

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

**GENERAL ORDER 05-03
REGARDING CONFIRMATION ORDERS
IN CHAPTER 13 PLANS**

Upon due deliberation of 11 USC §1324 as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), and this Court's experience in confirming cases prior to the claims bar date and after the claims bar date, this Court orders that:

- 1) A confirmation hearing shall be set to be held within 45 days of the date first set for meeting of creditors. Objections to plans and valuation issues will be heard at said time.
- 2) In the event there are no pending objections to a plan, but the trustee is not in a position to recommend confirmation due to uncertainty of the cash flow of the plan with the bar date for non-government claimants pending, the trustee may, at least one week in advance of the scheduled confirmation hearing, file a motion to continue the confirmation hearing to a date at least 30 days after the bar date for non-governmental claims.
- 3) In the event that plan payments to the trustee are current, there are no unresolved issues outstanding, including but not limited to the status of domestic support obligations, and the plan as proposed makes the required distribution to creditors, the trustee may, one week in advance of the scheduled final confirmation hearing, submit a proposed confirmation order and recommend the waiver of the continued hearing. Unless objection to the waiver is filed within three calendar days of the scheduled continued confirmation hearing, the Court shall waive the continued confirmation hearing and enter the proposed confirmation order.
- 4) In the event that objections remain outstanding, including but not limited to feasibility, or there is an issue as to the status of domestic support obligations, the Court shall conduct the continued confirmation hearing.
- 5) The filing of an amended plan shall require the necessity of the Clerk setting a new confirmation hearing date.
- 6) No settlement conferences shall be set in cases filed after October 17, 2005.

ENTERED: 10/31/2005



JUDGE