

PRESENTED AT

14th Annual Consumer Bankruptcy Practice

July 26-27, 2018

Houston, TX

**New National Rules:
Tips, Traps, and Proper Service**

Moderator:

Hon. Marvin Isgur

Panelist:

Layla D. Milligan

Cristina Rodriguez

Behrooz P. Vida

Pleading Type	Method of Service ¹	Time ²	Rule
PLAN	*if filed with petition, clerk will serve *if not filed with petition, Debtor must mail out to matrix	21 days' notice required of deadline to object to confirmation of plan; 28 days' notice required for confirmation hearing	*3015(d) *2002(g) *2002(a)(9) *2002(b) *NDTX.Gen.Order 2017-01.Sec.3(b) *SDTX.BLR 2002-1(c) *EDTX.BLR 3015-1(b) *WDTX.Standing Order Sec.8
Plan with cramdown; creditor not insured depository institution	*first-class mail to an officer of the company or an agent authorized to receive service of process	Same as time for confirmation	*3012(b) *7004(b)(3)
Plan w/ cram- down; creditor is insured depository institution	*certified mail to an officer of the institution; or by first-class mail to atty who has entered an appearance	Same as time for confirmation	*3012(b) *7004(h)
Plan with lien avoidance; creditor not insured depository institution	*first-class mail to an officer of the company or an agent authorized to receive service of process	Same as time for confirmation	*3012(b) *7004(b)(3)
Plan w/ lien avoidance; creditor is insured depository institution	*certified mail to an officer of the institution; or by first-class mail to atty who has entered an appearance	Same as time for confirmation	*3012(b) *7004(h)
Amended plan	*as above, to any secured creditor whose <u>treatment</u> is changed	Notice for next Chapter 13 panel; judge will determine if additional time is needed for notice.	*§1323(c)

Plan Modification	*method of service is the same as for a plan or amended plan	*21 days' notice required for modification hearing	*2002(a)(5) *3015(h) *NDTX.BLR 2002-1(a)(5) *SDTX.BLR 2002-1(a)(5) *EDTX.BLR 3015-1(b) *WDTX.BLR 9013(d)(4)
Objection to POC; not federal gov't or insured depository institution ³	*first-class mail to address on proof of claim *include Form 420 B	At least 30 days before hearing or deadline for a response (plus 3 days for service by mail)	*3007(a)(2)(A) *NDTX.BLR 3007-1 *SDTX.BLR 3007-1 *EDTX.BLR 3007-1 *WDTX.BLRs 3007,9014
Objection to POC; insured depository institution ³	*first-class mail to address on POC <u>and</u> *certified mail to an officer or first-class mail to attorney *include Form 420 B	At least 30 days before hearing or deadline for a response (plus 3 days for service by mail)	*3007(a)(2)(A)(ii) *7004(h) *NDTX.BLR 3007-1 *SDTX.BLR 3007-1 *EDTX.BLR 3007-1 * WDTX.BLRs 3007,9014
Objection to POC; federal gov't ³	*first-class mail to address on POC <u>and</u> *first-class mail to AG in Washington, DC and to officer or agency involved (practice tip: also, to local Asst US Atty) *include Form 420 B	At least 30 days before hearing or deadline for a response (plus 3 days for service by mail)	*3007(a)(2)(A)(i) *7004(b)(4) *7004(b)(5) *NDTX.BLR 3007-1 *SDTX.BLR 3007-1 *EDTX.BLR 3007-1 *WDTX.BLRs 3007,9014
Motion for Relief from Automatic Stay ⁴	*first-class mail debtor, debtor's attorney, parties requesting notice, parties with an interest in the collateral, co-debtors, any other parties against whom relief is requested, trustee *first class mail to an officer or agent of any of the above that is a corporation or partnership *certified mail to an officer of any of the above that is an insured depository institution	At least 7 days prior to the hearing unless a different period is fixed by order of the Court. (plus 3 days for service by mail) (see local rules and Judge's website for calendaring procedures)	*4001(a) *9014(b) *9006(d) *7004(b) *7004(h) *NDTX.BLR 4001-1 *SDTX.BLR 4001-1(a)(4) *EDTX.BLR 4001-1 *WDTX.BLR 4001,9014

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