

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:)
)
AMENDMENT TO LOCAL) GENERAL ORDER
BANKRUPTCY RULE 2083-1(f)) No. 10-04
)
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)

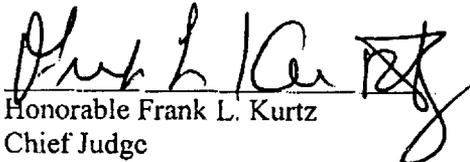
Pursuant to the General Order of the United States District Court for the Eastern District of Washington dated March 6, 1996, FRBP 8018 and 9029, FRCP 83, and 28 U.S.C. § 2071, Local Bankruptcy Rule 2083-1(f) is amended as set out in the attachment hereto.

The amendment to the aforementioned local bankruptcy rule shall be effective immediately and shall govern all pending matters, except to the extent, in the opinion of the Court, application of the change would not be feasible or would work an injustice, in which event the procedure set forth in the former shall apply.

The Clerk shall forthwith provide public notice of the amendment to 2083-1(f), and an opportunity for comment, as required by 28 U.S.C. § 2071(c).

DATED: 11-5-10

FOR THE COURT:


Honorable Frank L. Kurtz
Chief Judge

Honorable Patricia C. Williams
Honorable John A. Rossmcissl

(f) Treatment of Secured Creditors Secured by Real Property ~~Whose Rights are Modified by the Plan and Arrearages~~

- (1) If the plan proposes to modify the rights of a creditor secured by real property or, if at the time of the filing a petition for relief, a delinquency exists on any payments for such *debt secured by real property*, then all payments, both current and delinquent, for such debt shall be paid through the office of the Chapter 13 trustee.
- (2) If during the pendency of the plan a debt secured by real property falls into arrearage, then the plan may be modified pursuant to subsection (l) of this rule to require payments, both current and delinquent, to be paid through the office of the Chapter 13 trustee.
- (3) If during the pendency of the plan arrearages are brought current, then the plan may be modified to allow for payments to be made directly to the creditor by the debtor.

(g) Funding of Plan by Sales

- (1) If the debtor proposes to partially fund the plan through the sale of property of the estate, then the debtor must also file a marketing plan with the plan. The marketing plan shall include:
 - (A) A description of the property to be sold;
 - (B) Identification of all lien holders and the amount of each lien;
 - (C) If a broker is to be employed, the name of the broker and when the property was or will be listed;
 - (D) The terms of the broker's agreement;
 - (E) The price sought for the property;
 - (F) The method used in arriving at the value of the property; and
 - (G) The time frame, including mileposts where appropriate, during which the property will be marketed.
- (2) The debtor shall provide quarterly status reports to the Chapter 13 trustee.

(h) Challenges to Eligibility of Debtor

Challenges to the eligibility of the debtor should be initiated at the earliest possible time in the case. Such challenges may be made by fourteen (14) days notice and hearing to the Master Mailing List pursuant to LBR 2002-1.

(i) Objections to Confirmation

In order to be timely, objections to confirmation of a plan shall be filed and served on the Chapter 13 trustee and the debtor and debtor's attorney no later than seven (7) days following the conclusion of the meeting of creditors or twenty-eight (28) days following mailing of the original plan pursuant to subparagraph (c) above, whichever is later.