

Quick Reference Guide to Critical Deadlines in Chapter 13 Cases In the Eastern District of Kentucky

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This is a summary of certain deadlines that commonly arise in chapter 13 cases (excluding adversary proceedings and appeals).

It is based on my interpretation of applicable law at the time I prepared it. I might be wrong; I might change my mind.

**Therefore, read the Code, Rules, and Local Rules; conduct your own research; and formulate your own conclusions.
Do not rely solely on this guide.**

§ = Title 11. FRBP = Federal Rules of Bankruptcy Procedure. LBR = Local Bankruptcy Rules (E.D. Ky.).

Deadlines Applicable Primarily To Actions Taken By Debtors (generally in order of due date):

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
FILING STATEMENT OF SOCIAL SECURITY NUMBER (Form 121)	With the petition.	FRBP 1007(f), 1007(c) (1st sentence).	Must be filed as a separate document.
FILING LIST OF NAME AND ADDRESS OF EACH ENTITY INCLUDED IN SCHEDULES D, E/F, G, AND H	With the petition.	FRBP 1007(a).	
FILING APPLICATION TO PAY FILING FEE IN INSTALLMENTS (Form 103)	With the petition.	FRBP 1006(b)(1), 1006(b)(2), 9006(b)(3).	No more than 4 installments payable within 120 days after petition; can be extended for cause shown to 180 days.
FILING CREDIT COUNSELING CERTIFICATE (if debtor received credit counseling and received the certificate pre-petition)	With the petition.	§ 109(h)(1). FRBP 1007(b)(3)(A), 1007(c) (3d sentence).	Check the correct box on the petition. Also file the credit counseling certificate.

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
FILING CERTIFICATION OF “EXIGENT CIRCUMSTANCES” (if credit counseling was not obtained pre-petition) (Part 5 of Voluntary Petition, Form 101, plus separate sheet)	With the petition.	§ 109(h)(3). FRBP 1007(b)(3)(C), 1007(c) (3d sentence).	Check the correct box on the petition. Also “attach a separate sheet explaining” exigent circumstances.
FILING REQUEST FOR WAIVER OF CREDIT COUNSELING DUE TO INCAPACITY, DISABILITY, OR ACTIVE MILITARY DUTY IN COMBAT ZONE (Part 5 of Voluntary Petition, Form 101, plus motion)	With the petition.	§ 109(h)(4). FRBP 1007(b)(3)(D), 1007(c) (3d sentence).	Check the correct box on the petition. Also file a motion for waiver of credit counseling with court.
FILING AND SERVING ON LANDLORD STATEMENT ABOUT EVICTION JUDGMENT (Part 2 #11 of Voluntary Petition, Form 101; Form 101A; Form 101B)	With the petition.	§ 362(b)(22), 362(l).	Check the box on the petition and file and serve Form 101A. Before 30th day, pay delinquent amount and file and serve Form 101B.
FILING SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS (Forms 106 and 107)	14 days after the petition.	FRBP 1007(b)(1), 1007(c) (1st sentence).	
FILING STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF DISPOSABLE INCOME (Forms 122C-1 and 122C-2)	14 days after the petition.	FRBP 1007(b)(6), 1007(c) (1st sentence).	
FILING AND/OR SERVICE OF PAYMENT ADVICES (Evidence of payment received from employer within 60 days before the petition)	14 days after the petition.	§ 521(a)(1)(B)(iv). FRBP 1007(b)(1)(E), 1007(c) (1st sentence). LBR 1007-1(c).	In EDKY, do not file; provide to trustee and any requesting creditor within 14 days after the petition. LBR 1007-1(c).
FILING CREDIT COUNSELING CERTIFICATE (if debtor received credit counseling pre-petition but has not yet received the certificate)	14 days after the petition, unless court orders otherwise.	§ 109(h)(1). FRBP 1007(b)(3)(B), 1007(c) (4th sentence).	Deadline is for filing the certificate; debtor must still have received credit counseling before filing the petition.

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
FILING RULE 2016 DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR (Form 2030)	1) 14 days after the petition or conversion (“order for relief”), or at another time as the court may direct. 2) Supplemental statement must be filed within 14 days after any payment or agreement not previously disclosed.	§ 329. FRBP 2016(b). LBR 2016-2, 2016-3.	In EDKY, if attorney commences representation of debtor after the petition, file Disclosure within 14 days after start of representation. LBR 2016-3.
FILING CHAPTER 13 PLAN (KYEB Local Form 3015-1)	14 days after the petition or conversion.	FRBP 3015(b). LBR 3015-1, 3015-2.	Deadline may not be further extended except for cause shown and on notice as the court may direct. In EDKY, amended plans must be filed more than 7 days before the confirmation hearing.
DEBTOR’S FIRST PLAN PAYMENT DUE DATE	30 days after petition or conversion (“order for relief”) unless court orders otherwise.	§ 1326(a)(1).	Or 30 days after filing plan if plan is somehow filed earlier than order for relief.
FILING MOTION TO EXTEND AUTOMATIC STAY	Hearing on the motion must be completed before 30th day after petition.	§ 362(c)(3)(B).	Needed when a prior case was dismissed within 1 year of the current case.
FILING MOTION TO IMPOSE AUTOMATIC STAY	Motion must be filed within 30 days after petition, but no stay is in effect in the meantime.	§ 362(c)(4)(B).	Needed when the debtor had two prior cases dismissed within 1 year of the current case.
PROVIDING MOST RECENT TAX RETURN OR TAX TRANSCRIPT TO TRUSTEE (or written statement that documentation does not exist)	7 days before the first 341 date.	§ 521(e)(2)(A). FRBP 4002(b)(3).	Noncompliance risk: court <u>shall</u> dismiss the case. § 521(e)(2)(B).

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
PROVIDING MOST RECENT TAX RETURN OR TAX TRANSCRIPT TO CREDITOR MAKING TIMELY REQUEST (or written statement that documentation does not exist)	7 days before the first 341 date.	§ 521(e)(2)(C). FRBP 4002(b)(4).	Noncompliance risk: court <u>shall</u> dismiss the case. § 521(e)(2)(C).
FILING WITH TAXING AUTHORITIES ALL PRE-PETITION TAX RETURNS FOR PREVIOUS 4 YEARS	Day before first 341 date. Deadline can be extended: (A) if the return is past due, to 120 days after first 341 date. (B) if return is not past due, the later of: (i) 120 days after first 341 date; or (ii) when tax return is due under nonbankruptcy law.	§ 1308. FRBP 2003(e), Committee Notes (2011).	341 meeting must be “held open” (adjourned to a specific date) to get extended deadlines. Additional 30-day extension possible under limited circumstances. Noncompliance risk: court <u>shall</u> dismiss or convert the case. § 1307(e).
PROVIDING PHOTO ID; PROVIDING PROOF OF SSN (or written statement that such documentation does not exist)	Bring to 341 meeting.	FRBP 4002(b)(1).	
PROVIDING EVIDENCE OF CURRENT INCOME TO TRUSTEE (CURRENT PAYSTUB) (or written statement that documentation does not exist or is not in debtor’s possession)	Bring to 341 meeting.	FRBP 4002(b)(2)(A).	
PROVIDING BANK STATEMENTS TO TRUSTEE (or written statement that documentation does not exist or is not in debtor’s possession)	Bring to 341 meeting.	FRBP 4002(b)(2)(B).	Unless the trustee or U.S. Trustee instructs otherwise.

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
PROVIDING EVIDENCE OF INSURANCE ON PERSONAL PROPERTY SUBJECT TO LIEN OR LEASE	60 days after petition or conversion (filing of a case under chapter 13).	§ 1326(a)(4).	Debtor shall provide evidence of insurance to the creditor or lessor.
BAR DATE FOR FILING PROOF OF CLAIM BY DEBTOR ON BEHALF OF CREDITOR	30 days after creditors' bar dates.	FRBP 3004.	EDKY trustee does not file claims for creditors.
FILING OBJECTION TO MOTION FOR RELIEF FROM § 1301 CO-DEBTOR STAY	20 days after motion is filed.	§ 1301(d).	
FILING MOTION TO MODIFY CONFIRMED PLAN	Any time before completion of payments under the plan.	§ 1329(a). FRBP 3015(g).	
SCHEDULING POST-PETITION PROPERTY	14 days after the information comes to debtor's knowledge.	FRBP 1007(h).	Or within such further time as court may allow.
FILING POSTPETITION TAX RETURNS WITH TAXING AUTHORITIES	By due date under nonbankruptcy law; no later than 90 days after taxing authority files motion to dismiss or convert for noncompliance.	§ 521(j).	Noncompliance risk: "court <u>shall</u> convert or dismiss the case."
FILING OF MOTION FOR DETERMINATION OF WHETHER PAYMENT OF POSTPETITION FEES, EXPENSES, AND CHARGES IS REQUIRED	1 year after service of creditor's Notice of Postpetition Fees, Expenses, and Charges.	FRBP 3002.1(e).	EDKY Trustee does not file motion; does not make postpetition conduit mortgage payments.
FILING OF NOTICE OF FINAL CURE PAYMENT (Form 4100N)	30 days after debtor completes all payments under the plan.	FRBP 3002.1(f).	EDKY Trustee files notice as to arrearages paid through the plan.

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
FILING MOTION FOR DETERMINATION OF FINAL CURE PAYMENT	21 days after service of creditor's Response to Notice of Final Cure	FRBP 3002.1(h).	EDKY Trustee does not file motion; does not make postpetition conduit mortgage payments.
FILING STATEMENT OF COMPLETION OF FINANCIAL MANAGEMENT COURSE (Form 423)	Not later than the date the last payment is made under the plan (or date a motion for hardship discharge is filed).	§ 1328(g). FRBP 1007(b)(7)(A), 1007(c) (5th and 6th sentences), 5009(b), 9006(b)(3).	Court may, at any time and in its discretion, enlarge the time.
FILING STATEMENT REGARDING 522(q) EXEMPTION (Form 2830) (EDKY Local Form 4004-5)	Not earlier than the date the last payment is made (or the date a motion for hardship discharge is filed).	§ 1328(h). FRBP 1007(b)(8), 1007(c) (7th sentence). LBR 4004-5(b).	In EDKY, file Local Form 4004-5a within 30 days after trustee files plan completion report.
FILING CERTIFICATION THAT DSO PAYMENTS ARE CURRENT (Form 2830) (EDKY Local Form 4004-5)	As soon as practicable after completion of plan payments.	§ 1328(a). LBR 4004-5(b).	

Also see information on pages 9-10 of this guide.

Deadlines Applicable Primarily To Actions Taken By Creditors Or Trustee
(in no particular order):

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
CREDITOR'S OBJECTION TO CONFIRMATION	In EDKY, 7 days after first 341 date.	FRBP 3015(f). LBR 3015-3.	Or 7 days after any amended plan.
TRUSTEE'S OR CREDITOR'S OBJECTION TO EXEMPTIONS	30 days after the conclusion of the 341 meeting.	§ 522(l). FRBP 4003(b)(1).	Or 30 days after amendments to Schedule C.
FILING A MOTION OBJECTING TO DEBTOR'S DISCHARGE UNDER 1328(f)	60 days after first 341 date.	FRBP 4004(a).	Time can be extended for cause on request filed before the deadline runs.
FILING COMPLAINT FOR NONDISCHARGEABILITY UNDER 523(a)(2) or 523(a)(4)	60 days after first 341 date.	§ 523(c). FRBP 4007(c).	Time can be extended for cause on request filed before the deadline runs.
FILING COMPLAINT FOR NONDISCHARGEABILITY UNDER 523(a)(6) (if a hardship discharge is requested)	If debtor files motion for 1328(b) hardship discharge, deadline is set by court order.	§ 523(a), 523(c), 1328(a)(2), 1328(c)(2). FRBP 4007(d).	§ 523(a)(6) debts are nondischargeable only if debtor gets hardship discharge.
CREDITOR'S REQUEST FOR COPY OF DEBTOR'S MOST RECENT PRE-PETITION TAX RETURN OR TAX TRANSCRIPT	At least 14 days before the first 341 date.	§ 521(e)(2)(C). FRBP 4002(b)(4).	
BAR DATE FOR FILING UNSECURED PROOF OF CLAIM BY NON-GOVERNMENTAL CREDITOR (Form 410)	90 days after the first 341 date set in the chapter 13 case.	FRBP 3002(c), 9006(b)(3). § 502(b)(9).	In EDKY, late claim is disallowed.

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
BAR DATE FOR FILING PROOF OF CLAIM BY GOVERNMENTAL CREDITOR (Form 410)	180 days after petition or conversion (“order for relief”).	FRBP 3002(c)(1). § 502(b)(9).	If debtor has extension of time to file tax returns under § 1308, creditor has 60 days after tax return is filed to file proof of claim.
BAR DATE FOR FILING SECURED PROOF OF CLAIM (Form 410)	Depends on applicable case law.		In EDKY, proof of claim must be filed before trustee may make payments to creditor. LBR 3002-1(a).
PRODUCING A “WRITING” UPON WHICH A CLAIM IS BASED IF CLAIM IS AN OPEN-END OR REVOLVING CONSUMER CREDIT AGREEMENT	30 days after a party in interest makes a written request for the “writing” (defined by FRBP 3001(c)(1)).	FRBP 3001(c)(3)(B).	For other claims, the writing is to be filed with the proof of claim.
FILING NOTICE OF MORTGAGE PAYMENT CHANGES (Form 410S-1)	No later than 21 days before payment in new amount is due.	FRBP 3002.1(b).	Notice is filed as “Supplement 1” to proof of claim.
FILING NOTICE OF POSTPETITION FEES, EXPENSES, AND CHARGES (Form 410S-2)	Within 180 days after fees, expenses, or charges are incurred.	FRBP 3002.1(c).	Notice is filed as “Supplement 2” to proof of claim.
FILING OF RESPONSE TO NOTICE OF FINAL CURE (Form 4100R)	Within 21 days after service of Notice of Final Cure	FRBP 3002.1(g).	Response is filed as a supplement to proof of claim.
FILING MOTION TO REVOKE ORDER OF CONFIRMATION BASED ON FRAUD	Within 180 days after entry of order of confirmation.	§ 1330(a).	See also FRBP 9024 (no extension).

Also see information on pages 9-10 of this guide.

Deadlines Applicable To Actions Taken By Any Party:

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
FILING MOTION TO ALTER/AMEND JUDGMENT OR ORDER	14 days after entry of judgment.	FRBP 9023.	With limitations; see Rule 9023.
FILING MOTION TO AMEND OR ADD FINDINGS	14 days after entry of judgment.	FRBP 7052.	Also applicable to contested matters. Rule 9014.
FILING NOTICE OF APPEAL	14 days after entry of order or judgment.	FRBP 8002.	A request to extend time must be made before the deadline.
FILING MOTION FOR RELIEF FROM JUDGMENT FOR REASONS DESCRIBED IN FRCP 60(b).	“Within a reasonable time” but not more than one year after entry of judgment if reason for relief is mistake, inadvertence, surprise, or excusable neglect; newly discovered evidence; or fraud, misrepresentation, or misconduct.	FRBP 9024.	With limitations; see Rule 9024.

Rules Applicable To Extensions Of Deadlines
In Chapter 13 Cases:

<u>EVENT</u>	<u>SOURCE</u>	<u>COMMENTS</u>
EXTENDING DEADLINES FOR FILING SCHEDULES, STATEMENTS, ETC. UNDER FRBP 1007	FRBP 1007(c) (9th sentence)	“Except as provided in § 1116(3) [small business cases], any extension of time to file schedules, statements, and other documents required under this rule [FRBP 1007] may be granted only on motion for cause shown and on notice to” the U.S. Trustee, trustee, or other party as the court may direct.
EXTENDING DEADLINES IN GENERAL	FRBP 9006(b)(1)	If request for extension is made before original deadline, court for cause shown may at any time in its discretion enlarge the time. If request is made after deadline, court for cause shown may at any time in its discretion permit the act to be done where the failure to act was the result of excusable neglect.
NO EXTENSIONS ALLOWED	FRBP 9006(b)(2)	Court may not enlarge the time for taking action under these (among other) rules: 7052 (14 days for motion to amend or add findings) 9023 (14 days for motion for new trial or to alter/amend judgment) 9024 (reasonable time/1 year for motion for relief from judgment under Rule 60)
NO EXTENSIONS EXCEPT AS ALLOWED IN OTHER RULES	FRBP 9006(b)(3)	Court may enlarge time only as allowed in these (among other) rules: 1006(b)(2) (installment payments for filing fee) 3002(c) (filing proof of claim) 4003(b) (objection to exemptions) 4004(a) (objecting to discharge) 4007(c) (filing 523(c) nondischargeability action) 8002 (filing notice of appeal) 1007(b)(7) (financial management certificate) only as allowed in 1007(c) (6th sentence).