

Quick Reference Guide to Critical Deadlines in Chapter 13 Cases

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Prepared With Assistance From Michael W. Lyons, Florence, Kentucky

This quick reference guide is merely an abbreviated summary of certain deadlines that commonly arise in chapter 13 cases. You must read the Code, Rules, and the local rules of your jurisdiction; conduct your own research; and formulate your own conclusions. Do not rely solely on this guide.

The information in this guide is based solely on my interpretation of the provisions of the Bankruptcy Code (as amended by BAPCPA), Federal Rules of Bankruptcy Procedure, and relevant case decisions. As the trustee in the Eastern District of Kentucky, I reserve the right to take a contrary position in any particular case depending on the facts of that case, and I reserve the right to argue an interpretation of the law that may differ from that set forth herein.

References below to “§” are to the relevant sections in Title 11. References to “FRBP” are to the Federal Rules of Bankruptcy Procedure.

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
FILING STATEMENT OF SOCIAL SECURITY NUMBER (Form 21)	With petition.	FRBP 1007(f)	No extensions are provided for in the Rules.
FILING ALL OTHER SCHEDULES, STATEMENTS, ETC.	With petition, or within 14 days after petition.	FRBP 1007(b)(1); 1007(c)	Deadline can be extended on motion for cause shown.
FILING APPLICATION TO PAY FILING FEE IN INSTALLMENTS	With the petition.	FRBP 1006(b)(1).	
PAYING FILING FEE IN INSTALLMENTS	Court fixes the number, amount, and dates of payments; cannot exceed 4 installment payments payable within 120 days after filing.	FRBP 1006(b)(2).	For cause shown, court may extend time of any installment, except last payment must be made within 180 days after petition.

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
FILING CREDIT COUNSELING CERTIFICATE	<p>1) With the petition, if debtor received credit counseling and received the certificate;</p> <p>OR</p> <p>*****</p> <p>2) within 14 days after the petition, if the debtor received credit counseling but has not yet received the certificate.</p>	<p>§ 109(h)(1). FRBP 1007(b)(3)(A); 1007(c) (3d sentence);</p> <p>*****</p> <p>FRBP 1007(b)(3)(B); 1007(c) (4th sentence).</p>	<p><i>When must credit counseling be obtained relative to the petition date?</i></p> <p>The debtor must obtain credit counseling “during the 180-day period preceding the date of the filing of the petition.” 11 USC 109(h). Some courts require credit counseling to be done no later than the day before the petition; others accept credit counseling if completed on the same day as petition, but prior to the time the petition is filed.</p> <p>Strict requirements; must check the correct box on the Exhibit D compliance certification. Note that 14-day deadline is for the filing of the certificate; debtor must get credit counseling before filing petition.</p>
FILING CERTIFICATION OF “EXIGENT CIRCUMSTANCES” (if credit counseling was not obtained pre-petition)	WITH THE PETITION; no extensions or exceptions.	§ 109(h)(3), FRBP 1007(b)(3)(C); 1007(c) (3d sentence).	Strict requirements; must check the correct box on the Exhibit D compliance certification. Debtor must submit with the petition a certification that: (i) describes exigent circumstances; (ii) states that debtor requested credit counseling but was unable to obtain counseling within 7 days of making the request; and (iii) is satisfactory to court.
FILING REQUEST FOR WAIVER OF CREDIT COUNSELING DUE TO DISABILITY	WITH THE PETITION; no extensions or exceptions.	§ 109(h)(4), FRBP 1007(b)(3)(D); 1007(c) (3d sentence).	Strict requirements; must check the correct box on the Exhibit D compliance certification. Debtor must be unable to complete credit counseling due to “incapacity” (as defined), “disability” (as defined), or active military duty in military combat zone.

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
FILING CHAPTER 13 PLAN	With petition, or within 14 days after the filing of the petition.	FRBP 3015(b).	Deadline can be extended on request for cause shown.
FILING CHAPTER 13 PLAN IN CASE CONVERTED TO 13	14 days after conversion.	FRBP 3015(b)	Deadline can be extended for cause shown. <i>What else must be filed in a case converted to chapter 13?</i> Amended Rule 2016 Disclosure of Compensation – 14 days after conversion (“order for relief). FRBP 2016(b). Arguably Form 22C. FRBP 1007(b)(6).
DEBTOR’S FIRST PLAN PAYMENT DUE DATE (IF CASE IS INITIALLY FILED AS 13)	30 days after filing the PETITION (regardless of when plan is filed), unless court orders otherwise.	§ 1326(a)(1).	§ 1326 says debtor must commence making plan payments 30 days after the filing of the plan or the “order for relief” whichever is earlier. The petition constitutes the order for relief, which will always be earlier than the date of the plan.
DEBTOR’S FIRST PLAN PAYMENT DUE DATE (IF CASE CONVERTS FROM 7 TO 13)	30 days after date of filing of plan or date of conversion, whichever is earlier, unless court orders otherwise.	§ 1326(a)(1).	§ 1326 says debtor must commence making plan payments 30 days after the filing of the plan or the “order for relief” whichever is earlier. Conversion is a new “order for relief.”
FILING MOTION TO EXTEND AUTOMATIC STAY	Hearing on the motion must be completed before the 30th day after the filing of the petition.	§ 362(c)(3)(B)	<i>Under what circumstances is such a motion required?</i> 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 the petition, but no stay is in effect in the meantime.	§ 362(c)(4)(B)	<i>Under what circumstances is such a motion required?</i> When the debtor had two prior cases dismissed within 1 year of the current case.

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
FILING AND/OR SERVICE OF PAYMENT ADVICES	14 days after petition.	§ 521(a)(1)(B)(iv); FRBP 1007(b)(1)(E); 1007(c).	<i>Payment advices for what time period?</i> Evidence of payment received by debtor from an employer within 60 days before the filing of the petition. Review Local Rules to determine whether payment advices must be filed or merely served on trustee.
PROVIDING MOST RECENT TAX RETURN TO TRUSTEE	7 days before the first 341 date.	§ 521(e)(2)(A); FRBP 4002(b)(3).	Penalty for failure to comply: court <u>shall</u> dismiss the case. § 521(e)(2)(B).
CREDITOR'S REQUEST FOR COPY DEBTOR'S MOST RECENT PRE-PETITION TAX RETURN	At least 15 days before the first 341 date.	§ 521(e)(2)(C); FRBP 4002(b)(4)	
PROVIDING MOST RECENT TAX RETURN TO REQUESTING CREDITOR	At least 7 days before the first 341 date.	§ 521(e)(2)(C); FRBP 4002(b)(4)	Penalty for failure to comply: court <u>shall</u> dismiss the case. § 521(e)(2)(C).
FILING OF PREPETITION TAX RETURNS WITH TAXING AUTHORITIES (if not filed prepetition)	Day before first 341 date.	§ 1308	<i>Which tax returns must be filed?</i> “All tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.” See § 1308 for extension deadlines if all prepetition tax returns are not filed by the 341 date. 341 meeting must be “held open” (or adjourned, per commentary to Rule 2003, eff. 12/1/11) in order to take advantage of the extended deadlines. Otherwise, the risk of failure to comply: court <u>shall</u> dismiss the case. § 1307(e).

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
PROVIDING BANK STATEMENTS TO TRUSTEE	Bring to 341 meeting.	FRBP 4002(b)(2)(B).	Unless the trustee instructs otherwise.
PROVIDING EVIDENCE OF CURRENT INCOME TO TRUSTEE (CURRENT PAYSTUB)	Bring to 341 meeting.	FRBP 4002(b)(2)(A).	Or provide a written statement that documentation does not exist or is not in the debtor's possession.
PROVIDING EVIDENCE OF INSURANCE ON PERSONAL PROPERTY SUBJECT TO LIEN OR LEASE	60 days after filing the chapter 13 case.	§ 1326(a)(4)	Evidence of insurance is to be provided to the creditor or lessor.
CREDITOR'S OBJECTION TO CONFIRMATION	"Before confirmation of the plan."	FRBP 3015(f)	An earlier deadline may be fixed by court order or local rule.
TRUSTEE'S OR CREDITOR'S OBJECTION TO EXEMPTIONS	30 days after the conclusion of the 341 meeting, or 30 days after amendments to Schedule C.	§ 522(l); FRBP 4003(b)(1).	
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 on request before the deadline runs.
FILING COMPLAINT FOR NONDISCHARGEABILITY UNDER 523(a)(6) (if a hardship discharge is requested)	When debtor files motion for hardship discharge, court must enter an order setting the deadline.	§ 523(c); FRBP 4007(d);	§ 523(a)(6) debts are dischargeable in chapter 13 but are nondischargeable if the debtor requests a 1328(b) hardship discharge.
SCHEDULING POST-PETITION PROPERTY OF THE ESTATE	14 days after the information comes to debtor's knowledge.	FRBP 1007(h)	Or within such further time as court may allow.
FILING MOTION TO MODIFY CONFIRMED PLAN	Any time before completion of payments under the plan.	§ 1329(a).	

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
BAR DATE FOR FILING PROOF OF CLAIM BY NON-GOVERNMENTAL CREDITOR	90 days after the first 341 date.	FRBP 3002(c).	If case converted to 13, a new 341 is convened and a new bar date fixed.
BAR DATE FOR FILING PROOF OF CLAIM BY GOVERNMENTAL CREDITOR	180 days after the petition date.	FRBP 3002(c)(1).	Rule gives 180 days after order for relief, which could be petition date or date of conversion to 13. Also, 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 PROOF OF CLAIM BY DEBTOR ON BEHALF OF CREDITOR	30 days after expiration of the FRBP 3002(c) bar date.	FRBP 3004.	Rule says debtor or trustee may file claim; trustees in many jurisdictions will not file claims.
FILING NOTICE OF MORTGAGE PAYMENT CHANGES	No later than 21 days before payment in new amount is due.	FRBP 3002.1 (eff. 12/1/2011)	Creditor with mortgage on debtor's residence files Notice as "Supplement 1" to proof of claim.
FILING NOTICE OF POSTPETITION FEES, EXPENSES, AND CHARGES	Within 180 days after fees, expenses, or charges are incurred.	FRBP 3002.1 (eff. 12/1/2011)	Creditor with mortgage on debtor's residence files Notice as "Supplement 2" to proof of claim.
FILING OF MOTION FOR DETERMINATION OF WHETHER PAYMENT OF POSTPETITION FEES, EXPENSES, AND CHARGES IS REQUIRED	Within 1 year after service of the Notice of Postpetition Fees, Expenses, and Charges.	FRBP 3002.1 (eff. 12/1/2011)	Debtor or trustee may file motion.

<u>EVENT</u>	<u>DEADLINE</u>	<u>SOURCE</u>	<u>COMMENTS</u>
FILING OF NOTICE OF FINAL CURE PAYMENT	Within 30 days after debtor completes all payments under the plan	FRBP 3002.1 (eff. 12/1/2011)	Trustee “shall” file notice that debtor has paid in full the amount required to cure any default on the debtor’s residential mortgage claim, but if trustee doesn’t file notice, debtor may.
FILING OF RESPONSE TO NOTICE OF FINAL CURE	Within 21 days after service of Notice of Final Cure	FRBP 3002.1 (eff. 12/1/2011)	Creditor with mortgage on debtor’s residence files response as a supplement to proof of claim.
FILING MOTION FOR DETERMINATION OF FINAL CURE PAYMENT	Within 21 days after service of creditor’s Response to Notice of Final Cure	FRBP 3002.1 (eff. 12/1/2011)	Debtor or trustee may file motion.
FILING STATEMENT OF COMPLETION OF FINANCIAL MANAGEMENT COURSE	Not later than the date the last payment is made under the plan (or the date a motion for hardship discharge is filed).	FRBP 1007(b)(7), 1007(c) (5th and 6th sentences).	Court may enlarge the time in its discretion. Some courts require a local form for debtor to make financial management, 522(q), and DSO certifications on one form.
FILING STATEMENT REGARDING 522(q) EXEMPTION	Not earlier than the date the last payment is made (or the date a motion for hardship discharge is filed).	FRBP 1007(b)(8), 1007(c) (7th sentence).	Some courts use Form 283, a combined 522(q) and DSO certification.
FILING CERTIFICATION THAT DSO PAYMENTS ARE CURRENT	As soon as practicable after completion of plan payments.	§ 1328(a).	Some courts require a DSO certification from all debtors, not just debtors who had a DSO on petition date. Some courts use Form 283, a combined 522(q) and DSO certification.

<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 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.
FILING NOTICE OF APPEAL	14 days after entry of order or judgment appealed from.	FRBP 8002.	A request to extend time must be made before the deadline.