

Rule 3021-1 DISTRIBUTION UNDER CHAPTER 9, 11, AND 13 PLANS

(a) Each creditor shall assure that its current address is on file with the Clerk. Distribution by the disbursing agent shall be to the most recent address on file with the Clerk. The distribution of any proceeds pursuant to a confirmed plan shall be mailed to the address of the creditor as designated pursuant to Fed. R. Bankr. P. 2002(g), if one has been filed.

(b) Within ninety (90) days of confirmation of a Chapter 9 or Chapter 11 plan and each ninety (90) days thereafter until the case is closed, the disbursing agent shall file with the Clerk a brief and accurate accounting of all sums received, all sums disbursed to date, the sums remaining with the disbursing agent, and the proposed disposition thereof.

(c) Following confirmation of a plan, the Chapter 13 trustee shall make distribution to secured and priority creditors in accordance with the terms of the plan. Claims identified in the plan or proofs of claim filed shall be treated for distribution purposes as follows:

- (1) after the filing of a plan and prior to confirmation of such plan, the Chapter 13 trustee is authorized to make distribution of the designated monthly payments as provided in the plan on secured nontax claims, attorney's fees, and utility accounts;
- (2) the debtor or debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

(d) In Chapter 13 cases, failure of an unsecured creditor to file a claim shall inure to the benefit of the other unsecured creditors in the same class. The Chapter 13 trustee shall increase the percentage to be paid accordingly, provided that payments shall not exceed one hundred percent (100%) of the total amount of the allowed unsecured claims (including interest if provided in the plan for such claims). Distributions to unsecured creditors shall be made on a pro rata basis as calculated by the Chapter 13 trustee and not on a per capita basis.

(e) If a secured creditor obtains relief from the automatic stay, the Chapter 13 trustee shall suspend distributions to all creditors with claims secured by the collateral released from the automatic stay, following the Chapter 13 trustee's receipt of notice of the grant of relief. However, the Chapter 13 trustee shall continue to make distribution to other creditors in accordance with the terms of the plan.

(f) In the event that a Chapter 13 plan is not confirmed, then the trustee shall refund all payments to the debtor if the case is dismissed, or to the Chapter 7 trustee if the case is converted.