

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re

Debtor.

No. \_\_\_\_\_

**NOTICE OF DEADLINE FOR FILING  
OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN**

On *(date)*, the debtor(s) filed a plan. A copy of the plan is enclosed.

If you object to confirmation of the plan, YOU MUST FILE AN OBJECTION WITHIN 28 DAYS OF THE DATE OF SERVICE OF THIS NOTICE with the Clerk of the United States Bankruptcy Court, 500 Gold Avenue SW, Room 10206, 10th Floor (87102-3118), PO Box 546, Albuquerque, NM 87103-0546, and you must serve a copy of that objection on the attorney for the debtor, whose name and address appear below, on the chapter 13 trustee, Kelley L. Skehen, 625 Silver Avenue SW, Suite 350, Albuquerque, NM 87102-3111, and on any other appropriate persons. If you are an attorney, you must electronically file your objection.

Hearing on confirmation: If objections are timely filed, a preliminary hearing to consider them will be held on *(day, date, time)* before the Honorable *(Robert H. Jacobvitz/James S. Starzynski)*, United States Bankruptcy Judge, in the judge's **Hearing Room** on the 13<sup>th</sup> floor of the Dennis Chavez Federal Building and United States Courthouse, 500 Gold Avenue SW, Albuquerque, New Mexico. If the plan is not confirmed, the court may consider dismissal or conversion of this case.

**Note:** Judge Jacobvitz's hearing room is Room 13017 located on the east end of the 13th floor; Judge Starzynski's hearing room is Room 13102 located on the west end.

*[For Judge Jacobvitz's cases, include this language:]*

Appearing by telephone: Counsel/parties may appear via telephone by making arrangements with chambers at least one business day prior to the date of the preliminary hearing. The preferred method for requesting appearance by telephone is to send an e-mail message to **[jacobvitzstaff@nmcourt.fed.us](mailto:jacobvitzstaff@nmcourt.fed.us)** to notify the Court of your request to appear by telephone. The e-mail message should include the name of the person who wishes to appear by telephone, the party whom that person represents, the matter to be heard, the date and time of the hearing, the name of the debtor and case number, and the telephone number at which the requesting party wishes to be called. If the party requesting telephonic appearance does not have access to e-mail, that party can make arrangements to appear by telephone at the hearing by calling the chambers of Judge Jacobvitz at (505-348-2545) at least one business day prior to the hearing date.]

*[For Judge Starzynski's cases, include this language:]*

Appearing by telephone: Counsel/parties may appear by telephone if a written request is received in the Court's Chambers by 5:00 pm of the business day prior to the hearing. Requests to appear by telephone may be faxed to (505) 348-2432 (this fax number may be used only for this purpose), or may be sent by e-mail only to Judge Starzynski's chambers at [starzynski@nmcourt.fed.us](mailto:starzynski@nmcourt.fed.us). The e-mail **must** have a subject heading that includes the word "telephone," correctly spelled. The text of the request must contain your name, the case name, date and time of hearing, and the number at which you can be reached when we call you for the hearing. Do not send your request to the Clerk's office and do not file your request as a pleading.]

If no objections are timely filed, and if counsel for the debtor (or the self-represented debtor) submits an order confirming the plan approved by the trustee, the Court may enter an order confirming the plan without a hearing.

\_\_\_\_\_  
*Signature (of attorney for debtor or of self-represented debtor)*

\_\_\_\_\_  
*Name (of attorney for debtor or of self-represented debtor)*

\_\_\_\_\_  
*Address:*

\_\_\_\_\_  
*Telephone:*

### Certificate of Service of Notice and Plan

On the date shown on the associated Notice of Electronic Filing, a copy of this document was:  
(1) electronically mailed to the persons so identified on this document's notice of electronic filing,  
(2) sent via first class mail, postage prepaid, to any other person on the mailing list attached to the original of this notice.

\_\_\_\_\_  
*Signature of person making certification*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Address:*

\_\_\_\_\_  
*Telephone:*

Dated<sup>1</sup>: \_\_\_\_\_

\_\_\_\_\_  
<sup>1</sup>Notice of the deadline for filing objections to confirmation of the plan must comply with the provisions of –

- > Fed. R. Bankr. P. 2002(b), which calls for 28 days notice by mail of the time fixed for filing objections and the hearing to consider confirmation of a chapter 13 plan;
- > Fed. R. Bankr. P. 9006(f), which provides that when there is a requirement to act within a prescribed period after service, and that service is by mail or under Rule 5(b)(2)(D), (E), or (F) F. R. Civ. P. [electronic means], three days are added after the prescribed period would otherwise expire under Rule 9006(a); and,

**NM Form 601** - This form of notice is to be used when the chapter 13 plan is **not** filed simultaneously with the petition.

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- > NM LBR 3015-3, which provides that the deadline for filing objections to confirmation of the plan shall be no fewer than five business days prior to the hearing on confirmation.

Given the provisions of 11 U.S.C. section 1324(b) as follows:

*The hearing on confirmation of the plan may be held not earlier than 21 days and not later than 45 days after the date of the meeting of creditors under section 341(a), unless the court determines that it would be in the best interests of the creditors and the estate to hold such hearing at an earlier date and there is no objection to such earlier date,*

practitioners (as well as debtors filing without representation by an attorney) must take care to ensure that the plan and notice of deadline for filing objections to confirmation of the plan are mailed far enough ahead of the hearing to comply with all of these requirements.

**NM Form 601** - This form of notice is to be used when the chapter 13 plan is **not** filed simultaneously with the petition.