

**UNITED STATES BANKRUPTCY COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK**

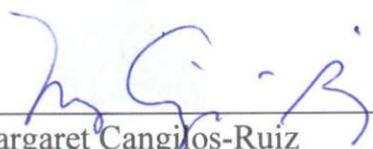
**ADMINISTRATIVE ORDER 15-04
ADOPTING REVISED LOCAL BANKRUPTCY RULES
EFFECTIVE DECEMBER 1, 2015**

The United States Bankruptcy Court for the Northern District of New York has revised its Local Bankruptcy Rules so that they technically conform to the revised, reformatted and renumbered Official Bankruptcy Forms approved by the Judicial Conference on September 17, 2015, which will become effective December 1, 2015. The technical revisions to Local Bankruptcy Rules 1002-1, 1003-1, 1007-1, 1007-3, 1009-1, 2015-2, 2016-3, 3001-2, 3007-1, 3018-1, 4004-2, 7003-1, 8005-1, 8006-1, 8016-1 and 8016-2 affected by these changes are set forth on Exhibit A attached hereto.

In accordance with General Order #21 entered on March 7, 2014, by then presiding Chief District Court Judge for the Northern District of New York, The Honorable Gary L. Sharpe, it is hereby

ORDERED that the United States Bankruptcy Court for the Northern District of New York hereby adopts the revised Local Bankruptcy Rules as reflected on Exhibit A, effective as of December 1, 2015.

Dated: November 24, 2015
Syracuse, New York



Margaret Cangilos-Ruiz
Chief U.S. Bankruptcy Judge

Local Bankruptcy
Rules for the
Northern District of New York



Local Bankruptcy Rules

Effective January 1, 2012

Update Effective December 31, 2014⁵

RULE 1002-1

COMMENCEMENT OF THE CASE

- (a) **Electronic Case Filing and Signature.** Under the CM/ECF system, the Clerk no longer accepts original paper documents for filing. The petition must be signed and dated by the debtor contemporaneously with the filing. An electronic signature satisfies the requirement that petitions, verifications, resolutions, declarations, etc. be signed. An electronic signature is considered an original signature upon the filed documents for all purposes under the Bankruptcy Code, relevant federal and state statutes, and applicable federal rules. A pro se party may file a petition and other documents in paper format.

- (b) **Filing Fees.** The Clerk shall not accept a petition to commence a case unless accompanied by: (1) the applicable filing fee; (2) an application pursuant to Fed. R. Bankr. P. 1006(b)(1) to pay the filing fee in installments (Official Form 103A); or (3) an application pursuant to Fed. R. Bankr. P. 1006(c) requesting a waiver of filing fee (Official Form 103B).

- (c) **Where to File.**
 - (1) Except as set forth below, a petition, motion, pleading, memorandum of law, or other document required to be in writing must be filed electronically or in the Clerk's office where the assigned judge sits. The Clerk or the Court may make arrangements to permit the filing of a pleading or other paper at a location other than an official courthouse within the district after regular business hours on weekdays and on Saturdays, Sundays, and legal holidays for good cause shown.

 - (2) An attorney may use public scanners and computers located at the Public Intake Counter. A pro se party may file all papers and pleadings in paper format in any Clerk's office.

- (d) **Corporate Resolution.** A voluntary petition filed by a corporation shall be accompanied by a copy of the corporate resolution or other appropriate authorization, duly attested to, authorizing such filing.

- (e) **LLC Authority.** A voluntary petition filed by a limited liability company shall be accompanied by a copy of the appropriate authorization, duly attested to, authorizing such filing.

- (f) **Partnership Declaration.** A voluntary petition filed by a partnership shall be accompanied by a copy of the appropriate authorization, duly attested to, authorizing such filing.

- (g) **LLP Authority.** A voluntary petition filed by a limited liability partnership shall be accompanied by a copy of the appropriate authorization, duly attested to, authorizing such filing.

- (h) **Deficient Petitions and Papers.** The Clerk may issue a notice specifying filing deficiencies to the filer of the document.

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- (i) **Noncompliance.** The failure to comply with the requirements of this Rule and the Federal Rules of Bankruptcy Procedure may subject the case to dismissal.

Comment

Fed. R. Bankr. P. 5005(a)(2) permits a court by local rule to require documents to be filed, signed, or verified by electronic means. Although Fed. R. Bankr. P. 5005(a)(1) requires the Clerk to accept papers for filing that are not in proper form, paragraph (i) of this Rule makes clear that the Court may take appropriate action to enforce this Rule.

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Once an initial waiver of the filing fee is granted under Fed. R. Bankr. P. 1006(c), that waiver shall apply to the debtor for all future fees assessed by the Clerk in that case, unless otherwise ordered by the Court.

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Filing fees for the commencement of a case under the respective chapters of the Bankruptcy Code are set forth in 28 U.S.C. § 1930(a). Filing fees for the commencement of an adversary proceeding are authorized by 28 U.S.C. § 1930(b) and set forth in the Judicial Conference Schedule of Fees.

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RULE 1003-1 INVOLUNTARY PETITION – FILING REQUIREMENTS

- (a) **Electronic Filing.** An involuntary petition (Official Form 105 or 205) shall be filed using the CM/ECF system.
- (b) **Matrix.** An involuntary petition shall be accompanied by a matrix, in proper form as set forth in LBR 1007-2(c), containing the name and address, including zip code and any post office address of all petitioning creditors, any attorneys for petitioning creditors, and any other parties in interest known to the petitioning creditors or their attorney. Fiel
- (c) **Certification of Matrix.** The matrix required by paragraph (b) shall be certified in the manner directed in LBR 1007-2(f). Fiel
- (d) **Noncompliance.** The failure to comply with the requirements of this Rule and the Federal Rules of Bankruptcy Procedure may subject the case to dismissal.

RULE 1007-1

STATEMENT OF SOCIAL SECURITY NUMBER,
PAYMENT ADVICES AND FINANCIAL MANAGEMENT
CERTIFICATE

- (a) **Verified Statement of Full Social Security Number.** Fed. R. Bankr. P. 1007(f) requires the debtor to submit a verified statement (Official Form 1-21) of his or her full social security number. The verified statement is not filed in the case and does not become a part of the Court record or the public record. The completed and verified statement shall be retained by the debtor's attorney for two (2) years in accordance with LBR 9011-3(e) or, if the debtor is pro se, by the debtor for two (2) years.
- (b) **Submission with Petition Filed in Paper Format.** When a petition is filed in paper format, the debtor is required to submit the original signed statement contemporaneously with the filing of the petition.
- (c) **Submission with Electronically Filed Petition.** When a petition is electronically filed, the debtor is required to sign the statement of full social security number. The debtor's attorney is required to retain the original with his or her records. The form shall not be filed electronically with the petition and shall not be submitted to the Clerk.
- (d) **Amendment of Social Security Number.** If a petition is filed with an incorrect social security number, debtor's counsel shall immediately:
- (1) Submit, in paper format, to the Clerk an amended verified statement indicating both the incorrect social security number and the debtor's full and correct social security number;
 - (2) Serve the amended verified statement referenced in paragraph (d)(1) of this Rule upon all creditors, the trustee, and the United States trustee;
 - (3) File a certificate of service; and
 - (4) If the error affects the last four (4) digits of the debtor's social security number, in addition to submitting an amended verified statement, also file an amended petition showing the corrected last four (4) digits of the debtor's social security number.
- (e) **Payment Advices.** If a debtor cannot comply with § 521(a)(1)(B)(iv), the debtor shall complete and file a Payment Advice Form.
- (f) **Personal Financial Management Certificate.** Every individual debtor in a case filed under chapter 7, chapter 11, or chapter 13 must complete a post-petition instructional course concerning personal financial management as required by Fed. R. Bankr. P. 1007(b)(7).

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(1) **Failure to timely file evidence of completion of course.** If a debtor under chapter 7 or 13 fails to file a statement (Official Form 423) or a certificate from an approved provider evidencing completion of a course in financial management as required under Fed. R. Bankr. P. 1007(b)(7) within the time limits prescribed by Fed. R. Bankr. P. 1007(c), the Clerk may close the case without discharge and shall notify creditors. A motion to reopen the case to obtain a discharge will be subject to the applicable fee.

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(2) **Deceased Debtor Excused from Compliance.** If a debtor dies after the filing of the petition and prior to completing the course in financial management, the debtor's attorney may file an ex parte application requesting a waiver of the completion of the course. A redacted version of the death certificate shall be attached as an exhibit to the application with service on the United States trustee and the case trustee.

(g) **Noncompliance.** The failure to comply with the requirements of this Rule and the Federal Rules of Bankruptcy Procedure may subject the case to dismissal.

RULE 1007-3

NOTICE TO CREDITORS OMITTED FROM OR INCORRECTLY LISTED ON MAILING MATRIX

(a) **Notice of Amendment to Add Creditor or Correct Creditor Information.** If a debtor adds a creditor to the case or corrects the name or address of a creditor by amending either the schedules, the list of creditors, or matrix previously filed, the debtor must serve upon that creditor copies of the following:

- (1) The amendment with the debtor's signed declaration (Official Form 106 Dec or 2026 - Declaration);
- (2) Notice of Meeting of Creditors;
- (3) Verified Statement of Social Security Number (Official Form 121);
- (4) Any matters previously noticed by the Clerk;
- (5) Any other document filed in the case that affects the creditor's rights; and
- (6) Any order that establishes or extends a bar date for claims or sets a deadline for creditors to file complaints to determine the dischargeability of certain debts or to object to the discharge of the debtor.

(b) **Certificate of Compliance.** The debtor must file a certificate of compliance with this Rule, together with a dated and clearly titled amended mailing matrix that lists only the name and correct mailing address of each newly scheduled or corrected creditor. The certification shall conform substantially to the following:

CERTIFICATION OF COMPLIANCE WITH LBR 1007-3

I (we) _____, the attorney for the debtor(s)/petitioner(s) (or if appropriate, the debtor(s) or petitioners(s)) hereby certify under the penalties of perjury that on date _____ schedules or an amended mailing matrix were filed.

The amended mailing matrix, which is clearly titled **AMENDED** matrix lists only the name and correct mailing address of each newly scheduled creditor or the corrected name and corrected mailing address of each creditor who was listed incorrectly on the mailing matrix filed with the petition.

I (we) further certify that any newly listed creditor and/or corrected creditor has been noticed as required by LBR 1007-3(a).

Dated:

Attorney for Debtor/Petitioner/Pro Se Debtor

RULE 1009-1

AMENDMENT TO A PETITION, LIST, SCHEDULE,
STATEMENT, SUMMARY OR MAILING MATRIX

(a) **Caption.** Each amendment to a petition, list, schedule, statement, summary, and mailing matrix shall contain a caption complying with Fed. R. Bankr. P. 1005 and 9004(b) and include the word "AMENDED" in the document's caption.

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(b) **Interlineation.** No amendment by interlineations shall be permitted. The entire page or pages that the amendment affects shall be redrafted with the amendment "boxed in," and in such a manner that the amended page(s) will be complete without referring to the page or pages that have been amended.

~~(c) Schedules of Assets Property ("A/B" and "B") and Liabilities ("D," "E," and "F"), and Creditors ("D" and "E/F").~~ Each amendment to the schedules that affects the amount claimed shall be totaled on: (1) the amended schedule; and (2) the amended summary of schedules (Official Form 106Sum or 206Sum—Summary) and statistical summary of certain liabilities and related data (Official Form 106Sum or 206Sum ~~(d)(c) —Statistical Summary~~).

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~~(e)(d)~~ **Mailing Matrix.** Each amendment to the schedules that adds a party to the case or corrects the name or address of a party shall include an amended certified mailing matrix, listing only the new or corrected party and/or information.

~~(f)(e)~~ **Amended List of Creditors.** If the debtor files a list of creditors and their addresses in lieu of completed schedules as permitted by Fed. R. Bankr. P. 1007(c), and thereafter includes a creditor in the schedules not included in the original list of creditors, the schedules shall be treated as an amendment and the debtor shall file an amended list of creditors.

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~~(g)(f)~~ **Amendment to Claim of Exemption.** An amendment to a claim of exemption pursuant to Fed. R. Bankr. P. 4003(a) shall be filed and served by the debtor or dependent of the debtor on the trustee, the United States trustee, and all creditors.

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~~(h)(g)~~ **Notice of Amendment.** If the debtor amends a petition, list, schedule, statement, summary, or mailing matrix pursuant to Fed. R. Bankr. P. 1009, the debtor shall immediately serve notice of such amendment upon the United States trustee, trustee, and any entity affected thereby.

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~~(i)(h)~~ **Notice of Amendment to Add a Creditor.** If a debtor adds a creditor to the case, the debtor must comply with the notice procedure as described in LBR 1007-3(a).

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~~(j)(i)~~ **Certificate of Service.** Upon filing an amendment, the debtor shall file a certificate reflecting service of the notice of the amendment upon all parties entitled to notice under paragraph (g) of this Rule or paragraph (a) of LBR 1007-3.

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(e)(j) **Filing Fee.** Any fee required by 28 U.S.C. § 1930(b) and the appendix, must be paid at the time of the filing of the amendment.

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Comment

Amendments shall be filed in the form prescribed in LBR 9004-1 and in accordance with rules 1007-1 and 1007-3. A tutorial on how to comply with this rule is available on the court's website.

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An example of an amendment that complies with this Rule appears below:

B6C (Official Form 6C) (04/10)

In re James Greenstreet Case No. 11-98765
 Debtor (if known)

Amended SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under (Check one box)
 11 U.S.C. § 522(b)(2) Check if debtor claims a homestead exemption that exceeds \$146,450.*
 11 U.S.C. § 522(b)(3)

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION
Debtor's Homestead	CPLR § 5206	50,000	10,000
Primary Vehicle	Debtor Creditor Law § 282(1)	500.00	500.00

* Amount subject to adjustment on 4/1/13 and every three years thereafter with respect to cases commenced on or after the date of adjustment

- (a) **Chapter 11 Debtor's Affidavit.** A debtor's affidavit shall be filed in each chapter 11 case and in any case converted to chapter 11 from chapter 7, 12, or 13.
- (b) **Contents of Affidavit.** A debtor in possession shall file an original affidavit attesting:
- (1) To the nature of the debtor's business and a concise statement of the circumstances leading to its chapter 11 filing;
 - (2) If the debtor failed to file its summary of schedules (Official Form 206 Sum) with the initial filing, a summary of the debtor's assets and liabilities;
 - (3) A list of all property of the debtor in the possession or custody of any custodian, public officer, mortgagee, pledgee, assignee of rents, or secured creditor or agent for any such person, giving the name, address and telephone number of such person and the court, if any, in which a proceeding relating thereto is pending;
 - (4) If the debtor failed to file its Schedule "A/B" (Assets – Real and Personal Property~~Real Property~~) or Schedule "G" (~~Statement of Executory Contracts and Unexpired Leases~~) with the initial filing, a list of real and personal property owned, under lease or, held under other arrangement, including, but not limited to the property from which the debtor operates its business; and
 - (5) If the debtor failed to file its statement of financial affairs with the initial filing, the location of its substantial assets, the location of its books and records, and the nature, location and value of assets, if any, held by the debtor outside the territorial limits of the United States.
- (c) **Additional Information Required if Business Continues.** If the debtor intends to continue the operation of its business, the affidavit shall so state and set forth the information described in subparagraphs (1) – (3) below:
- (1) The estimated amount of the weekly payroll payable to employees (exclusive of any officer, partner, stockholder, and director) for the thirty (30) day period following the filing of the chapter 11 petition;
 - (2) The amount paid and proposed to be paid for services for the thirty (30) day period following the filing of the chapter 11 petition:
 - (A) If a corporation, to any officer, stockholder, and director;

- (B) If an individual, partnership, limited liability company, or limited liability partnership, to the individual or any member of the partnership or limited liability entity; and
 - (C) If a consultant has been retained, to such consultant; and
- (3) A schedule setting forth for the thirty (30) day period following the filing of the petition: estimated cash receipts and disbursements, net cash gain or loss, accrued but unpaid obligations, other than professional fees, and any other information relevant to an understanding of the foregoing.
- (d) **When to File the Affidavit.** In a voluntary chapter 11 case, the affidavit pursuant to this Rule shall be filed within seven (7) days of the filing of the petition. In an involuntary chapter 11 case, the affidavit shall be filed within seven (7) days after entry of the order for relief or after the filing of debtor's consent to the petition, whichever is earlier.
- (e) **Waiver of Requirements.** The Court may waive the requirements of this Rule, except for subparagraphs (1) and (2) of paragraph (b), upon application of the debtor and notice to the United States trustee, if it determines that compliance with this Rule is impracticable.

Comment

This Rule supplements Fed. R. Bankr. P. 1007 and should be read in conjunction with LBR 1019-1(e) when a case converts to chapter 11.

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REQUIRED SERVICES TO BE RENDERED BY DEBTOR'S ATTORNEY

- (a) **Debtor Representation.** Unless otherwise ordered by the Court, an attorney representing a debtor shall be the attorney of record and represent the debtor until the case is administratively closed.

- (b) **Required Attorney Duties in a Chapter 7, Chapter 12 and Chapter 13 Case.**
 - (1) **Retainer Agreement.** Absent special circumstances approved by the Court, an attorney representing the debtor in chapter 7, chapter 12 or chapter 13 proceeding in this district shall have a written retainer agreement that sets forth the fee arrangement and comprehensive services to be performed for the debtor in which the attorney agrees to:
 - (A) Analyze the client's financial situation, and advise and assist the client in determining whether to file a petition under the Bankruptcy Code;
 - (B) Prepare and file the petition, all required lists, schedules and statements, as well as any amendments that may be necessary or appropriate;
 - (C) File the certificate required from the individual debtor from an approved nonprofit budget and credit counseling agency for pre-petition credit counseling;
 - (D) File the debtor's payment advices together with the "Payment Advice Form" (Payment Advice Form); Fiel
 - (E) Appear personally and represent the debtor at any scheduled meeting of creditors under § 341, unless otherwise ordered by the Court; Fiel
 - (F) Amend any list, schedule, statement, and/or other document required to be filed with the petition as may be necessary or appropriate;
 - (G) Advise the debtor with respect to any reaffirmation agreement; negotiate, prepare and file reaffirmation agreements if in the best interest of the debtor; and attend all hearings scheduled on any reaffirmation agreement signed by the debtor;
 - (H) Prepare and file any motion as may be necessary or appropriate including but not limited to a motion to avoid a lien on exempt property, to obtain credit, to sell or abandon property, and to assume or reject a lease;

- (I) Remove involuntary wage garnishments and/or voluntary wage assignments, as appropriate;
 - (J) Compile and forward to the trustee and the United States trustee any documents and information requested;
 - (K) Consult with the debtor and if there is a valid defense or explanation, respond to a motion for relief from the automatic stay;
 - (L) File the debtor's certification of completion of instructional course concerning financial management (Official Form 423);
 - (M) Represent the debtor in any adversary proceeding filed in the case; and
 - (N) Disclose any agreement and fee arrangement regarding the potential retention of co-counsel.
- (2) **Chapter 7 Case.** In addition to the services identified in subparagraph (b)(1) above, and as may be needed or warranted by the facts of the case, the attorney retained in a chapter 7 case shall prepare and file a motion under § 722 to redeem exempt or abandoned personal property.
- (3) **Chapter 12 and Chapter 13 Cases.** In addition to the duties identified in subparagraph (b)(1) above, and as may be needed or warranted by the facts of the case, the attorney retained in a chapter 12 or chapter 13 case shall:
- (A) Attend the original and any adjourned confirmation hearing and address all objections to confirmation;
 - (B) Negotiate the value of secured claims or, as necessary, represent the debtor at valuation hearings in connection with the confirmation hearing;
 - (C) Prepare and file the necessary pleadings to partially or wholly avoid mortgage liens against the debtor's real property;
 - (D) Prepare necessary pre-confirmation amendments and post-confirmation modifications to the plan;
 - (E) Timely review all filed proofs of claim, and object to and file proofs of claim as appropriate;

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- (F) Oversee the filing of all operating reports in chapter 13 and any required in chapter 13;
- (G) Represent the debtor in connection with motions for dismissal or conversion;
- (H) File the appropriate affirmation required under Rule 4004-1(b) to permit the inference that the debtor is entitled to a discharge; and
- (I) Attend any discharge hearing scheduled and address all objections to discharge.

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Comment

With reference to subparagraph (b)(3)(E) and the timely review of claims, practitioners are referred to LBR 3007-1(b) for the time by which claim objections are to be filed in chapter 13 cases.

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RULE 3001-2

**CLAIMS AND EQUITY SECURITY INTERESTS – NO ASSET
CASE**

If a chapter 7 case is filed as a "no asset" case, pursuant to the Notice of Commencement of Case Chapter 7 Bankruptcy Case – No Proof of Claim Deadline ~~to creditors shall direct that, no proofs of claim shall be filed, unless the sole purpose for filing such proof of claim is to satisfy the requirements of § 521(a)(6). If the chapter 7 trustee determines that there are assets from which a dividend might be paid, the Clerk shall set a deadline for filing proofs of claim and issue a notice of the time to file claims, as required under Fed. R. Bankr. P. 2002(f).~~

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RULE 3007-1

CLAIMS AND OBJECTIONS TO CLAIMS

- (a) **Time for Service of Objections to Claims.** Objections to all claims must be served upon the claimant not later than 30 days prior to the hearing.
- (b) **Service of Objections to Claims.** In addition to the service required by Fed. R. Bankr. P. 7004 and 9014, a claim objection must be served upon the claimant at the address (and in care of the individual) designated in Box 3 on the proof of claim (Official Form 410) and a certificate of service must be filed. Fiel
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- (c) **Claim Objections in Chapter 11 Cases.** Unless the Court orders otherwise, objections to claims in a chapter 11 case must be filed and served not later than fourteen (14) days after the entry of an order of confirmation.
- (d) **Claim Objections in Chapter 12 and 13 Cases.** Unless the Court orders otherwise, objections to claims in a chapter 12 and 13 case must be filed and served within forty-five (45) days of the trustee's service of the "Notice of Claims Filed and of Trustee's Intent to Pay Claims as Listed." The trustee shall file the Notice of Claims Filed and of Trustee's Intent to Pay Claims as Listed.
- (e) **Objection to Additional or Amended Claim.** Unless the Court orders otherwise, if an amended claim is filed or a claim is filed pursuant to LBR 3001-1, objections must be filed and served within forty-five (45) days of service by the trustee of the Notice of Additional or Amended Claim. Fiel
- (f) **Secured Claims.** An entity holding an allowed secured claim that obtains relief from the automatic stay in a chapter 13 case shall not continue to receive the payments provided for in the confirmed plan once the trustee receives the order granting the relief. Funds to be distributed by the trustee on the allowed claim may recommence only upon the consent of the parties or upon application and order of the Court.
- (g) **Amended Secured Claims.** The affected creditor referred to in paragraph (f) of this Rule shall retain the right to file an amended claim. The amended claim shall state:
 - (1) The date and terms of the disposition of the collateral;
 - (2) The name of the transferee of the collateral;
 - (3) The consideration received; and

- (4) A detail of all charges claimed in retaking, holding, and disposing of the property.

Comment

Paragraph (c) of this Rule sets a date by which objections to claims must be filed in chapter 11 cases in order to expedite the resolution of administrative matters remaining after confirmation. In many chapter 11 cases, a plan proponent should and will file objections to claims earlier and well in advance of confirmation in order to have objections resolved prior to confirmation.

RULE 3018-1 BALLOTS – VOTING ON CHAPTER 11 PLAN

- (a) **Filing and Review.** Creditors and equity security holders shall ~~return~~ submit a chapter 11 ballot a Ballot for Accepting or Rejecting Plan (Official Form 314) to the plan proponent who shall retain the ballots and make them available for review, upon request, by any party in interest.

- (b) **Certification.** At least seven (7) days prior to the hearing on confirmation, the plan proponent shall file a written certification of the amount and number of allowed claims or allowed interests of each class accepting or rejecting the plan, in accordance with § 1126. The ballots must be filed as an exhibit to the certification. The certification shall be served by the plan proponent upon the debtor, § 1104 trustee, if any, the United States trustee, and any committee. If an issue is raised as to the proponent's compliance with § 1126, the Court may hold an evidentiary hearing prior to any confirmation hearing.

- (c) **Failure to File Certification and Ballots.** Failure to timely comply with paragraph (b) of this Rule is cause for the Court to adjourn the hearing on confirmation.

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RULE 4004-2

MOTION FOR HARDSHIP DISCHARGE

(a) **Content of Motion.** Motions for discharge under 11 U.S.C. § 1328(b) shall be filed with the court and served on the trustee, United States trustee, any party having filed a notice of appearance and all creditors, at least 21 days preceding the date fixed for hearing. The motion shall set forth the basis for the discharge and provide evidence in support of the motion. A copy of a proposed order shall be attached to the motion as an exhibit to the motion.

(b) **Requirements Prior to Issuance of Hardship Discharge.** Prior to a discharge being entered by the Court, debtor or debtors are required to file with the court the Chapter 13 Debtor(s) Certifications Regarding Domestic Support Obligations and Section 522(q) and 1328 [local form O1328C] and the Debtor's Certification of Completion of Instructional Course Concerning Financial Management [Official Form 4B-23]. Both certifications are required for any case filed AFTER October 16, 2005, unless waived by application and an order of the court.

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(c) **Objections to Entry of Discharge.** Any party wishing to contest the entry of a discharge must file a written objection to the entry of a discharge not later than (7) days prior to the date set by the Clerk for the hearing on the Request for Discharge and serve such objection on the debtor, debtor's attorney, the trustee, the United States trustee, and any party having filed a notice of appearance. In the event no objections to discharge are filed, and the debtor is otherwise eligible to receive a discharge, the Clerk may issue a discharge in the case.

RULE 7003-1 ADVERSARY PROCEEDING COVER SHEET

A complaint filed to commence an adversary proceeding shall be accompanied by an Adversary Proceeding Cover Sheet (Official Form 1040).

Filed

RULE 80075-1 STAY PENDING APPEAL (SUPERSEDEAS BOND)

- (a) **Amount of Bond When Money Judgment Only.** A supersedeas bond, where the judgment is for a sum of money only, shall be in the amount of the judgment, plus 11% to cover interest and such damages for delay as may be awarded, plus an amount to be determined by the Court, to cover costs.
- (b) **Amount of Bond When Judgment Not Solely for a Sum of Money.** When the stay may not be effected solely by the giving of the supersedeas bond, because the judgment or order is not solely for a sum of money, the Court, on notice, shall fix the amount of the bond and grant a stay on such terms as to security and otherwise as it may deem proper.
- (c) **Objections.** Upon approval, a supersedeas bond shall be filed with the Clerk, and a copy thereof, with notice of filing, promptly served on all parties affected thereby. If the appellee raises objections to the form of the bond, or to the sufficiency of the surety, the Court shall hold a hearing on expedited notice to all parties.

RULE 80096-1 DESIGNATION OF RECORD ON APPEAL

- (a) **Contents.** Each party preparing and filing a designation of the items to be included in the record on appeal shall set forth the document number from the Court's docket, filing date and the title or a description of each item designated.
- (b) **PDF Format.** Immediately after filing a designation of the items to be included in the record on appeal, the filing party shall provide to the Clerk a copy of the items designated in PDF format on a CD, unless otherwise directed by the Court.
- (c) **Noncompliance.** If a party fails to deliver the CD to the Clerk pursuant to paragraph (b) of this Rule, the Court shall prepare the CD at the party's expense. The expense shall be calculated in accordance with the Appendix entitled Bankruptcy Court Miscellaneous Fee Schedule issued pursuant to 28 U.S.C. § 1930.

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Comment

The current fee charged for reproducing designated items to a c.d. is \$30 ~~any document or paper is~~ \$50 per page.

RULE 802416-1 REMAND BY APPELLATE COURT

If the order or judgment of the appellate court remands for further proceedings, the Court will notice a hearing or enter any further order as directed.

RULE 802416-2 ENTRY OF APPELLATE COURT'S ORDER OR JUDGMENT

When an order or judgment of an appellate court is filed with the Clerk, it shall be entered on the docket of the main bankruptcy case or adversary proceeding, as appropriate, without further order.