the United States, or to any state, or any subdivision thereof, after the filing of the petition under Rule 13-103 or 13-104 and which are assessed while the case is pending;

(3) On such terms as the court may prescribe, claims incurred by the debtor after the filing of a petition under Rule 13-103 or 13-104 for property or services needed to assure proper performance under the plan by the debtor, provided that, when feasible, prior court approval of the incurring of the claim has been obtained; and

(4) Within such time as the court may direct, claims arising from the rejection of executory contracts of the debtor.

Notice of the filing of a claim under this rule shall be given to the debtor and the trustee.

Rule 13-307. Objections to and allowance of claims; valuation of security.

(c) *Objection to allowance.*—An objection to the allowance of a claim shall be in writing. A copy of the objection and at least 10 days' notice or, if the claim is for taxes, at least 30 days' notice of a hearing thereon shall be mailed or delivered to the claimant, the trustee, and the debtor. If an objection to a claim is joined with a demand for relief of the kind specified in Rule 13-701, the proceeding thereby becomes an adversary proceeding.

Rule 13-701. Adversary proceedings.

(b) *References in Bankruptcy Rules.*—As applied in Chapter XIII cases, the reference in Bankruptcy Rule

704 (f)(2) to Rule 220 shall be read as a reference to Rule 13-210, the reference in Bankruptcy Rule 725 to Rule 221 (b) shall be read as a reference to Rule 13-211 (b), and the reference in Bankruptcy Rule 741 to "a complaint objecting to the bankrupt's discharge" shall be read to include also a reference to "a complaint objecting to the confirmation of a plan on the ground that the debtor has committed any act or failed to perform any duty which would be a bar to the discharge of a bankrupt."

Rule 13-901. General provisions.

Part IX of the Bankruptcy Rules applies in Chapter XIII cases except that:

(1) The reference in Bankruptcy Rule 901 (7) to Rule 102 shall be read as a reference to Rule 13-102.

(2) The references in Bankruptcy Rule 906 (b) to Rules 107 (b)(2) and 302 (e) shall be read as references to Rules 13-106 (b)(2) and 13-302 (e).

(3) The references in Bankruptcy Rule 906 (c) to Rules 203 (a), 302 (e), 404 (a), and 409 (a)(2) shall be read as references to Rules 13-203 (a), 13-302 (e), 13-404 (b)(1), and 13-407 (a)(2).

(4) The exception in Bankruptcy Rule 910 (c) for "the execution and filing of a proof of claim" shall be read to include also "the execution and filing of an acceptance or rejection of a plan" and the references to Official Forms No. 13 and 14 shall be read as a single reference to Official Form 13-8.

(5) The reference in Bankruptcy Rule 913 (b) to "a dischargeable debt" shall be read as a reference to "a debt which is or will be provided for by the plan."

(6) The reference in Bankruptcy Rule 919 (a) to "notice to the creditors as provided in Rule 203 (a) and to such other persons as the court may designate" shall be read as a reference to "such notice to such persons as the court may designate."

(7) The reference in Bankruptcy Rule 922 (b) to Rule 102 shall be read as a reference to Rule 13-102.

(8) The reference in Bankruptcy Rule 924 to "the time allowed by § 15 of the Act for the filing of a complaint to revoke a discharge" shall be read to include also a reference to "the time allowed by § 671 of the Act for the filing of a complaint to revoke the confirmation of a plan."

FORM No. 13-7

ORDER FOR FIRST MEETING OF CREDITORS AND RELATED ORDERS,
COMBINED WITH NOTICE THEREOF AND OF AUTOMATIC STAY

[Caption, other than designation, as in Form No. 13-1]

ORDER FOR FIRST MEETING OF CREDITORS AND RELATED ORDERS,
COMBINED WITH NOTICE THEREOF AND OF AUTOMATIC STAY

To the debtor, his creditors, and other parties in interest:

..... of *.....,
having filed a petition on stating that he
desires to effect a plan under Chapter XIII of the Bankruptcy Act,
it is ordered, and notice is hereby given, that:

1. The first meeting of creditors shall be held at
....., on, at o'clock
... m.

2. The debtor shall appear in person before the court at that
time and place for the purpose of being examined.

3. The hearing on confirmation of the plan shall be held at the
first meeting [or at, on
at o'clock ... m. or at a date to be later fixed at the first
meeting].

You are further notified that:

The meeting may be continued or adjourned from time to time
by order made in open court, without further written notice to
creditors.

Creditors may file written objections to confirmation at any time
prior to confirmation.

Creditors holding secured claims must, unless an extension of
time is granted, file their claims before the conclusion of the first
meeting of creditors and all such creditors who fail to do so will
not be treated as secured creditors for purposes of voting and distribu-
tion in the Chapter XIII case. At the meeting unsecured creditors
may also file their claims, and all creditors may examine the debtor
as permitted by the court, and transact such other business as may
properly come before the meeting. In order to have his claim al-
lowed for the purpose of voting and distribution, a creditor must
file a claim, whether or not he is included in the list of creditors filed
by the debtor. Where the Chapter XIII petition is filed in a pend-
ing bankruptcy case, claims filed in the bankruptcy case must be

*State post-office address.

timely amended pursuant to Rule 13-302 (f). Claims which are not filed within 6 months after the date above set for the first meeting of creditors will not be allowed except as otherwise provided by law.

Any creditor filing a claim who has not filed a written acceptance or rejection of the plan pursuant to Rule 13-202 prior to the conclusion of the first meeting of creditors, in his proof of claim or otherwise, will be deemed to have accepted the plan.

The filing of the petition by the debtor above named operates as a stay of the commencement or continuation of any action against the debtor, of the enforcement of any judgment against him, of any act or the commencement or continuation of any court proceeding to enforce any lien on the property of the debtor, and of any court proceeding for the purpose of rehabilitation of the debtor or the liquidation of his estate, as provided by Rule 13-401.

A claim and an acceptance or rejection of the plan may be filed in the office of the undersigned bankruptcy judge on an official form prescribed in a proof of claim.

Dated:

.....
Bankruptcy Judge.