

**UNITED STATES BANKRUPTCY
COURT FOR THE
NORTHERN DISTRICT OF NEW YORK**

**ADMINISTRATIVE ORDER 21-6
ADOPTING REVISED LOCAL BANKRUPTCY
RULES EFFECTIVE DECEMBER 3, 2021**

Following publication notice and comment period, the bankruptcy judges have approved revisions to certain designated Local Bankruptcy Rules for the Northern District of New York to reflect this court's current practice and procedure and to conform to amendments to the Federal Rules of Bankruptcy Procedure, effective December 1, 2021.¹ As revised, Local Bankruptcy Rules 3015-4 and 6007-1 are set forth on the attached Exhibit A ("Revised Local Bankruptcy Rules").

Pursuant to the District Court's March 7, 2014 General Order #21, signed by then presiding Chief District Court Judge Gary L. Sharpe, the Revised Local Bankruptcy Rules have been forwarded to the Board of Judges for the Northern District of New York.

It is hereby ORDERED that the Revised Local Bankruptcy Rules are adopted, effective December 3, 2021, and all prior versions of the designated Rules are superseded and rescinded.

Dated: December 3, 2021
Utica, New York


Diane Davis
Chief U.S. Bankruptcy Judge

¹ The amended Federal Rules of Bankruptcy Procedure were adopted by the United States Supreme Court and transmitted to Congress on April 14, 2021.

(a) **Modification of Plan After Confirmation.**

(1) **Format.** A debtor seeking to modify a plan after confirmation ~~(the “Modified Plan”)~~ ~~does not need to use the Model Plan. The Modified Plan shall~~ file a notice of motion and motion to modify confirmed plan in the format and with the disclosures set forth herein. ~~set forth only those terms of the confirmed Chapter 13 plan that the proponent seeks to modify.~~

(2) **Procedure.** A Court order is required to modify a confirmed plan. A debtor, trustee, or holder of an allowed unsecured claim seeking to modify a confirmed plan shall:

~~(A) File the Modified Plan;~~

~~(AB)~~ (B) File a notice of motion and a motion to modify confirmed plan;

~~(BC)~~ (B) Except as provided in Fed. R. Bankr. P. 2002(h)(1), ~~S~~serve the notice of motion on all creditors, and serve the notice of motion and motion to modify plan on the trustee, the debtor, and, if the debtor is not the movant, the debtor’s attorney; and

~~(CD)~~ (C) File a certificate of service not later than seven (7) days prior to the return date of the motion.

(3) **Notice of Motion.** The notice of motion to modify confirmed plan shall include the following disclosures:

(A) A clear statement of the proposed modification, with specific reference to the provisions of the previously filed plan that are being modified;

(B) Any change in the dividend to be paid to unsecured creditors, indicating the specific percentage change in the dividend;

(C) Any change in the time for the final payment under the plan;

(D) Any change in the plan payment; and

(E) Any effect on the specific treatment of secured creditors under the plan; and

~~(F) The exact reasons for the modification, including specific and detailed changes in the budget of the debtor, or other circumstances of the debtor that would justify the modification.~~

(4) Motion. The motion to modify confirmed plan shall include:

(A) The disclosures set forth in subparagraph (3) above;

(B) The reasons for the modification, including specific and detailed changes in the budget of the debtor, or other circumstances of the debtor that would justify the modification;

(C) If the debtor is the movant, a representation that the debtor reviewed and consents to the proposed modified terms of the confirmed plan.

(54) Proposed Order Modifying Confirmed Plan. Any proposed order that modifies a confirmed plan shall be captioned Order Modifying Confirmed Plan and must include the modified terms of the plan as requested in the motion to modify confirmed plan as approved by the Court.

RULE 6007-1 ABANDONMENT OR DISPOSITION OF DEBTOR'S BOOKS, RECORDS, ~~AND PAPERS~~ AND ELECTRONICALLY STORED INFORMATION

- (a) **Available Options.** Unless the Court orders otherwise, the trustee, subject to applicable non-bankruptcy law, may
- (1) Place in storage, at the expense of the estate, the debtor's books, records, ~~and papers,~~ and electronically stored information;
 - (2) After issuance of the final decree, upon 14 days notice to the debtor, either:
 - (A) Return the debtor's books, records, ~~and papers,~~ and electronically stored information to the debtor or its principal(s) ~~after issuance of the final decree;~~ or
 - (B) Dispose of all the debtor's books, records, ~~and papers,~~ and electronically stored information in the trustee's possession, ~~after issuance of the final decree, provided that the debtor's books, records, and papers are first offered to the debtor.~~
- (b) **Privacy Protection.** Subject to applicable non-bankruptcy law, ~~a~~Any trustee disposing of a debtor's books, records, ~~and papers,~~ and electronically stored information shall redact and/or shred any confidential and/or personal information including, but not limited to billing records, medical records, social security numbers, tax identification numbers, and financial account numbers.