

CHAPTER 13 GUIDELINES
(April 19, 2011)
Judge Wayne Johnson

The following procedures apply to chapter 13 cases.

1. Follow the local rules and provide all required documents to the court and the chapter 13 trustee timely. The failure to timely file or deliver documents will usually result in the dismissal of a case.
2. Make all plan payments timely. Failure to timely make required payments will usually result in dismissal of a case.
3. Judge Johnson has posted separate guidelines regarding motions to value junior liens secured by real property (also known as “lien strip motions,” “motions to extinguish junior liens,” “motions to value,” “*Lam* motions,” etc.). All valuation motions must be filed and served in such a manner so that they are timely heard on or before the date of the initial confirmation hearing. This procedure applies to both real property and personal property. If, for example, a debtor intends to “cramdown” a creditor holding a lien against a vehicle (or other personal property) or otherwise attempt a “lien strip” of any kind in chapter 13, the debtor must file and serve a valuation motion with respect to that creditor and its collateral in such a manner so that the motion is timely heard on or before the date of the confirmation hearing.
4. Provide a payment history for secured debts. Judge Johnson has posted a form document entitled “Declaration Of Debtors Regarding Secured Debt Payment History” (“Payment History Declaration”). This declaration should be filed and served not less than seven days prior to the confirmation hearing. It should be served upon the chapter 13 trustee and all creditors holding consensual liens against the property identified in the declaration. A separate declaration should be filed for each real property that is an asset of the bankruptcy estate. With respect to personal property (i.e. vehicles), a declaration need only be filed if a debtor intends to modify in any manner the debts secured by the personal property (i.e. by cramdown, lien-stripping or otherwise). These declaration(s) should only be provided once in the case (seven days prior to the first confirmation hearing).
5. Local Bankruptcy Rule 3015-1(m) requires debtors to file and serve a declaration of post-petition payments using mandatory court form 3015-1.4 prior to every confirmation hearing. However, this rule has not always been enforced in the Riverside Division. Except as indicated below, Judge Johnson requires compliance with this rule. Form 3015-1.4 declarations must be provided prior to every confirmation hearing.

With respect to initial confirmation hearings, debtors have two options. They may (a) submit a Payment History Declaration that covers the period from January 1,

2010 to the date of the declaration (i.e. a declaration that covers the pre-petition and post-petition period) and not file Form 3015-1.14 or (b) file a Payment History Declaration that covers the period from January 1, 2010 to the petition date and a Form 3015-1.14 that covers the post-petition period.

If a confirmation hearing is continued, debtors must comply with Local Bankruptcy Rule 3015-1(m) and submit Form 3015-1.14 prior to any and all continued confirmation hearings.