

United States Bankruptcy Court
Northern District of California
San Jose Division

CHAPTER 13 PROCEDURES

OVERVIEW of PROCEDURES - FLOWCHART

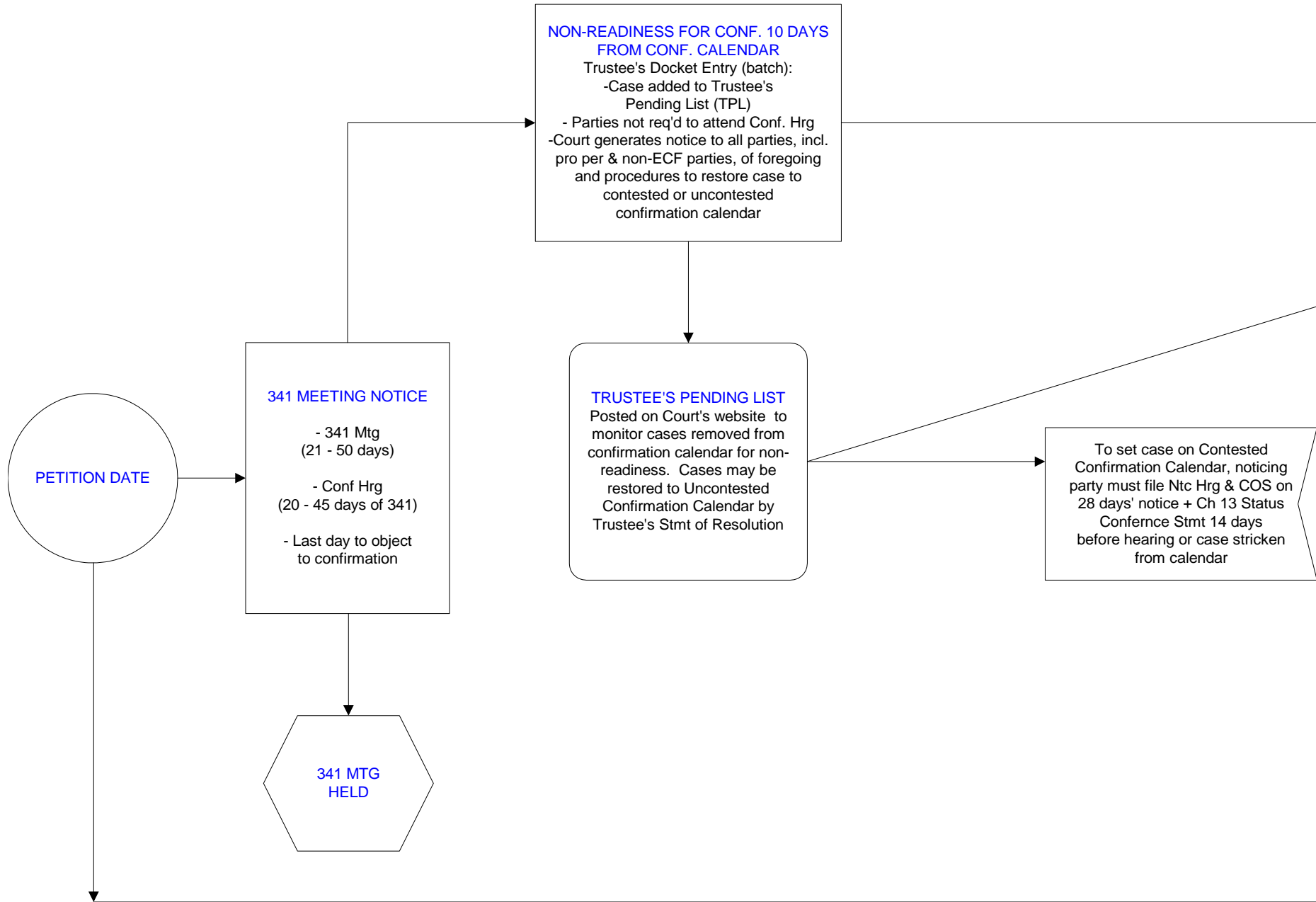
CHAPTER 13 PROCEDURES

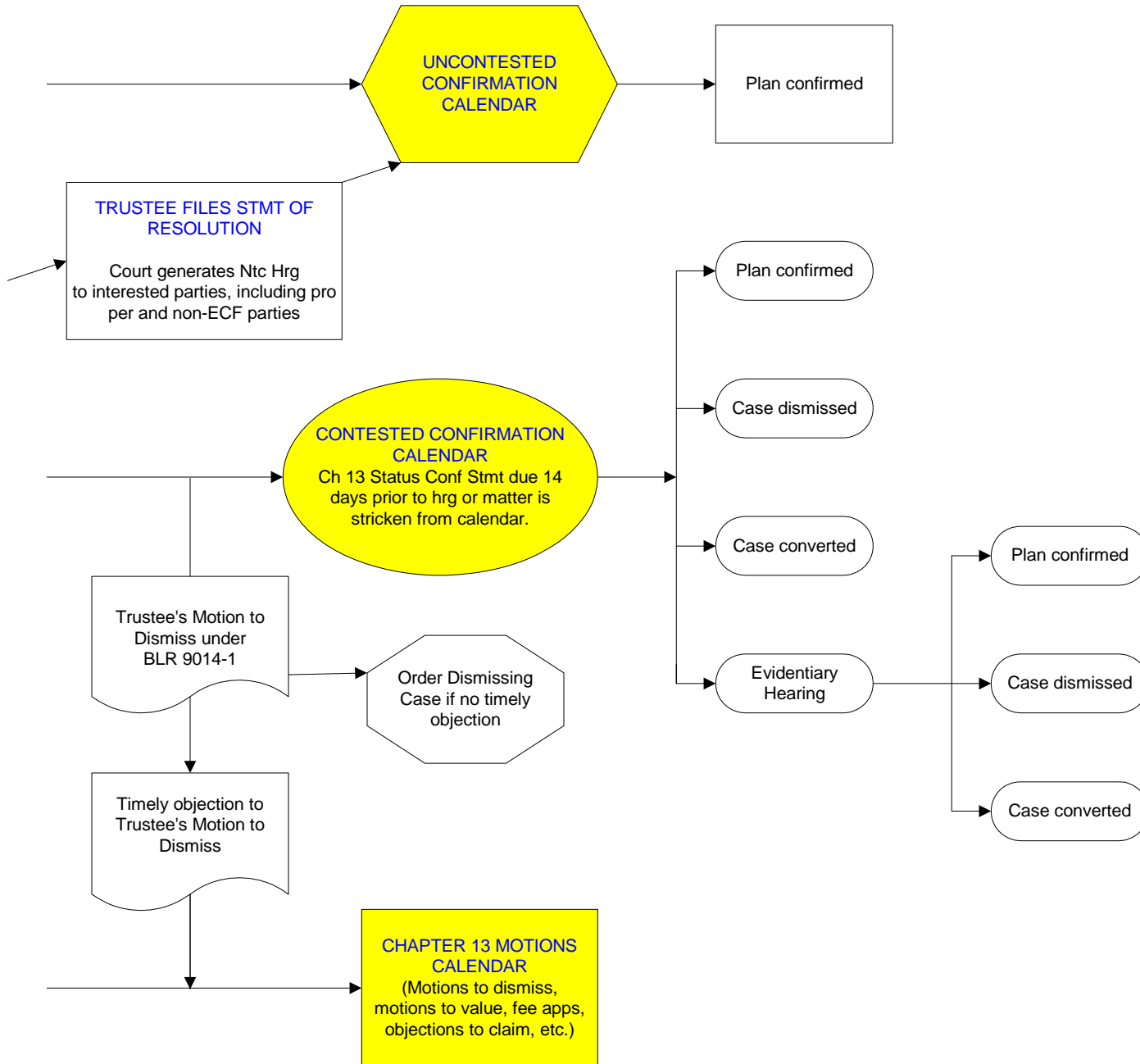
FORMS

CM/ECF SAMPLE DOCKET SHEET

United States Bankruptcy Court
Northern District of California
San Jose Division

OVERVIEW of PROCEDURES
FLOWCHART





United States Bankruptcy Court
Northern District of California
San Jose Division

CHAPTER 13 PROCEDURES

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

San Jose Division

CHAPTER 13 CALENDAR PROCEDURES

Effective August 1, 2011

INTRODUCTION

These procedures are being established to improve the processing of chapter 13 cases in the San Jose Division and are intended (1) to facilitate the timely resolution of Chapter 13 cases, (2) to reduce time spent by counsel and the court on Chapter 13 cases, and (3) to provide access to the court for parties who need judicial intervention. In general, these procedures provide that Chapter 13 cases ready for confirmation will be confirmed expeditiously. Debtor(s) whose cases require further work will have time to complete that work and will have judicial assistance when appropriate. Cases not eligible for Chapter 13 or not making appropriate progress in Chapter 13 will be subject to dismissal.

CHAPTER 13 UNCONTESTED CONFIRMATION CALENDAR

When a Chapter 13 case is filed, the § 341(a) notice will include the date and time of the confirmation hearing and will state that the deadline for objections to a Chapter 13 plan is the same date as the first set § 341(a) meeting (*see* B.L.R. 3015-1(b)(3)). The confirmation hearing will be set on a Chapter 13 Uncontested Confirmation Calendar (“Uncontested Confirmation Calendar”). Absent timely objection and upon finding that the requirements of §1325(a) are satisfied, the court will confirm the plan at the confirmation hearing. Cases will be considered ready for confirmation when (1) the § 341(a) meeting of creditors has concluded; (2) no objections to confirmation have been filed, or such objections have been resolved or withdrawn without judicial

intervention; (3) payments under the proposed plan are current; and (4) there are no other unresolved deficiencies.

**CASES NOT READY FOR CONFIRMATION:
PROCEDURES AND THE TRUSTEE'S PENDING LIST**

For cases that are not ready for confirmation, ten (10) days before the date originally set for confirmation, the Trustee shall file a Statement of Non-Readiness for Confirmation, which will place the case on the Trustee's Pending List ("TPL"). When the Trustee docket the Statement of Non-Readiness for Confirmation, the court's ECF system will automatically generate these notices:

1. A text entry reporting that (1) the case has been added to the Trustee's Pending List, and (2) parties in interest need not attend the first date set for the confirmation hearing, the plan will not be confirmed at that time, and the case will be taken off calendar at the hearing;
2. A Notice of Electronic Filing (the "NEF") notifying ECF Registered Users of the information in paragraph 1.

The NEF will provide instructions for restoring a case to the confirmation calendar. A case can be restored to the confirmation calendar as follows: (1) the Trustee may file a Statement of Resolution, placing the matter back on the Uncontested Confirmation Calendar, or (2) a party in interest (debtor(s) or other party in interest) may file a Notice of Hearing, placing the case on a Chapter 13 Contested Confirmation Calendar in conformity with the procedures set forth below; and

3. A written notice of the foregoing information to pro se debtor(s) and non-ECF Registered Users.

At the scheduled confirmation hearing, the court will announce the case has been placed on the TPL. All cases on the TPL will be identified on a list which will be posted on the court's website. Cases will remain on the TPL until confirmation, dismissal, or conversion.

It will be the Trustee's duty to monitor and track the progress of the cases on the TPL. While cases are on the TPL, the parties should meet and confer and work toward resolution of the

cases. The goal is to ensure that every case capable of being confirmed is returned to the Uncontested Confirmation Calendar as soon as possible.

RESTORING CASES TO UNCONTESTED CONFIRMATION CALENDAR

The Trustee should recommend confirmation when all deficiencies have been cured, outstanding objections have been resolved, and payments are current. When this occurs, the Trustee shall file a Trustee's Statement of Resolution. The court will generate and serve a Notice of Hearing, restoring the confirmation hearing to the next available Uncontested Confirmation Calendar. The court will give notice to the debtor(s), debtor(s)' counsel, the Trustee, other parties that have objected to the plan, and parties requesting special notice. The Notice of Hearing will automatically generate a Notice of Electronic Filing alerting ECF Registered Users of the restored confirmation hearing and a written notice to unrepresented debtor(s), other unrepresented parties, and non-ECF Registered Users of the same.

CHAPTER 13 CONTESTED CONFIRMATION CALENDAR

In some cases, the parties will need access to the court to resolve factual or legal issues pertaining to the Chapter 13 case, such as feasibility, disposable income, and eligibility matters. In these situations, a party may set such matters on the Chapter 13 Contested Confirmation Calendar ("Contested Confirmation Calendar"). However, parties may set a matter on the Contested Confirmation Calendar only if these three conditions are satisfied:

- The § 341(a) meeting has been concluded;
- The parties have met and conferred in good faith (in person or by telephone) but cannot resolve their dispute; and
- The parties are ready to submit the dispute for resolution by the court or to have the matter set for trial, evidentiary hearing, or briefing.

To set a matter on the Contested Confirmation Calendar, parties should follow the same rules that apply to any motion in a bankruptcy case as provided by B.L.R. 9014-1(a). Matters may be set for hearing on any available Contested Confirmation Calendar date. Parties are urged to consult the court's website to obtain available dates. To set a matter, the moving party should file and serve a Notice of Hearing and Certificate of Service on twenty-eight (28) days' notice to parties in interest (generally, debtor(s), debtor(s)' counsel, the Trustee, parties that have objected to the plan, and parties requesting special notice). Responses and objections are governed by B.L.R. 9014-1(c). The court expects that the Contested Confirmation Calendar will consist only of matters ready for judicial resolution or status conference.

In addition, any party setting a matter on the Contested Confirmation Calendar must file a Chapter 13 Status Conference Statement at least fourteen (14) days before an actual hearing. The Chapter 13 Status Conference Statement shall indicate: (1) the unresolved disputed factual and legal issues that require judicial determination; (2) the time estimate for trial or argument and the proposed trial and/or briefing dates; and (3) the date and time of the conference between the parties.

If the noticing party does not timely file a Chapter 13 Status Conference Statement, the matter will be stricken from the Contested Confirmation Calendar and an appropriate notice will be docketed by the court. If a matter is stricken from the Contested Confirmation Calendar, it must be re-noticed for hearing with a new Notice of Hearing, Certificate of Service, and Chapter 13 Status Conference Statement.

When multiple objections to confirmation are pending in a case, one party's Notice of Hearing will place only the noticed objection on the Contested Confirmation Calendar. At the court's discretion, however, any objection filed by the Trustee may be heard at the same time. The court retains discretion pursuant to FED. R. BANKR. P. 7042 to consolidate or sever multiple

objections for hearing as appropriate.

CHAPTER 13 MOTIONS

In some cases, the parties will need access to the court to resolve factual or legal issues which are not Chapter 13 plan driven, such as motions to value, fee applications, and claims objections. These matters also should be set on the Chapter 13 Motions Calendar. To set non-plan related matters on the Chapter 13 Motions Calendar, parties should follow the same rules that apply to any motion in a bankruptcy case, under B.L.R. 9014-1(a). Matters may be set for hearing on any available Chapter 13 Motions Calendar date. Parties are urged to consult the court's website to obtain an available date. To set a matter, the moving party should file and serve a Notice of Hearing and Certificate of Service to any party affected by the motion. Responses and objections are governed by B.L.R. 9014-1.

Parties are encouraged to use the "notice and opportunity for hearing" procedure available under B.L.R. 9014-1(b)(3) to obtain an order by default if no objection is raised. If an objection is raised, the parties shall notice it for hearing as indicated above.

TRUSTEE'S MOTIONS TO DISMISS

The court will no longer conduct pre-hearing conferences on objections to confirmation in cases on the TPL simply to monitor the debtor(s)' progress in fulfilling the debtor(s)' obligations. Instead, if outstanding issues are not resolved and deficiencies are not cured on a timely basis, the case may become subject to a Motion to Dismiss by the Trustee. The Trustee will exercise her discretion in bringing such motions, but she is expected to afford the debtor(s) a reasonable period of time to bring a case to confirmation.

Preconfirmation Motions to Dismiss

When making a motion to dismiss, the Trustee is encouraged to use the "notice and

opportunity for hearing” procedure available under B.L.R. 9014-1(b)(3). In those cases where the debtor(s)’ attorney fails to provide timely responses to the Trustee’s requests or otherwise is responsible for unreasonable delay, the Motion to Dismiss may include a request for disgorgement of the attorney’s retainer. Responses and objections are governed by B.L.R. 9014-1(c). The court may issue default orders dismissing the case pre-confirmation and dealing with disgorgement as appropriate, per B.L.R. 9014-1(b)(4). If a request for hearing is made, pre-confirmation motions to dismiss should be placed on a Chapter 13 Motions Calendar.

Counsel and debtor(s) should take special notice that the court will carefully review any response to a motion to dismiss brought by the Trustee. To avoid dismissal, debtor(s) must provide detailed information explaining why the Chapter 13 plan has not been confirmed, addressing, in particular, the debtor(s)’ efforts to comply with the requirements of the Bankruptcy Code and the Trustee’s requests, and why the delay in the case is not prejudicial to creditors under 11 U.S.C. § 1307(c). The debtor(s) should not expect that last-minute compliance will cause the Trustee to withdraw the motion or continue the hearing, or the court to deny the motion or continue the hearing. Untimely opposition to a motion to dismiss may not be considered. Cases may be dismissed on default.

Postconfirmation Motions to Dismiss

Upon the debtor(s)’ failure to tender a plan payment to the Trustee (or otherwise comply with any other plan provision) in a timely manner, the Trustee may serve written notice of default on the debtor(s) and debtor(s)’ counsel. Within twenty (20) days of the notice of default, the debtor(s) shall: (1) cure the default; (2) meet and confer with the Trustee and enter into an agreement resolving the default on terms acceptable to the Trustee; or (3) file and serve an Application to Modify Plan that proposes terms under which the plan is not in default and provides

for plan completion within sixty (60) months of the date the first plan payment was due. Absent timely compliance by the debtor(s) with any of the foregoing, the court likely will issue a dismissal order upon application of the Trustee supported by a declaration.

A post-confirmation Motion to Dismiss based upon grounds other than a material default by the debtor(s) with respect to a confirmed plan should be filed using the notice and opportunity for a hearing procedure of B.L.R. 9014-1(b)(3). Absent a timely objection or request for a hearing, the Trustee may request the entry of a post-confirmation dismissal order by default. An actual hearing on a post-confirmation Motion to Dismiss should be noticed for the Chapter 13 Motions Calendar.

United States Bankruptcy Court
Northern District of California
San Jose Division

FORMS

UNITED STATES BANKRUPTCY COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Order Establishing Procedures for Objection to Confirmation

1. **Placement on Trustee's Pending List and Hearing Taken Off Calendar:** If an objection to confirmation is filed or a case is otherwise not ready for confirmation based on deficiencies, such as defaults on plan payments, the Trustee will file a Trustee's Statement of Non-Readiness for Confirmation at least 10 days before the confirmation hearing. The court will serve a notice indicating that the case has been placed on the Trustee's Pending List ("TPL") and that no appearances are expected, the plan will not be confirmed, and the matter will be taken off calendar at the confirmation hearing.

2. **Procedures for Restoring Matter to Confirmation Calendar:** A case that is on the TPL may be restored to the confirmation calendar as follows:
 - a. To restore the matter to the Uncontested Confirmation Calendar, the Trustee will file a Trustee's Statement of Resolution when all outstanding objections are resolved, deficiencies have been cured, and the debtor(s) is current on plan payments. The Trustee's docketing of the Statement of Resolution will cause the court to issue a notice that the restored confirmation hearing is set on the date of the next available Uncontested Confirmation Calendar and to serve the notice on parties in interest.

 - b. To restore a contested confirmation matter to calendar so the court can resolve factual or legal issues, any party in interest (including the debtor(s)) may file and serve in conformity with B.L.R. 9014-1(a) a Notice of Hearing and Certificate of Service on 28 days' notice to parties in interest. The matter may be set on any Contested Confirmation Calendar date posted on the court's website, but only if these three conditions are met: (1) the § 341 meeting has concluded; (2) the parties have met and conferred in good faith (in person or by telephone); and (3) the dispute is ready to be submitted for resolution, trial setting, evidentiary hearing, or briefing.

No later than 14 days before the hearing, the noticing party shall file a Chapter 13 Status Conference Statement identifying: (a) the disputed factual and legal issues; (b) the date and time when the parties conferred; and (c) the time estimate for trial or argument. If the Chapter 13 Status Conference Statement is not timely filed, the matter will be stricken from the calendar. Matters stricken from the Contested Confirmation Calendar must be re-noticed for hearing by submitting a new Notice of Hearing, Certificate of Service, and Chapter 13 Status Conference Statement.

Approved.

Dated: July 1, 2015



STEPHEN L. JOHNSON
United States Bankruptcy Judge

M. Elaine Hammond

M. ELAINE HAMMOND
United States Bankruptcy Judge

Hannah L. Blumenstiel

HANNAH L. BLUMENSTIEL
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

Case No.

Chapter 13

Debtor(s).

TRUSTEE’S STATEMENT OF NON-READINESS FOR CONFIRMATION

The above case is not ready for confirmation based on outstanding objections to confirmation of the plan or other deficiencies, such as a default on Chapter 13 plan payments. At the scheduled confirmation hearing, the case will be taken off calendar and placed on the Trustee’s Pending List (“TPL”), subject to being restored to the confirmation calendar.

Dated:

DEVIN DERHAM-BURK
CHAPTER 13 TRUSTEE

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3 UNITED STATES BANKRUPTCY COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN JOSE DIVISION
6

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8 **NOTICE OF PROCEDURES TO RESTORE TO CONFIRMATION CALENDAR**

9 Based on the Trustee's Statement of Non-Readiness for Confirmation, this case is hereby placed on the
10 Trustee's Pending List ("TPL") pursuant to the Chapter 13 Calendar Procedures for the San Jose Division, which
11 may be found at <http://www.canb.uscourts.gov/procedures/sj>. Parties in interest do not need to attend the
12 scheduled confirmation hearing since the plan will not be confirmed, and the case will be taken off calendar at
13 that time.

14 **Procedures to Restore to Uncontested Confirmation Calendar**

15 While on the TPL, the case may be restored at the appropriate time to either the Uncontested
16 Confirmation Calendar or the Contested Confirmation Calendar for disposition by the court. To restore the matter
17 to the Uncontested Confirmation Calendar, the Trustee will file a Trustee's Statement of Resolution when all
18 outstanding objections are resolved, deficiencies have been cured, and the debtor(s) is current on plan payments.
19 The Trustee's docketing of the Statement of Resolution will cause the court to issue a notice that the restored
20 confirmation hearing is set on the date of the next available Uncontested Confirmation Calendar and to serve the
21 notice on parties in interest.

22 **Procedures to Restore to Contested Confirmation Calendar**

23 To restore a contested confirmation matter to calendar so the court can resolve factual or legal issues, any
24 party in interest (including the debtor(s)) may file and serve in conformity with B.L.R. 9014-1(a) a Notice of
25 Hearing and Certificate of Service on 28 days' notice to parties in interest. The matter may be set on any
26 Contested Confirmation Calendar date posted on the court's website, but only if these three conditions are met:
27 (1) the § 341 meeting has concluded; (2) the parties have met and conferred in good faith (in person or by
28 telephone); and (3) the dispute is ready to be submitted for resolution, trial setting, evidentiary hearing, or
briefing. No later than 14 days before the hearing, the noticing party shall file a Chapter 13 Status Conference
Statement identifying: (a) the disputed factual and legal issues; (b) the date and time when the parties conferred;
and (c) the time estimate for trial or argument. If the Chapter 13 Status Conference Statement is not timely filed,
the matter will be stricken from calendar. Matters stricken from the Contested Confirmation Calendar must be
re-noticed for hearing by submitting a new Notice of Hearing, Certificate of Service, and Chapter 13 Status
Conference Statement.

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

Case No.

Chapter 13

Debtor(s).

TRUSTEE’S STATEMENT OF RESOLUTION

All objections to confirmation have been resolved and the above case, which is currently on the Trustee’s Pending List, is ready to be restored to the next available confirmation calendar so that the Trustee can recommend confirmation. The Trustee requests that the Court restore the matter to the next available confirmation calendar and provide notice to all interested parties of the date and time of the hearing.

Dated:

DEVIN DERHAM-BURK
CHAPTER 13 TRUSTEE

**UNITED STATES BANKRUPTCY COURT
Northern District of California**

In re:	Case No.
	Chapter 13
Debtor(s).	

NOTICE OF RESTORED CONFIRMATION HEARING

TO THE DEBTOR(S), TRUSTEE, NOTICING PARTY, OTHER PARTIES THAT HAVE OBJECTED TO THE PLAN, AND PARTIES REQUESTING SPECIAL NOTICE:

DATE:	TIME:
LOCATION:	

PLEASE TAKE NOTICE that a hearing on confirmation of the chapter 13 plan proposed by the debtor(s) is hereby restored to the Chapter 13 Uncontested Confirmation Calendar scheduled for the date and time indicated above. All objections to confirmation have been resolved, the debtor(s) is current on plan payments, and the Trustee is prepared to recommend at the hearing that the plan currently proposed by the debtor(s) be confirmed.

Dated:

For the Court:

Edward J. Emmons
Clerk of Court
United States Bankruptcy Court

1 UNITED STATES BANKRUPTCY COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 In re

Case No.

4 Chapter 13

5 Date:

6 Time:

Place:

7 Debtor(s).

8 **CHAPTER 13 STATUS CONFERENCE STATEMENT¹**

9 The party that noticed this contested matter for hearing hereby states in accordance with the
10 Chapter 13 Calendar Procedures for the San Jose Division as follows:

11 1. The disputed factual issues that require judicial determination are as follows:

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13
14 2. The disputed legal issues that require judicial determination are as follows:

15
16
17 3. The debtor and the objecting party met and conferred concerning the objection to
18 confirmation on _____.

19 4. The estimated time required for trial or argument is _____.
20 Both parties/counsel are available to conduct a trial on the following date(s) (if applicable):

21
22
23 Dated: _____

24
25 Counsel for
26 _____

27 ¹ The Notice of Hearing must be docketed using the ECF event code "Ch 13 Contested Notice of Hearing" under the
28 "Notices" menu and must be linked to the objection to confirmation. This Chapter 13 Status Conference Statement must be docketed
using the ECF event code "Status Conference Statement" under the "Bankruptcy - Miscellaneous" menu and must be linked to the
objection to confirmation. A PDF fillable form for this statement is available on the court's website:
www.canb.uscourts.gov/forms/sj.

**UNITED STATES BANKRUPTCY COURT
Northern District of California**

In re:	Case No.
	Chapter 13
Debtor(s).	

NOTICE OF STRIKING OF CONTESTED MATTER FROM CALENDAR

TO THE DEBTOR(S), TRUSTEE, NOTICING PARTY, OTHER PARTIES THAT HAVE OBJECTED TO THE PLAN, AND PARTIES REQUESTING SPECIAL NOTICE:

DATE:	TIME:
LOCATION:	

PLEASE TAKE NOTICE that, pursuant to the Chapter 13 Calendar Procedures for the San Jose Division, the hearing on the contested matter noticed for the date and time indicated above is hereby stricken from the court's calendar for failure to file a Chapter 13 Status Conference Statement at least fourteen (14) days before the hearing date. As a result, the hearing will not proceed on the date originally noticed, and no appearances on the matter are expected on that date. To restore the matter to a Contested Confirmation Calendar, the noticing party must re-file and serve a new Notice of Hearing and Certificate of Service on at least twenty-eight (28) days' notice to debtor(s)' counsel (or the debtor if unrepresented), the Trustee, other parties that have objected to the plan, and parties requesting special notice. In addition, the noticing party must re-file and serve a new Chapter 13 Status Conference Statement in conformity with the Chapter 13 Procedures at least fourteen (14) days before the new hearing date.

Dated:

For the Court:

Edward J. Emmons
Clerk of Court
United States Bankruptcy Court

Chapter 13 Trustee Pending List - San Francisco Division as of 04/14/2011

Case #	Type	Case Title	Jud Date
08-31089	13	David D. Pebley 01/11/2011 Gary Brenner	DM
08-31558	13	Aubrey V Jacques 01/11/2011 James Michel	DM
09-30432	13	Marika Lovelace 01/13/2011 PROSE	DM
09-32489	13	James Bigelow Reswick 01/11/2011 Cheryl Rouse	DM
09-32489	13	James Bigelow Reswick 01/11/2011 Gary Brenner	DM
09-32739	13	Mele V. Lowman 01/13/2011 Cory Birnberg	DM
09-33346	13	William Henry Concepcion and Victoria Estrella 01/13/2011 Drew Henwood	CoDM
09-33951	13	Constance French 01/11/2011 PROSE	DM
09-34112	13	Edgardo L. Sinigayan and Angelita Z. Sinigayan 01/11/2011 James Michel	DM
10-30136	13	Joel P. Bautista and Glenda A. Bautista	DM

United States Bankruptcy Court
Northern District of California
San Jose Division

**CM/ECF SAMPLE DOCKET
SHEET**

UNCONTESTED CALENDAR - PLAN CONFIRMED

**U.S. Bankruptcy Court
Northern District of California (San Jose)
Bankruptcy Petition # 11-5XXX
Internal Use Only**

Assigned to: Judge Charles Novack
Chapter 13
Voluntary
Asset

Date Filed: 05/04/2011

Debtor

Johnny S. Barrett
3012 Owen Ave.
Marina, CA 93933

represented by James M. Lauderdale
Lauderdale Law Offices
150 Carmelito Ave.
Monterey, CA 93940
(831) 646-1306

Trustee

Devin Derham-Burk
P.O. Box 50013
San Jose, CA 95150-0013
(408) 354-8151

U.S. Trustee

Office of the U.S. Trustee / SJ
U.S. Federal Bldg.
280 S 1st St. #268
San Jose, CA 95113-3004

Filing Date	#	Event type	Docket Text
05/4/2011	<u>1</u>	Bankruptcy → Open BK Case	Chapter 13 Voluntary Petition, Fee Amount \$274. Filed by Johnny L. Bartlett. Order Meeting of Creditors due by 06/3/2011. Chapter 13 Plan due by 05/18/2011. (Lauderdale, James) (Entered: 05/04/2011)

05/4/2011		(Auto-Docketed)	Receipt of filing fee for Voluntary Petition (Chapter 13)(11-5XXX) [misc,volp13] (274.00). Receipt number 13337271, amount \$ 274.00 (U.S. Treasury) (Entered: 05/04/2011)
05/18/2011	<u>2</u>	Bankruptcy → Trustee/US Trustee → Meeting of Creditors Chapter 13	Meeting of Creditors with Certificate of Service. 341(a) meeting to be held on 6/20/2011 at 09:30 AM San Jose Room 130 Objection to Dischargeability due by 8/19/2011 Proofs of Claims due by 9/19/2011 Last day to object to confirmation is 6/20/2011 Confirmation Hearing scheduled for 7/6/2011 at 01:25 PM at San Jose Courtroom 3099 - Johnson. (Derham-Burk, Devin). (Entered: 05/18/2011)
06/18/2011	<u>3</u>	Bankruptcy → Batch Filings → Objection to Confirmation of Plan (batch)	Objection to Confirmation of Chapter 13 Plan. (Derham-Burk, Devin). (Entered: 6/18/2011)
06/20/2011		Bankruptcy → Trustee/US Trustee → Meeting of Creditors Held	Meeting of Creditors Held.
06/24/2011	<u>4</u>	Bankruptcy → Batch Filings → Trustee Statement of Non-Compliance	Trustee's Statement of Non-Readiness for Confirmation: The trustee has determined this case is to be placed on the trustee's pending list and it will not be confirmed at the original confirmation hearing . (Derham-Burk, Devin). (Entered: 6/24/2011)
07/1/2011	<u>5</u>	Bankruptcy → Batch Filings → Trustee Statement of Resolution	Trustee's Statement of Resolution: The Trustee is restoring this case to the next available uncontested calendar. Hearing scheduled for 7/29/2011 at 02:00 PM at San Jose Courtroom 3099 - Johnson.
07/29/2011	<u>6</u>	Bankruptcy → Court Events → Confirmation Hearing Held	Confirmation Hearing Held re: Chapter 13 Plan. CONFIRMED.

CONTESTED CALENDAR - RE: CONFIRMATION HEARING

**U.S. Bankruptcy Court
Northern District of California (San Jose)
Bankruptcy Petition # 11-5XXX
Internal Use Only**

Assigned to: Judge Charles Novack
Chapter 13
Voluntary
Asset

Date Filed: 05/04/2011

Debtor

Johnny S. Barrett
3012 Owen Ave.
Marina, CA 93933

represented by James M. Lauderdale
Lauderdale Law Offices
150 Carmelito Ave.
Monterey, CA 93940
(831) 646-1306

Trustee

Devin Derham-Burk
P.O. Box 50013
San Jose, CA 95150-0013
(408) 354-8151

U.S. Trustee

Office of the U.S. Trustee / SJ
U.S. Federal Bldg.
280 S 1st St. #268
San Jose, CA 95113-3004

Filing Date	#	Event type	Docket Text
05/04/2011	<u>1</u>	Bankruptcy → Open BK Case	Chapter 13 Voluntary Petition, Fee Amount \$274. Filed by Johnny L. Bartlett. Order Meeting of Creditors due by 06/3/2011. Chapter 13 Plan due by 05/18/2011. (Lauderdale, James) (Entered: 05/04/2011)

05/04/2011		(Auto-Docketed)	Receipt of filing fee for Voluntary Petition (Chapter 13)(11-5XXX) [misc,volp13] (274.00). Receipt number 13337271, amount \$ 274.00 (U.S. Treasury) (Entered: 05/04/2011)
05/18/2011	<u>2</u>	Bankruptcy → Trustee/US Trustee → Meeting of Creditors Chapter 13	Meeting of Creditors with Certificate of Service. 341(a) meeting to be held on 6/20/2011 at 09:30 AM San Jose Room 130 Objection to Dischargeability due by 8/19/2011 Proofs of Claims due by 9/19/2011 Last day to object to confirmation is 6/20/2011 Confirmation Hearing scheduled for 7/6/2011 at 01:25 PM at San Jose Courtroom 3099 - Johnson. (Derham-Burk, Devin). (Entered: 05/18/2011)
6/20/2011		Bankruptcy → Trustee/US Trustee → Meeting of Creditors Held	Meeting of Creditors Held.
06/20/2011	<u>3</u>	Bankruptcy → Miscellaneous → Objection to Confirmation of Plan	Objection to Confirmation of Plan Filed by Creditor Wells Fargo Bank. (Nagel, Austin). (Entered: 07/01/2011)
06/24/2011	<u>4</u>	Bankruptcy → Batch Filings → Trustee Statement of Non-Compliance	Trustee's Statement of Non-Readiness for Confirmation: The trustee has determined this case is to be placed on the trustee's pending list and it will not be confirmed at the original confirmation hearing . (Derham-Burk, Devin). (Entered: 6/24/2011)
07/01/2011	<u>5</u>	Bankruptcy → Notices → Ch 13 SJ Contested Notice of Hearing	Ch 13 Contested Notice of Hearing (RE: related document(s) [3]Objection to Confirmation of Plan Filed by Creditor Wells Fargo Bank). Hearing scheduled for 7/29/2011 at 10:00 AM at San Jose Courtroom 3099 - Johnson. Status Conference Statement due by 7/15/2011. Filed by Johnny L. Bartlett (Lauderdale, James M). (Entered: 07/05/2011)
07/18/2011	<u>6</u>	Bankruptcy → Miscellaneous → Status Conference Statement	Status Conference Statement (RE: related document(s)[3] Objection to Confirmation of the Plan. Filed by Johnny L. Bartlett (Lauderdale, James M). (Entered: 07/18/2011).

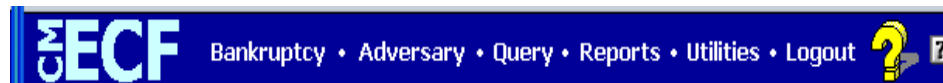
07/19/2011	<u>7</u>	Bankruptcy → Court Events →Contested Confirmation Hearing Stricken	Contested Confirmation Hearing Stricken from the calendar for failure to timely file a status conference statement within 14 days prior to hearing (RE: related document(s) [5] Ch 13 SJ Contested Notice of Hearing). (tm).
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CHAPTER 13 GENERAL INSTRUCTIONS

Chapter 13 Contested Notice of Hearing

The Chapter 13 Contested Notice of Hearing is docketed by the Debtor's attorney. This event is used when setting a Chapter 13 case back on the contested hearing calendar.

STEP 1 Click the **Bankruptcy** hyperlink on the CM/ECF Main Menu Bar.



STEP 2 The **Bankruptcy Events** screen displays.

Click on the **Notices** hyperlink.

▶ For further information on each of these categories, click the (Help) icon.



STEP 3 The **Case Number** screen displays.

Enter the **Case Number**.

STEP 4 The **Docket Events** screen displays.

Select **Ch 13 SJ Contested Notice of Hearing**.

Click the [NEXT] button.

STEP 5 The **Select the Party** screen displays.

Select the Debtor.

Click the [NEXT] button.

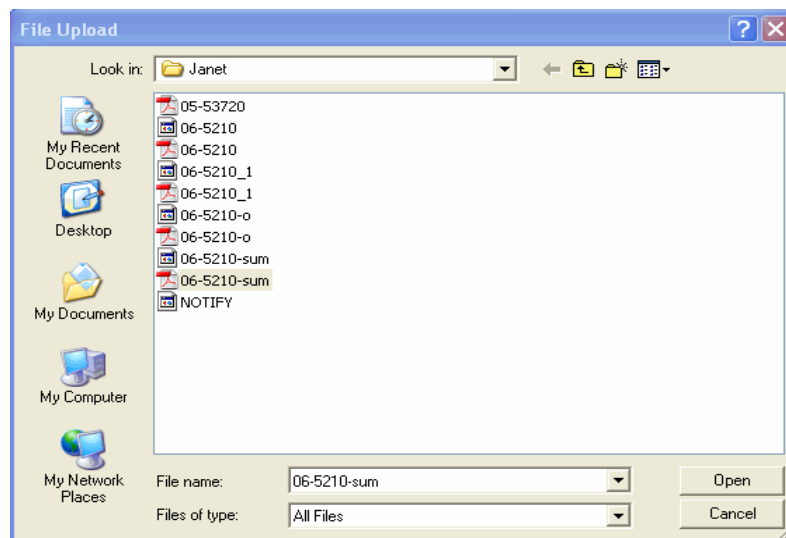
STEP 6 The **Attach PDF Document** screen displays.

Select the **pdf** document (for example: C:\199cv501-21.pdf).

Filename

Attachments to Document: No Yes

- Click the [BROWSE] button.
- The **File Upload** screen displays.



- Select the **Appropriate File**.
 - ▶ Right click to access the drop-down menu.
 - ▶ Select **Open with Acrobat**.
 - ▶ Verify you have the correct file and then close.
- Click the [OPEN] button.

STEP 7 The **Hearing Information** screen displays.

NOTE – a 14 Day Status Conference Statement Deadline will be set for the statements to be filed. The confirmation hearing date, time and location will allow a selection of dates to choose from, ensure you select the correct hearing date, time and location.

- Click the [NEXT] button.

STEP 8 The **Select the Appropriate Event** screen displays.

- Select the **appropriate Objection to Confirmation of Plan**.

NOTE – System will not continue until an Objection to Confirmation of Plan has been selected.

- Click the [NEXT] button.

STEP 9 The **Hearing Scheduling** screen displays.

- Click the [NEXT] button.

STEP 10 Review docket text.

NOTE – Text reads: Ch 13 Contested Notice of Hearing (RE: related document(s) [Objection to Confirmation to Plan]. Hearing scheduled for 5/3/2011 @ 10:00 at San Jose Courtroom XXXX. Status Conference Statement Due April 19, 2011.

- Click the [NEXT] button.

STEP 11 The **Notice of Electronic Filing** screen displays.

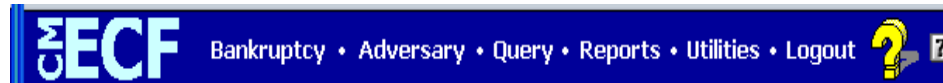


CHAPTER 13 GENERAL INSTRUCTIONS

Chapter 13 Status Conference Statement

The Debtor's attorney is required to file a Status Conference Statement 14 days prior to the confirmation hearing. Failure to do so will result in the hearing being stricken.

STEP 1 Click the **Bankruptcy** hyperlink on the CM/ECF Main Menu Bar.



STEP 2 The **Bankruptcy Events** screen displays.

Click on the **Miscellaneous** hyperlink.

▶ For further information on each of these categories, click the (Help) icon.



STEP 3 The **Case Number** screen displays.

Enter the **Case Number**.

STEP 4 The **Docket Events** screen displays.

Select **Status Conference Statement**.

Click the [NEXT] button.

STEP 5 The **Select the Party** screen displays.

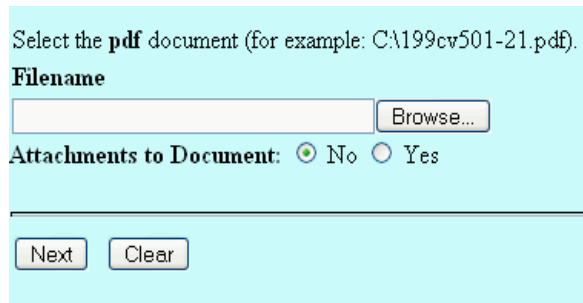
Select the Debtor.

Click the [NEXT] button.

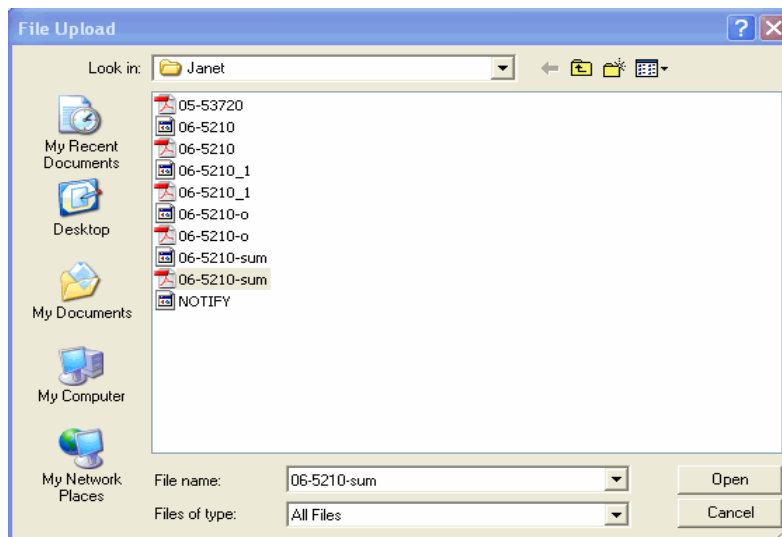
STEP 6 The **Date Document filed** screen displays.

- Click the [NEXT] button.

STEP 7 The **Attach PDF Document** screen displays.



- Click the [BROWSE] button.
- The **File Upload** screen displays.



- Select the **Appropriate File**.
 - ▶ Right click to access the drop-down menu.
 - ▶ Select **Open with Acrobat**.

- ▶ Verify you have the correct file and then close.
- Click the [OPEN] button.

STEP 8 The **Select the Appropriate Event** screen displays.

- Select the **Objection to Confirmation of Plan**.

*NOTE – System will not continue until an **Objection to Confirmation of Plan** has been selected.*

- Click the [NEXT] button.

STEP 9 Review docket text.

NOTE – Status Conference Statement (RE: related document(s)[4] Objection to Confirmation of the Plan). Filed by Debtor James Brown.

- Click the [NEXT] button.

STEP 10 The **Notice of Electronic Filing** screen displays.

