|  |  |
| --- | --- |
|  |  |

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

|  |  |
| --- | --- |
| In re:  Click here to enter text,  Debtor(s). | Chapter 11 Proceedings  Case No. Click here to enter text  **ORDER:**   1. **SETTING CONFIRMATION HEARING IN SUBCHAPTER V CASE; AND** 2. **FIXING DEADLINES TO**    1. **MAKE § 1111(b) ELECTION,**    2. **OBJECT TO PLAN,**    3. **VOTE ON PLAN, and**    4. **OBJECT TO DISCHARGE** |

On [insert date] the Debtor filed a plan at Dkt. [insert docket number] (the “Plan”).

**IT IS ORDERED AND NOTICE IS HEREBY GIVEN THAT:**

1. **HEARING ON CONFIRMATION OF THE PLAN**: The Court will consider whether to confirm the Plan at a hearing on Click or tap to enter a date, at Click or tap here to enter time (hh:mm) Click or tap here to choose a.m. or p.m. (“Confirmation Hearing”). The Confirmation Hearing will be held in Courtroom Click or tap here to enter Courtroom number or letter, at the Click or tap here to choose Court address/location. Parties may also appear by video from Click or tap here to choose Video location(s).[[1]](#footnote-1)
2. **DEADLINE TO MAKE § 1111(b)(2) ELECTION**: Any secured creditor that wishes to make an election under 11 U.S.C. § 1111(b)(2) must do so no later than seven (7) calendar days prior to the initial confirmation hearing.
3. **DEADLINE TO OBJECT TO THE PLAN**: Any party desiring to object to confirmation of the Plan must file a written objection with the Court via the Electronic Court Filing System (“ECF”) or, if the objecting party is not an authorized user of ECF, then by delivering the objection to the Clerk of the Court.[[2]](#footnote-2) The objection must be filed by Click or tap to enter the deadline for objection(s) (which date is at least seven (7) calendar days prior to the initial confirmation hearing). Any party that files an objection to confirmation of the Plan must serve a copy of the objection on the Debtor and Subchapter V Trustee at the following addresses:

*[Name of Debtor or its Attorney]*

*[Name of Firm, if applicable]*

*[Debtor’s or Firm’s Street Address]*

*[Debtor’s or Firm’s City, State and Zip Code]*

*[Name of Subchapter V Trustee]*

*[Trustee’s Street Address]*

*[Trustee’s City, State and Zip Code]*

1. **DEADLINE TO VOTE**: The Debtor shall provide creditors with a copy of a ballot conforming to Official Form No. 14 (“Ballot”). Any creditor desiring to vote for or against confirmation of the Plan must complete and sign a Ballot. To be timely, a completed Ballot must be delivered to Debtor at the address listed in paragraph 3 above by Click or tap to enter a date (which is at least seven (7) calendar days prior to the Confirmation Hearing).
2. **DEADLINE TO OBJECT TO DISCHARGE**: The date of the initial Confirmation Hearing is the deadline for any creditor to file a complaint objecting to the discharge of an individual debtor. Fed. R. Bankr. P. 4004(a).
3. **BALLOT REPORT**: The Debtor shall file a report, consistent with Local Bankruptcy Rule 3018-1, no later than three (3) business days prior to the Confirmation Hearing.
4. **SERVICE OF THIS ORDER, PLAN AND BALLOT:** Pursuant to Bankruptcy Rule 3017(d), the Debtor shall serve a copy of this Order, the Plan, and a Ballot (collectively, the “Plan Documents”) on:
   1. All creditors;
   2. The United States Trustee; and
   3. The Subchapter V Trustee.
5. **TIMING OF SERVICE**: Pursuant to Bankruptcy Rule 2002(b), the Plan Documents shall be served so that creditors have not less than twenty-eight (28) days after receipt (or, pursuant to Bankruptcy Rule 9006(f), thirty-one (31) days if the Plan Documents are served by mail) to file objections to confirmation and to vote on the Plan.
6. **CERTIFICATE OF SERVICE**: After serving the Plan Documents, the Debtor shall promptly file with the Court a certificate or affidavit evidencing such service.
7. **PROCEDURE IF A PLAN OBJECTION IS FILED**: If a party objects to confirmation of the Plan, the Court will determine the appropriate manner to address the objection at the initial Confirmation Hearing. The Court may continue the hearing if it determines that additional evidence or argument is required.
8. **PROCEDURE IF NO PLAN OBJECTION IS FILED**: If no party objects to confirmation of the Plan, the Court may confirm the Plan at the Confirmation Hearing if the Debtor presents sufficient evidence (e.g., witness testimony, declaration, or documents) to allow the Court to make findings required by Bankruptcy Code § 1191.

**DATED AND SIGNED ABOVE.**

1. If video appearances/locations are not set by the Court, please delete from “Parties may also appear by video from” and “Click or tap here to choose Video location(s)” and footnote “1.” [↑](#footnote-ref-1)
2. The Clerk’s office in Phoenix is located at the U.S. Bankruptcy Court, 230 N. First Ave, Suite 101, Phoenix, AZ 85003 and the Clerk’s office in Tucson is located at the U.S. Bankruptcy Court, 38 S. Scott Ave, Suite 100, Tucson, AZ 85701. [↑](#footnote-ref-2)