

- (e) Failure of either party to appear at the initial hearing may result in summary disposition of the objection. If no defense to the objection is raised, the court may adjudicate the claim at the initial hearing on affidavits filed by the objecting party. Agreed orders must be submitted in court when the case is called or earlier. If a defense is raised, an evidentiary hearing will be scheduled at the initial hearing, unless the parties consent to an immediate hearing.
- (f) Omnibus objections to claims are permitted with prior court approval. A motion should be filed with a proposed procedure for the handling of omnibus objections.
- (g) Objections to certain claims in chapter 13 cases are governed by BLR 3015-1. Objections governed by BLR 3015-1 are not governed by this rule.

Local Rule 3010-1. Date of Distribution in Dismissed Chapter 13 Cases.

Distributions in dismissed cases should be made by the chapter 13 trustee at the earliest practicable date following the disposition of all motions for administrative expenses that are timely filed or that are deemed allowed pursuant to BLR 4001-1. Timely filed motions for administrative expenses will be those filed within 21 days of the dismissal order.

Local Rule 3011-1. Notice of Application for Withdrawal of Unclaimed Funds from Registry of the Court.

Applications to withdraw unclaimed funds that were deposited into the registry of the court by a trustee under 11 U.S.C. § 347(a) must be served on the United States Attorney for the Southern District of Texas and on the United States trustee.

Local Rule 3015-1. Confirmation of Chapter 13 plans.

- (a) **Uniform Plan and Motion for Valuation of Collateral.** From time-to-time, the Bankruptcy Court will promulgate a uniform form of “Chapter 13 Plan and Motion for Valuation of Collateral” and a uniform “Chapter 13 Plan Summary.”
 - (1) The motion for valuation for collateral will be incorporated into the title and the substance of any proposed plan.
 - (2) Except as set forth in the following sentence, use of the form of plan and plan summary are mandatory. Any debtor wishing to use a plan and plan summary that vary from the uniform plan and uniform plan summary must file a motion along with the petition seeking leave from this requirement. The court will conduct a hearing on the motion at the next chapter 13

panel. Absent exceptional circumstances related to the particular chapter 13 case, leave will not be granted.

- (3) If a debtor fails to file plan or a completed plan summary within the time allowed by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, the trustee must file a motion to dismiss the case for delay that is unreasonable to creditors pursuant to BLR 1017-2.
 - (4) The uniform plan is structured to pay based on allowed claims rather than on claims as set forth in the plan. Accordingly, if a claim is allowed in an amount greater than the amount set forth in the plan, no plan modification will be required unless the allowance of a larger claim leaves the plan with insufficient funds to pay claims.
 - (5) The following provisions of the plan will be binding, notwithstanding any provision in a proof of claim to the contrary: (i) the interest rate to be paid on claims; (ii) the valuation of collateral; (iii) the priority of payment of claims under the plan.
 - (6) Valuation issues must be noticed for and resolved at confirmation.
- (b) **Mortgage Payments Through the Chapter 13 Trustee.** Home mortgage payments will be made through the chapter 13 trustee, in accordance with Home Mortgage Payment Procedures. Home Mortgage Payment Procedures shall be procedures adopted by the chapter 13 trustees and approved by the court.
- (c) **Confirmation Hearings.** Confirmation will be set with a uniform notice, in the form promulgated from time to time by the Bankruptcy Court. The notice will provide that the court will consider confirmation and will also consider valuation of security pursuant to FED. R. BANK. P. 3012. If confirmation is denied, the court will consider whether to dismiss or convert the case or to enter other appropriate orders in the case. If a plan is confirmed, the court will use (i) the uniform form promulgated from time-to-time by the Bankruptcy Court; or (ii) a form proposed by the trustee in a particular case that requires the use of a non-uniform confirmation order.
- (d) **Plan Modifications.** Debtor's motions to modify a confirmed plan must include:
- (1) A revised plan, in the form of the uniform plan.
 - (2) A revised plan summary, in the form of the uniform plan summary.