

4/29/2020

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA**

Clerk, U.S. Bankruptcy Court  
District of Montana  
Butte Division

**In Re: Requests to Modify Chapter  
13 Plans under 11 U.S.C. §  
1329(d)**

**GENERAL ORDER NO.  
2020-8-BPH**

**ORDER**

At Butte in said District this 29<sup>th</sup> day of April 2020.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), enacted March 27, 2020, added § 1329(d) to the Bankruptcy Code for the one-year period beginning March 27, 2020 through March 26, 2021. New § 1329(d) permits debtors to request modifications to plans confirmed prior to March 27, 2020, in specified circumstances.

Any motion to modify a plan under § 1329(d), that was confirmed prior to March 27, 2020, shall be filed using Mont. Local Bankruptcy Form (“LBF”) 19-A and the new CM/ECF designated event. The new CM/ECF designated event is “Motion to Modify Chapter 13 Plan under § 1329(d) – CARES Act.” The proposed modified plan should be filed separately in the docket immediately following the filing of the motion.<sup>1</sup>

LBF 19-A requires: (1) an explanation of the change in circumstances that necessitate a plan modification; and, (2) an explanation of the proposed plan modifications, and how the modified plan will be different from the confirmed plan (with references to specific paragraphs). *See* LBF 19-A. Generic recitations of the circumstances will not assist the Court. Instead, an explanation of the circumstances supporting the allegation that the debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID-19) pandemic should be included.

**IT IS SO ORDERED.**

BY THE COURT:



Hon. Benjamin P. Hursh  
United States Bankruptcy Court  
District of Montana

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<sup>1</sup> All modifications should be handled this way. Currently, some practitioners attach the modified plan as an exhibit to the motion to modify plan. This practice is discouraged in favor of the motion to modify and modified plan being filed as separate events one after the other.