

CHAPTER 13 REFERENCE GUIDE

Claims Bar Dates:

Secured and Unsecured claims	70 days from Petition date	FRBP 3002(C)
Governmental unit date	180 days from Petition date	FRBP 3002 (C)(1)

Prior Filings – Eligibility for Discharge:

Chapter 7	4 years*	11 USC § 727 (some exceptions apply)
Chapter 13	2 years*	11 USC § 1328 (f)(2)

* Time runs from petition date to petition date

Exemptions:

- Texas Property Code §§ 41.002, 42.001, 42.002:
 - o Homestead:
 - Rural: 200 acres for family or 100 acres for single debtor outside of town
 - Urban: 10 acres inside of town
 - o Personal Property - \$50,000 for individual or \$100,000 for family
 - o Vehicles: 1 vehicle per debtor and dependent of driving age
 - o 2 firearms per household
- Federal Exemptions 11 U.S.C § 522:
 - o Homestead - \$25,150 (d)(1)
 - o Motor Vehicle \$ 4,000 (d)(2)
 - o Household Goods \$13,400 (\$625 per item) (d)(3)
 - o Jewelry \$ 1,700 (d)(4)
 - o Tools of Trade \$ 2,525 (d)(6)
 - o Life Ins CV \$13,400 (d)(8)
 - o Personal Injury Recovery
 - Pain & Suffering \$25,150 (d)(11)
 - o Lien Avoidance limit \$ 6,825 (f)(3)
 - o Wildcard Up to \$12,575 of unused Homestead, max \$13,900 (d)(5)

Chapter 13 Debt Limits 11 U.S.C. § 109(e) [As of 4/1/2019**]:

Secured	\$1,257,850
Unsecured	\$ 419,275
Homestead Cap	\$ 170,350

** Expected Revision 4/1/2021

Refiling Notice Timeline 11 U.S.C. § 109(g) - No one may be a debtor for 180 days from prior dismissal if:

- a) Willful failure to abide by orders of the Court
- b) Failure to appear before Court in prosecution of the case, OR
- c) Voluntary dismissal after Motion for Relief from Stay filed

<u>Matter</u>	<u>Notice Time</u>	<u>Reference</u>	<u>Adversary or Contested Matter</u>
Attorney Fees - Additional	21 days from Order/Relief *	FRBP 2002(a)(6), LR 2002-1(a)(6)	
Change of Venue	As is appropriate	FRBP 1014(a)(2), USBC § 102	
Confirmation Hearing	28 days	FRBP 2002(b), LR 2002-1(b)	
Debtor Certification & Motion for Entry of Chapter 13 Discharge	21 days*	11 U.S.C. § 1328(a); NDOT Standing Chapter 13 Order Section 21(a)	
Defenses & Objections	30 days *	FRBP 7012	
Dismissal without further notice	14 days	NDOT Standing Chapter 13 Order Section 3	
Extension to File Schedules	For Cause (usually 14 days)	FRBP 1007(a)(5)	
Modification of Confirmed Plan	21 days *	FRBP 2002(a)(5), LR 2002-1(a)(5)	
Motion to Avoid Lien – Exempt Property	Through Plan 11 USC § 522(f)	FRBP 4003(d) FRBP 3015.1	C
Motion to Determine Dischargeability of Debt	30 days *	11 U.S.C § 523; FRBP 2002(f)(5), FRBP 4007(c)	A
Motion to Determine Validity, Priority or Extent of Lien	30 days	See 11 U.S.C. §§ 522(f); FRBP 3012(b), 3015.1, 4003(d), 7001(2)	A
Motion to Dismiss	21 days *	LR 2002-1(a)(4)	C
Motion to Incur Debt	7 days	FRBP 4001(c)(2), 9006(d), 9014(b)	C
Motion for Relief from Stay	11U.S.C. §§ 102; 362 14 days	FRBP 4001(a)	C
Motion to Revoke Discharge	30 days *	FRBP 7001(4)	A
Motion to Sell	21 days *	FRBP 2002(a)(2),LR 2002-1(a)2)	
Motion for Turnover – Third Party	30 days *	FRBP 7001(1)	A
Motion for Turnover Against Debtors	30 days *	FRBP 2002(a)(2)	C
Notice of Intent to Dismiss	7, 14 days	NDOT Standing Chapter 13 Order Section 3	C
Objection to Claims	30 days *	FRBP 3007(a)(1)	C
Objection to Confirmation	7 days prior to confirmation date	FRBP 3015(f), LR 3015-3	C
Objection to Discharge	Motion must be filed 60 days from 1 st 341 Debtor has 30 days to answer	FRBP 4004(a); 11 U.S. C § 727	A
Objection to Exemptions	30 days from 341 *	FRBP 4003(b)	C
Objection to Use, Sell or Lease Property	21 days *	FRBP 2002(a)(2)	C
Proceeding to Revoke an Order of Confirmation of Chapter 13 Plan	30 days *	FRBP 7001(5)	A

* Add three (3) days for mailing

** Adversary proceeding requires service of clerk summons (see FRCP 4(e)) and 1st Class Mail
Contested proceeding requires 1st Class Mail

DISCLAIMER: This reference guide should not be considered legal advice. The user should verify independently the accuracy of any notice time shown herein.