

Notice of Hearing and Notice of Default



The United States Bankruptcy Court for the Eastern District of Missouri (“Court”) has developed a new local form and CM/ECF event filing procedure to aid creditor’s counsel in filing a Notice of Default in Chapter 13 cases. The Court does not mandate use of the form titled Notice of Hearing and Notice of Default (Local Form 51). However, the Court requests that creditor’s counsel who elect not to use Local Form 51 file a notice in substantial conformity with Local Form 51 and set the notice for hearing at the time of filing using the Notice of Default CM/ECF event.

Local Form 51

The Notice of Hearing and Notice of Default form, otherwise known as Local Form 51, can be found on the list of Chapter 13 Local Forms on the Court’s website at: <https://www.moeb.uscourts.gov/chapter-13-local-forms>

CM/ECF Filing Procedure

The CM/ECF event pathway for filing a Notice of Default remains the same. It is as follows:

[Bankruptcy Events](#) → [Notices](#) → [Notice of Default](#)

However, the CM/ECF event has been retooled to prompt the filer to set the Notice of Default for hearing at the time of filing. This has been done to ensure that a Notice of Default is set for hearing twenty-one (21) days from the time of its filing. The Court observed that a variance developed between when a Notice of Default was set for hearing in some cases versus others. In some cases, the notice was not set for hearing until after the debtor’s response was filed. The Court’s new procedure creates uniformity in procedure across all Chapter 13 cases in the Eastern District of Missouri.