

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISIONS OF ST. CROIX AND ST. THOMAS/ST. JOHN**

IN THE MATTER OF:)	
)	
Adoption of Revisions to the Local Rules)	
of the District Court of the Virgin Islands)	Miscellaneous Case No. 2010-3
Bankruptcy Division)	
_____)	

ORDER

THIS MATTER comes before the Court upon review of proposed amendments to the Federal Rules of Bankruptcy Procedure, which became effective on December 1, 2017. One of those amendments impacts the Local Bankruptcy Rules: the requirement that Bankruptcy Courts adopt the National Chapter 13 Plan—found at Official Form 113—or a plan that is in conformity with it. Consistent with the Federal Rules of Bankruptcy Procedure, the District Court of the Virgin Islands will adopt the National Chapter 13 Plan.¹

¹ The following Local Bankruptcy Rules are amended to delete reference to the Local Chapter 13 Plan (Form 10) and to substitute Official Form 113:

1. Local Rule 2016-2, entitled “Procedure for Consideration of Fee Application,” is amended by deleting “LBF 10” at the end of the sentence in Local Rule 2016-2(D)(2), and replacing it with “Official Form 113.” This subsection of the Rule will now read: “The \$2,500 limit contemplates that the debtor(s) will be interviewed by an attorney, that accurate and complete schedules will be prepared, that the debtor(s) will be briefed on the chapter 13 process, that all documents will be explained and that the attorney will file a chapter 13 plan that meets the requirements of Official Form 113 and that is capable of confirmation.”
2. Local Rule 3015-1, entitled “Dismissal for Failure to File Schedules, Statement of Affairs, or Plan,” is amended by deleting “LBF 10” at the end of the third and final sentence and replacing it with “Official Form 113.” This Rule will now read: “Failure to file any schedule, statement of financial affairs, or other information required by the Bankruptcy Code or Bankruptcy Rules, or a chapter 13 plan within fourteen (14) days of the date of filing the petition or to obtain a Court-approved extension as provided in Fed. R. Bankr. P. 1007 shall be cause for dismissal. The Clerk shall notify each debtor filing a petition for relief who has failed to comply with this provision. In chapter 13 cases, the plan shall be filed in substantial conformity to the current version of Official Form 113.”

A Notice to the Bar and Public was published on the District Court of the Virgin Islands website on December 1, 2017 informing attorneys and the public of the amendments to the Federal Rules of Bankruptcy Procedure and their effect on the Local Bankruptcy Rules.

Accordingly, it is hereby

ORDERED that the District Court of the Virgin Islands will adopt the National Chapter 13 Plan, found at Official Form 113; and it is further

ORDERED that the Court **AMENDS** its Local Bankruptcy Rules 2016-2(D)(2) and 3015-1 to reflect the adoption of the National Chapter 13 Plan (Official Form 113), as reflected in the amended Local Bankruptcy Rules attached hereto; and it is further

ORDERED that the amended Local Bankruptcy Rules shall be effective as of **December 1, 2017, *nunc pro tunc***; and it is further

ORDERED that the Clerk of Court shall forward a copy of this Order and the attached amended Local Bankruptcy Rules to the Judicial Council of the United States Court of Appeals for the Third Circuit and the Director of the Administrative Office of the United States Courts.

SO ORDERED.

Date: December 7, 2017

_____/s/_____
WILMA A. LEWIS
Chief Judge

Copies:

District Court Judges
Magistrate Judges
Clerk of Court
Virgin Islands Bar Association
(for distribution to
Members of the Virgin Islands Bar)