

## **Rule 2084-9. Creditor Objection to Plan**

### **(a) Time for Filing Creditor Objection.**

- (1)** The deadline for a creditor to file an objection to confirmation of a plan is seven (7) days prior to the date set for the initial confirmation hearing or twenty-eight (28) days after service of the plan, whichever is later.
- (2)** In the event of reinstatement of the case prior to the initial date set for a meeting of creditors, the deadline for creditor objections to the plan will be reset to seven (7) days prior to the date set for the rescheduled initial confirmation hearing or twenty-eight (28) days after service of the plan, whichever is later.
- (3)** If the case is dismissed after the meeting of creditors but before the expiration of the deadline for creditor objections, and is thereafter reinstated, the deadline for creditor objections will be the original objection deadline or fourteen (14) days from the date of reinstatement, whichever is later.

**(b) Non-Objection Is Acceptance.** The failure of a party in interest to timely file an objection to confirmation will constitute acceptance of the plan under Code § 1325.

**(c) Valuation Objection.** A secured creditor who disagrees with the valuation of the creditor's collateral in the plan must file an objection containing the creditor's estimate of the value of the collateral, the method of determining the value, and the amount of claim that is secured. On request, the debtor must make the collateral available to the creditor for inspection and appraisal.

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**Notes 2017:** The time deadlines have been amended and supplant those in FRBP 3015(f). Separate deadlines are established in the event of a continued meeting of creditors or case reinstatement and depending on whether a case is dismissed before or after a meeting of creditors is held.

## **Rule 2084-10. Trustee's Recommendation/Objection**

### **(a) Trustee Recommendation/Objection.**

- (1) Original Plans.** For original plans filed prior to confirmation, the trustee will file a recommendation/objection no later than three (3) days prior to the initial confirmation hearing.
- (2) Amended Plans.** For amended plans filed prior to confirmation, the trustee will file a recommendation/objection no later than three (3) days prior to the initial confirmation hearing, or fourteen (14) days after the last date set for creditor objections, whichever is later.

**(3) Modified Plans.** For plan modifications after confirmation, the trustee will file a recommendation/objection within twenty-eight (28) days after the last date set for creditor objections to the plan.

**(b) Debtor Compliance or Dismissal.** Within thirty (30) days after the trustee files the recommendation/objection, the debtor must either comply with the trustee's requests or file an objection and obtain a hearing date. The Court may summarily overrule any objection that fails to identify an issue or other impediment to plan confirmation. A request for additional time to respond does not constitute an objection. If the debtor does not timely comply, the trustee may file and serve a notice of intent to lodge a form of order dismissing the case, with a copy of the order attached. Ten (10) calendar days after serving the notice, the trustee may lodge an order dismissing the case without further notice or hearing.

**(c) Dismissal If No Plan Payments.** If the debtor makes no plan payments by the deadline for the trustee's recommendation/objection, the trustee may lodge an order dismissing the case rather than filing a recommendation/objection, and the Court may summarily dismiss the case.

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Notes 2017: This LR does not alter the obligations or time periods set forth in LR 2084-15 concerning failure to make plan payments. Rule amended to provide that Court may summarily overrule any objection to dismissal that fails to identify an issue or other impediment to plan confirmation, incorporating former LR 2086-16.

### **Rule 2084-11. Initial Confirmation Hearing**

Unless otherwise ordered by the Court, an initial hearing on plan confirmation shall be held in every case no earlier than 20 days and not later than 45 days after the meeting of creditors under section 341(a). Notice of the initial confirmation hearing shall be consistent with FRBP 2002(b)(3). The debtor, the trustee, and any creditor who objected timely and whose objection remains outstanding, must attend the initial confirmation hearing.

### **Rule 2084-12. Confirmation of Plan After Initial Hearing**

Subject to LR 2084-13, the Court may confirm a plan after an initial confirmation hearing without further hearing if the trustee and all objecting creditors sign a stipulated order.