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**LOCAL RULES OF THE UNITED STATES  
BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON**

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**EFFECTIVE: SEPTEMBER 1, 1996**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

In Re: )  
 )  
1996 AMENDMENTS TO THE LOCAL RULES FOR ) ORDER  
THE DISTRICT OF OREGON BANKRUPTCY COURT )  
 )

IT IS ORDERED the proposed amendments to the Local Rules for the District of Oregon Bankruptcy Court dated 9/96 are hereby approved and shall become effective as provided therein on September 1, 1996.

DATED: June 27, 1996

/s/Michael R. Hogan  
Michael R. Hogan, Chief Judge  
United States District Court

RECOMMENDATION FOR ADOPTION

On behalf of the U.S. Bankruptcy Court for the District of Oregon I hereby recommend that the U.S. District Court for the District of Oregon approve the proposed amendments to the Bankruptcy Court Local Rules dated 9/96. This court has spent two years working on such amendments; has complied with all 9th Circuit Judicial Conference recommendations; and has fully complied with FRBP 9029 concerning the promulgation of Local Rules including conformance with the Judicial Conference's uniform numbering system, dissemination of the proposed Rules to the Bar for comment, and full consideration of all such comments.

/s/Donal D. Sullivan  
Donal D. Sullivan, Chief Judge  
United States Bankruptcy Court

# TABLE OF CONTENTS

## FOR DISTRICT OF OREGON U.S. BANKRUPTCY COURT LOCAL RULES

<b>RULE 1001-1.</b>	<b>TITLE; EFFECTIVE DATE AND SCOPE OF RULES; DEFINITIONS; APPLICABILITY OF DISTRICT COURT RULES; FORMS</b>	1
A.	TITLE AND NUMBERING SEQUENCE	1
B.	EFFECTIVE DATE; TRANSITIONAL PROVISION	1
C.	SCOPE OF THE RULES; CONSTRUCTION	1
D.	DEFINITIONS	1
E.	APPLICABILITY OF UNITED STATES DISTRICT COURT LOCAL RULES	3
F.	LOCAL FORMS (LBFs)	3
	1. <u>Copies</u>	3
	2. <u>Applicable Version; Modification and Promulgation</u>	3
	3. <u>Use of Word Processor or Computer</u>	4
	4. <u>Two-sided Documents</u>	4
	5. <u>Completion, Service and Filing</u>	4
G.	OFFICIAL BANKRUPTCY FORMS	5
H.	EXCEPTIONS TO LBRs	5
<b>RULE 1002-1.</b>	<b>PETITION - VOLUNTARY</b>	5
A.	FILING	5
	1. <u>Place</u>	5
	2. <u>Authority to File</u>	5
	a. <u>Joint Debtors with Different Surname</u>	5
	b. <u>Conservatorship</u>	5
	c. <u>Objection</u>	5
	3. <u>Consumer Debt Presumption</u>	6
	4. <u>Notice of Consumer Debt Petition</u>	6
B.	LBF #Ex. C (SUPPLEMENTAL PETITION INFORMATION)	6
	1. <u>General</u>	6
	2. <u>Document/Petition Preparers</u>	6
C.	COPIES	6
D.	INCOMPLETE FILINGS	7
<b>RULE 1003-1.</b>	<b>PETITION - INVOLUNTARY</b>	7
A.	FILING LOCATION	7
B.	PETITION INFORMATION	7
C.	PETITION COPIES	7
D.	SUMMONS AND NOTICE OF TRIAL	7

E.	CONSENT BY AN ENTITY TO RELIEF .....	7
F.	§341(a) MEETING NOTICE .....	8
<b>RULE 1004-1.</b>	<b>PETITION - PARTNERSHIP .....</b>	<b>8</b>
<b>RULE 1005-1.</b>	<b>PETITION - CAPTION .....</b>	<b>8</b>
A.	DEBTOR'S CURRENT NAME .....	8
B.	OTHER NAMES USED BY DEBTOR .....	8
<b>RULE 1006-1.</b>	<b>FEES - INSTALLMENT PAYMENTS OF FILING FEES; DISHONORED CHECKS; MULTIPLE PAYMENTS .....</b>	<b>9</b>
A.	INSTALLMENT PAYMENT OF FILING FEES .....	9
1.	<u>Filing Requirement</u> .....	9
a.	<u>Individual Chapter 7 and Chapter 11 Cases</u> .....	9
b.	<u>Individual Chapter 12 and Chapter 13 Cases</u> .....	9
2.	<u>Effect of Untimely Installment Payment</u> .....	9
B.	DISHONORED CHECKS .....	9
C.	ERRONEOUS PAYMENT OF FEE OR CHARGE .....	10
D.	<b>SEPARATE FILING FEE FOR EACH CASE</b> .....	<b>10</b>
<b>RULE 1007-1.</b>	<b>LISTS, SCHEDULES, &amp; STATEMENTS; TIME LIMITS .....</b>	<b>10</b>
<b>RULE 1007-2.</b>	<b>MAILING - LIST OR MATRIX; MASTER MAILING MATRIX ..</b>	<b>10</b>
A.	GENERAL .....	10
1.	<u>Form</u> .....	10
2.	<u>Federal Agencies</u> .....	10
a.	<u>Commodity Broker</u> .....	10
b.	<u>U.S. Stock Interest</u> .....	10
B.	CHAPTER 11 CASES .....	11
C.	SCHEDULES G (EXECUTORY CONTRACTS AND UNEXPIRED LEASES) AND H (CODEBTOR) .....	11
D.	ACCURACY AND COMPLETENESS .....	11
E.	<del>COMPUTER TAPE MATRIX</del> .....	<del>11</del>
EF.	AMENDMENTS .....	11
<b>RULE 1007-3.</b>	<b>STATEMENT OF INTENTION; SCHEDULES .....</b>	<b>12</b>
A.	CHAPTER 7 CASES .....	12
1.	<u>§521 Statement of Intent</u> .....	12
	<u>Secured Creditor Rights When Debtor Does Not Reaffirm Debt</u> <u>Since Contract Current</u> .....	12
2.	<u>Schedules I and J (Current Income and Expenditures)</u> .....	12
B.	CHAPTER 11 .....	12

C.	CHAPTER 12 CASES	12
1.	<u>Schedules D, E and F (Liabilities)</u>	12
2.	<u>LBF #Ex. D-1 or D-2 (Financial Review of Debtor's Business)</u>	12
3.	<u>Schedule C (Property Claimed as Exempt)</u>	13
4.	<u>Schedules I and J (Current Income and Expenditures)</u>	13
D.	CHAPTER 13	13
1.	<u>Schedules I and J (Current Income and Expenditures)</u>	13
2.	<u>Schedule C (Property Claimed as Exempt)</u>	13
3.	<u>LBF #Ex. D-1 or D-2 (Financial Review of Debtor's Business)</u>	13
E.	UST COPIES	13
<b>RULE 1009-1.</b>	<b>AMENDMENTS TO LISTS &amp; SCHEDULES</b>	<b>13</b>
A.	LIST OF CREDITORS AND OTHER INTERESTED PARTIES	13
B.	AMENDMENT OF OTHER DOCUMENTS	14
<b>RULE 1017-1.</b>	<b>CONVERSION - REQUEST FOR/NOTICE OF</b>	<b>14</b>
<b>RULE 1017-2.</b>	<b>DISMISSAL OR SUSPENSION - CASES OR PROCEEDINGS</b>	<b>14</b>
A.	MOTIONS	14
1.	<u>Motions To Dismiss</u>	14
2.	<u>Motions to Vacate/Set Aside Dismissal In a Chapter 13 Case</u>	14
B.	FINAL REPORT	14
<b>RULE 1019-1.</b>	<b>CONVERSION - PROCEDURE FOLLOWING</b>	<b>15</b>
A.	DUTY OF TRUSTEE	15
B.	§341(a) MEETING NOTICE	15
C.	MOTIONS	15
D.	FINAL REPORT AND ACCOUNT	15
E.	CLAIMS AND APPLICATIONS FOR POST-PETITION SERVICES AND EXPENSES	15
<b>RULE 1020-1.</b>	<b>CHAPTER 11 SMALL BUSINESS CASES - GENERAL</b>	<b>15</b>
A.	ELECTION TO BE TREATED AS SMALL BUSINESS DEBTOR	15
B.	MOTION TO DISPENSE WITH CREDITORS' COMMITTEE	16
C.	NOTICE OF CONDITIONALLY APPROVED DISCLOSURE STATEMENT AND CONFIRMATION HEARING	16
D.	CASE CAPTION	16
<b>RULE 2002-1.</b>	<b>NOTICE TO CREDITORS &amp; OTHER INTERESTED PARTIES</b>	<b>16</b>
A.	PERSONS RESPONSIBLE FOR GIVING NOTICE	16
1.	<u>General</u>	16
2.	<u>Chapter 7 Cases</u>	16
3.	<u>Chapter 11, 11A and Small Business Chapter 11 Cases</u>	17

	a. <u>General</u> .....	17
	b. <u>Proponent of a Plan or Modified Plan</u> .....	17
	4. <u>Chapter 12 Cases</u> .....	17
	5. <u>Chapter 13 Cases</u> .....	17
B.	FORM OF NOTICE .....	18
	1. <u>General</u> .....	18
	a. <u>LBFs</u> .....	18
	b. <u>Non-LBF Form</u> .....	18
	(1) <u>General Notice of Intent</u> .....	19
	(2) <u>General Notice of Hearing</u> .....	20
	2. <u>Proposed Use, Sale, Lease or Abandonment of Property</u> .....	21
	3. <u>Motions for Authority to Sell Property Free and Clear of Liens</u> <u>and Other Interests</u> .....	22
	4. <u>Abandonment</u> .....	22
	5. <u>Agreements Relating to Relief From the Automatic Stay,</u> <u>Providing Adequate Protection, Use of Cash Collateral, and</u> <u>Obtaining Credit</u> .....	22
	6. <u>Application for Compensation or Expenses</u> .....	22
	7. <u>Motion to Assume, Reject or Assign an Executory Contract</u> .....	22
	8. <u>Motion to Convert Case</u> .....	22
	9. <u>Motion to Dismiss Case</u> .....	22
	10. <u>Motion for a Chapter 12 or 13 "Hardship" Discharge</u> .....	22
	11. <u>Motions For Relief From Stay, Use of Cash Collateral and</u> <u>Obtaining Credit</u> .....	22
	12. <u>Lien Avoidance (§522(f))</u> .....	22
	13. <u>Objections to Claims</u> .....	22
	14. <u>Redemption</u> .....	23
	15. <u>Removal/Remand</u> .....	23
C.	GENERAL NOTICING PROCEDURES .....	23
	1. <u>Service of Both Motion and Notice of Motion</u> .....	23
	2. <u>Service on the UST</u> .....	23
	a. <u>Types of documents to be served</u> .....	23
	b. <u>Place of service</u> .....	23
	(1) <u>Portland</u> .....	23
	(2) <u>Eugene</u> .....	23
	3. <u>Chapter 7 Asset, and Chapter 12 and 13 Cases</u> .....	24
D.	MAILING MATRIX AND COSTS .....	24
	1. <u>Mailing Matrix</u> .....	24
	2. <u>Costs</u> .....	24
E.	ACCURACY OF MAILING LIST .....	24
F.	CHANGE OF MAILING ADDRESS; RETURNED DOCUMENTS .....	25
	1. <u>Duty to Notify Clerk</u> .....	25

2.	<u>Sanction for Debtor's Failure to Notify Clerk</u> .....	25
3.	<u>Returned Documents</u> .....	25
G.	PROOF OF SERVICE .....	25
H.	RESPONSES/OBJECTIONS REQUIRING NOTICE OF HEARING .....	25
I.	ORDERS IF NO OBJECTION FILED .....	26
J.	SANCTIONS .....	26
<b>RULE 2002-2.</b>	<b>NOTICE TO UNITED STATES OR FEDERAL AGENCY</b> .....	26
A.	INCLUSION ON MASTER MAILING MATRIX .....	26
B.	SECURITIES AND EXCHANGE COMMISSION (SEC) .....	26
C.	INTERNAL REVENUE SERVICE (IRS) .....	26
<b>RULE 2003-1.</b>	<b>§341(a) MEETING OF CREDITORS</b> .....	27
A.	SCHEDULING .....	27
1.	<u>General</u> .....	27
2.	<u>Attendance</u> .....	27
3.	<u>Location</u> .....	27
4.	<u>Limitations</u> .....	27
B.	USE OF ELECTRONICALLY RECORDED TESTIMONY .....	28
<b>RULE 2004-1.</b>	<b>DEPOSITIONS &amp; EXAMINATIONS; RECORD OF EXAMINATION</b> .....	28
A.	GENERAL .....	28
B.	SETTING PROCEDURES .....	28
1.	<u>Preliminary Contact</u> .....	28
2.	<u>Order</u> .....	28
3.	<u>Minimum Notice</u> .....	28
<b>RULE 2007-1.</b>	<b>TRUSTEES &amp; EXAMINERS (CHAPTER 11); ELECTION</b> .....	29
A.	REQUEST FOR ELECTION .....	29
B.	MANNER OF ELECTION AND NOTICE .....	29
C.	APPLICATION FOR APPROVAL OF APPOINTMENT AND RESOLUTION OF DISPUTES .....	29
1.	<u>No Disputes</u> .....	29
2.	<u>Disputes</u> .....	29
<b>RULE 2010-1.</b>	<b>TRUSTEES - BONDS/SURETY</b> .....	29
<b>RULE 2012-1.</b>	<b>REPORT DUE IF SUCCESSOR TRUSTEE APPOINTED</b> .....	30
<b>RULE 2014-1.</b>	<b>EMPLOYMENT OF PROFESSIONALS; APPOINTMENT APPLICATIONS IN CHAPTER 7 AND 11 CASES</b> .....	30

A.	CHAPTER 7 APPOINTMENT APPLICATIONS .....	30
B.	CHAPTER 11 APPOINTMENT APPLICATIONS .....	30
<b>RULE 2015-1.</b>	<b>TRUSTEES - GENERAL RE: CHAPTER 7 CASES .....</b>	<b>30</b>
A.	INVENTORY AND REPORT OF ASSETS .....	30
	1. <u>Original</u> .....	30
	2. <u>Amended</u> .....	31
B.	CLOSING REPORT .....	31
<b>RULE 2015-2.</b>	<b>DEBTOR-IN-POSSESSION DUTIES .....</b>	<b>31</b>
A.	FILING .....	31
B.	FORM .....	31
C.	NON-COMPLIANCE .....	31
D.	CHAPTER 12 CASES .....	32
E.	NEW RECORDS IN CHAPTER 11 AND 12 CASES .....	32
F.	DEPOSIT ACCOUNTS .....	32
<b>RULE 2015-3.</b>	<b>TRUSTEES - REPORTS &amp; DISPOSITION OF RECORDS; FINAL REPORT AND ACCOUNT .....</b>	<b>32</b>
A.	CHAPTER 7 CASES .....	32
B.	CHAPTER 11 CASES .....	33
	1. <u>Post-Confirmation</u> .....	33
	2. <u>Conversion or Dismissal</u> .....	33
C.	CHAPTER 12 AND 13 CASES .....	33
D.	DESTRUCTION OF RECORDS .....	33
<b>RULE 2016-1.</b>	<b>COMPENSATION OF PROFESSIONALS; APPLICATIONS/ CLAIMS FOR ADMINISTRATIVE COMPENSATION OR EXPENSES .....</b>	<b>33</b>
A.	GENERAL .....	33
	1. <u>Non-professional Administrative Expenses</u> .....	33
	2. <u>Compensation and Expenses of Officers and Professional Persons</u> .....	34
	3. <u>Compensation and Reimbursement Payments of Custodians</u> .....	34
	4. <u>Court's Filing Location of Applications for Payment of Administrative Expenses</u> .....	34
B.	INTERIM COMPENSATION IN CHAPTER 7 AND 11 CASES .....	34
	1. <u>General</u> .....	34
	a. <u>Time To File</u> .....	34
	b. <u>Interim Report</u> .....	35
	2. <u>Form</u> .....	35
	3. <u>Notice of Intent to Compensate</u> .....	35
	4. <u>Hearing</u> .....	36
	5. <u>Proposed Order Required if No Objections Filed</u> .....	36
C.	APPLICATIONS FOR REIMBURSEMENT OF EXPENSES .....	36

1.	<u>Method of Determining Costs</u> .....	36
2.	<u>Reasonableness of Amounts</u> .....	36
	a. <u>Photocopies</u> .....	36
	b. <u>Postage, long distance telephone, express mail</u> .....	36
	c. <u>Travel</u> .....	37
	d. <u>Secretarial, clerical, word processing and other staff charges</u> .....	37
	e. <u>Fax</u> .....	37
	f. <u>Computerized legal research</u> .....	38
	g. <u>PACER</u> .....	38
	h. <u>Legal assistants</u> .....	38
	i. <u>Messengers</u> .....	38
	j. <u>Other expenses not detailed above</u> .....	38
	k. <u>Hourly rates</u> .....	38
	l. <u>Local counsel</u> .....	38
D.	FINAL APPLICATIONS IN CHAPTER 7 AND 11 CASES .....	39
	1. <u>Form</u> .....	39
	2. <u>Timely Filing</u> .....	39
	3. <u>Untimely Filing</u> .....	39
	4. <u>Orders in Chapter 11 Cases</u> .....	40
E.	CHAPTER 12 CASES .....	40
F.	CHAPTER 13 CASES .....	40
	1. <u>General</u> .....	40
	2. <u>Pre-Confirmation Hearing</u> .....	40
	3. <u>Post-Confirmation Supplemental Compensation Applications</u> .....	40
G.	CONVERTED CASES .....	41
H.	CHAPTER 7 TRUSTEE TIMEKEEPING AND FEE APPLICATIONS .....	41
	1. <u>Timekeeping.</u> .....	41
	a. <u>Trustee Employed as Estate Attorney</u> .....	41
	b. <u>Trustee Not Employed as Estate Attorney</u> .....	41
	c. <u>Nature of Records</u> .....	41
	d. <u>Fee Applications</u> .....	41
	(1) <u>Content of Fee Applications</u> .....	41
	(2) <u>Form of Final Fee Applications</u> .....	42
	2. <u>Trustee Expenses.</u> .....	42
	a. <u>General</u> .....	42
	b. <u>Payments to Professionals.</u> .....	42
	c. <u>Notice of Expenses Exceeding \$1,000.</u> .....	42
	d. <u>Expenses Subject to Court Review</u> .....	42
I.	ADVERSARY PROCEEDINGS .....	43
<b>RULE 2082-1.</b>	<b>CHAPTER 12 - GENERAL</b> .....	<b>43</b>
<b>RULE 2083-1.</b>	<b>CHAPTER 13 - GENERAL</b> .....	<b>43</b>

<b>RULE 3001-1.</b>	<b>CLAIMS &amp; EQUITY SECURITY INTERESTS - GENERAL; TRANSFERRED CLAIM</b>	43
A.	GENERAL	43
	1. <u>Chapter 7 Asset Cases</u>	43
	a. <u>"Tardy" Claims</u>	43
	b. <u>Amended Claims</u>	43
	c. <u>Deadline to File</u>	44
	d. <u>Surplus Assets</u>	44
	2. <u>Chapter 11 Cases</u>	44
	<u>General</u>	44
	3. <u>Chapter 12 And 13 Cases</u>	44
	a. <u>General</u>	44
	b. <u>Amended Claims</u>	45
	c. <u>Motions By Debtor or Trustee For Payment of Untimely Filed         Claims.</u>	45
	d. <u>Secured Claim Deficiency Amount.</u>	45
B.	TRANSFER OF CLAIM FOR SECURITY BEFORE PROOF OF CLAIM FILED	45
	1. <u>Filing Requirements for Proof of Claim</u>	45
	a. <u>Envelope</u>	45
	b. <u>Form.</u>	45
	2. <u>Transferee's Rights</u>	45
C.	TRANSFER OF CLAIM AFTER PROOF OF CLAIM FILED	46
	1. <u>Filing Requirements for Evidence of Transfer</u>	46
	a. <u>Envelope</u>	46
	b. <u>Form.</u>	46
	2. <u>Claims Transferred for Security</u>	46
	3. <u>Service on Ch. 12 and 13 Trustee.</u>	46
D.	COPIES	46
<b>RULE 3004-1.</b>	<b>NOTICE OF CLAIM "TIMELY" FILED BY DEBTOR OR TRUSTEE</b>	46
<b>RULE 3007-1.</b>	<b>CLAIMS - OBJECTIONS</b>	47
A.	OBJECTION TO ALLOWANCE OR CLASSIFICATION OF CLAIMS	47
	1. <u>Scope of Audit</u>	47
	2. <u>Procedures for Objection by Parties Other than Chapter 7, 12 or 13     Case Trustees</u>	47
	3. <u>Procedures for Objection by Chapter 7, 12 and 13 Case Trustees</u>	47
	a. <u>Form</u>	47
	b. <u>Service Requirements</u>	47
B.	CHAPTER 7 TRUSTEE DUTIES	47
C.	CHAPTER 11 CASES	48

<b>RULE 3009-1.</b>	<b>DIVIDENDS - CHAPTER 7; NOTICE OF PROPOSED DISTRIBUTION</b>	48
A.	DISTRIBUTIONS IN CHAPTER 7 CASES	48
1.	<u>Interim Distribution to Unsecured Creditors.</u>	48
2.	<u>Interim Distributions to Secured Creditors</u>	48
B.	NOTICE OF PROPOSED DISTRIBUTION	48
<b>RULE 3011-1.</b>	<b>UNCLAIMED FUNDS</b>	49
<b>RULE 3015-1.</b>	<b>CHAPTER 12 AND 13 - PLANS/CONFIRMATION; CHAPTER 13 - TAXES &amp; MOTIONS TO REOPEN/VACATE; MODIFIED PLANS; AND SERVICE OF DOCUMENTS</b>	49
A.	CHAPTER 12	49
1.	<u>Plan</u>	49
2.	<u>Certification Re: Tax Returns And Proof of Income</u>	49
32.	<u>Confirmation Hearing Notice</u>	49
43.	<u>Confirmation Order</u>	49
B.	CHAPTER 13	50
1.	<u>Plan.</u>	50
2.	<u>Confirmation Order; and Order Directing Support and/or Chapter 13 Payment to Trustee</u>	50
3.	<u>Motion to Terminate Order Directing Support and/or Chapter 13 Payment to Trustee.</u>	50
4.	<u>Trustee Compensation</u>	50
5.	<u>Direct Payment of Debtor's Tax Refunds to Trustee</u>	50
6.	<u>Motions to Reopen/Vacate Dismissal</u>	51
7.	<u>Certification Re: Tax Returns And Proof of Income</u>	51
87.	<u>Failure to File Tax Returns</u>	52
C.	MODIFIED PLANS	52
1.	<u>General</u>	52
2.	<u>Pre-Confirmation</u>	53
3.	<u>Post-Confirmation</u>	53
D.	SERVICE OF DOCUMENTS	53
<b>RULE 3016-1.</b>	<b>CHAPTER 11 - PLANS &amp; DISCLOSURE STATEMENT; ACCELERATED CHAPTER 11 CASES</b>	53
A.	FILING	53
B.	MODIFICATIONS	54
C.	SMALL BUSINESS CHAPTER 11 CASES	54
D.	ACCELERATED CHAPTER 11 CASES	54
1.	<u>Designation</u>	54
2.	<u>Case Caption</u>	54

<b>RULE 3017-1.</b>	<b>DISCLOSURE STATEMENT - APPROVAL; NOTICE OF HEARING RE: COURT CONSIDERATION OF DISCLOSURE STATEMENT IN CHAPTER 11 CASES</b> .....	55
A.	NOTICE OF ORIGINAL HEARING IN CHAPTER 11 CASES .....	55
B.	MODIFICATIONS .....	55
<b>RULE 3017-2.</b>	<b>DISCLOSURE STATEMENT - SMALL BUSINESS CASES</b> .....	55
<b>RULE 3018-1.</b>	<b>BALLOTS - VOTING PLANS; CHAPTER 11 CASES</b> .....	55
<b>RULE 3018-2.</b>	<b>ACCEPTANCE/REJECTION OF PLANS; CHAPTER 11 CASES</b>	56
A.	NOTICE OF ORIGINAL CONFIRMATION HEARING .....	56
B.	MOTIONS FOR TEMPORARY ALLOWANCE OF DISPUTED CLAIM OR INTEREST .....	56
C.	SUMMARY OF ACCEPTANCES AND REJECTIONS .....	56
<b>RULE 3020-1.</b>	<b>CHAPTER 11 REPORT OF ADMINISTRATIVE EXPENSES, &amp; CONFIRMATION ORDER</b> .....	56
A.	REPORT OF ADMINISTRATIVE EXPENSES .....	56
B.	CONFIRMATION ORDER .....	56
1.	<u>General</u> .....	56
2.	<u>Notice of Confirmation</u> .....	57
<b>RULE 3022-1.</b>	<b>FINAL REPORT/DECREE (CH. 11)</b> .....	57
<b>RULE 4001-1.</b>	<b>RELIEF FROM AUTOMATIC STAY; USE OF CASH COLLATERAL; OBTAINING CREDIT; AGREEMENTS</b> .....	57
A.	PROCEDURES FOR FILING MOTIONS .....	57
B.	NON-JUDICIAL RELIEF FROM AUTOMATIC STAY IN CHAPTER 7 CASES .....	57
1.	<u>Requests</u> .....	57
2.	<u>Objections</u> .....	58
3.	<u>Granting and Effect of Non-Judicial Relief</u> .....	58
C.	MOTION FOR RELIEF FROM STAY .....	58
1.	<u>General</u> .....	58
2.	<u>Motion Content, Notice of Motion, and Responses, and Orders Thereon</u> ...	58
3.	<u>Motions, Notice of Motions and Responses Regarding Relief from Codebtor Stay in Chapter 12 and 13 Cases</u> .....	58
4.	<u>Sanctions for an Improper Notice of Hearing</u> .....	58
D.	MOTIONS FOR USE OF CASH COLLATERAL OR FOR AUTHORITY TO OBTAIN CREDIT .....	59
1.	<u>General.</u> .....	59
2.	<u>Final Hearing</u> .....	59

32.	<u>Preliminary/Emergency Hearings</u> .....	59
E.	AGREEMENTS RELATING TO RELIEF FROM THE AUTOMATIC STAY, PROVIDING ADEQUATE PROTECTION, USE OF CASH COLLATERAL, AND OBTAINING CREDIT .....	59
	<b>DEBTOR'S CONSENT TO RELIEF FROM STAY RE: PROPERTY TO BE SURRENDERED</b> .....	59
F.	PREPARATION OF RESULTING ORDERS .....	59
<b>RULE 4003-1.</b>	<b>LIEN AVOIDANCE PURSUANT TO §522(f)</b> .....	60
<b>RULE 4004-1.</b>	<b>CHAPTER 12 AND 13 "HARDSHIP" DISCHARGE MOTIONS</b> ..	60
<b>RULE 4008-1.</b>	<b>REAFFIRMATION; DISCHARGE HEARINGS</b> .....	60
A.	CHAPTER 7 CASE REAFFIRMATION AGREEMENTS .....	60
B.	DISCHARGE HEARINGS .....	60
	1. <u>Pro Se Debtors</u> .....	60
	2. <u>No Hearing Required If All Reaffirmation Agreements Accompanied by Attorney's Declaration</u> .....	61
	3. <u>If All Reaffirmation Agreements Not Accompanied by Attorney's Declaration</u> .....	61
<b>RULE 5001-2.</b>	<b>CLERK - OFFICE LOCATIONS/HOURS; DOCUMENT FILING.</b> 61	
A.	LOCATION FOR FILING OF DOCUMENTS .....	61
	1. <u>Petitions</u> .....	61
	2. <u>Other Documents</u> .....	62
	3. <u>UST</u> .....	62
<b>RULE 5003-1.</b>	<b>CLERK - GENERAL/AUTHORITY</b> .....	62
<b>RULE 5003-2.</b>	<b>REMOVAL OF COURT PAPERS</b> .....	62
<b>RULE 5005-1.</b>	<b>FILING PAPERS</b> .....	63
<b>RULE 5007-1.</b>	<b>USE OF ELECTRONICALLY RECORDED TESTIMONY</b> .....	63
<b>RULE 5009-1.</b>	<b>FINAL REPORTS/DECREE</b> .....	63
<b>RULE 5009-2.</b>	<b>CLOSING CASES</b> .....	63
<b>RULE 5010-1.</b>	<b>REOPENING CASES</b> .....	63
<b>RULE 5011-1.</b>	<b>WITHDRAWAL OF REFERENCE</b> .....	64

<b>RULE 5011-2.</b>	<b>ABSTENTION - MOTIONS</b> .....	64
<b>RULE 5073-1.</b>	<b>CAMERAS &amp; ELECTRONIC DEVICES</b> .....	64
<b>RULE 5080-1.</b>	<b>FEES - GENERAL; CHILD SUPPORT CREDITOR EXEMPTION</b> .....	64
A.	GENERAL .....	64
B.	CHILD SUPPORT CREDITOR EXEMPTION .....	64
<b>RULE 6003-1.</b>	<b>DISBURSEMENT OF ESTATE MONEY</b> .....	65
<b>RULE 6004-1.</b>	<b>SALE OF ESTATE PROPERTY; USE, SALE OR LEASE OF PROPERTY</b> .....	65
A.	FORM AND NOTICE .....	65
B.	REPORT OF PROPERTY SALE .....	65
	<b>SALE OF PUBLICLY HELD SECURITIES BY CHAPTER 7 TRUSTEES</b> ..	65
<b>RULE 6005-1.</b>	<b>APPRAISERS &amp; AUCTIONEERS</b> .....	66
<b>RULE 6006-1.</b>	<b>EXECUTORY CONTRACTS &amp; UNEXPIRED LEASES; ASSUMPTION, REJECTION OR ASSIGNMENT</b> .....	66
A.	OTHER THAN CHAPTER 13 CASES .....	66
B.	CHAPTER 13 CASES .....	66
<b>RULE 6007-1.</b>	<b>ABANDONMENT</b> .....	66
<b>RULE 6008-1.</b>	<b>REDEMPTION</b> .....	67
<b>RULE 7001-1.</b>	<b>ADVERSARY PROCEEDING - GENERAL</b> .....	67
A.	FILING FEES .....	67
B.	DOCUMENT REQUIREMENTS .....	67
1.	<u>Complaint or Proposed Stipulated Judgment</u> .....	67
a.	<u>General</u> .....	67
b.	<u>Summons</u> .....	67
2.	<u>Removal Applications</u> .....	67
C.	BRIEFS OR MEMORANDUMS SUPPORTING MOTIONS (OTHER THAN FOR DISCOVERY), OPPOSITION AND REPLY .....	68
1.	<u>General Filing Requirements</u> .....	68
2.	<u>Timing Requirements</u> .....	68
a.	<u>Opposition</u> .....	68
b.	<u>Reply</u> .....	68
3.	<u>Further Briefing</u> .....	68
D.	EXPEDITED HEARINGS .....	68

E.	USE OF ELECTRONICALLY RECORDED TESTIMONY .....	69
F.	JURY TRIALS .....	69
G.	MEDIATION .....	69
H.	<b>NONPERMISSIBLE STIPULATIONS</b> .....	69
<b>RULE 7003-1.</b>	<b>COVERSHEET</b> .....	70
<b>RULE 7004-1.</b>	<b>SERVICE OF PROCESS; UST</b> .....	70
<b>RULE 7004-2.</b>	<b>SUMMONS</b> .....	70
<b>RULE 7005-2.</b>	<b>FILING OF DISCOVERY MATERIALS</b> .....	70
<b>RULE 7015-1.</b>	<b>AMENDED PLEADINGS</b> .....	71
<b>RULE 7016-1.</b>	<b>PRE-TRIAL PROCEDURES; ORDERS</b> .....	71
<b>RULE 7024-2.</b>	<b>UNCONSTITUTIONALITY, CLAIM OF</b> .....	71
<b>RULE 7026-1.</b>	<b>DISCOVERY - GENERAL</b> .....	72
A.	GENERAL .....	72
	1. <u>Pre-trial Conference</u> .....	72
	2. <u>Discovery Order</u> .....	72
B.	NONFILING OF CERTAIN DOCUMENTS .....	72
C.	DISCLOSURES [FRCP 26(a)(1)-(4)] .....	72
	1. <u>Contested Matters</u> .....	72
	2. <u>Adversary Proceedings</u> .....	72
	3. <u>Application of FRCP 26(a)(4)</u> .....	72
D.	TIMING OF DISCOVERY .....	73
	1. <u>Contested Matters</u> .....	73
	2. <u>Adversary Proceedings</u> .....	73
E.	DISCOVERY PLANNING MEETING [FRCP 26(f)] .....	73
	1. <u>Contested Matters</u> .....	73
	2. <u>Adversary Proceedings</u> .....	73
F.	SERVICE .....	73
<b>RULE 7052-1.</b>	<b>FINDINGS &amp; CONCLUSIONS</b> .....	73
<b>RULE 7054-1.</b>	<b>COSTS - TAXATION/PAYMENT; FEES</b> .....	73
<b>RULE 7055-1.</b>	<b>DEFAULT - FAILURE TO PROSECUTE</b> .....	74
<b>RULE 7056-1.</b>	<b>SUMMARY JUDGMENT</b> .....	74

A.	GENERAL .....	74
B.	REQUEST FOR EXPEDITED HEARING ON MOTION FILED WITHIN 30 DAYS OF TRIAL DATE .....	74
C.	ORAL ARGUMENT .....	74
1.	<u>Request</u> .....	74
2.	<u>Waiver</u> .....	74
<b>RULE 7065-1.</b>	<b>INJUNCTIONS; APPLICATIONS FOR TEMPORARY RESTRAINING ORDERS &amp; PRELIMINARY INJUNCTIONS ..</b>	<b>74</b>
<b>RULE 7067-1.</b>	<b>REGISTRY FUND; DEPOSIT INTO COURT .....</b>	<b>75</b>
A.	PROCEDURE FOR DEPOSITS INTO COURT .....	75
1.	<u>Motion</u> .....	75
2.	<u>Order</u> .....	75
3.	<u>Deposits</u> .....	76
B.	COURT FEE .....	76
C.	PROCEDURE FOR WITHDRAWING DEPOSITED FUNDS .....	76
1.	<u>Order</u> .....	76
2.	<u>Payment by Clerk</u> .....	77
D.	PRIVATE AGREEMENTS .....	77
<b>RULE 7069-1.</b>	<b>JUDGMENT - PAYMENT OF; EXECUTION .....</b>	<b>77</b>
<b>RULE 8001-1.</b>	<b>NOTICE OF APPEAL; APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL (BAP) .....</b>	<b>77</b>
<b>RULE 8003-1.</b>	<b>MOTION FOR LEAVE TO APPEAL .....</b>	<b>78</b>
<b>RULE 8006-1.</b>	<b>DESIGNATION OF RECORD - APPEAL; TRANSCRIPT ORDERS .....</b>	<b>78</b>
<b>RULE 9001-1.</b>	<b>DEFINITIONS .....</b>	<b>78</b>
<b>RULE 9004-1.</b>	<b>PAPERS - REQUIREMENTS OF FORM .....</b>	<b>78</b>
A.	GENERAL FORM REQUIREMENTS .....	78
1.	<u>Length</u> .....	78
2.	<u>Type Size</u> .....	78
3.	<u>Paper</u> .....	78
4.	<u>Ink</u> .....	79
5.	<u>Spacing</u> .....	79
6.	<u>Legibility</u> .....	79
7.	<u>Attorney's Oregon State Bar Number (OSB#)</u> .....	79
8.	<u>Signatures</u> .....	79
9.	<u>Signature Line for Judge</u> .....	79

10.	<u>"Dated" Line for Judge</u>	79
11.	<u>Pagination</u>	79
12.	<u>Two-Sided Documents</u>	80
13.	<u>Exhibits</u>	80
14.	<u>Use of OBFs and LBFs</u>	80
	a. <u>LBFs</u>	80
	b. <u>Official Bankruptcy Forms</u>	80
15.	<u>Order Titles</u>	80
16.	<u>Facsimile Copies</u>	80
B.	DOCUMENTS FILED WITHIN 3 DAYS OF A HEARING	80
C.	FILING IN MULTIPLE CASES	80
D.	ATTORNEY/PRO SE INFORMATION ON TITLE PAGE	81
<b>RULE 9004-2.</b>	<b>CAPTION - PAPERS, GENERAL</b>	81
A.	LOCATION	81
B.	PETITION CAPTION	81
C.	CAPTION FOR A DOCUMENT FILED IN A CASE (i.e., NOT an Adversary Proceeding)	82
D.	CAPTION FOR ADVERSARY PROCEEDING	83
E.	PREPARATION OF NOTICES	83
F.	AMENDED DOCUMENTS	84
	1. <u>General</u>	84
	2. <u>Title</u>	84
	3. <u>Exhibits</u>	84
	4. <u>Plans and Disclosure Statements</u>	84
G.	PROOF OF SERVICE	84
H.	CERTIFICATION OF QUESTIONS OF STATE LAW	84
<b>RULE 9010-1.</b>	<b>ATTORNEYS - NOTICE OF APPEARANCE; REPRESENTATION OF CORPORATIONS, ASSOCIATIONS &amp; PARTNERSHIPS</b>	84
A.	APPEARANCE OF ATTORNEYS	84
	1. <u>General</u>	84
	a. <u>LRs 83.1 through 83.12 <del>110</del></u>	85
	b. <u>"Attorney of Record" Defined</u>	85
	c. <u>Filing of Documents</u>	85
	2. <u>Modifications to LR 83.1 through 83.12 <del>110</del> Provisions</u>	85
	a. <u>"This Court" Defined</u>	85
	b. <u>Applications for Admission</u>	85
	c. <u>Change of Address</u>	85
	d. <u>"Eligible" Law Students</u>	85
	e. <u>Conformed Copies of Pleadings and Documents</u>	85
	f. <u>LR 110-9 Not Applicable</u>	85
B.	PROFESSIONAL APPOINTMENT APPLICATIONS IN CHAPTER 11	

	CASES .....	86
C.	REPRESENTATION OF CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS .....	86
D.	SUBSTITUTION OF ATTORNEY .....	86
<b>RULE 9011-3.</b>	<b>SANCTIONS; FOR EXPEDITION OF COURT BUSINESS .....</b>	<b>86</b>
A.	WITHDRAWAL OR LACK OF OPPOSITION .....	86
B.	NOTICE OF SETTLEMENT .....	86
C.	REQUEST FOR CONTINUANCE .....	87
D.	FAILURE TO APPEAR OR PROPERLY PREPARE .....	87
E.	GENERAL NOTICING FAILURE .....	87
F.	GENERAL SANCTIONS AND PENALTIES .....	87
<b>RULE 9013-1.</b>	<b>MOTION PRACTICE .....</b>	<b>88</b>
A.	APPLICABILITY OF RULE .....	88
B.	COMMENCEMENT .....	88
	1. <u>Abandonment</u> .....	88
	2. <u>Abstention</u> .....	88
	3. <u>Adversary Proceedings (Non-Discovery)</u> .....	88
	4. <u>Cash Collateral Use</u> .....	88
	5. <u>Executory Contract (Assume, Reject or Assign)</u> .....	88
	6. <u>Claim Objections</u> .....	88
	7. <u>Compensation or Expense Applications</u> .....	88
	8. <u>Conversion of Case</u> .....	88
	9. <u>Credit (Obtaining)</u> .....	88
	10. <u>Deposits Into Court</u> .....	88
	11. <u>Discovery (Adversary Proceeding)</u> .....	88
	12. <u>Dismissal of Case</u> .....	88
	13. <u>"Hardship" Discharge (Chapter 12 or 13)</u> .....	88
	14. <u>Lien Avoidance Pursuant to §522(f)</u> .....	89
	15. <u>Property [Use, Sale (Including Free and Clear of Liens), or Lease Thereof]</u> .....	89
	16. <u>Redemption</u> .....	89
	17. <u>Relief From Stay</u> .....	89
	18. <u>Removal and Remand</u> .....	89
	19. <u>Summary Judgment</u> .....	89
	20. <u>Temporary Restraining Order</u> .....	89
	21. <u>Withdrawal of Reference (28 U.S.C. §157(d))</u> .....	89
C.	SERVICE .....	89
D.	RESPONSE/OBJECTIONS .....	89
	1. <u>General</u> .....	89
	2. <u>Exception</u> .....	89
	3. <u>Objections Requiring Notice of a Hearing</u> .....	89
	4. <u>Summary Judgment</u> .....	89

5. <u>Failure to Respond/Object</u> .....	90
E. EXPEDITED HEARINGS .....	90
F. <b>NONPERMISSIBLE STIPULATIONS</b> .....	90
GF. USE OF ELECTRONICALLY RECORDED TESTIMONY .....	90
HG. PREPARATION OF ORDERS .....	90
<b>RULE 9013-2. BRIEFS &amp; MEMORANDUMS OF LAW</b> .....	91
<b>RULE 9015-1. JURY TRIAL; PROCEDURES</b> .....	91
A. FRCP AND LR APPLICABILITY .....	91
B. DEMAND .....	91
C. CONSENT TO HAVE TRIAL CONDUCTED BY BANKRUPTCY JUDGE .	91
D. PRE-TRIAL .....	91
<b>RULE 9017-1. EXHIBITS &amp; EQUIPMENT</b> .....	92
A. GENERAL REQUIREMENTS FOR DOCUMENT EXHIBITS .....	92
1. <u>Pagination</u> .....	92
2. <u>Attachment to Documents</u> .....	92
B. PREPARATION FOR A HEARING OR TRIAL .....	92
C. AUDIO/VISUAL EQUIPMENT .....	92
D. PHYSICALLY LARGE EXHIBITS .....	93
E. WITHDRAWAL OR DISPOSAL UPON FINALITY .....	93
<b>RULE 9019-1. SETTLEMENT</b> .....	93
A. SETTLEMENT CONFERENCE .....	93
B. NOTICE OF COMPROMISE .....	93
<b>RULE 9019-2. ALTERNATIVE DISPUTE RESOLUTION (ADR); MEDIATION</b> 93	
A. ASSIGNMENT OF MATTERS TO MEDIATION .....	93
1. <u>By Court Order</u> .....	93
2. <u>Stipulation of Counsel</u> .....	94
3. <u>Types of Cases Subject to Mediation</u> .....	94
4. <u>Mediation Procedures</u> .....	94
B. THE MEDIATOR .....	94
1. <u>Mediation Register</u> .....	94
a. <u>Application and Qualification Procedures for Mediation Register</u> . . .	94
b. <u>Removal from Register</u> .....	95
2. <u>Appointment of the Mediator</u> .....	95
3. <u>Disqualification of a Mediator</u> .....	96
C. THE MEDIATION .....	96
1. <u>Time and Place of Mediation</u> .....	96
2. <u>Mediation Conference</u> .....	96
3. <u>Recommendations of the Mediator</u> .....	96

4. <u>Post-Mediation Procedures</u> .....	96
5. <u>Termination of Mediation</u> .....	97
6. <u>Withdrawal from Mediation</u> .....	97
D. COMPENSATION OF MEDIATORS .....	97
E. CONFIDENTIALITY .....	97
1. <u>Confidentiality of Mediator</u> .....	97
2. <u>Confidentiality of Mediation Effort</u> .....	97
F. COMPLIANCE WITH THE U.S. BANKRUPTCY CODE, BANKRUPTCY RULES, AND COURT RULES AND ORDERS .....	98
<b>RULE 9021-1. ENTRY OF JUDGMENTS &amp; ORDERS; COSTS</b> .....	98
A. GENERAL REQUIREMENTS RE: PROPOSED ORDERS OR JUDGMENTS .....	98
1. <u>Lodging</u> .....	98
2. <u>Notice of Entry</u> .....	98
3. <u>Form</u> .....	98
a. <u>General</u> .....	98
b. <u>Defaults</u> .....	99
(1) <u>Orders</u> .....	99
(2) <u>Judgments</u> .....	99
c. <u>Matters Requiring District Judge's Final Determination</u> .....	99
4. <u>Waiver of Notice</u> .....	100
5. <u>Failure to Comply</u> .....	100
B. FEES AND COSTS .....	100
1. <u>General</u> .....	100
2. <u>Filing of Cost Bill</u> .....	100
3. <u>Objections to Cost Bill</u> .....	100
4. <u>Order</u> .....	100
C. RECORDING AND DOCKETING OF JUDGMENTS .....	101
D. ENFORCEMENT OF JUDGMENTS .....	101
<b>RULE 9027-1. REMOVAL/REMAND</b> .....	101
A. NOTICING .....	101
1. <u>General</u> .....	101
2. <u>If Hearing Already Set</u> .....	101
B. REMAND MOTION .....	101
C. JURY TRIALS .....	102
<b>RULE 9029-1. LOCAL RULES - GENERAL</b> .....	102
<b>RULE 9033-1. FINAL DISTRICT COURT DETERMINATION OF MOTIONS TO WITHDRAW REFERENCE OR CHANGE VENUE BASED UPON PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW</b>	

	<b>IN NON-CORE PROCEEDINGS, AND UPON REPORTS AND RECOMMENDATIONS</b> .....	102
A.	GENERAL .....	102
B.	PROPOSED FINDINGS AND CONCLUSIONS, AND REPORTS AND RECOMMENDATIONS .....	102
	1. <u>Form</u> .....	102
	2. <u>Notice of Entry</u> .....	102
<b>RULE 9034-1.</b>	<b>SERVICE OF DOCUMENTS ON UST</b> .....	103
<b>RULE 9037-1.</b>	<b>SEALED OR IN CAMERA DOCUMENTS</b> .....	103
A.	FILING .....	103
B.	REVIEW OR REPRODUCTION OF SEALED DOCUMENTS .....	103
C.	<del>RETURN OR STORAGE WITHDRAWAL OR DISPOSAL</del> .....	103
D.	PHYSICALLY LARGE DOCUMENTS .....	104
<b>RULE 9039-1.</b>	<b>PROHIBITION AGAINST POSSESSION OF FIREARMS, WEAPONS OR OTHER DISRUPTIVE OR DISABLING DEVICES</b> .....	104
<b>RULE 9074-1.</b>	<b>TELEPHONE CONFERENCES</b> .....	105
	<i>NOTE: The following provisions are in effect per the cited General Orders but do not amend or modify any current provisions of the LBRs.</i> .....	105
G.O. 96-2	REMINDERS TO THE COURT OF MATTERS UNDER ADVISEMENT FOR 60 DAYS .....	105
G.O. 97-2	PRO HAC VICE APPLICATIONS .....	108
G.O. 01-1	ELECTRONIC TRANSMISSION OF NOTICES .....	108
G.O. 01-1	OWNERSHIP DISCLOSURE STATEMENT .....	109
G.O. 03-2	CHAPTER 13 PLAN PROVISION RE: ATTORNEY FEES AND SUPPLEMENTAL APPLICATIONS FOR COMPENSATION .....	110
G.O. 03-3	FILING OF PAPER AND ELECTRONIC CASE DOCUMENTS, ELECTRONIC CASE FILES, OWNERSHIP DISCLOSURE STATEMENTS, AND MISCELLANEOUS PROVISIONS .....	110
<b>INDEX</b> .....		111

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**RULE 1001-1. TITLE; EFFECTIVE DATE AND SCOPE OF RULES; DEFINITIONS; APPLICABILITY OF DISTRICT COURT RULES; FORMS**

A. TITLE AND NUMBERING SEQUENCE

These rules are the Local Rules of the United States Bankruptcy Court for the District of Oregon (LBR). To comply with the uniform numbering system prescribed by the Judicial Conference of the United States, the numbering sequence generally coincides with that of the Federal Rules of Bankruptcy Procedure (FRBP). The initial wording of LBR titles also generally follow the Judicial Conference's system. A uniform number will not appear (e.g., LBR 5001-1), however, if there is no such LBR in this bankruptcy court or its inclusion could be otherwise misleading or confusing.

B. EFFECTIVE DATE; TRANSITIONAL PROVISION

These LBRs supersede all of this court's General Orders issued to date, and govern all bankruptcy cases pending in this court under any chapter of the Bankruptcy Act or Code on or after September 1, 1996, and all adversary proceedings relating thereto.

C. SCOPE OF THE RULES; CONSTRUCTION

These LBRs supplement the FRBPs, and any amendments thereto; must be used in conjunction with, not exclusive from, the FRBPs; and shall be construed so as to be consistent with the FRBPs and to promote the just, speedy, and inexpensive determination of every case and proceeding.

D. DEFINITIONS

The definitions set forth in FRBPs 9001 and 9002 also apply to these LBRs and the Local Rules for the U.S. District Court for the District of Oregon (LR) unless they are inconsistent with the context. All words are to be considered plurals and include both genders, as appropriate. The following definitions also apply to these LBRs:

1. The word "amended" shall be considered as synonymous with the word "modified."
2. The word "attorney" includes a party appearing without an attorney and, for the purpose of FRBP 1006(b), includes any other person who renders services to the debtor in connection with the case.

LBR 1001-1.D. (cont'd)

3. "Bankruptcy court" refers to the United States Bankruptcy Court for the District of Oregon and not to any particular judge.
4. "Clerk" means clerk of the bankruptcy court, and any authorized deputy clerk, unless otherwise noted.
5. "Creditor committee," when used in relation to the service of documents and unless otherwise required by an FRBP, means the chairperson (if one has been appointed) and any co-, alternate or vice chairperson of any such committee appointed by the court; or, if no such committee has been appointed, each creditor listed on the list filed pursuant to FRBP 1007(d).
6. "DIP" refers to a debtor-in-possession, and not a trustee, unless otherwise noted.
7. "District court" refers to the United States District Court for the District of Oregon.
8. "File" means file with the clerk unless otherwise noted.
9. "FRBP" refers to a Federal Rule of Bankruptcy Procedure and applicable amendments thereto.
10. "FRCP" refers to a Federal Rule of Civil Procedure and applicable amendments thereto.
11. "LBF" refers to a form identical in both format and text (i.e., a "mirror" image) to the version of a bankruptcy court Local Form applicable at the time the form is utilized. LBR 1001-1.F. also applies.
12. "LBR" refers to a Local Rule of the United States Bankruptcy Court for the District of Oregon and applicable amendments thereto.
13. "LR" refers to a District Court Local Rule of the United States District Court for the District of Oregon and applicable amendments thereto.
14. The word "modified" shall be considered as synonymous with the word "amended."
15. "OBF" refers to a form identical in both format and text (i.e., a "mirror" image) to the version of an official form promulgated for use by the U.S. Judiciary. LBR 1001-1.G. also applies.

16. The word "party," except where the context requires otherwise, includes the attorney for such party.

17. "SASE" refers to an adequately sized, self-addressed, envelope bearing adequate postage to mail all required documents back to the addressor. Submission of self-adhesive labels is not acceptable.

18. "Schedules of liabilities" (aka "Schedules of Creditors") refer to Official Form Schedules D, E, F, G and H.

19. "§" refers to a section of Title 11 of the United States Code unless otherwise noted.

20. "Trustee" refers to a case trustee or the UST, and not a DIP, unless otherwise noted.

21. "UST" means the United States Trustee appointed for region XVIII and the local offices of the United States Trustee in Portland and Eugene, Oregon. LBRs 2002-1.C. and 7004-1. apply to service of documents on the UST.

#### E. APPLICABILITY OF UNITED STATES DISTRICT COURT LOCAL RULES

The LRs do not apply unless specifically referred to in these LBRs. The applicable LRs and LBRs shall supplement each other. In interpreting the LRs, reference to district court officers and personnel and the FRCP shall be understood as applying to corresponding bankruptcy court officers and personnel, and to the FRBPs unless otherwise noted.

#### F. LOCAL FORMS (LBFs)

1. Copies. Pursuant to a personal request at a clerk's office location, or written request that is accompanied by a 9"x12" SASE, the clerk shall provide, without cost, one master copy per organization (e.g., law firm, P.C., corporation or partnership) of all LBFs required for use. If available, the clerk may establish requirements for the request of an electronic copy of an LBF master set. LBFs shall be duplicated as needed by that organization. **Any request must be accompanied by a certification under penalty of perjury that the requestor cannot obtain a master copy of the LBFs from the court's web site.** [See G.O. 03-3 Pt.19.](#)

2. Applicable Version; Modification and Promulgation. An LBF shall be filed using the applicable version available at the time the LBF is utilized. The court may modify an LBF, or promulgate additional LBFs for public use, upon reasonable notice (i.e., generally at least 20 days in advance and posted at the court's offices).

3. Use of Word Processor or Computer. If a word processor or a computer is used to prepare a form concerning an activity for which the court has already promulgated an LBF, then:

a. the number and revision date of such form shall be added in the same location as it appears on the LBF;

b. the form shall be ~~accompanied by a certificate stating the form is identical in both format and text (i.e., a "mirror" image) to the LBF;~~ and [See G.O. 03-3 Pt.20.](#)

c. the preparing party shall also serve the document on all required parties pursuant to LBR 1001-1.F.5.

4. Two-sided Documents. ~~Multiple page LBFs shall be filed with text appearing on both sides of the paper (i.e., duplexed) and shall be prepared using a "legal-turn" (i.e., the physical top of one side of a page shall be the physical bottom of the reverse side of that page), unless prepared using court approved software. No other document shall be submitted having text on both sides of the paper. See G.O. 03-1. Each page of a conventionally filed paper document that is to become part of the official court record of that document must be submitted on a separate piece of paper and cannot be duplexed. Unrelated text such as instructions, a previously filed notice of motion on the back of a response, etc. may be on the back of any page, but must not be included as a page of the document for filing purposes and will not be made part of the document on the official record. See G.O. 03-3 Pt. 21.~~

5. Completion, Service and Filing. An LBF must be fully completed when filed, including any proof of service, unless otherwise noted in these LBRs or the LBF. The clerk, however, shall not be required to serve any **document or notice if any such notice or document cannot readily be legibly converted into PDF format either:** ~~(a) prepared pursuant to 1001-1.F.3. or (b) containing text outside the space provided (e.g., for a description or explanation).~~ The party serving any original, or copy where appropriate, of an LBF shall file that document within 8 days of either the: (a) date a notice (or copy thereof) which was fully or partially prepared by the clerk's office was mailed to the serving party, or (b) service date of a notice solely prepared by the serving party. If a trustee is specifically named in an LBF's pre-printed text, the filing party shall use the version of the form naming the trustee appointed to that case. For cases administered by the Eugene office (i.e., when the **first digit of the five (5) digit portion of a case number begins with a "6", "7" or "8"**, such as, 697-64003-aer11 for a 1997 chapter 11 assigned to Judge Radcliffe), the filing party shall use the version of the form unique to that office, if one exists, as denoted by an "E" immediately following the form number. [See G.O. 03-3 Pt. 22 and Pt.18.](#)

G. OFFICIAL BANKRUPTCY FORMS

The form of documents shall conform to the versions of Official Bankruptcy Forms available and applicable at the time the document is utilized. If a word processor or computer is used to prepare an OBF, then such document shall be accompanied by a certificate that the form is identical to the OBF or format authorized by the court, except that two-sided documents need not be prepared in legal-turn style.

H. EXCEPTIONS TO LBRs

Any of these LBRs shall be subject to exception by obtaining a court order as may be necessary to meet compelling emergencies or to avoid injustices.

**RULE 1002-1. PETITION - VOLUNTARY**

A. FILING

1. Place. LBR 5001-2.A.1. applies.

2. Authority to File.

~~a. Joint Debtors with Different Surnames. The debtors shall attach a certificate of marriage, or an affidavit detailing the pertinent information regarding the marriage and why they were unable to obtain and attach a copy of the marriage certificate to the petition, if they are filing a joint petition and do not have the same surname. [See G.O. 03-3 Pt. 23](#).~~

**b.a. Conservatorship**. A certified copy of the order for conservatorship of the debtor shall be filed with any petition filed by a debtor's conservator.

~~e.b. Objection~~. Any objection to the filing of a case based upon an entity's failure to obtain the required authority to file a voluntary petition must be made by motion filed before the first time and date set for the §341(a) meeting of creditors. Failure to object within such time shall be deemed a waiver of the objection.

4. Notice of Consumer Debt Petition. Notice of the filing of a chapter 7 petition by an individual debtor whose debts are primarily consumer debts shall be given not more than 20 days after the entry of the Order for Relief whenever practicable.

B. LBF #Ex. C (SUPPLEMENTAL PETITION INFORMATION)

1. General. An LBF #Ex. C (Supplemental Petition Information) shall be attached to (or incorporated in substantially the same format into) the body of each petition and required copy of such petition, and shall have each section completely filled out (i.e., the use of "unknown" is unacceptable).

2. Document/Petition Preparers. Any person or entity who, for compensation, assists in any capacity with the preparation of any bankruptcy papers for a debtor who is not represented by an attorney is required to complete and file the BANKRUPTCY DOCUMENT PREPARER DECLARATION located at the bottom of LBF #Ex. C. If LBF #Ex. C is not incorporated into the petition package used by the preparer, it must be attached to all copies of the petition submitted for filing.

C. COPIES

If a petition is conventionally filed on paper, in addition to the original, copies of the petition in the following numbers shall be filed by any entity seeking relief under the chapter indicated: [See G.O. 03-3 Pt. 24.](#)

~~1. Chapter 7 (General) - 3 copies.~~

~~2.1. Sub-chapter III or IV of Chapter 7 - 25 copies.~~

~~3.2. Chapter 9 - 36 copies.~~

~~4.3. Chapter 11 (General) - 64 copies. 2 copies. [See LBF #100](#)~~

~~5. Sub-chapter IV of Chapter 11 - 9 copies.~~

~~6. Chapter 12 - 3 copies.~~

~~7. Chapter 13 - 2 copies.~~

~~D. INCOMPLETE FILINGS~~

~~The debtor shall provide with the Petition, legal sized envelopes, bearing adequate postage, that are pre-addressed to the debtor and any debtor's attorney whenever a Petition is not accompanied by all the required documents, (e.g., Schedules, Summary of Schedules, Statement of Affairs, Unsworn Declarations, Attorney Disclosure and Chapter 7 Statement of Intent) and the required fee, or whenever an application to pay filing fees in installments is filed. [See G.O. 03-3 Pt. 25.](#)~~

**RULE 1003-1. PETITION - INVOLUNTARY**

A. FILING LOCATION

LBR 5001-2.A.1. applies.

B. PETITION INFORMATION

In addition to the other required information, the petition shall include the name, any title and mailing address of the debtor; any debtor's attorney; and the person who should be designated to perform the duties of the debtor if relief is ordered.

C. PETITION COPIES

~~An original and 3 copies of an involuntary petition shall be filed~~ **Whenever an involuntary petition is conventionally filed on paper and**, ~~except that an original and 6 copies shall be filed when the petition seeks relief against a corporation under chapter 11,~~ **an original and 2 copies shall be filed.** [See G.O. 03-3 Pt. 26.](#)

D. SUMMONS AND NOTICE OF TRIAL

LBR #700.2, Summons and Notice of Trial, shall be issued by the clerk and served by the petitioning creditors pursuant to FRBP Rule 1010. **Except that the petitioner who electronically files an involuntary petition shall print and use the summons electronically issued, if one is so issued, by the court via the ECF system during the filing process for service.** [See G.O. 03-3 Pt. 27.](#)

E. CONSENT BY AN ENTITY TO RELIEF

Objection to an entity's consent to an order for relief against such entity must be made by motion filed before the first time and date set for the §341(a) meeting of creditors. Failure to object within such time shall be deemed a waiver of the objection.

F. §341(a) MEETING NOTICE

LBR 2003-1.A. applies.

**RULE 1004-1. PETITION - PARTNERSHIP**

LBRs 1005-1.B. and 9010-1.C. apply.

**RULE 1005-1. PETITION - CAPTION**

A. DEBTOR'S CURRENT NAME

The caption of each petition shall include the debtor's full and correct name in “Mixed” case (i.e., upper and lower) capital letters. If the debtor is an individual, then the full first, middle and last names should be used. The first entity name in the caption shall be deemed the debtor, except in a joint petition where the first full name shown for each individual shall be deemed to be the name for each debtor. [See G.O. 03-3 Pt. 28.](#)

B. OTHER NAMES USED BY DEBTOR

Any other names used by the debtor in the last 6 years must be shown in brackets and "mixed" case (i.e., upper and lower) letters. The names of an individual, corporation or partnership other than the debtor should not be included; if they are, however, then the debtor's relation to any such entity shall be shown within the brackets or such name need not be included by the court in the case caption.

For example: Jones, John James ~~JONES, JOHN JAMES~~ [See G.O. 03-3 Pt. 28.](#)  
[Partner in ABC Co.; sole shareholder of XYZ Corporation; dba Jones Construction Co.; aka Jack Jones].

**RULE 1006-1. FEES - INSTALLMENT PAYMENTS OF FILING FEES;  
DISHONORED CHECKS; MULTIPLE PAYMENTS**

A. INSTALLMENT PAYMENT OF FILING FEES

1. Filing Requirement. [LBF #110](#) shall be used. Each application to pay a debtor's filing fee in installments, shall be accompanied by legal sized envelopes, bearing adequate postage, that are pre-addressed to the debtor and any debtor's attorney. The number of permissible installments is as follows: [See G.O. 03-3 Pt. 25](#).

a. Individual Chapter 7 and Chapter 11 Cases. Installment payments for an individual chapter 7 or chapter 11 case filing fee may be broken down into no more than three payments, and must be made on the following schedule:

[See G.O. 99-1](#)

(1) The first payment no later than 28 days from the **entry date of an order authorizing installment payment** ~~date of filing~~;

(2) The second payment no later than 56 days from the **entry date of an order authorizing installment payment** ~~date of filing~~; and

(3) The final payment no later than 84 days from the **entry date of an order authorizing installment payment** ~~date of filing~~.

b. Individual Chapter 12 and Chapter 13 Cases. The full remaining balance due on filing fees in a chapter 12 or 13 case must be paid by no later than 45 days from the **entry date of an order authorizing installment payment** ~~date of filing~~. The court will not confirm a plan unless the filing fees have been paid in full.

2. Effect of Untimely Installment Payment. The failure to timely pay any installment payment in full makes the entire unpaid balance of all filing fees immediately due and payable. Chapter 12 and 13 cases will be dismissed without further notice if the filing fee is not fully and timely paid.

B. DISHONORED CHECKS

When an entity's check or draft is returned for nonsufficient funds or other valid reason by the depository upon which drawn the clerk shall, without further court order, thereafter only accept payments from such entity in the form of cash, cashier's check, or money order.

C. **ERRONEOUS PAYMENT OF FEE OR CHARGE**

It is the tendering party's responsibility to ensure any clerk's office fee or charge is applicable and paid only once. The clerk shall retain excess payments made on any such fee or charge.

D. **SEPARATE FILING FEES FOR PAPER FILINGS**

A separate filing fee (e.g., cash, check, money order) shall be presented for each new case petition that is conventionally filed on paper. [See G.O. 03-3 Pt.29.](#)

**RULE 1007-1. LISTS, SCHEDULES, & STATEMENTS; TIME LIMITS**

The number of copies of all lists, schedules, statements and any supplements thereto shall be the same as required in LBR 1002-1.C.

**RULE 1007-2. MAILING - LIST OR MATRIX; MASTER MAILING MATRIX**

A. **GENERAL**

1. **Form.** Except if filed electronically with the petition using the ECF system, the debtor shall file each required mailing matrix on a computer diskette prepared pursuant to the requirements in ~~An original master mailing matrix shall be filed with each petition in the format prescribed by~~ [LBF #104](#) unless the debtor and any other preparer of the matrix each file a certification under penalty of perjury that the person does not have the capability to create a diskette. The court may use only such matrix to send notice of the §341(a) meeting per LBR 2003-1.A. [See G.O. 03-3 Pt. 30.](#)

2. **Federal Agencies.** The original master mailing matrix filed with the debtor's petition must include the following federal agencies, if applicable:

a. **Commodity Broker.** If debtor is a commodity broker:

Commodity Futures Trading Commission  
Washington DC 20581

b. U.S. Stock Interest. If the United States has a stock interest:

Secretary of Treasury  
Washington DC 20220

B. CHAPTER 11 CASES

The debtor shall ~~file, with the list of the debtor's~~ **attach a Certificate of Service to the original list of the debtor's that certifies a copy of both (a) the list, and (b) separate legal size envelopes, bearing adequate postage, that are pre-addressed for each of the following entities including the name and **service mailing** address of each such entity **were served on the UST:** the debtor (or party designated to perform the debtor's duties), any joint debtor, any debtor's attorney, and the creditor and a contact person for each entity included on the debtor's list of 20 largest unsecured creditors as required by FRBP 1007(d). Such entities must also appear on the master mailing matrix. See G.O. 03-3 Pt. 31.**

C. SCHEDULES G (EXECUTORY CONTRACTS AND UNEXPIRED LEASES) AND H (CODEBTOR)

A party listed on either Schedule G or H will not receive notices in the case unless the party is also listed on the master mailing matrix.

D. ACCURACY AND COMPLETENESS

The debtor is totally responsible for the accuracy and completeness of the master mailing matrix and schedules of liabilities. When serving notices the clerk may rely exclusively on either the schedules of liabilities or the master mailing matrix, and any amendments thereto filed per LBR 1009-1. prior to service of such notice.

~~E. COMPUTER TAPE MATRIX~~

~~In cases where the total number of entities to be notified (e.g., on a set of schedules of creditors, or any amendment to such schedules) is in excess of the number determined to be administratively efficient for input by the clerk, the debtor shall fully comply with the requirements set forth in LBF #116. If a computer data entry company's services are used, it may require payment in advance. Payment for such services may be made as an authorized administrative expense from any estate assets without further court order. See G.O. 03-3 Pt. 30.~~

**E F.** AMENDMENTS

LBR 1009-1. applies.

**RULE 1007-3. STATEMENT OF INTENTION; SCHEDULES**

A. CHAPTER 7 CASES

1. §521 Statement of Intent. An individual chapter 7 debtor shall file a completed Statement of Intent, pursuant to §521(2), using [LBF #521](#). If the debtor fails to comply with §521(2)(~~B~~), no action will be taken by the court unless the affected creditor or other interested party files a motion for relief from the automatic stay or other appropriate motion. [See G.O. 04-1](#).

Secured Creditor Rights When Debtor Does Not Reaffirm Debt Since Contract Current. If a Chapter 7 debtor marks on the Statement of Intent form ([LBF #521](#)) that secured property will be retained, but the underlying debt will not be reaffirmed because the contract payments are current, the debtor will be deemed to have authorized the affected creditor to continue automatic withdrawals of payments if authorized by the debtor prepetition, and to ~~mail to~~ serve on the debtor: (1) coupon books; (2) notices regarding payment changes; and (3) account statements. [See G.O. 01-1](#).

2. Schedules I and J (Current Income and Expenditures). Only individual chapter 7 debtors shall be required to file a completed Statement of Current Income and Expenditures using Schedules I and J.

B. CHAPTER 11 CASES

Schedules I and J are not required.

C. CHAPTER 12 CASES

1. Schedules D, E and F (Liabilities). Schedules D, E and F shall be prepared by first listing all farm related debts (clearly set out under the heading "FARM-ING OPERATION DEBTS"), or the word "NONE" if appropriate, followed by a subtotal of such debts; then listing all non-farm debts (clearly set out under the heading "NON-FARM DEBTS"), or the word "NONE" if appropriate, followed by a subtotal of such debts; and then a total of all debts listed in that schedule.

2. LBF #Ex. D-1 or D-2 (Financial Review of Debtor's Business). [LBF #Ex. D-1 \(Financial Review of Debtor's Farming Business\)](#) and, if applicable, [#Ex.D-2 \(Financial Review of Debtor's Non-Farming Business Operated as a Sole Proprietorship\)](#) shall be filed with the Statement of Financial Affairs. [See G.O. 97-1](#)

LBR 1007-3.C. (cont'd)

3. Schedule C (Property Claimed as Exempt). A Schedule C (Property Claimed as Exempt) shall be filed with the Statement of Financial Affairs for purposes of determining compliance with §1225(a)(4).

4. Schedules I and J (Current Income and Expenditures). All chapter 12 debtors shall fill out all sections of Schedules I and J, and file them with the Statement of Financial Affairs.

D. CHAPTER 13 CASES

1. Schedules I and J (Current Income and Expenditures). Chapter 13 debtors shall fill out all sections of Schedules I and J (i.e., including the final four questions A, B, C and D).

2. Schedule C (Property Claimed as Exempt). A Schedule C shall be filed with the Statement of Financial Affairs for purposes of determining compliance with §1325(a)(4).

3. LBF #Ex. D-1 or D-2 (Financial Review of Debtor's Business). A chapter 13 debtor operating in business as a sole proprietor shall file an original and 2 copies of LBF #Ex. D-1 (Financial Review of Debtor's Farming Business) and/or, if applicable, D-2 (Financial Review of Debtor's Non-Farming Business Operated as a Sole Proprietorship) with the Statement of Financial Affairs. See G.O. 97-1

E. UST COPIES

The debtor shall, on the same date the original of such document is filed, serve on the UST a copy of any list, schedule, statement or other document required by FRBP 1007 and LBR 1007-1. that is not filed with the petition. Proof of such service shall be attached to the original document(s) filed with the court.

**RULE 1009-1. AMENDMENTS TO LISTS & SCHEDULES**

A. LIST OF CREDITORS AND OTHER INTERESTED PARTIES

All amendments to the original list of creditors, equity security holders, codebtors and other interested parties filed with the debtor's petition (e.g., on the schedules of liabilities) shall be made in full compliance with LBF #728.

LBR 1009-1. (cont'd)

**B. AMENDMENT OF OTHER DOCUMENTS**

Amendments to all other documents shall be made in compliance with LBRs 3001-1.A.3.b. and 9004-2.F., and FRBPs 1008, 1009 and 9011. The UST shall be considered an "affected party" for service, except in chapter 13 cases when an LBF does not require such service.

**RULE 1017-1. CONVERSION - REQUEST FOR/NOTICE OF**

LBR 1019-1. applies.

**RULE 1017-2. DISMISSAL OR SUSPENSION - CASES OR PROCEEDINGS**

**A. MOTIONS**

1. Motions To Dismiss. A copy of all motions to dismiss a case, except one being administered under chapter 13, shall be served on the debtor, any trustee, any creditors' committee, the UST (except if filed on behalf of a chapter 13 debtor), and their respective attorneys in that case, no later than the date the original is filed. In addition to the requirements of FRBP 1017(d), a motion to dismiss a case shall set forth the terms of agreements that have been made with any entity concerning the dismissal.

2. Motions to Vacate/Set Aside Dismissal In a Chapter 13 Case. Motions to vacate an order dismissing a case or to set aside a dismissal shall be filed using LBF ~~#1367.90, Motion to Vacate Dismissal,~~ or [#1367.92](#), Motion to Reopen Case (And, If Applicable, To Vacate Dismissal), ~~whichever is appropriate.~~ [See G.O. 99-1.](#)

**B. FINAL REPORT**

LBR 2015-3. applies.

LBR 1019-1.

**RULE 1019-1.            CONVERSION - PROCEDURE FOLLOWING**

A.     DUTY OF TRUSTEE

Whenever a case is converted, even if a motion to vacate the order of conversion is filed, any trustee in the case must immediately transmit a copy of the petition, statement of affairs, schedules, any plan, and any amendments thereto, to the successor trustee as soon as notification of such successor trustee's appointment is received.

B.     §341(a) MEETING NOTICE

LBR 2003-1. applies.

C.     MOTIONS

A copy of all motions to convert a case, except one being administered under chapter 13, shall be served on the debtor, any trustee, any creditors' committee, the UST (except for motions filed on behalf of a chapter 13 debtor), and their respective attorneys in that case, no later than the date the original is filed.

D.     FINAL REPORT AND ACCOUNT

LBRs 2015-3. and 3022-1. apply.

E.     CLAIMS AND APPLICATIONS FOR POST-PETITION SERVICES AND EXPENSES

LBR 2016-1. applies.

**RULE 1020-1.            CHAPTER 11 SMALL BUSINESS CASES - GENERAL**

A.     ELECTION TO BE TREATED AS SMALL BUSINESS DEBTOR

A debtor electing to be treated as a small business debtor pursuant to §1121(e) must file the election on [LBF #1121](#) within 15 days after the entry of the chapter 11 order for relief in addition to any indication of such election which may be included on the debtor's petition.

**B. MOTION TO DISPENSE WITH CREDITORS' COMMITTEE**

A motion pursuant to §1102(a)(3) to dispense with a creditors' committee in a small business case shall be filed within 15 days after the entry of the chapter 11 order for relief. Attached to such motion shall be proof of its service on the UST, debtor, 20 largest unsecured creditors, and their respective attorneys.

**C. NOTICE OF CONDITIONALLY APPROVED DISCLOSURE STATEMENT AND CONFIRMATION HEARING**

A 25-day notice period for filing objections to final approval of the disclosure statement and confirmation of the plan and for the hearing on final approval of the disclosure statement and confirmation of the plan will be required in a small business case unless, upon request of a party in interest, the court orders reduction of this period to not less than 10 days pursuant to §1125(f)(2).

**D. CASE CAPTION**

A case in which a small business election has been made shall be referred to as a small business chapter 11 case. The case number shall thereafter conclude with 11sb, e.g., 396-32000-elp11sb for a small business chapter 11 case administered by Judge Perris. The full case number shall be used on all documents except the notice of the meeting held pursuant to §341(a). [See G.O 03-3 Pt.18.](#)

**RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES**

**A. PERSONS RESPONSIBLE FOR GIVING NOTICE**

1. General. The clerk shall serve all notices specified in FRBP 2002 except as provided in this LBR. If the court is required to give notice and there is an LBF intended for such notice, then the submitting party must send the notice (even if the submitting party is the case trustee) if that LBF **or document cannot readily be legibly converted into PDF format** (a) is not used by the submitting party or (b) was prepared pursuant to LBR 1001-1.F.3. or (c) contains text outside the space provided on such LBF. [See G.O. 03-3 Pt.22.](#)

2. Chapter 7 Cases. Notices required by FRBPs 2002(a) (2), (3) and (45) shall be served by the requesting party, except the clerk shall generally serve such notices for any trustee **unless the document cannot readily be legibly converted into PDF format**. The clerk shall not, however, serve a trustee's notice if a trustee completed LBF: (a) was prepared pursuant to LBR 1001-1.F.3. or (b)

~~contains text outside the space provided on such LBF (e.g., for a description or explanation):~~ Notices required by FRBP 2002(a)(~~67~~) shall be served in accordance with LBR 2016-1. ([see G.O. 99-1](#); [G.O. 03-3 Pt.22](#)) and

3. Chapter 11, 11A and Small Business Chapter 11 Cases. [See G.O. 99-1](#) and ~~G.O. 03-1 Pt.7~~ (rescinded by [G.O. 03-3 Pt.39](#))

a. General. The applicant, or moving or requesting party, shall serve all notices not specifically mentioned in this subsection, except for those specified in FRBPs 2002(a)(1), (a)(~~78~~), (d)(1), (f)(1), (f)(2) and (f)(6).

b. Proponent of a Plan or Modified Plan. The proponent of a plan or modified plan shall serve the notices required by:

(1) FRBPs 2002(b)(1) and (d)(5), together with the documents required by FRBP 3017(a) (using LBF #1165 *prepared by court*);

(2) FRBPs 2002(a)(~~56~~), (b)(2), (d)(6) and (d)(7), together with the documents required by FRBP 3017(d) (using LBF #1175 *prepared by court*); and

(3) FRBP 2002(a)(~~67~~) for final compensation applications filed prior to service of the Notice of Confirmation (using LBF #1190 *prepared by court*).

4. Chapter 12 Cases. The proponent of a plan, applicant, or moving or requesting party, shall serve all notices except for those specified in FRBPs 2002 (a)(1), (a)(~~78~~), (f)(1), (f)(2), (f)(3), (f)(5) and (f)(6). LBR 4004-1. applies to hardship discharge motions. LBR 2016-1.E. applies to parties filing compensation applications under FRBP 2002(a)(~~67~~). [See G.O. 99-1](#)

5. Chapter 13 Cases. The requesting party shall serve the notices required by FRBPs 2002(a)(2) and (3). The clerk shall not, however, serve a standing trustee notice if an LBF completed by a trustee **cannot readily be legibly converted into PDF format:** (a) was prepared pursuant to LBR 1001-1.F.3., or (b) ~~contains text outside the space provided on such LBF (e.g., for a description or explanation)~~. LBR 2016-1.F. applies to parties filing compensation applications under FRBP 2002(a)(~~67~~) and [LBF #1307](#) shall be used if the request is filed after the confirmation hearing. LBR 3015-1.B.1. applies in the event attachments to the plan are filed. LBR 4004-1. applies to hardship discharge motions. [See G.O. 99-1](#); [G.O. 03-3 Pt.22](#).

B. FORM OF NOTICE

1. General.

**Notice Re: Presentation of Testimony at Hearings in contested Matters.**

a. The notice of each hearing on a contested matter shall state whether or not testimony may be received at the hearing unless the hearing is set to be heard via telephone or unless the hearing is specifically designated as a "preliminary" hearing such as a pretrial conference or status conference.

b. No testimony may be offered or received at hearings conducted via telephone or hearings designated as a preliminary hearing or a status conference unless agreed to by all essential parties and the presiding judge or provided for in a notice of hearing from the court. See G.O. 03-1.

a. LBFs. LBR 1001-1.F. applies.

b. Non-LBF Form. Any "Notice of Intent" to take proposed action where an LBF does not exist (except for compensation applications covered by LBR 2016-1.), or "Notice of Hearing" that is not sent by the court may be single spaced, shall begin not less than one inch from the top of the page, and shall substantially conform to the following:

/////  
/////  
/////

(1) General Notice of Intent.

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re )  
) Case No. (    \*    )  
[Insert name(s) found )  
on petition.] ) NOTICE OF INTENT TO  
) [DESCRIPTION OF PROPOSED ACTION]  
Debtor(s). )

The (debtor, trustee, etc. ) proposes to take the following action:

[Insert a brief description of the proposed action and the reasons therefore; a summary of the affect; names of insiders to the transaction; and, if applicable, other information required by this Rule.]

[If notice pertains to a motion or application] The (motion, application, etc.) may be inspected at the office of the clerk at the address shown below or at the office of the undersigned.

YOU ARE NOTIFIED that unless within 20 days [NOTE: but see LBR 2002-1.B.5.] of the **service mailing** date of this notice you file a written objection to it, and set forth the specific grounds for such objection and your relation to the case, with the Clerk of Court at [insert the mailing address for the office in Portland or Eugene, whichever is administering the case] and **serve mail** a copy to [insert name, address and phone number of party proposing the action], the undersigned will proceed to take the proposed action or apply for a court order if required, without further notice or a hearing.

(Signature) (SSN/Tax ID# if debtor;OSB# if atty)  
[PRINT OR TYPE NAME]  
[ATTORNEY FOR \_\_\_\_, TRUSTEE, ETC.]

On (insert date) I served copies of the above notice on: (add the entity types required by LBRs 2002-1.C. and D.).

(Signature)  
[PRINT OR TYPE NAME]

\*The case number consists of a 7 ~~an~~ 8 digit number (**if the first digit of the five (5) digit portion of a case number is a "3", "4" or "5", the case is beginning with a "3" for cases being administered by the Portland office, or a "6", "7" or "8" for cases being administered by the**

Eugene office) followed by a hyphen, the 3 initials of the judge handling the case (in lower case letters), and the number of the chapter of Title 11 under which the case is currently being administered followed, if applicable, by either an "sb" if a small business chapter 11 or an "A" if an accelerated chapter 11 (e.g., 396-30000-psh13 for a 1996 Portland chapter 13 case handled by Judge Higdon). [See G.O. 03-3 Pt.18.](#)

(2) General Notice of Hearing.

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re	)	
[insert debtor(s) name]	)	CASE NO.( _____ * _____ )
found on petition]	)	ADV. NO.( _____ ** _____ )
	)	[If applicable]
	)	
Debtor(s) _____	)	NOTICE OF HEARING
[If applicable]	)	[DESCRIPTION OF MATTER TO BE HEARD]
(insert plaintiff(s) name	)	
	)	
Plaintiff(s)	)	
v.	)	
(insert defendant(s) name	)	
Defendant(s) _____	)	

YOU ARE NOTIFIED THAT:

A HEARING to consider and act upon the following: [Enter description of matter to be heard]

WILL BE HELD

ON [enter hearing date] \_\_\_\_\_

AT [enter hearing time] \_\_\_\_\_

IN [enter hearing location] \_\_\_\_\_

(Signature)(SSN/Tax ID# if debtor; OSB# if atty)  
[PRINT OR TYPE NAME]  
[ATTORNEY FOR \_\_\_\_\_, TRUSTEE, ETC.]

On (insert date) I served copies of the above notice on: (add the entity types affected).

(Signature) \_\_\_\_\_  
[PRINT OR TYPE NAME]

\*The main bankruptcy case number consists of a 7 ~~an~~ 8 digit number (if the first digit of the five (5) digit portion of a case number is a "3", "4" or "5", the case is ~~beginning with a "3"~~ for cases being administered by the Portland office, or a "6", "7" or "8" for cases being administered by the Eugene office) followed by a hyphen, the 3 initials of the judge handling the case (in lower case letters), and the number of the chapter of Title 11 under which the case is currently being administered followed by an "sb" if a small business chapter 11 or an "A" if an accelerated chapter 11 (e.g., 697-60000-fra7 for a 1997 chapter 7 case administered in Eugene by Judge Alley).

\*\*If applicable, the adversary number consists of a 6 7 digit number (if the first digit of the four (4) digit portion of a case number is a "3", "4" or "5", the case is ~~beginning with a "3"~~ for cases being administered by the Portland office, or a "6", "7" or "8" for cases being administered by the Eugene office) followed by the 3 initials (in lower case letters) of the judge handling the case (e.g., 398-3000elp for a 1998 adversary proceeding administered in Portland by Judge Perris).  
[See G.O. 03-3 Pt.18.](#)

2. Proposed Use, Sale, Lease or Abandonment of Property. The following additional information, if applicable, must be inserted in the general notice form if the proposal is for the use, sale, lease or abandonment of property:

- a. A brief, general description of the property (if real property, always list a street address and also attach a legal description as an exhibit);
- b. Names of buyer and other parties to the transaction, and their relationship to the debtor;
- c. The place where a copy of the complete property description or inventory may be examined or obtained;
- d. The terms and conditions including, if applicable:
  - (1) The method and manner of submitting competing bids;
  - (2) Conditions imposed upon other bidders;
  - (3) The time, place and any special terms and conditions of public sale;
  - (4) The time and place for preview of the property prior to sale; and
  - (5) A statement that the sale is of substantially all of the debtor's assets;

LBR 2002-1.B.2. (cont'd)

- e. Information regarding the adequacy of the consideration and a statement concerning what, if any, independent appraisals have been made;
- f. Whether there is any equity available for the estate and, if not, why the property is being sold by the estate and how expenses are to be borne; and
- g. Why the action is being proposed in advance of approval of a plan of reorganization.

3. Motions for Authority to Sell Property Free and Clear of Liens and Other Interests. [LBF #760.5](#) shall be used for a motion for authority to sell estate property free and clear of liens and other interests pursuant to §363(f), and all responses shall be filed as required by such LBF.

4. Abandonment. In addition to complying with the provisions of LBRs 2002-1.B.1. and 2., the party seeking abandonment, except for a trustee, shall simultaneously provide copies of documents evidencing the interest of the requesting party and any perfection of such interest to the trustee, any creditor committee, and their respective attorneys.

5. Agreements Relating to Relief From the Automatic Stay, Providing Adequate Protection, Use of Cash Collateral, and Obtaining Credit. Notices of the above entitled agreements shall be given using the form of notice designated in LBR 2002-1.B.1., except the time for filing objections may be reduced to 15 days.

6. Application for Compensation or Expenses. LBR 2016-1. applies.

7. Motion to Assume, Reject or Assign an Executory Contract. LBR 6006-1. applies.

8. Motion to Convert Case. LBR 1019-1. applies.

9. Motion to Dismiss Case. LBR 1017-2.A. applies.

10. Motion for a Chapter 12 or 13 "Hardship" Discharge. LBR 4004-1. applies.

11. Motions For Relief From Stay, Use of Cash Collateral and Obtaining Credit. LBR 4001-1. applies.

12. Lien Avoidance (§522(f)). LBR 4003-1. applies.

13. Objections to Claims. LBR 3007-1. applies.

14. Redemption. LBR 6008-1. applies.

15. Removal/Remand. LBR 9027-1. applies.

## C. GENERAL NOTICING PROCEDURES

1. Service of Both Motion and Notice of Motion. Any entity required to serve a Notice of Motion by these LBRs shall serve both a copy of the notice and any corresponding motion or application on the UST, debtor, each trustee, any creditor committee, and their respective attorneys.

2. Service on the UST.

a. Types of documents to be served. The following documents shall be served on the UST:

(1) All documents filed in a chapter 7, 11 or 12 case (i.e., not chapter 13), except documents filed with the debtor's original petition and proofs of claim.

(2) All documents filed in an adversary proceeding related to either a chapter 11 case, or any case in which a bankruptcy trustee is named as a party defendant.

(3) All complaints objecting to the debtor's discharge pursuant to §727.

(4) Such other documents as established by regional UST policy or specifically requested by the UST.

b. Place of service.

(1) Portland. Appropriate documents associated with, or an adversary proceeding related to, a case whose **five digit case** number begins with a "3", "4", or "5" (e.g., 396-31000-dds11) shall be served on the Office of the United States Trustee, 851 S.W. 6th, #1300, Portland, Oregon 97204. *Editor's Note: Office of the US Trustee now located at 620 SW Main St #223, Portland OR 97205.*  
[See G.O. 03-3 Pt.18.](#)

(2) Eugene. Appropriate documents associated with, or an adversary proceeding related to, a case whose **five digit case** number begins with a "6", "7", or "8" (e.g., 697-63333-aer12) shall be served on the Office of the United States Trustee, 211 E. 7th, #221, Eugene, Oregon 97401. [See G.O. 03-3 Pt.18.](#)

3. Chapter 7 Asset, and Chapter 12 and 13 Cases. Unless otherwise specified in an FRBP or LBR, after **the original deadlines** time for **timely** filing **all types of** claims has expired in chapter 7, 12 and 13 cases, notice need be served only on the debtor(s) and trustee, and their respective attorneys; **United States Trustee** <sup>UST</sup> (if appropriate); creditors having timely filed a proof of claim; and entities specifically requesting copies of all notices. [See G.O. 97-2](#)

**Notice Re: Presentation of Testimony at Hearings in Contested Matters.**

a. The notice of each hearing on a contested matter shall state whether or not testimony may be received at the hearing unless the hearing is set to be heard via telephone or unless the hearing is specifically designated as a “preliminary” hearing such as a pretrial conference or status conference.

b. No testimony may be offered or received at hearings conducted via telephone or hearings designated as a preliminary hearing or a status conference unless agreed to by all essential parties and the presiding judge or provided for in a notice of hearing from the court. [See G.O. 03-1.](#)

D. MAILING MATRIX AND COSTS

1. Mailing Matrix. For the administrative convenience and economic efficiency of the United States Courts, and to facilitate service of required notices, the clerk may provide without charge to the entity responsible for service, upon receipt of a written request which must be accompanied by a 9"x12" SASE bearing postage adequate to mail all required pages, a current mailing matrix for the case. If the mailing matrix is available for direct download from the PACER system and the PACER system is not utilized, however, the clerk's normal copy fee will be charged for each matrix page provided by the clerk when complying with any request for a mailing matrix in a case or adversary proceeding.

2. Costs. Any party serving a notice shall pay all actual costs of such service and such costs may, if permitted by applicable law, be allowed as administrative expenses. Applications for reimbursement of such costs shall be made pursuant to LBR 2016-1., itemize the actual costs incurred, and state the number of pages in each notice and number of notices served.

E. ACCURACY OF MAILING LIST

The clerk will not compare the certificate of **service mailing** information with the mailing matrix, or schedules of liabilities or any amendment thereto. Upon receipt of a written request accompanied by a SASE, the clerk shall send a copy of the certificate of **service mailing** attached to any notice **served mailed** by the clerk using an automated noticing system for verification that all entities and their addresses were entered accurately. The

clerk will immediately correct any data entry error and ~~re-serve~~ ~~re-mail~~ a copy of the document if, within 30 days of the document's ~~service~~ ~~mailing~~ date, the clerk receives written notice of a data entry error, and the information necessary to correct such error.

F. CHANGE OF MAILING ADDRESS; RETURNED DOCUMENTS

1. Duty to Notify Clerk. Any notice of an interested party's address change should be filed using [LBF #101](#) and must contain the debtor's name; case number; the party's name and original address given the court; the party's complete new ~~service~~ ~~mailing~~ address; and proof of service of such address change on any case trustee and, unless a chapter 13 case, the UST.
2. Sanction for Debtor's Failure to Notify Clerk. The debtor's failure to immediately notify the clerk of such debtor's new ~~service~~ ~~mailing~~ address shall be grounds for dismissal of the case for lack of prosecution.
3. Returned Documents. The clerk's office shall use the debtor's address as the return address on all notices it sends to help ensure mailing accuracy, except when multiple documents sent to the same entity are batched in a single envelope as a cost savings device. The debtor must use [LBF #101 #728](#) to correct any address errors ~~of entities who were previously listed on the mailing matrix~~, except as provided in LBR 2002-1.E. The clerk will not maintain a permanent record of, nor retain, documents returned to the clerk's office. [See G.O. 96-3](#)

G. PROOF OF SERVICE

An original proof of service shall be incorporated in, or attached to, each original document (or copy thereof if the original is retained by the clerk) whenever service of a document is required, and shall be filed within 8 days of either the: (a) date a document (or copy thereof) which was fully or partially prepared by the clerk's office was mailed to the serving party, or (b) service date of a document solely prepared by the serving party.

H. RESPONSES/OBJECTIONS REQUIRING NOTICE OF HEARING

The party serving any notice upon which a hearing will only be set if a timely written response or objection is filed shall, not less than 4 days after expiration of the response period, obtain hearing information from the court and give at least 11 days notice of that hearing to any responding or objecting party, the UST when required, the debtor, any trustee, any creditors' committee, and their respective attorneys. A copy of the hearing notice, with a proof of service specifically naming the parties notified, shall be filed pursuant to LBR 2002-1.G. LBR 9021-1.A. applies to resulting orders.

**Notice Re: Presentation of Testimony at Hearings in Contested Matters.**

a. The notice of each hearing on a contested matter shall state whether or not testimony may be received at the hearing unless the hearing is set to be heard via telephone or unless the hearing is specifically designated as a “preliminary” hearing such as a pretrial conference or status conference.

b. No testimony may be offered or received at hearings conducted via telephone or hearings designated as a preliminary hearing or a status conference unless agreed to by all essential parties and the presiding judge or provided for in a notice of hearing from the court. [See G.O. 03-1.](#)

**I. ORDERS IF NO OBJECTION FILED**

The court will consider signing any required order resulting from a notice only if the noticing party submits a proposed order per LBR 9021-1.A. The proponent shall attach to the proposed order a certificate stating that no objection was filed within the specified response period plus 3 days, a copy of the original notice and exhibits thereto, and any other pertinent documents.

**J. SANCTIONS**

If a party, without just cause, fails to give the notice required by these LBRs or promptly file all original documents with the appropriate proof of service attached, and such failure results in an increase in any costs of the case or proceeding, that party may be required to personally satisfy such excess costs and may be subject to such other discipline as the court may deem appropriate pursuant to LBR 9011-3.

**RULE 2002-2. NOTICE TO UNITED STATES OR FEDERAL AGENCY**

**A. INCLUSION ON MASTER MAILING MATRIX**

LBR 1007-2. applies.

**B. SECURITIES AND EXCHANGE COMMISSION (SEC)**

When required, notice shall be sent to the address **that must be obtained from the court's free Internet website** ~~specified in the appropriate option on the court's telephone answering system.~~ [See G.O. 04-1.](#)

**C. INTERNAL REVENUE SERVICE (IRS)**

When required, notice shall be sent to the address **that must be obtained from the court's free Internet website** ~~specified in the appropriate option on the court's telephone answering system.~~ [See G.O. 04-1.](#)

**RULE 2003-1. §341(a) MEETING OF CREDITORS**

**A. SCHEDULING §341(a) MEETINGS**

1. General. The §341(a) meeting of creditors will be promptly set in case number order after the filing of a voluntary case petition, or 16 days after entry of a conversion order or an order for relief in an involuntary case. The clerk may give notice of such meeting using the original matrix filed with the debtor's petition and, for converted or involuntary cases, amendments or other lists (e.g., "gap" creditors) or matrices filed within 15 days after entry of the conversion or relief order. The debtor shall provide notice of the §341(a) meeting to all other creditors and interested parties pursuant to [LBF #728](#).

2. Attendance. Debtors and debtor's attorneys shall attend and complete the §341(a) meeting of creditors, though a debtor's attorney may arrange for other counsel to attend in their absence. Failure to complete a §341(a) meeting may result in dismissal of the case. ~~Avoidance of inconvenient meeting dates may be possible only if the debtor or debtor's attorney submits (preferably using LBF #102) with the voluntary petition, or with the amendments or other lists filed within 15 days after entry of a conversion or relief order, a list of dates and times they will be unavailable in the succeeding 60 days and the meeting can be set on another available date within the time frame required by the FRBPs.~~ [G.O. 03-3 Pt.33](#).

The following provisions apply regarding requests for rescheduling of § 341(a) meetings:

a. Each debtor must comply with any United States Trustee policy regarding rescheduled meetings of creditors prior to, or at, a scheduled meeting whenever practicable.

b. Motions to reschedule a meeting of creditors after the time set for such meeting must be submitted as follows:

(1) Form of Motion. The debtor/debtor's attorney must file a motion with the United States Bankruptcy Court and serve a copy of the motion on the UST and the case trustee.

(2) Timing of Motion. The debtor/debtor's attorney must file the motion promptly after the meeting of creditors to avoid automatic dismissal of the case. If the debtor's case has been closed, the motion to reschedule must be accompanied by a motion to reopen with the appropriate court filing fee for a motion to reopen.

(3) Content of Motion. The motion must state the:

- (a) Debtor's name and case number;
- (b) Date and time of the originally scheduled meeting of creditors;
- (c) Reason for the request for a rescheduled meeting of creditors; and
- (d) Reason such request could not be made at or before the originally scheduled meeting of creditors.

3. Location. Generally the meeting of creditors will be held in the hearing location closest to the debtor's residence. Upon written request, submitted with the voluntary petition or with the creditor information filed within 15 days after entry of a conversion or relief order, the meeting of creditors may be held in the location used for such meetings which is proximately closest to the location of the (listed in order of relevance): majority of creditors, debtor's business, debtor's real property, debtor, and debtor's attorney.

4. Limitations. The UST or presiding officer shall have full authority to allocate available time to each meeting scheduled during each time period, place limitations on the time allowed the interim trustee and creditors to examine debtors in order to conclude or adjourn all meetings within the time period scheduled, and to call the docket in such order as appears necessary to facilitate the orderly conduct of meetings.

B. USE OF ELECTRONICALLY RECORDED TESTIMONY

A party may not utilize the original or any copy of electronically recorded testimony of a §341(a) meeting as testimony in any court proceeding. An **electronic version of a paper transcript of such testimony (i.e., as opposed to an audio version of electronically recorded testimony)** may be used in a court proceeding if, prior to its use, it is arranged with the UST for the timely preparation, filing of, and payment for, a transcript prepared by an authorized and independent transcriptionist in accordance with FRBP 5007. The party preparing any transcript may require an advance deposit covering the estimated transcription cost. **Transcripts of testimony given at a §341(a) hearing shall not be filed with the clerk. Relevant portions of any such transcript prepared pursuant to these LBRs may still be offered into evidence at a court hearing. Any copy of a transcript required to be filed by a transcriptionist must be done electronically or using other authorized electronic medium (e.g., a CD). See G.O. 03-1; G.O. 03-3 Pt.34.**

**RULE 2004-1. DEPOSITIONS & EXAMINATIONS; RECORD OF EXAMINATION; SETTING PROCEDURES**

[See G.O. 98-1](#)

**A. GENERAL**

The clerk shall neither provide nor store electronic tape recordings of any FRBP 2004 examinations. Court facilities may not be used for such examinations. ~~A copy of any transcript prepared from an FRBP 2004 examination shall be filed with the clerk.~~ Transcripts of testimony shall not be filed with the clerk. Relevant portions of any such transcript prepared pursuant to these LBRs may still be offered into evidence at a court hearing. [See G.O. 03-1.](#)

**B. SETTING PROCEDURES** [See G.O. 98-1](#)

1. Preliminary Contact. Prior to setting a deposition or requesting an ex parte order for a 2004 examination, the attorney setting such deposition or examination shall first confer, or make a good faith attempt to confer, with adverse counsel to set a mutually agreeable date.

2. Order. Any proposed order for a 2004 examination or a deposition presented to the court shall have attached to it either: (a) a certification that the attorney presenting the order has conferred with opposing counsel and obtained agreement on the date for the examination or deposition, or (b) a certification describing the steps taken in a good faith attempt to confer with opposing counsel about a mutually agreeable date.

3. Minimum Notice. Except for good cause shown or unless the parties otherwise agree, such examinations or depositions shall be set on no less than 10 days' notice to the affected parties.

**RULE 2007-1. TRUSTEES & EXAMINERS (CHAPTER 11); ELECTION**

**A. REQUEST FOR ELECTION**

A request to convene a meeting of creditors for the purpose of electing a trustee in a chapter 11 case shall be filed and transmitted to the UST in accordance with FRBP 5005 within the time prescribed by §1104(b). Pending court approval of the person so elected, a person appointed trustee under §1104(d) shall serve as trustee.

B. MANNER OF ELECTION AND NOTICE

Election shall be governed by FRBPs 2003 and 2006.

C. APPLICATION FOR APPROVAL OF APPOINTMENT AND RESOLUTION OF DISPUTES

1. No Disputes. If no disputes arise or all disputes are resolved by the court, the UST appoints the person elected to be trustee and files an application for approval of the appointment per FRBP 2007.1(b) omitting the names of parties in interest with whom the UST has consulted.

2. Disputes. If it is necessary to resolve a dispute regarding the election, the UST shall promptly file a report informing the court of the dispute. If no motion for resolution of the dispute is filed within 10 days after the date of the creditors' meeting called under §1104(b), a person appointed by the UST per §1104(d) and FRBP 2007.1(b) shall serve as trustee.

**RULE 2010-1. TRUSTEES - BONDS/SURETY**

Any person elected or appointed as trustee shall send any original bond, and amendments thereto, to the UST who will immediately make a copy and file the original.

**RULE 2012-1. REPORT DUE IF SUCCESSOR TRUSTEE APPOINTED**

If a successor trustee is appointed in a case, the previous trustee who is being succeeded shall file, for the chapter under which the case is being administered when such successor is appointed, the report required by LBR 2015-3. when a case is converted from one chapter to another. As soon as notification of successor trustee's appointment is received, the previous trustee in the case must immediately transmit a copy of the petition, statement of affairs, schedules, any plan, and any amendments thereto, to the successor trustee.

**RULE 2014-1. EMPLOYMENT OF PROFESSIONALS; APPOINTMENT APPLICATIONS IN CHAPTER 7 AND 11 CASES**

A. CHAPTER 7 APPOINTMENT APPLICATIONS

Chapter 7 trustees must use LBF #753.50 to employ an auctioneer; LBF #753.55 to employ a liquidator; LBF #753.58 to employ a collection agency; LBF #753.60 to employ a real estate broker; LBF #753.70 to employ an accountant; LBF #753.80 to employ an appraiser; LBF #753.90 to employ an attorney other than on a contingency fee basis; and LBF #753.95 to employ an attorney on a contingency fee basis.

B. CHAPTER 11 APPOINTMENT APPLICATIONS

Professionals may, and in some chapter 11 cases will be required to, apply for appointment and certify their disinterest using [LBF #1114](#).

**RULE 2015-1. TRUSTEES - GENERAL RE: CHAPTER 7 CASES**

A. INVENTORY AND REPORT OF ASSETS

1. Original. A trustee shall file the original Inventory and Report of Assets using LBF #752 (or a court generated form) immediately after completion of the §341(a) meeting in a "no asset" case, or within 11 days after completion of such meeting in an asset case.

2. Amended. A trustee shall file an amended Inventory and Report of Assets using LBF #752 (or a court generated form) immediately upon the actual or constructive receipt of assets after an original has been filed in a no asset case.

B. CLOSING REPORT

If LBF #740.3 has been entered in a case, the trustee shall file a "zero balance" report using LBF #740.5 within 15 days of receipt of all the initial bank statements indicating a zero balance from each of the trustee's depositories in which a deposit account was maintained in such case.

**RULE 2015-2. DEBTOR-IN-POSSESSION DUTIES**

A. FILING

A financial report shall be filed each month in every chapter 11 case by the DIP (or trustee if one has been appointed). The report for any given calendar month shall be filed **no later than** on or before the 15<sup>th</sup> last business day of the succeeding month, ~~except that if the chapter 11 case is filed after the 20th day of the month the report for the initial partial calendar month may be combined with the report for the initial whole calendar month following the filing of the petition.~~ The filing of a full, complete and accurate report in the form described herein shall constitute compliance with FRBP 2015(a)(3). [See G.O. 03-1](#).

B. FORM

**The form of financial report required by this LBR shall be designated by the U.S. Trustee.** The report required by this LBR shall be prepared using LBF #1111 and a "legal turn" format (i.e., the physical top of one side of a page shall be the physical bottom of the reverse side of that page), with all calculations based on calendar month figures (i.e., from

~~the first to the last day of the month). All pages of the standard form must be attached each month, with any "Does Not Apply" (DNA) box marked only where appropriate. All other pages must either have all the required information and the actual monthly figures entered or, if applicable, the word "NONE." All certifications on the final page of the report shall be signed by the preparing party each month or contain an explanation as to each one which is left unsigned. [See G.O. 03-1.](#)~~

C. NON-COMPLIANCE

Failure to timely file a complete and accurate monthly report as required by this LBR may result in a dismissal or conversion of the case for a lack of prosecution.

D. CHAPTER 12 CASES

To ensure compliance with the debtor's duties under §1203 the DIP, and not the trustee except in the event the DIP was removed pursuant to §1204 without reinstatement, shall perform all functions and duties required by §1231(b).

E. NEW RECORDS IN CHAPTER 11 AND 12 CASES

In all cases under chapters 11 and 12, the debtor's financial and accounting records shall clearly differentiate between pre-petition and post-petition transactions, assets and liabilities.

F. DEPOSIT ACCOUNTS

The DIP (or trustee if one has been appointed) shall promptly withdraw all monies from all pre-petition deposit accounts and open new deposit accounts which shall include general, payroll and tax accounts. New signature cards shall clearly indicate the debtor is a "Chapter (i.e., 11 or 12) debtor-in-possession (or 'Trustee' if appropriate)." All cash held in such deposit accounts shall be invested only as permitted under §345. Deposit accounts may be maintained only in institutions approved by the UST.

**RULE 2015-3. TRUSTEES - REPORTS & DISPOSITION OF RECORDS;  
FINAL REPORT AND ACCOUNT**

A. CHAPTER 7 CASES

If the trustee has actually or constructively received any estate assets, the trustee shall file a final report and account using:

1. LBF #752.00 if nominal assets returned to submitting party and case treated as no asset;

2. LBF #740.05 if case dismissed or converted to another chapter; or
3. LBF #740 upon liquidation or other disposition of all estate assets.

B. CHAPTER 11 CASES

1. Post-Confirmation. The proponent of a confirmed plan shall, within 120 days after the entry of the order confirming such plan, file [LBF #1195](#).
2. Conversion or Dismissal. If a case has been converted or dismissed, the trustee (if one appointed) shall file [LBF #1198](#).

C. CHAPTER 12 AND 13 CASES

A chapter 12 or 13 trustee shall file LBF #1375 within 15 days after entry of a discharge or dismissal order, or within 30 days of a conversion order.

D. DESTRUCTION OF RECORDS

A trustee may destroy any or all case records in the trustee's possession not otherwise required to be transferred to a third party by these LBRs after first giving at least 30 days written notice to all entities from which such records were obtained, and to all other parties in interest who have made a written request to the trustee that notice of such destruction be given to them. A trustee may destroy any or all case records in the trustee's possession without notice or court order subsequent to expiration of the time period established by the UST.

**RULE 2016-1. COMPENSATION OF PROFESSIONALS; APPLICATIONS/  
CLAIMS FOR ADMINISTRATIVE COMPENSATION OR  
EXPENSES**

A. GENERAL **NOTE:** See [G.O. 97-1](#) (and amendment in [G.O. 98-1](#)) for reimbursement of secured creditor attorneys' fees.

1. Non-professional Administrative Expenses. If a trustee or DIP fails to promptly make arrangement for payment of administrative expenses owed to a non-professional, then a claim for such expenses shall be filed in the form of a proof of claim (notwithstanding contrary language on the official proof of claim form). If immediate payment is sought, then the applying party shall serve a Notice of Intent to Submit Order Allowing Immediate Payment of Administrative Expenses (with a copy of the proof of claim attached) on the debtor, any trustee, the UST, any creditors' committee, and their respective attorneys, pursuant to the requirements of LBRs 2002-1.B.1. and 2002-1.G. LBR 2002-1.H. applies if any timely objections are filed as to such notice, and LBR 2002-1.I. applies if no timely objections are filed.

2. Compensation and Expenses of Officers and Professional Persons. A request for compensation or reimbursement payments by a trustee, an examiner, a debtor's attorney or any professional person employed under §§327 or 1103 shall be made by an application in accordance with this LBR.

3. Compensation and Reimbursement Payments of Custodians. A request for compensation or reimbursement payments by a custodian superseded under §543, or by an attorney or an accountant of such a custodian, shall be made in the form of a proof of claim in accordance with LBR 2016-1.A.1. A request for compensation or reimbursement payments by a custodian not superseded under §543 or by an attorney or an accountant of such a custodian shall be made by application in the same manner as an entity subject to LBR 2016-1.A.2.

4. Court's Filing Location of Applications for Payment of Administrative Expenses. Interim applications for compensation and reimbursement payments pursuant to LBR 2016-1.B.1. shall be filed in the main case file and noted on the general docket maintained for such case. Final applications for payment of administrative expenses (other than applications pursuant to LBR 2016-1.B.1.) shall be filed in the claims file and noted on the claims register maintained in the case.

#### B. INTERIM COMPENSATION IN CHAPTER 7 AND 11 CASES

**NOTE:** For reimbursement of secured creditor attorneys' fees, [See G.O. 97-1.](#)

##### 1. General.

a. Time To File. Only one application for interim compensation per "hearing trimester" (as specified herein) may be filed by an applicant. Hearings for consideration of Applications For Interim Compensation, which are required either by the court or due to a timely filed objection, will be held only on the second Monday (or as soon as practicable thereafter) in the months of April, August, and December. To ensure the setting of any required hearing, an application in full compliance with this LBR must be filed on February 10 for an April hearing, June 10 for an August hearing, or October 10 for a December hearing (or on the last business day prior to any such date falling on a weekend or legal holiday). The court may, but need not, sign an Order For Compensation (if submitted as provided in LBR 2002-1.I.) without a hearing if no objections are filed to a Notice of Intent to Compensate Professional(s) ~~serve~~mailed in conformance with this LBR.

b. Interim Report. All interim applications must be accompanied by a current (i.e., prepared since the last hearing date for applications) Interim Report by the trustee, or the DIP if no trustee, prepared and served using either LBF #753 (for chapter 7 cases) or [#1153](#) (for chapter 11 cases), as appropriate. If necessary, the applicant may file a motion (which indicates a copy has been served on the trustee, or DIP if no trustee) under §§704(7), 1106 (a)(1) or 1107(a), and a proposed order, requiring the trustee or DIP to file such a report within 30 days. The filing of such a motion to comply does not relieve the applicant of the duty to timely file an application which includes a completed interim report.

2. Form. An application for compensation or expenses will be considered a final application unless the word "Interim" is clearly indicated in the caption. Applications must be filed using [LBF #345](#); and, if seeking reimbursement of expenses, LBR 2016-1.C. applies. **Applications for compensation or expenses by an accountant must be filed using [LBF #345.7](#). See [G.O. 99-2](#)**

3. Notice of Intent to Compensate. [G.O. 03-3 Pt.35](#)

a. Each application except for (1) certain applications submitted by chapter 7 trustees using LBFs created solely for their use (e.g., #753.50 for Auctioneer, #753.55 for Liquidator, #753.58 for Collection Agency, #753.60 for Real Estate Broker, #753.70 for Accountant, and #753.80 for Appraiser) and (2) chapter 11 real estate brokers and auctioneers, must be accompanied by a ~~SASE and~~ a proposed Notice of Intent to Compensate Professional(s) using [LBF #753.40](#), **fully prepared and then promptly served by the applicant as otherwise provided in the LBRs** ~~completed except for the mailing certificate.~~ Upon determination that the application is in full compliance, a deputy clerk will sign under the statement "Approved For Mailing" and return for mailing, ~~together with a mailing matrix.~~ If the mailing matrix is available for direct down-load from the PACER system and the PACER system is not utilized, however, the clerk's normal copy fee will be charged for each matrix page provided by the clerk when complying with any request for a mailing matrix in a case or adversary proceeding.

b. ~~If the notice is approved for mailing,~~ said mailing **Service** shall be made not later than March 5 for an April hearing, July 5 for an August hearing, and November 5 for a December hearing. The original [LBF #753.40](#) shall be filed pursuant to LBR 2002-1.G. The failure to fully and timely comply with each requirement of this paragraph may result in the application not being considered for an additional 120 days.

c. Notices on multiple applications in a given case may be consolidated. All applicants are generally responsible for noticing their own application; however, to minimize any administrative expense of **servicing** mailing such notices ~~the clerk's office may~~ combine multiple applications into one notice ~~and return such notice to the initial applicant in that time period for mailing.~~ The other applicants will be notified of this action and shall not also send a notice. The costs of **service mailing** shall be borne by each of the applicants included in any notice in proportion to the total compensation requested. [See G.O. 03-1 Pt.35](#)

4. Hearing. LBR 2002-1.H. applies.

5. Proposed Order Required if No Objections Filed. A proposed order (filed pursuant to LBR 2002-1.I.) is required if no objections to a notice are filed.

#### C. APPLICATIONS FOR REIMBURSEMENT OF EXPENSES

1. Method of Determining Costs. All applications must contain a separate statement containing an explanation of the method of determining the amounts billed as expenses in the cost portion of the application if the costs exceed the following limits.

2. Reasonableness of Amounts. If the costs do not exceed the following parameters, there is a rebuttable presumption that the costs are reasonable and no evidence will be required unless a party in interest files a timely objection to the costs. If costs exceed these parameters, the professional must submit evidence that the amount sought is reasonable and does not include profit and/or charges that are properly part of overhead. All applications and claims that seek costs within the scope of this LBR shall expressly state whether any of the costs exceed the amounts below [NOTE: for purposes of this LBR subsection, chapter 7, 12, and 13 trustees are not professionals]:

a. Photocopies - \$.15 per page copying by the professional's firm; professionals should use commercial concerns at actual cost for large projects.

b. Postage, long distance telephone, express mail - actual cost. Professionals should be prepared to demonstrate necessity of using express mail.

c. Travel -

(1) Travel time shall be compensated as follows:

(a) If the professional is working on the case while traveling, the full hourly rate will be allowed.

(b) If the professional is working for another client while traveling, nothing will be allowed.

(c) If the professional is not working on client matters while traveling, travel time will be presumptively allowed at one-half of the hourly rate charged by the professional.

(2) If the professional wants a court determination before undertaking employment that travel time should be authorized at more than one-half the attorney's hourly rate, the bankruptcy court will consider and rule upon such an application before employment is actually undertaken.

(3) Mileage: Allowed rate for federal tax deductions.

(4) Air fare: Coach; professionals should be prepared to demonstrate economic benefit of flying rather than using alternative transportation.

(5) Meals, per diem and miscellaneous charges: Actual cost with maximum of one and one-half times the government rate.

(6) Hotels: Actual cost with maximum of twice the government rate. [The Government Per Diem Rate Charts](#) are available from this link. ~~Government rate charts may be obtained upon written request accompanied by a SASE to the Portland Office of the Bankruptcy Court Clerk.~~

d. Secretarial, clerical, word processing and other staff charges - Part of overhead unless extraordinary circumstances demonstrated by applicant. If extraordinary circumstances demonstrated, compensated at cost of employing person billed (e.g., salary plus benefits but not general overhead items).

e. Fax - Incoming at \$.25 per page; outgoing at actual telephone charges; actual cost for outside services.

LBR 2016-1.C.2. (cont'd)

f. Computerized legal research - Actual (i.e., invoiced) cost or, for leased computer research services (e.g., Westlaw CD-ROM), \$2.00 per minute not to exceed one-half of the lease cost. Time associated with computerized research to be specifically identified on attorney time detail.

g. PACER - Actual cost for connection time.

h. Legal assistants - Hourly rate of legal assistant for performing work of legal assistant nature.

i. Messengers - Part of overhead for deliveries by professional's employees; actual cost for outside services but professionals should be prepared to demonstrate necessity.

j. Other expenses not detailed above - If other expenses include services provided by third parties, at actual cost paid to third party. LBR 2002-1.D.2. also applies.

k. Hourly rates - If a professional's hourly rate for bankruptcy work differs from the hourly rate charged by the professional for other work, both rates must be disclosed in the applications for employment of the professional, in the application for fees filed by the professional and in any claim filed to recover the professional fees.

l. Local counsel - If competent local counsel (e.g., an attorney in the location where court hearings will regularly be scheduled in the case) is available, the court will allow compensation and expenses to non-local counsel in an amount not to exceed the total that would have been charged by competent local counsel. If an attorney wants a court determination before undertaking employment that competent local counsel is not available the bankruptcy court will consider and rule upon such an application before employment is actually undertaken.

D. FINAL APPLICATIONS IN CHAPTER 7 AND 11 CASES

1. Form. Except as provided below, final applications for compensation must be filed using [LBF #345](#); and, if seeking reimbursement of expenses, the requirements of LBR 2016-1.C. apply. An applicant shall file a final fee application even if an interim application is pending or court awards have been ordered but remain unpaid. An Attorney's Disclosure Statement filed pursuant to FRBP 2016(b) shall not be considered as an application for compensation or reimbursement. [See G.O. 98-2](#)

LBF #345 is not required, however, for use by non-attorney professionals employed by case trustees pursuant to LBFs #753.50 for an auctioneer, #753.55 for a liquidator, #753.58 for a collections agency, #753.60 for a real estate broker, #753.70 for an accountant, or #753.80 for an appraiser; or for use by Chapter 11 real estate brokers or auctioneers. [See G.O. 98-2](#)

Applications for compensation or expenses by an accountant must be filed using [LBF #345.7](#). [See G.O. 99-2](#)

[For secured creditor attorneys' fees or request for reimbursement of same, [see G.O. 97-1](#).]

2. Timely Filing. Unless the case is converted, a final application for compensation or expenses should be filed by the date the trustee's final account is filed in a chapter 7 case, or, for services rendered at least through confirmation, within 30 days of the final confirmation hearing date in a chapter 11 case. It is the applicant's duty to keep apprized of such filing date.

3. Untimely Filing. If an application is not timely filed pursuant to subsection 2. above, then the applicant shall provide adequate notice and opportunity to object as required by FRBP 2002(a)(67) and LBR 2002-1.B. Such an application will not be considered in a chapter 7 case unless both: (a) it is filed within 11 days after filing of the trustee's Final Account, or the last day to object to the Notice of Final Account, whichever is later; and (b) the applicant notifies the clerk, in writing within 35 days after the service mailing of any such Notice of Final Account, that the notice period pertaining to the fee application has expired and the application is ready for consideration. LBR 2002-1.H. applies if any timely objections are filed as to such notice. [See G.O. 99-1](#).

4. Orders in Chapter 11 Cases. The proponent of a confirmed plan shall file [LBF #1193](#), which includes all professionals whose fees were noticed using [LBF #1190](#) and were not objected to within 23 days of the notice's ~~service-mailing~~ date, promptly upon expiration of such 23 day period. Orders concerning other professional fee awards shall be submitted pursuant to LBR 9021-1.A.

#### E. CHAPTER 12 CASES

**NOTE:** [See G.O. 97-1](#) (and amendment in [G.O. 98-1](#)) for secured creditor attorneys' fee claims.

Applications for initial and supplemental compensation or expenses shall comply with the requirements of LBRs 2016-1.B. 1.a. and 2016-1.C., and be filed using [LBF #1214](#). The applicant shall serve notice of each such application using either: (1) the general noticing form set out in LBR 2002-1.B.1.b.(1) for an initial application, or (2) [LBF #1214.5](#) for a supplemental application. LBR 2002-1.H. applies if any timely objections are filed as to such notice, and LBR 2002-1.I. applies if no timely objections are filed.

**Applications for compensation or expenses by an accountant must be filed using [LBF #345.7](#). [See G.O. 99-2](#).**

#### F. CHAPTER 13 CASES

1. General. The debtor's attorney's disclosure of compensation and any employment agreement, and initial application for compensation, shall be filed using [LBF #1305](#). All provisions in the [LBF #1305](#) filed in a case shall apply regarding all of the attorney's compensation in such case, including whether such attorney may file supplemental applications for compensation.

2. Pre-Confirmation Hearing. Compensation applications filed at least one week prior to the final confirmation hearing shall be considered at such hearing.

3. Post-Confirmation Supplemental Compensation Applications. The debtor's attorney may apply for post-confirmation supplemental compensation only if permitted pursuant to the applicable provisions of the [LBF #1305](#) that was filed in the case by such attorney. All permissible supplemental compensation applications shall be prepared using [LBF #1307](#) and filed pursuant to LBR 2002-1.G. LBR 2002-1.H. applies if a hearing was not set in such LBF and any timely objections are filed as to such notice. **[NOTE: For additional provisions re supplemental compensation applications see [G.O. 03-2](#)]**

G. CONVERTED CASES

All applications for administrative claims for fees earned while a case was being administered under a previous chapter of the Code shall be filed **as required by LBR 2016-1.D. for cases converted to Chapter 7 or 11, LBR 2016-1.E. for cases converted to Chapter 12, or LBR 2016-1.F. for cases converted to Chapter 13.** ~~within the deadline set for filing claims in the succeeding chapter.~~ Additionally, any application combining a request for fees during the time a case was in more than one chapter shall provide all the required information for each chapter, separate such information into sections for each chapter, and be filed in the appropriate format for each chapter. [See G.O. 98-2.](#)

H. CHAPTER 7 TRUSTEE TIMEKEEPING AND FEE APPLICATIONS

1. Timekeeping.

a. Trustee Employed as Estate Attorney. Trustee and trustee assistants shall keep time records in cases in which the trustee has been employed as an estate attorney.

b. Trustee Not Employed as Estate Attorney. Trustee and trustee assistants shall keep detailed time records when the maximum fee available under §326(a) will equal or exceed \$5,750. This LBR does not preclude a consideration of time spent in cases in which the maximum fee available under §326(a) will be less than \$5,750.

c. Nature of Records. Time records shall detail the nature of the task performed, the identity of other parties to telephone conversations or meetings, and the length of time spent during each day upon which work is performed. Trustees need not allocate time among tasks performed during one day.

d. Fee Applications.

(1) Content of Fee Applications. All trustee fee applications must contain a recitation of the total fees and expenses requested, a calculation of the maximum fee permissible under §326(a), an itemization of requested expenses, and a statement regarding previous fees received. When total fees sought in the case exceed \$30,000 or upon request of the court, the UST, or a party in interest, trustees shall provide detailed time records if available,

LBR 2016-1.H.1.d.(1) (cont'd)

and shall include in the fee application a narrative explanation of the trustee's services in the case, the total or estimated time expended in the case, and a discussion of other factors which the trustee believes justify the requested fee.

(2) Form of Final Fee Applications. Trustees shall file final fee applications on LBF #740 and LBF #740.2 supplemented, if necessary, by the information required in LBR 2016-1.H.1. d.(1).

2. Trustee Expenses.

a. General. Except as provided in this LBR, chapter 7 trustees may pay from estate funds, without prior notice or court order, non-professional expenses necessary to preserve or protect the estate or may reimburse themselves for such payments made on behalf of the estate. These expenses shall include, but are not limited to, insurance premiums, bond premiums, moving charges, storage charges, UCC search fees, property title search fees, recording costs, and locksmith or security charges.

b. Payments to Professionals. Except as provided in this LBR, trustees may reimburse professionals from estate funds for the types of charges specified in subsection 2.a. above without prior notice or court order provided that such charges are not incurred in connection with professional services to be provided in the case.

c. Notice of Expenses Exceeding \$1,000. Trustees shall use LBF #759.5 to provide notice of expenses which will exceed \$1,000. Such expenses may be paid without specific court authorization after expiration of the notice period absent objection or request for hearing.

d. Expenses Subject to Court Review. Trustees shall itemize all disbursements in reports submitted pursuant to LBRs 2015-1.B. and 2015-3.A. Such expenses are subject to objections by the UST, creditors, and parties in interest and a determination of reasonableness by the court.

LBR 2016-1. (cont'd)

I. ADVERSARY PROCEEDINGS

All time deadline provisions in LBRs 9021-1.B.2. and 3. relating to the filing of and objection to cost bills also apply to the filing of and objection to attorney fee petitions in adversary proceedings when the judgment is sought against a losing party to pay their fees.

**RULE 2082-1. CHAPTER 12 - GENERAL**

LBR 3015-1. applies.

**RULE 2083-1. CHAPTER 13 - GENERAL**

LBR 3015-1. applies.

**RULE 3001-1. CLAIMS & EQUITY SECURITY INTERESTS - GENERAL;  
TRANSFERRED CLAIM**

A. GENERAL

1. Chapter 7 Asset Cases.

a. "Tardy" Claims. If a tardily filed non-priority unsecured claim does not otherwise clearly state a reason for being considered "timely" under §726(a)(2)(C), the claim will be handled under §726(a)(3) unless the claimant serves a "notice of intent" per LBR 2002-1. upon all interested parties and obtains a court order authorizing §726(a)(2)(C) status.

b. Amended Claims. Claims intended to amend earlier filed claims shall be clearly marked "AMENDED" and be filed no later than the deadline set in LBR 3001-1.A.1.c. The original of such amended claims shall have a separate certificate attached stating that a copy of the amended claim was served on the trustee.

LBR 3001-1.A.1. (cont'd)

c. Deadline to File. In order to share in the distribution under §726(a)(2) or (3), all documentation and orders authorizing tardy filings must be filed by the later of the filing of the trustee's final account or the last date set for requesting a hearing on the "Notice of Trustee's Final Account".

d. Surplus Assets. ~~The extension of time to file claims against a surplus of assets in a chapter 7 case pursuant to FRBP 3002(c)(6) is fixed as 20 days from the mailing date of the notice of surplus.~~ **If the trustee concludes a case has surplus assets, the trustee may file a written request that a single notice of such surplus be given to creditors. If a notice of surplus is sent after expiration of the filing deadline for tardy claims set forth in LBR 3001-1.A.1.c., the deadline for filing tardy claims shall be enlarged to conform with the provisions set forth in the notice. [G.O. 98-1 amendments rescinded and subsection amended by G.O. 99-2.]**

2. Chapter 11 Cases. The debtor must use [LBF #728](#) to amend any creditor information, and the pertinent provisions in such form apply to the deadline for filing of proofs of claim.

**General. A proof of claim in a Chapter 11 case is timely filed if it is filed pursuant to the provisions of FRBP 3002(c). [See G.O. 01-1](#).**

3. Chapter 12 And 13 Cases.  
[See G.O. 96-3](#).

a. General. The trustee shall not pay on any claim filed later than either (i) 90 days from the first date set for the §341(a) meeting of creditors, ~~(ii) 120 days from such first date set if filed pursuant to FRBP 3004, or, (iiii) if the case was filed after 10/21/94, 180 days from the date relief was ordered if claimant is a governmental unit, or, (iii) if claim filed by the debtor under FRBP 3004, the claim is filed within 30 days after expiration of the applicable time periods set forth in (i) and (ii) above~~ unless:

(1) [If case filed prior to 10/22/94] a court order is obtained by the claimant authorizing such payments; or

(2) [If case filed after 10/21/94] proof of service on the case trustee is attached to such claim.

b. Amended Claims. The trustee shall not pay on an amended claim **that is filed after expiration of the original bar date for filing such claim, unless that claimant** ~~which amends a timely filed claim unless such party~~ serves a Notice of Amended Claim using [LBF #302](#) and the objection period expires without objection or the creditor obtains an appropriate court order and sends a copy thereof to the trustee. Amendments to claims will not be allowed if the court finds the original claim should not be allowed. [See G.O. 97-2](#).

c. Motions By Debtor or Trustee For Payment of Untimely Filed Claims. Motions for payment of untimely filed claims in chapter 13 cases shall be filed by the debtor or trustee using [LBF #1365](#), with LBF #1365.5 copied on the back in a "legal-turn" format. Any party objecting to such motion shall use a fully completed [LBF #1365.5](#). Chapter 12 debtors must use the general noticing form set out in LBR 2002-1.B.1.b.(1). **Each page of a conventionally filed paper document that is to become part of the official court record of that document must be submitted on a separate piece of paper and cannot be duplexed. Unrelated text such as instructions, a previously filed notice of motion on the back of a response, etc. may be on the back of any page, but will not be made part of the document on the official record.** [See G.O. 03-3 Pt.21](#).

d. Secured Claim Deficiency Amount. If the case was filed after 1/31/96, the deficiency amount of a secured claim (i.e., the total claim amount minus the value of the security) shall be paid as a general unsecured claim unless the proof of claim specifically identifies the amount of any unsecured priority claim (e.g., governmental unit).

4. Attachments. The copies of any documents attached to a proof of claim shall not exceed a total of five (5), 8½ x 11", single-sided pages (e.g., attach only cover pages showing perfection information). Any tendered attachment pages in excess of five will not be made part of the court's official record. The claimant must, however, immediately send a copy of any required documentation to an interested party upon written request. In the event of a hearing on an objection to the claim, the Proof of Claim and all original exhibits, attachments and supporting documentation shall be introduced at the hearing for possible admission to the official record. [See G.O. 03-3 Pt.36](#).

B. TRANSFER OF CLAIM FOR SECURITY BEFORE PROOF OF CLAIM FILED

1. Filing Requirements for Proof of Claim. If the transferee files such a proof of claim, the claim shall:

a. Envelope. ~~Be accompanied by a separate 9"x12" envelope, bearing adequate postage to mail a complete copy of the claim, that is pre-addressed to the transferor. (See G.O. 03-3 Pt.25.)~~

b. Form. Clearly indicate on its face that (1) the claim was transferred for security prior to filing; and (2) the name and full **service mailing** address of the transferor.

2. Transferee's Rights. If the transferor does not file the original proof of claim nor a timely objection pursuant to the clerk's notice of filing, and no agreement to the contrary is filed within such objection period, the transferee shall be considered the sole owner of the claim for all purposes without further order of the court.

C. TRANSFER OF CLAIM AFTER PROOF OF CLAIM FILED

1. Filing Requirements for Evidence of Transfer. If the transferor does not file the original evidence of transfer (preferably using [LBF #301](#)), nor a timely objection pursuant to the clerk's notice of filing, said evidence of transfer shall:

a. Envelope. ~~Be accompanied by a separate 9"x12" envelope, bearing adequate postage that is pre-addressed to the transferor or, and (See G.O. 03-3 Pt.25.)~~

b. Form. Clearly indicate, on the first page of the document, the full name and **service mailing** address of the transferor.

2. Claims Transferred for Security. If the transferor does not file the original evidence of transfer nor a timely objection pursuant to the clerk's notice of filing, and no agreement to the contrary is filed within such objection period, the transferee shall be substituted for the transferor and shall be considered the sole owner of the claim for all purposes without further order of the court.

3. Service on Ch. 12 and 13 Trustee. A copy of the evidence or notice of transfer filed by a transferor or transferee, and any objection thereto, shall be served on any chapter 12 or 13 case trustee. Proof of such service must be attached to the original document filed with the court.

#### D. COPIES

If a creditor wants a file stamped copy of its proof of claim form, the creditor must provide (a) a SASE, and (b) a copy of the claim which is certified to be an exact duplicate of the original.

#### **RULE 3004-1. NOTICE OF CLAIM "TIMELY" FILED BY DEBTOR OR TRUSTEE**

A 9"x12" envelope, bearing adequate postage to mail a complete copy of the claim, that is pre-addressed to the creditor, and a legal size envelope bearing adequate postage and pre-addressed to either the debtor or trustee (i.e., whichever party is not filing the proof of claim), must be filed with each proof of claim filed by a debtor or trustee on behalf of a creditor per FRBP 3004. If the party filing the claim wants a file stamped copy of the proof of claim form, LBR 3001-1.D. applies. [See G.O. 03-3.](#)

#### **RULE 3007-1. CLAIMS - OBJECTIONS**

##### A. OBJECTION TO ALLOWANCE OR CLASSIFICATION OF CLAIMS

1. Scope of Audit. Neither the trustee nor any member of the clerk's office has any duty to verify that a claim is properly classified by the claimant and placed in the highest possible distribution category available for such claim. The trustee shall audit claims through distribution levels in which there is a reasonable possibility of receiving a dividend. The trustee shall not be deemed to have waived the right to object to claims in lower distribution levels if additional assets are available for distribution.

2. Procedures for Objection by Parties Other than Chapter 7, 12 or 13 Case Trustees. Objections to claims (except for those filed by a chapter 7, 12 or 13 case trustee) shall be filed on [LBF #763.2](#). The objection, ~~which must be accompanied by a SASE,~~ shall be filed for judicial approval before service. Upon approval, the original objection shall be returned to the objecting party for service. The original objection shall be filed pursuant to LBR 9004-2.G. [See G.O. 03-3 Pt.25.](#)

3. Procedures for Objection by Chapter 7, 12 and 13 Case Trustees.

a. Form. Chapter 7, 12, and 13 case trustees shall file objections on the applicable version of LBF #754, 763, ~~or 767.~~ [See G.O. 03-1.](#)

b. Service Requirements. Objections filed on LBF #763 ~~or 767~~ shall be accompanied by adequately sized envelopes, bearing adequate postage, that are pre-addressed to each party to be served with a copy of the objection after it is signed by a judge (e.g., the creditor involved, debtor, trustee, and their respective attorneys). [See G.O. 03-1](#) and [G.O. 03-3 Pt.25](#).

B. CHAPTER 7 TRUSTEE DUTIES

Prior to filing the final report a chapter 7 trustee shall examine filed claims, file and serve objections thereto as required by LBR 3007-1.A., and file an audit report with the clerk on LBF #754.

C. CHAPTER 11 CASES

Any objections to claims filed more than 10 days after the ~~service mailing~~ **service** date of any notice of disclosure statement hearing shall not affect the amount of the allowed claim for the purpose of voting on, objecting to, determining creditor acceptance of, or otherwise determining whether to confirm the applicable plan, or any modifications thereto, referred to in such notice of disclosure statement hearing.

**RULE 3009-1. DIVIDENDS - CHAPTER 7; NOTICE OF PROPOSED DISTRIBUTION**

A. DISTRIBUTIONS IN CHAPTER 7 CASES

1. Interim Distribution to Unsecured Creditors. Chapter 7 trustees may make interim distributions to creditors without notice or court order provided that:

- a. The trustee pays creditors in the manner specified in §726;
- b. The trustee has sufficient funds to pay all filed and anticipated claims within a claim category the same pro-rata amount;
- c. The trustee obtains appropriate orders prior to payment to any professionals; and
- d. The UST approves the proposed distribution.

2. Interim Distributions to Secured Creditors. Interim distributions to a secured creditor upon sale of the creditor's collateral may be made from proceeds of such collateral without specific court order.

B. NOTICE OF PROPOSED DISTRIBUTION

A trustee may prepare and serve a Notice of Proposed Distribution to any or all creditors and interested parties. Such notice shall clearly set forth that any objections to either the treatment of a claim or the proposed distribution shall be made in writing and sent only to the trustee and UST (i.e., and not filed with the court).

**RULE 3011-1. UNCLAIMED FUNDS**

A petition for payment of previously unclaimed funds shall be made using [LBF #391](#).

**RULE 3015-1. CHAPTER 12 AND 13 - PLANS/CONFIRMATION; CHAPTER 13 - TAXES & MOTIONS TO REOPEN/VACATE; MODIFIED PLANS; AND SERVICE OF DOCUMENTS**

A. CHAPTER 12

1. Plan. A plan proponent shall file an original ~~and 3 copies~~ of the plan using [LBF #1200](#). [See G.O. 04-1](#).
2. Certification Re: Tax Returns And Proof of Income. The debtor shall BOTH: (a) file a fully completed [LBF #1340](#) (CERTIFICATION RE: TAX RETURNS AND PROOF OF INCOME) within 15 days of the date of filing a Petition under, or conversion to, Chapter 12, AND (b) fully comply with all provisions in such LBF. [See G.O. 99-1](#).
32. Confirmation Hearing Notice. The debtor shall contact the case judge's calendar clerk to obtain the date, time and location for the confirmation hearing. The debtor shall then immediately prepare an original, and serve copies, of a Notice of Confirmation Hearing using [LBF #1250](#) and then promptly file the original pursuant to LBR 2002-1.G. ~~The debtor shall file with the plan a fully completed (except for paragraph 3 and the certificate of service) Notice of Confirmation Hearing on LBF #1250 that is accompanied by a SASE for the clerk to return a completed Notice of Confirmation Hearing. Upon the court's completion of paragraph 3, the form will be returned to the debtor who shall immediately serve copies and file the original pursuant to LBR 2002-1.G. with the clerk. See G.O. 99-1.~~ [See G.O. 03-3 Pt.37](#).
43. Confirmation Order. The debtor shall, not less than one week prior to the confirmation hearing serve on the trustee both: (1) a copy of the plan, and (2) a proposed confirmation order prepared on [LBF #1255](#). Upon docketing, a copy will be returned to the debtor who shall immediately serve the required copies, and file such copy with the clerk pursuant to LBR 9004-2.G.

B. CHAPTER 13

**NOTE: For interpretation of language of Pt.2(b)(2) of Chapter 13 Plan (LBF #1300) re payment of attorney fees, see [G.O. 03-2](#).**

1. Plan. A plan proponent shall file a signed original ~~and 2 copies~~ of the plan using **only either:** (i) [LBF #1300](#), **and such LBF must have a version date no older than 6/1/01** ~~if the case was ever being administered under chapter 13 prior to 2/1/96, or~~ (ii) [LBF #1300.1](#) ~~if the case was filed under chapter 13, or converted to one under chapter 13 for the first time, on or after 2/1/96~~. In the event any debtor's text exceeds the area specified for such text on the LBF, or attachments to the plan are necessary, the proponent shall **serve mail** copies of the plan **on to** the trustee and all creditors; and clearly set out in an attached notice that the debtor's name, case number, filing date and the Order for Meeting of Creditors will be sent separately by the court. [See G.O. 04-1](#). [[G.O. 97-1 amendment superceded by G.O. 01-1](#).]

2. Confirmation Order; and Order Directing **Support and/or** Chapter 13 Payment to Trustee. The debtor shall, not less than one week prior to the confirmation hearing, serve on the trustee the original (i.e., a facsimile copy is not acceptable) proposed Confirmation Order using **only either:** (i) [LBF #1350](#) ~~if the case was ever being administered under chapter 13 prior to 2/1/96, or~~ (ii) [LBF #1350.1](#) ~~if the case was filed under chapter 13, or converted to one under chapter 13 for the first time, on or after 2/1/96, and such LBF must have a version date no older than 6/1/01 and~~ **which is prepared as set forth in [LBF #1350.51](#)**; and, if appropriate, a proposed Order Directing **Support Payment and/or** Chapter 13 Payment To Trustee using [LBF #1351L, R or Y, M or R](#) (whichever is applicable). **However, if** ~~if~~ the debtor wishes **that an order be entered directing support payments and/or that the** payments to the trustee ~~to begin~~ prior to confirmation, [LBF #1351](#) should be **promptly** completed, signed where designated ~~in lower right corner~~ and filed **directly** with the court ~~along with a SASE~~ rather than being served on the trustee. [G.O. 04-1](#), [G.O. 01-1](#) and [G.O. 03-3 Pt.25](#).

3. Motion to Terminate Order Directing **Support and/or** Chapter 13 Payment to Trustee. Motions to terminate wage orders shall be filed using [LBF #1351.5](#).

4. Trustee Compensation. In cases filed prior to 2/1/96, no commission or other charge shall be assessed by the trustee for maintenance payments on claims secured solely by a lien on real estate that is the debtor's principal residence.

5. Direct Payment of Debtor's Tax Refunds to Trustee. Upon written request from a trustee certifying a debtor's confirmed chapter 13 plan in a case being administered by that trustee under Title 11 of the United States Code provides that future tax refunds due to the debtor from the taxing agency are to be sent to the trustee as plan payments, a duly notified taxing agency shall:

- a. send all future tax refunds due the debtor directly to the requesting trustee until such trustee notifies the taxing agency that refunds may again be sent directly to the debtor; and
- b. make the tax refund checks payable to the trustee, or at least jointly to the trustee and debtor, unless otherwise required by law.

6. Motions to Reopen/Vacate Dismissal. A motion to vacate a dismissal order or to reopen a closed chapter 13 case shall be filed using ~~either LBF #1367.90 or LBF #1367.92, whichever is appropriate~~, and shall be accompanied by the applicable filing fee. It is the duty of the moving party to examine the file to determine whether the case is closed at the time of filing and a Motion to Reopen is appropriate. The following provisions also apply: See G.O. 99-1.

- a. The court shall apply the standards of FRCP 60(b), applicable to bankruptcy proceedings through FRBP 9024, including the one year statute of limitations, to all motions to vacate dismissal and motions to reopen which include an additional request to vacate a dismissal order entered in the same case.
- b. When the motion is filed it will be reviewed by the judge who will either deny it without hearing, require notice to interested parties and an opportunity to object, or direct that a hearing be set with notice to all parties. If it is to be set for hearing, the debtor must obtain a hearing date for the motion from the calendar clerk, immediately serve a copy of the motion and the notice of hearing on all parties listed on the mailing matrix so that at least 11 days notice is given, and then file a proof of service with the court within 8 days per LBR 2002-1.G.
- ~~c. If the motion is denied, the court shall return the related filing fee to the moving party. See G.O. 03-3 Pt.38.~~
- d. If a motion to reopen a case is granted, the chapter 13 standing trustee shall be trustee for that case pursuant to the provisions of FRBP 5010.

7. Certification Re: Tax Returns And Proof of Income. The debtor shall **BOTH:** (a) file a fully completed LBF #1340 (CERTIFICATION RE: TAX RETURNS AND PROOF OF INCOME) within 15 days of the date of filing a Petition under, or conversion to, Chapter 13, **AND** (b) fully comply with all provisions in such LBF. See G.O. 99-1

LBR 3015-1.B. (cont'd)

**87. Failure to File Tax Returns.** The court will not confirm a plan if at the time of confirmation the debtor has not filed all tax returns regarding pre-petition taxes. If a taxing authority has objected to confirmation on the basis that the debtor has failed to file tax returns, and has not withdrawn such objection by the confirmation hearing, the burden shall be on the debtor to provide documentation to the court to demonstrate such returns have been filed.

~~8.9. Disposition of Funds in Trustee's Possession Upon Conversion/Dismissal of Case From Chapter 13 to Chapter 7.~~ In cases converted from Chapter 13 to Chapter 7 in which the Chapter 13 trustee possesses funds aggregating more than \$1,000 at the time of conversion, the Chapter 13 trustee shall forward all the funds to the debtor, in care of debtor's attorney, if any, 10 days after the first scheduled 341(a) meeting in the Chapter 7 case unless prior to that date the chapter 7 trustee files and serves a written objection pursuant to 348(f)(2). In the event the funds in the trustee's possession at such time of conversion aggregate \$1,000 or less, or in the event the case is dismissed, the trustee shall forward all funds in the trustee's possession to the debtor in care of the debtor's attorney, if any. These requirements shall supersede the provisions in confirmation orders on LBF #1350.1 to the contrary, regardless of whether those orders are entered before or after the effective date of this Rule. In cases in which the Chapter 13 trustee is directed by this Rule to make disbursement after the deadline established by LBR 2015-3.C. for the Chapter 13 trustee to file a final account, the deadline to file the final account shall be 20 days after the first scheduled 341(a) meeting in the Chapter 7. Nothing in this Rule is to be construed as a determination of the rights of the parties to such funds. [NOTE: Amended by G.O. 98-2; renumbered by G.O. 99-1; and **abrogated** by paragraph 14 of any Chapter 13 Confirmation Order ([LBF #1350](#)) that has a version date no older than 6/1/01. [See G.O. 01-1.](#)]

**Secured Creditor Rights When Debtor Provides for Payment of Secured Creditor's Claim Outside of the Plan.** If the debtor's Chapter 13 plan provides that a secured creditor's postpetition payments will be paid outside the plan, the debtor will be deemed to have authorized the affected creditor to continue automatic withdrawals of payments postpetition, if authorized prepetition, and to mail to the debtor: (1) coupon books; (2) notices regarding payment changes; and (3) account statements. [See G.O. 02-1.](#)

## C. MODIFIED PLANS

1. **General.** Any proposed plan modification shall be (a) signed and dated; (b) entitled a "(insert First, Second, etc.) Modified Plan"; and (c) be complete, including the proposed modifications, without any reference to any portion of any prior document. If the case is one under chapter 13, then the plan shall be filed

LBR 3015-1.C. (cont'd)

using **only** either: (i) [LBF #1300](#), and such LBF must have a version date no older than 6/1/01. if that LBF was used to file the original plan, or (ii) [LBF #1300.1](#) if that LBF was used to file the original plan. [G.O. 97-1 amendment superceded by [G.O. 01-1.](#)]

2. Pre-Confirmation. If a proposed modification to a plan is filed more than 11 days prior to a confirmation hearing, the proponent of a modified plan shall attach the original of such modification to [LBF #1355.05](#), and serve them as required by such LBF. If a modified plan is filed 11 days or less prior to a confirmation hearing, the court will determine at such confirmation hearing whether the proponent shall be required to comply with the preceding sentence and serve notice of the proposed modification using LBF #1355.05. Whenever LBF #1355.05 is used, the proponent shall file the documents pursuant to LBR 2002-1.G.

3. Post-Confirmation. If a proposed modification to a plan is filed after confirmation, the proponent shall:

- a. attach the original of such modification to [LBF #1355.10](#);
- b. serve the documents as required by LBF #1355.10; and
- c. file the documents pursuant to LBR 2002-1.G.

#### D. SERVICE OF DOCUMENTS

Except for proofs of claim and documents filed with the original petition, the filing party shall both: (1) serve a copy of all documents in a chapter 12 or 13 case on the trustee, and, in only chapter 12 cases, the UST; and (2) file proof thereof pursuant to LBR 9004-2.G.

### **RULE 3016-1. CHAPTER 11 - PLANS & DISCLOSURE STATEMENT; ACCELERATED CHAPTER 11 CASES**

#### A. FILING

The proponent of a chapter 11 plan, or modified plan, shall file a signed original and 1 copy of such plan accompanied, on a separate document, by a signed original and 1 copy of a proposed disclosure statement relating to such plan.

B. MODIFICATIONS

Any modified plan or disclosure statement shall:

1. be signed and dated;
2. be preceded by a separate document containing all of the old and new language set out separately in different forms (e.g., by striking through deleted language and highlighting new language, or bracketing deleted language and underlining new language) and describing on the first page of such document the method of notation;
3. have a title "(insert, as appropriate, First, Second, etc.) MODIFIED PLAN OR DISCLOSURE STATEMENT"; and
4. be complete, including the proposed modifications.

C. SMALL BUSINESS CHAPTER 11 CASES

LBR 1020-1. applies.

D. ACCELERATED CHAPTER 11 CASES

1. Designation. The court will continue to utilize voluntary accelerated treatment procedures in appropriate chapter 11 cases. The court will enter an Order Designating Case for Accelerated Treatment using LBF #1112 when a case is designated for accelerated treatment.
2. Case Caption. A case designated for accelerated treatment shall be referred to as a chapter 11A case. The case number shall thereafter conclude with 11A, e.g., 395-30000-psh11A for a chapter 11A case administered by Judge Higdon. The full case number shall be used on all documents except the notice of the §341(a) meeting. [See G.O. 03-3 Pt.18](#).

**RULE 3017-1. DISCLOSURE STATEMENT - APPROVAL; NOTICE OF HEARING RE: COURT CONSIDERATION OF DISCLOSURE STATEMENT IN CHAPTER 11 CASES**

A. NOTICE OF ORIGINAL HEARING IN CHAPTER 11 CASES

The proponent of a plan, upon receipt of LBF #1165 (Notice of Disclosure Statement Hearing), shall complete any incomplete portion thereof and serve such LBF pursuant to LBRs 2002-1.A. and 2002-1.C. at least 35 days prior to the hearing, and then file the original pursuant to LBR 2002-1.G. **NOTE: FORM PREPARED BY COURT.**

B. MODIFICATIONS

LBR 3016-1.B. applies.

**RULE 3017-2. DISCLOSURE STATEMENT - SMALL BUSINESS CASES**

LBR 1020-1. applies.

**RULE 3018-1. BALLOTS - VOTING PLANS; CHAPTER 11 CASES**

The ballot for acceptance or rejection of a plan, which must be filed with the plan proponent, shall clearly set apart the following text in bold and capitalized print: "THIS FORM DOES NOT CONSTITUTE A PROOF OF CLAIM AND MAY NOT BE USED TO FILE A CLAIM OR TO INCREASE ANY AMOUNT LISTED IN THE DEBTOR'S SCHEDULES."

**RULE 3018-2. ACCEPTANCE/REJECTION OF PLANS; CHAPTER 11 CASES**

A. NOTICE OF ORIGINAL CONFIRMATION HEARING

The proponent of a plan, upon receipt of LBF #1175 (a Notice of Confirmation Hearing **prepared by the court**) shall complete any incomplete portion thereof and serve such LBF pursuant to LBRs 2002-1.A. and 2002-1.C. at least 35 days prior to the hearing, and then file the original pursuant to LBR 2002-1.G. [See G.O. 03-1.](#)

B. MOTIONS FOR TEMPORARY ALLOWANCE OF DISPUTED CLAIM OR INTEREST

A claimant whose claim is subject to a pending objection and who desires its claim temporarily allowed for the purpose of accepting or rejecting a plan (FRBP 3018(a)) must, no later than 30 days after the mailing date of any notice of disclosure statement hearing, file, and serve appropriate copies of, a detailed written request for temporary claim allowance.

C. SUMMARY OF ACCEPTANCES AND REJECTIONS

The proponent of a plan shall file a summary of acceptances and rejections, using LBFs [#1181 and #1181.2](#), not less than 3 business days prior to the date fixed for the confirmation hearing.

**RULE 3020-1. CHAPTER 11 REPORT OF ADMINISTRATIVE EXPENSES, & CONFIRMATION ORDER**

A. REPORT OF ADMINISTRATIVE EXPENSES

The proponent of a plan shall file a report of administrative expenses using [LBF #1182](#) not less than 3 business days prior to the date fixed for the confirmation hearing.

B. CONFIRMATION ORDER

1. General. A proposed confirmation order shall:

a. be prepared by the plan's proponent;

- b. specify the amount of unpaid fees due to the clerk;
- c. require payment of such fees within 11 days after the order is entered;  
and
- d. be lodged with the clerk not more than 5 business days after the final confirmation hearing.

2. Notice of Confirmation. After entry of an order confirming a plan the **plan proponent** ~~clerk~~ shall **fully** ~~partially~~ prepare a form of notice thereof using [LBF #1190](#) and ~~deliver the form to the plan's proponent for completion and service~~ **serve the Notice of Order Confirming Plan** pursuant to LBR 2002-1. The original LBF #1190 shall be filed pursuant to LBR 2002-1.G. ~~NOTE: LBF #1190 is prepared by court. See G.O. 03-1.~~ [G.O. 03-3 Pt.39](#)

**RULE 3022-1. FINAL REPORT/DECREE (CH. 11)**

A chapter 11 Final Report shall be filed by the reorganized debtor using [LBF #1195](#), except the trustee shall file such Final Report if one has been appointed to administer the case after confirmation, within 120 days after entry of either the confirmation order ~~or dismissal order, or conversion order~~ in the case. Filing such report after confirmation indicates the estate has been fully administered and a final decree may be entered. [See G.O. 96-3.](#)

**RULE 4001-1. RELIEF FROM AUTOMATIC STAY; USE OF CASH COLLATERAL; OBTAINING CREDIT; AGREEMENTS**

A. PROCEDURES FOR FILING MOTIONS

LBR 9013-1. also applies.

B. NON-JUDICIAL RELIEF FROM AUTOMATIC STAY IN CHAPTER 7 CASES

1. Requests. An entity in a chapter 7 case claiming an interest in property of the estate or property in the possession of the debtor or trustee may request non-judicial relief from the automatic stay of §362 following the procedure set forth in [LBF #715](#).

2. Objections. Objections to a request for non-judicial relief from the automatic stay, unless made at the meeting of creditors held pursuant to §341(a), shall be in writing with a copy simultaneously served on the debtor, trustee, moving creditor, and their respective attorneys. If the trustee receives a timely objection from the debtor, the trustee shall not grant non-judicial relief or consider repetitive requests by the same creditor unless the debtor withdraws such objection in writing.

3. Granting and Effect of Non-Judicial Relief. If appropriate pursuant to [LBF #715.5](#), the trustee may grant non-judicial relief from stay by executing [LBF #750](#). The non-judicial relief so granted shall constitute a termination of the stay of an act against such property under §362(a). [LBF #750](#) does not need to be filed with the clerk to make such relief effective. The trustee shall not be deemed to have abandoned any interest in the property, or have waived any other rights as to the property by completing [LBF #750](#). Any non-exempt equity in such property remaining after disposition shall inure to the benefit of the estate and any exempt equity shall inure to the benefit of the debtor. [See G.O. 03-3 Pt.40.](#)

C. MOTION FOR RELIEF FROM STAY [See G.O. 03-1.](#)

1. General. Motions for relief from the automatic stay shall not be combined with any other motion or alternative relief request. §362; FRBPs 4001, 9013 and 9014; and LBRs 4001-1. and 9013-1. apply.

2. Motion Content, Notice of Motion, and Responses, and Orders Thereon. Motions for Relief from the Automatic Stay ~~as to either a debtor or codebtor, responses thereto, and orders thereon and Responses thereto,~~ shall all conform to the requirements of [LBF #720.50](#). ~~In chapter 11 and 12 cases the Notice of Motion and Response shall conform to the requirements of [LBF #1124](#). In chapter 7 and 13 cases the Notice of Motion and Response shall conform to the requirements of [LBFs #720 and #721](#), respectively. [See also G.O. 04-1.](#)~~

3. Motions, Notice of Motions and Responses Regarding Relief from Codebtor Stay in Chapter 12 and 13 Cases. ~~Notices of Motions for relief from codebtor stay shall be filed using [LBF #1320](#). [LBF #1320.5](#) (Notice of Hearing) shall be used when a response to such motion is filed.~~

34. Sanctions for an Improper Notice of Hearing. The court may refuse to consider any **timely** response to a Motion For Relief From Stay filed in a chapter 7 or 13 case, or impose other sanctions, if a complete Notice of Hearing (using ~~[LBF #721](#) or [#1320.5](#)~~, ~~whichever is~~ **the** appropriate **LBF**) is not simultaneously filed with such response.

D. MOTIONS FOR USE OF CASH COLLATERAL OR FOR AUTHORITY TO OBTAIN CREDIT

1. General. Each motion for court approval to use cash collateral or to obtain credit must clearly either: (a) state that it does **NOT** contain any of the provisions listed in [LBF #541.7](#) that the court normally will not approve, or (b) identify any such provision and explain the justification for the provision. [See G.O. 98-2](#).

21. Final Hearing. A Motion For Authority to Use Cash Collateral or For Authority to Obtain Credit shall be attached to [LBF #541](#) (Notice of Final Hearing), which is prepared pursuant to [LBF #541.50](#). All objections to such Notice shall be filed as required in LBF #541.

32. Preliminary/Emergency Hearings. When a preliminary or emergency hearing is necessary, the moving party shall file [LBF #541.1](#) (Notice of Preliminary Hearing) which is prepared pursuant to the instructions on [LBF #541.51](#). All objections to such Notice shall be filed as required in LBF #541.1.

E. AGREEMENTS RELATING TO RELIEF FROM THE AUTOMATIC STAY, PROVIDING ADEQUATE PROTECTION, USE OF CASH COLLATERAL, AND OBTAINING CREDIT

Notice of the above entitled agreements shall be given using the form of notice designated in LBR 2002-1.B.1., except the time for filing objections may be reduced to 15 days. The original notice shall be filed pursuant to LBR 2002-1.G. LBR 2002-1.H. applies if any timely objections are filed as to such notice.

**DEBTOR'S CONSENT TO RELIEF FROM STAY RE: PROPERTY TO BE SURRENDERED**

Marking the "Property Will be Surrendered" box on a debtor's Chapter 7 Statement of Intent form ([LBF #521](#)) shall constitute the debtor's consent to either judicial or non-judicial relief from the automatic stay upon the earlier of actual surrender, the trustee's granting of non-judicial relief from stay by execution of [LBF #750](#) as to the property, or expiration of the time deadlines in 11 U.S.C. §521. [See G.O. 01-1](#).

F. PREPARATION OF RESULTING ORDERS

LBRs 2002-1.I. and 9021-1.A. apply.

LBR 4003-1.

**RULE 4003-1. LIEN AVOIDANCE PURSUANT TO §522(f)**

If not addressed as part of a chapter 13 plan, a motion to avoid a lien pursuant to §522(f), and responses thereto, shall be filed in compliance with [LBF #717.15](#).

**RULE 4004-1. CHAPTER 12 AND 13 "HARDSHIP" DISCHARGE MOTIONS**

A debtor moving for a "hardship" discharge pursuant to either §1228(b) or §1328(b) shall serve a notice of such motion using [LBF #1378](#). The original LBF shall be filed pursuant to LBR 2002-1.G.

**RULE 4008-1. REAFFIRMATION; DISCHARGE HEARINGS**

A. CHAPTER 7 CASE REAFFIRMATION AGREEMENTS

A debtor wishing to reaffirm a debt pursuant to §524(c) ~~in a chapter 7 case~~ shall, in lieu of a motion, **timely** file a written reaffirmation agreement no later than 60 days following the first date set for the §341(a) meeting of creditors. **LBF #718 shall be attached as a coversheet to each reaffirmation agreement filed with the court if the debtor is not represented by an attorney. Failure to attach LBF #718, and all required documents, shall be grounds for the court's refusal to approve any reaffirmation agreement.**

**In Chapter 7 cases reaffirmation agreements must be filed no later than 60 days following the first date set for the §341(a) meeting of creditors. If no written reaffirmation agreement is timely filed, accompanied by LBF #718 if the debtor is not represented by an attorney, the court will enter the debtor's discharge and may promptly close the case. If a reaffirmation agreement is timely filed, the court will proceed pursuant to LBR 4008-1.B. [See G.O. 98-1](#).**

B. DISCHARGE HEARINGS

1. Pro Se Debtors. The court shall schedule a discharge hearing for a pro se debtor filing a timely reaffirmation agreement pursuant to LBR 4008-1.A.

LBR 4008-1.B. (cont'd)

2. No Hearing Required If All Reaffirmation Agreements Accompanied by Attorney's Declaration. A debtor shall not be required to attend a discharge hearing if the debtor is represented by an attorney who attaches a §524(c)(3) declaration or affidavit (preferably using [LBF #719](#)) to each of the debtor's reaffirmation agreements filed as required in LBR 4008-1.A. In that event the court will promptly enter the debtor's discharge upon expiration of the objection period, and provide the debtor with the information required by §524(d)(1) on the reverse side of such discharge document.

3. If All Reaffirmation Agreements Not Accompanied by Attorney's Declaration. If a debtor represented by an attorney files a reaffirmation agreement pursuant to LBR 4008-1.A. that is not accompanied by a declaration or affidavit as required by §524(c)(3), a discharge hearing to consider such agreement will be scheduled only if a written request for such hearing is filed within the time fixed in LBR 4008-1.A. for filing reaffirmation agreements, and the debtor's attorney attaches to the request a complete explanation as to why a §524(c)(3) declaration or affidavit was not attached. The debtor's attorney shall also attend the discharge hearing set pursuant to this LBR.

**RULE 5001-2. CLERK - OFFICE LOCATION/HOURS; DOCUMENT FILING**

A. LOCATION FOR FILING OF DOCUMENTS

1. Petitions. Petitions for relief under United States Code Title 11 shall be filed, except in an emergency (i.e., where the other office may be used), in:

a. the Eugene office of the Bankruptcy Clerk at PO Box 1335, Eugene, OR 97440 (or, only if filing in person, 151 W 7th Ave #300, Eugene, Oregon) for all cases involving debtors residing in or having their principal places of business in Benton, Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion and Polk counties; or

b. the Portland office of the Bankruptcy Clerk at 1001 SW 5th Ave #700, Portland, Oregon 97204 for all cases involving debtors residing in all other counties.

LBR 5001-2.A. (cont'd)

2. Other Documents. All documents filed within a case or adversary proceeding related to a case shall, except in an emergency, be filed in the office where the case is pending.
3. UST. LBRs 1007-3.F., 1009-1. and 2002-1.C.2. apply.

**RULE 5003-1. CLERK - GENERAL/AUTHORITY**

The clerk and such deputies as the clerk may designate are authorized to sign and enter the following without further direction:

- A. Orders to file missing documents.
- B. Orders closing cases and discharging the trustees in all cases for which the trustee has reported there are no assets to administer or for which an order has been entered by a judge approving the final report and account of the trustee.
- C. Orders directing the debtor to appear at a hearing to show cause why a case should not be dismissed, converted or have such other relief ordered as is appropriate when the debtor has failed to comply with a court order, FRBP or LBR in a timely fashion.
- D. Orders permitting the payment of filing fees in installments and fixing the number, amount, and dates of payment of each installment.
- E. Orders directing payment of unpaid court costs.
- F. Initial orders allowing transfers of claims.
- G. Such orders as any judge from time to time may designate.

**RULE 5003-2. REMOVAL OF COURT PAPERS**

No person may remove papers out of any court file, nor remove any court file from any office of the court, except for claims files provided to panel or standing trustees for audit purposes.

**RULE 5005-1. FILING PAPERS**

LBRs 1002-1., 1007-1., 5001-2., 7001-1., 9004-1., and 9004-2. apply.

**RULE 5007-1. USE OF ELECTRONICALLY RECORDED TESTIMONY**

LBRs 2003-1.B., 7001-1.E. and 9013-1.F.G. apply.

**RULE 5009-1. FINAL REPORTS/DECREE**

LBRs 1017-2., 1019-1., 2002-1., 2015-3., and 3022-1. apply.

**RULE 5009-2. CLOSING CASES**

The clerk shall promptly close all cases. Cases otherwise ready for closing, but in which motions are pending, shall be closed upon the earlier of either:

- (a) entry of all dispositive orders; or
- (b) 35 days after expiration of all deadlines for filing responses/objections, the completion date of all required hearings, and the dates of all initial specific court requests for a party's submission of a dispositive order.

**RULE 5010-1. REOPENING CASES**

Motions to reopen a case shall include the debtor's current mailing address and be accompanied by an additional filing fee.

LBR 5011-1.

**RULE 5011-1. WITHDRAWAL OF REFERENCE**

LBR 9033-1. applies.

**RULE 5011-2. ABSTENTION - MOTIONS**

Abstention motions shall be accompanied by an affidavit setting forth compliance with each statutory provision.

**RULE 5073-1. CAMERAS & ELECTRONIC DEVICES**

The taking of photographs, audio or video taping, all live broadcasting and all equipment for the accomplishment thereof is prohibited and shall be excluded from the clerk's office, any judge's chambers, and any courtroom or courtroom area. "Courtroom area" shall include hallways, elevators and stairwells available for the use by parties; attorneys or other counsel; jurors; judges; the clerk or deputy clerks; or witnesses or spectators at any judicial proceeding.

**RULE 5080-1. FEES - GENERAL; CHILD SUPPORT CREDITOR EXEMPTION**

A. GENERAL

LBR 1006-1. applies.

B. CHILD SUPPORT CREDITOR EXEMPTION

A child support creditor's request for exemption from payment of filing fees shall be filed using [LBF #119](#) or OBF #B281 which includes information detailing the child support debt, its status and other characteristics.

LBR 6003-1.

**RULE 6003-1. DISBURSEMENT OF ESTATE MONEY**

Submittal of LBF #740.3 (Order Allowing Professional Compensation & Expenses; and Directing Distribution of Assets) shall be the trustee's certification that all court costs and professional compensation and expenses allowed by the court are included and the mathematical computations are accurate. Submittal of LBF #740.5 (Report of Zero Bank Balance and Record of Distribution and U.S. Trustee Certification) by the trustee shall be the trustee's certification that the distribution of estate assets is accurate as to mathematical computations and the inclusion of each claim in the appropriate distribution level, and that all required claims have been audited and all appropriate information is included with such LBF.

**RULE 6004-1. SALE OF ESTATE PROPERTY; USE, SALE OR LEASE OF PROPERTY**

A. FORM AND NOTICE

LBR 2002-1. applies to notices required by FRBP 6004.

B. REPORT OF PROPERTY SALE

The statement required by FRBP 6004(f)(1) shall be filed within 30 days after a sale of estate property unless such information is contained in a report filed on LBF #1111, or on LBF #740 for properly noticed chapter 7 private sales.

**SALE OF PUBLICLY HELD SECURITIES BY CHAPTER 7 TRUSTEES**

A Chapter 7 trustee may, as to estate property and without notice or further court order, both:

1. Sell publicly traded securities for which there is an established market, exercise and/or sell options therein, and compensate the licensed stockbroker or other licensed non-insider institutional broker at standard industry rates not to exceed \$3,000.00; and
2. Redeem bonds.

[See G.O. 01-1.](#)

LBR 6005-1.

**RULE 6005-1. APPRAISERS & AUCTIONEERS**

LBRs 2014-1. and 2016-1. apply.

**RULE 6006-1. EXECUTORY CONTRACTS & UNEXPIRED LEASES; ASSUMPTION, REJECTION OR ASSIGNMENT**

**A. OTHER THAN CHAPTER 13 CASES**

In all cases other than chapter 13, the party moving to assume, reject or assign an executory contract or unexpired lease, other than a chapter 7 case trustee who shall use the appropriate LBF, shall serve a copy of such motion attached to a Notice of Intent form prepared pursuant to LBR 2002-1.B.1.b. The notice and motion shall be served on all parties to the contract, debtor, trustee, UST, any creditors' committee, and their respective attorneys. The original document shall be filed pursuant to LBR 2002-1.G. LBR 2002-1.H. applies if any timely objections are filed as to such notice. LBRs 2002-1.I. and 9021-1.A. apply to the preparation of any resulting orders.

**B. CHAPTER 13 CASES**

In chapter 13 cases, the debtor may provide for assumption or rejection of executory contracts or unexpired leases through the terms of a proposed plan. Immediately prior to filing, and so certified in the original plan, a copy of the plan shall be served on all parties to the contract or lease.

**RULE 6007-1. ABANDONMENT**

A party moving for abandonment of estate property pursuant to §554 shall give notice of such motion pursuant to LBR 2002-1.B., and file such notice and motion pursuant to LBR 2002-1.G. LBR 2002-1.H. applies if any timely objections are filed as to such notice. LBRs 2002-1.I. and 9021-1.A. apply to the preparation of any resulting orders.

**RULE 6008-1. REDEMPTION**

A motion for authority to redeem estate property, and all responses, shall be filed in compliance with [LBF #717.10](#).

**RULE 7001-1. ADVERSARY PROCEEDING - GENERAL**

A. FILING FEES

The applicable filing fee shall accompany each adversary complaint, except for complaints filed by debtors who are not DIPs, the UST and a trustee or DIP in cases when it is certified in a separate written document that there are insufficient funds available at the time of filing.

B. DOCUMENT REQUIREMENTS

1. Complaint or Proposed Stipulated Judgment.

a. General. To commence an adversary proceeding or file a stipulated judgment where no complaint has been filed, the filing party shall file the original and 1 copy of a fully completed bankruptcy adversary cover sheet, and the original complaint or proposed judgment. LBR 7026-1.F. also applies.

b. Summons. The plaintiff filing a complaint shall also **submit a SASE for the clerk to return a Summons to such** ~~file a bankruptcy court adversary proceeding summons using LBF #300 (with LBF #300.1 copied on the back in legal-turn format, and completed to the extent possible except for any date by which a motion or answer must be filed and the date of the trial or pre-trial conference).~~ The petitioning creditors filing an Involuntary Petition shall use LBF #700.2 (Summons and Notice of Trial) which is completed except for the trial date. A SASE shall also be submitted with the summons so that the clerk can return it to the plaintiff for service pursuant to FRBP 7004. [See G.O. 98-1.](#)

**A plaintiff who electronically files a complaint shall print and use the summons electronically issued, if one is so issued, by the court via the ECF system during the filing process for service. [See G.O. 03-3 Pt.41.](#)**

2. Removal Applications. LBR 9027-1. applies.

C. BRIEFS OR MEMORANDUMS SUPPORTING MOTIONS (OTHER THAN FOR DISCOVERY), OPPOSITION AND REPLY

1. General Filing Requirements. Briefs or memorandums shall only include the excerpts of any referenced exhibit that are directly germane to the matter under consideration by the court. Excerpts must be clearly and prominently identified as such. Persons filing excerpts of exhibits do so without prejudice to their right to file additional excerpts or the complete document. Responding parties may timely file additional relevant excerpts. The court may also require parties to file additional excerpts or the complete document. [See G.O. 03-3 Pt.42.](#) A brief or memorandum in support of a motion (other than for discovery), opposition statement or reply, shall:

- a. be a separate document and accompany the document it supports or reference the document it opposes;
- b. in addition to complying with the applicable provisions of this LBR, contain an accurate statement of the questions to be decided, setting forth succinctly the relevant facts and the argument of the party with supporting authorities;
- c. have, as a separate document not exceeding 20 pages in length (exclusive of exhibits), affidavits or declarations sufficient to support any factual contentions; and
- d. not exceed 20 pages in length (exclusive of exhibits) unless authorized by court order. Briefs over 20 pages shall have a table of contents and a table of cases with page references.

2. Timing Requirements.

- a. Opposition. Any opposition statement and, if the party wishes, any supporting brief or memorandum shall be filed (and appropriate copies served) within 11 days after service of a non-discovery motion.
- b. Reply. Any reply to an opposition statement and, if the party wishes, any supporting brief or memorandum shall be filed (and appropriate copies served) within 11 days after service of such opposition.

3. Further Briefing. No further briefing shall be allowed.

D. EXPEDITED HEARINGS

Any party **filing a motion for requesting** an expedited hearing shall attach **each of the following** to such **written motion request a written**:

1. **An explanation of the reasons ~~why~~ it is necessary;**
2. **An original proof of service showing that the motion was served by either hand-delivery or facsimile contemporaneously with the filing of the motion and as provided in FRBPs 7004 and 7005; and**
3. **A certification that either: (a) the attorney presenting the motion has conferred with opposing counsel and obtained agreement as to the need for an expedited hearing, or (b) describes the steps taken in a good faith attempt to confer with opposing counsel as to the need for an expedited hearing. See G.O. 98-1 and G.O. 03-3 Pt.43.**

E. USE OF ELECTRONICALLY RECORDED TESTIMONY

A party may not utilize the original or any copy of electronically recorded testimony as testimony in any court proceeding. **An electronic version of a ~~paper~~ transcript of such testimony (i.e., as opposed to an audio version of electronically recorded testimony)** may be used in a court proceeding if, prior to its use, it is arranged with the Clerk (or UST for §341(a) meeting testimony) for the timely preparation and filing of, and payment for, a transcript prepared by an authorized and independent transcriptionist in accordance with FRBP 5007. The party preparing any transcript may require an advance deposit covering the estimated transcription cost. **Any copy of a transcript required to be filed by a transcriptionist must be done electronically or using other authorized electronic medium (e.g., a CD). G.O. 03-3 Pt.34.**

F. JURY TRIALS

LBR 9015-1. applies.

G. MEDIATION

LBR 9019-2. applies.

H. NONPERMISSIBLE STIPULATIONS

**Parties may not stipulate to change any of the following without a court order approving such stipulation, which must be obtained at least three business days prior to the scheduled date:**

- a. **Deadlines established by the case scheduling order;**

- b. Pre-trial conference date;
- c. Court scheduled telephone conference date;
- d. Pre-trial order lodging date;
- e. Dates for lodging trial briefs, exhibits or witness lists; or
- f. Trial date. [See G.O. 98-2.](#)

**RULE 7003-1.        COVERSHEET**

LBR 7001-1. applies.

**RULE 7004-1.        SERVICE OF PROCESS; UST**

Copies of the summons, complaint and other pleadings shall be served on the UST in the following types of adversary proceedings:

- A. Relating to a case being administered under chapter 11;
- B. When the case trustee is a party defendant;
- C. When there is an objection to a debtor's discharge pursuant to §727; or
- D. Such other types of proceeding as the UST may direct.

**RULE 7004-2.        SUMMONS**

LBR 7001-1.B. applies.

**RULE 7005-2.        FILING OF DISCOVERY MATERIALS**

LBR 7026-1.B. applies.

**RULE 7015-1. AMENDED PLEADINGS**

An amended document shall be:

- A. Complete without reference to any portion of any prior document;
- B. Titled in the following format: "(i.e., First, Second, etc.) Amended (insert title);"
- C. Attached as an exhibit to any motion to amend; and
- D. Served as provided by FRBPs 7004 and 7005, and LBR 1009-1.

**RULE 7016-1. PRE-TRIAL PROCEDURES; ORDERS**

If the court requires a pre-trial order, LRs 2100 (re: jury trials) and ~~16.6235-2(b)~~ and (c) apply except for the reference in LR ~~16.6235-2(b)~~ (1) to a magistrate judge. [See G.O. 98-2.](#)

**RULE 7024-2. UNCONSTITUTIONALITY, CLAIM OF**

In any case in which the constitutionality of (a) an Act of Congress is brought into question and in which the United States or any agency, officer, or employee thereof is not a party, or (b) a statute of a state is brought into question and in which that state or any agency, officer or employee thereof is not a party, the party raising the constitutional issue shall file a motion that the case be certified in accordance with 28 U.S.C. §2403 or any Oregon Revised Statute (e.g., O.R.S. 28.110). The motion shall give the title of the case, a reference to the questioned statute sufficient for its identification, and the respects in which it is claimed to be unconstitutional; and shall be accompanied by 2 copies of a proposed form of certification for execution and transmission by the court to the United States Attorney General or State Attorney General, as appropriate.

LBR 7026-1.

**RULE 7026-1. DISCOVERY - GENERAL**

A. GENERAL

LRs ~~16.2205-1(b)~~ (re: "Completion of Discovery" definition); ~~220-4(a), (b), (c) and (d)~~ ~~7.3(a), 7.1(f)(1), 7.1(f)(3) and 7.3(b)~~ on motions; and ~~26.5(c), 30.2, 30.3, 30.5, 30.6, 30.8, 33.1(c) and (d), 33.2(a) and (b), 33.3(b), 33.4, 34.1(c), 34.2, 34.3, 36.1(c), 36.2, 37.1, 37.2 and 37.3 230, except for 230-1(a), on discovery proceedings,~~ apply. The following also apply: [G.O. 98-2](#).

1. Pre-trial Conference. The parties shall be prepared to indicate which form of discovery they believe appropriate for the case.
2. Discovery Order. At any initial pre-trial conference, the judge will execute a discovery order using LBF #300.5.

B. NONFILING OF CERTAIN DOCUMENTS

No discovery document shall be filed with the court. Discovery documents include, but are not limited to, all required and optional disclosures detailed in FRCP 26, depositions, interrogatories, requests for production or inspection, requests for production of documents, requests for admission, and answers and responses thereto. Nonfiling of discovery documents does not preclude their use as exhibits or evidence in a motion or at trial.

C. DISCLOSURES [FRCP 26(a)(1)-(4)]

1. Contested Matters. FRCPs 26(a)(1) and (3) shall not apply. FRCP 26(a)(2) shall not apply except that the parties shall disclose not later than 7 calendar days before trial the identity of any person who may offer expert testimony at trial. Any expert's written report shall be served upon the opposing parties as soon as the report is available, but not later than one business day before trial.
2. Adversary Proceedings. The court shall determine at the initial pre-trial conference whether FRCPs 26(a)(1)-(3) shall apply.
3. Application of FRCP 26(a)(4). Disclosures shall comply with the provisions of FRCP 26(a)(4) with the exception that the disclosures required by FRCPs 26(a)(1) and (2) shall not be filed with the court.

LBR 7026-1. (cont'd)

D. TIMING OF DISCOVERY

1. Contested Matters. The presumptive stay of discovery provided by FRCP 26(d) shall not apply in contested matters. Discovery may begin at any time.

2. Adversary Proceedings. No discovery shall occur prior to the initial pre-trial conference. Discovery may begin at such time as the court determines that FRCP 26(f) will not be applied. If the court determines that FRCP 26(f) will apply, discovery may begin after the parties have met and conferred.

E. DISCOVERY PLANNING MEETING [FRCP 26(f)]

1. Contested Matters. FRCP 26(f) shall not apply in contested matters.

2. Adversary Proceedings. The parties are not required to meet prior to the initial pre-trial conference. The court shall determine at the initial pre-trial conference whether FRCP 26(f) shall apply. If FRCP 26(f) is applied, the parties may utilize FRCP official form number 35 or such other form as they agree upon for the written report outlining the discovery plan which is filed with the court.

F. SERVICE

In all adversary proceedings, the plaintiff shall serve a copy of LBR 7026-1. with the summons and complaint.

**RULE 7052-1. FINDINGS & CONCLUSIONS**

LBRs 9021-1.A. and 9033-1. apply.

**RULE 7054-1. COSTS - TAXATION/PAYMENT; FEES**

LBR 9021-1. applies.



**RULE 7067-1. REGISTRY FUND; DEPOSIT INTO COURT**

A. PROCEDURE FOR DEPOSITS INTO COURT

1. Motion. A motion for authority to deposit money into the court **that is conventionally filed on paper**, shall be accompanied by BOTH: (a) a copy of such motion, and (b) 2 copies of a proposed order prepared as required in LBR 7067-1.A.2. BOTH the copy of such motion and one copy of the proposed order shall be clearly marked "FOR IMMEDIATE DELIVERY TO THE FINANCIAL DEPUTY." The motion shall include the following information: [See G.O. 03-3 Pt.44](#).

a. The amount of money to be deposited, the estimated length of time that the money will remain in the court, and any pertinent reinvestment information;

b. The name and address of each person who may have a claim against the money and the attorney for any such claimant;

c. If the moving party requests the money be invested in a specific interest bearing instrument, the details regarding the specific interest bearing instrument requested; and

d. If a specific depository is desired, the name of such depository and a showing that such depository is properly collateralized under §345(b).

2. Order. The clerk shall not accept any money for deposit into the court until:

a. The original motion and a proposed order, **and if such documents are conventionally filed on paper**, ~~along with~~ separate copies of BOTH the motion and the order which are BOTH clearly marked "FOR IMMEDIATE DELIVERY TO THE FINANCIAL DEPUTY", have been submitted to the clerk. The proposed order shall include the following: [See G.O. 03-3 Pt.44](#).

(1) The amount of money to be deposited, and any pertinent reinvestment information;

(2) If applicable, all details regarding a requirement that the money be invested in a specific interest bearing instrument;

(3) If a specific depository is required, the name of such depository; and

LBR7067-1.A.2.a. (cont'd)

(4) On the same page as, and above and to the left of, the judge's signature line the words "APPROVED AS TO FORM" with a signature line directly under such words for the financial manager's signature.

b. The court's financial manager has approved a form of order.

c. The court has then signed such order permitting deposit and instructing the clerk regarding the deposit or investment of the money.

3. Deposits. Upon entry of an appropriate order, the party making the deposit shall deliver to the PORTLAND office of the clerk a conformed copy of the court's order, clearly marked "FOR IMMEDIATE DELIVERY TO THE FINANCIAL DEPUTY," authorizing the deposit; and a money order, cashier's check or certified check payable to the clerk in the amount of the deposit. The clerk shall have no duty to deposit the funds with a designated institution until such institution has filed the appropriate bond if the sum to be deposited exceeds the current federally insured limit, nor until a conformed copy of the court's order with the appropriately tendered form of deposit is received and verified as to accuracy by the financial deputy. When a deposit is authorized, the clerk shall deposit the money in an account or purchase a certificate of deposit from a specific depository or issuing institution convenient to the clerk unless a specific depository or issuing institution is specified in the order. The deposit shall be in an account or obligation insured or guaranteed by the United States. The clerk shall be the custodian of the passbook or certificate of deposit.

B. COURT FEE

Each deposit of new principal into the court's registry fund on or after December 1, 1990 shall be held in an interest bearing account and have a fee assessed against it equal to not more than 10 percent of all income earned on such monies regardless of the length of time actually held in the registry. The fee may be deducted periodically and will be deducted prior to any other distribution from the account, and will be subject to any subsequent exceptions or adjustments provided for by the Director of the Administrative Office.

C. PROCEDURE FOR WITHDRAWING DEPOSITED FUNDS

1. Order. Disbursement of monies deposited pursuant to this LBR shall only be by a court order, with a conformed copy delivered to the clerk and clearly marked "FOR IMMEDIATE DELIVERY TO FINANCIAL DEPUTY," and shall include the following provisions:

LBR 7067-1.C.1. (cont'd)

- a. The name, address and tax I.D. number of any party receiving the funds, and the name and address of any such party's attorney;
- b. The total of all deposits and to whom the accrued interest is to be paid; and
- c. The total amount of funds to be withdrawn if less than the total amount in that account.

2. Payment by Clerk. The clerk shall disburse deposited funds, promptly upon expiration of the time to file a notice of appeal, by check made payable to the party entitled to them and to that party's attorney of record, if any. The check shall be mailed or otherwise delivered to the attorney.

D. PRIVATE AGREEMENTS

Nothing in this LBR prevents parties, without a court order, from entering into an escrow agreement entirely under their own control.

**RULE 7069-1. JUDGMENT - PAYMENT OF; EXECUTION**

All bankruptcy court judgment creditors having claims against assets or defendants within Oregon shall register the applicable judgments in the appropriate circuit court of the state of Oregon. For claims against out-of-state assets or defendants, such creditors may use any appropriate court to register or transcribe judgments. The clerk shall certify at no cost, but only for execution purposes, copies of documents required for registration or transcription. Such certification at no cost is for the administrative convenience and economic efficiency of the United States Courts.

**RULE 8001-1. NOTICE OF APPEAL; APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL (BAP)**

LR 2200 applies to all appeals from the bankruptcy court.

**RULE 8003-1. MOTION FOR LEAVE TO APPEAL**

To comply with the provisions of LR 2200-4., the clerk shall not transmit a Motion For Leave to Appeal, or any answer thereto, until time to object to either BAP review or to elect to transfer the case to District Court has expired pursuant to LR 2200-2.

**RULE 8006-1. DESIGNATION OF RECORD - APPEAL; TRANSCRIPT ORDERS**

Requests for transcripts, other than those of §341(a) meetings, shall be in writing, made on [LBF #335 #AO 435](#) (Transcript Order) and specify all applicable hearing dates. The UST shall be contacted for transcripts of §341(a) meetings. [See G.O. 03-3 Pt.45](#)

**RULE 9001-1. DEFINITIONS**

LBR 1001-1.D. applies.

**RULE 9004-1. PAPERS - REQUIREMENTS OF FORM**

**A. GENERAL FORM REQUIREMENTS**

1. Length. LBR 7001-1.C. applies.
2. Type Size. The type size used in documents shall be no smaller than either pica (10 cpi) or 12 pt.
3. Paper. **General requirements for the format of paper documents are as follows:** All documents presented for filing shall be upon white opaque paper of good quality, with the lines numbered on the left side (except for notices and LBFs), without back or cover (except for appellate briefs), firmly bound at the top left-hand side, and prepunched on top with two "Acco" fastener holes.
  - a. all conventionally filed paper documents must be filed on 8½" by 11" paper;

- b. the text must only appear in black or dark blue ink;
- c. no page shall be pre-punched on top with fastener holes; and
- d. the bottom of each page of any multiple page document (i.e., whether filed electronically or conventionally on paper) must indicate in bold print that it is **"Page \_\_ of \_\_. [G.O. 03-3 Pt. 46.](#)**

4. Ink. Only black or dark blue ink shall be used on the original and copies of paper documents (including their exhibits), and on only one side of the paper. ~~The typing or printing on the original and copies of documents (including their exhibits) shall be in black or dark blue ink, and on only one side of the paper except for notices and certain LBFs. [See G.O. 03-1](#) and [G.O. 03-3 Pt. 46.](#)~~

5. Spacing.

- a. The body of all documents other than notices and certain LBFs shall be double spaced.
- b. Quotations shall be indented and may be single spaced.
- c. Each sheet of all pleadings or papers filed shall have a margin at the top, and bottom (except for notices and certain LBFs) of not less than one inch.

6. Legibility. All documents (including exhibits and copies) shall be typed, printed or otherwise prepared using a clearly legible reproduction process. There shall be no interlineations unless noted by the clerk by marginal initials at the time of filing. Any other errors or omissions must be corrected by filing an amendment pursuant to LBR 9004-2.F.

7. Attorney's Oregon State Bar Number (OSB#). All documents submitted by an attorney shall clearly indicate such attorney's OSB#.

8. Signatures. Names shall be typed or legibly printed under signature lines **and signatures shall not obscure any text.** [See G.O. 03-1.](#)

9. Signature Line for Judge. A line for the judge's signature shall be included where such signature is required, and shall not appear on a continuation page having no language from the actual text.

10. "Dated" Line for Judge. There shall be no "Dated" line included for the judge.

11. Pagination. The title of the document, or some clear abbreviation thereof, shall be stated on the lower left margin of each page together with the number of the page. All exhibits to documents shall be similarly and consecutively marked using the exhibit letter or number, page number of the exhibit and total number of pages in the exhibit (e.g., Ex. A - pg. 1 of 3).

12. Two-Sided Documents. Each page of a conventionally filed paper document that is to become part of the official court record of that document must be submitted on a separate piece of paper and cannot be duplexed. Unrelated text such as instructions, a previously filed notice of motion on the back of a response, etc., may be on the back of any page, but must not be included as a page of the document for filing purposes and will not be made part of the document on the official record. Multiple page LBFs shall be filed with text appearing on both sides of the paper (i.e., duplexed) and shall be prepared using a "legal-turn" (i.e., the physical top of one side of a page shall be the physical bottom of the reverse side of that page), unless prepared using court approved software. No other document shall be submitted having text on both sides of the paper. See G.O. 03-1. [See G.O. 03-3 Pt.21](#).

13. Exhibits. All exhibits shall be attached to the document to which they belong so as to be easily accessible and readable without detachment from such document. Exhibits too bulky for attachment shall be clearly identified by the case number, document titles and numbers, and name of the attorney or parties presenting them. LBRs 9004-1.A.1. and 9017-1. also apply.

Briefs or memorandums (e.g., filed per LBR 7001-1.C.) shall only include the excerpts of any referenced exhibit that are directly germane to the matter under consideration by the court. Excerpts must be clearly and prominently identified as such. Persons filing excerpts of exhibits do so without prejudice to their right to file additional excerpts or the complete document. Responding parties may timely file additional relevant excerpts. The court may also require parties to file additional excerpts or the complete document. [See G.O. 03-3 Pt.42](#).

14. Use of OBFs and LBFs.

a. LBFs. LBR 1001-1.F. applies.

b. Official Bankruptcy Forms. LBR 1001-1.G. applies.

15. Order Titles. Titles of proposed orders shall briefly describe the subject and content thereof.

16. Facsimile Copies. Facsimile (Fax) copies of documents shall not be sent to the court and shall not be filed.

**B. DOCUMENTS FILED WITHIN 3 DAYS OF A HEARING**

A copy of any document **conventionally** filed **on paper** within 3 business days of a scheduled hearing to which the document pertains shall be clearly marked "COPY" and immediately delivered directly to the chambers of the judge to whom the case is assigned. [G.O. 03-3 Pt.47.](#)

**C. FILING IN MULTIPLE CASES**

Documents to be filed in multiple cases shall have all case numbers included in the heading, with an executed original filed for each affected case.

**D. ATTORNEY/PRO SE INFORMATION ON TITLE PAGE**

Unless a document is a petition, list, schedule, notice, statement of affairs, or prepared on an OBF or an LBF, the name, address, telephone number, OSB# and identity of the attorney representing a party or of a party appearing in propria persona shall be printed single-spaced in the upper left hand corner of the title page of all documents and begin not less than one inch from the top of the page (except that in multi-party matters reference may be made to the signature page for a complete list of counsel submitting the document for filing). Orders which have the legible name, OSB# (if appropriate), address and phone number of the presenter printed on the front page are exempt from the requirements of this rule.

**RULE 9004-2. CAPTION - PAPERS, GENERAL**

**A. LOCATION**

The caption of any document may not begin less than one inch from the top (i.e., not necessary to start on line 8), and shall substantially conform to this LBR unless an Official Bankruptcy Form or LBF requires otherwise.

**B. PETITION CAPTION**

FRBP 1005 applies.

C. CAPTION FOR A DOCUMENT FILED IN A CASE (i.e., NOT an Adversary Proceeding)

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re )  
)  
(insert name of debtor(s)) ) CASE NO.(\_\_\_\_\*\_\_\_\_)  
)  
Debtor(s) ) TITLE (Insert BRIEF description  
Other Names/Addresses ) of the document  
Used by Debtor(s): )  
)  
(insert all AKAs, (f)DBAs, ) (NOTE: Add the following 2  
etc. used by debtor(s) in ) items if filed in response to  
last six (6) years) ) noticed hearing:  
) DATE OF HEARING:\_\_\_\_\_  
) TIME OF HEARING:\_\_\_\_\_  
)  
) (NOTE: Add the following phrase  
) if District Court judge has  
) matter for review pursuant  
) to either LR 2100-4 or 2100-11:  
) REFERRED TO U.S. DISTRICT  
) COURT)  
)

\*The case number consists of a 7 ~~an~~ 8 digit number (if the first digit of the five (5) digit portion of a case number is a "3", "4" or "5", the case is beginning with a "3" for cases being administered by the Portland office, or a "6", "7" or "8" for cases being administered by the Eugene office) followed by a hyphen, the 3 initials of the judge handling the case (in lower case letters), and the number of the chapter of Title 11 under which the case is currently being administered followed, if applicable, by either an "sb" if a small business chapter 11 or an "A" if an accelerated chapter 11 (e.g., 398-31000-dds7 for a 1998 Portland chapter 7 case handled by Judge Sullivan). [See G.O. 03-3 Pt.18.](#)

D. CAPTION FOR ADVERSARY PROCEEDING

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re )  
(insert debtor's name) ) CASE NO.( \_\_\_\_\_ \* )  
) ADV. NO.( \_\_\_\_\_ \*\* )  
) )  
Debtor(s) \_\_\_\_\_ ) TITLE (Insert BRIEF description  
) of the document )  
) )  
(insert plaintiff(s) names) ) (NOTE: Add if filed in re-  
Plaintiff(s) ) sponse to noticed hearing:  
) DATE OF HEARING: \_\_\_\_\_  
) TIME OF HEARING: \_\_\_\_\_ )  
) )  
v. )  
) (NOTE: Add if District Court  
(insert defendant(s) names) ) Judge has matter for review  
Defendant(s) \_\_\_\_\_ ) pursuant to either LR 2100-4  
) or 2100-11: REFERRED TO U.S.  
) DISTRICT COURT)

(NOTE: Add to first pleading  
if demanding a jury trial:  
DEMAND FOR JURY TRIAL)

\* The main bankruptcy case number consists of a 7 ~~an~~ 8 digit number (if the first digit of the five (5) digit portion of a case number is a "3", "4" or "5", the case is ~~beginning with a "3"~~ for cases being administered by the Portland office, or a "6", "7" or "8" for cases being administered by the Eugene office) followed by a hyphen, the 3 initials of the judge handling the case (in lower case letters), and the number of the chapter of Title 11 under which the case is currently being administered followed by an "sb" if a small business chapter 11 or by an "A" if an accelerated chapter 11 (e.g., 696-60000-fra13 for a 1996 chapter 13 case administered in Eugene by Judge Alley). [See G.O. 03-3 Pt.18.](#)

\*\* The adversary number consists of a 6 7 digit number (if the first digit of the five (5) digit portion of a case number is a "3", "4" or "5", the case is ~~beginning with a "3"~~ for cases being administered by the Portland office, or a "6", "7" or "8" for cases being administered by the Eugene office) followed by the 3 initials (in lower case letters) of the judge handling the proceeding (e.g., 397-3000-dds for a 1997 adversary proceeding administered in Portland by Judge Sullivan). [See G.O. 03-3 Pt.18.](#)

E. PREPARATION OF NOTICES

LBR 2002-1. applies

## F. AMENDED DOCUMENTS

1. General. An amended document shall be complete without reference to any portion of any prior document (except LBR 1009-1. applies re: lists of creditors, equity security holders or other interested parties); be attached as an exhibit to any motion to amend; and be served as provided by FRBPs 7004 and 7005, and LBR 1009-1.
2. Title. The title of an amended document must be in the following format: "(i.e., First, Second, etc.) Amended (insert Title)."
3. Exhibits. All amended documents shall have, as attachments, copies of the exhibits referred to in the amended document. **Briefs or memorandums (e.g., filed per LBR 7001-1.C.) shall only include the excerpts of any referenced exhibit that are directly germane to the matter under consideration by the court. Excerpts must be clearly and prominently identified as such. Persons filing excerpts of exhibits do so without prejudice to their right to file additional excerpts or the complete document. Responding parties may timely file additional relevant excerpts. The court may also require parties to file additional excerpts or the complete document. [See G.O. 03-3 Pt.42.](#)**
4. Plans and Disclosure Statements. LBR 3015-1.C. (chapter 12 and 13 cases) and LBR 3016-1.B. (chapter 11 cases) apply.

## G. PROOF OF SERVICE

An original proof of service shall be incorporated in, or attached to, each original document (or copy thereof if the original is retained by the clerk) whenever service of a document is required, and shall be filed within 8 days of either the: (1) date a document (or copy thereof) which was fully or partially prepared by the clerk's office was mailed to the serving party, or (2) service date of a document solely prepared by the serving party.

## H. CERTIFICATION OF QUESTIONS OF STATE LAW

LR 2100-12 applies.

### **RULE 9010-1. ATTORNEYS - NOTICE OF APPEARANCE; REPRESENTATION OF CORPORATIONS, ASSOCIATIONS & PARTNERSHIPS**

## A. APPEARANCE OF ATTORNEYS

1. General. All attorneys must be admitted to practice before the United States District Court for the District of Oregon. The following provisions also apply:

LBR 9010-1.A.1. (cont'd)

a. ~~LRs 83.1 through 83.12~~ ~~HO~~. ~~LRs 83.1 though 83.12~~ ~~HO~~ ~~apply~~ applies except as provided in LBR 9010-1.A.2. [See G.O. 98-2.](#)

b. "Attorney of Record" Defined. A party's "attorney of record" shall be the first individual attorney named on the initial pleading filed for such party. A law firm or professional corporation will not be considered the attorney of record for any party.

c. Filing of Documents. After a party has an attorney of record, the name and OSB# of a party's attorney of record shall appear on each subsequent document filed on behalf of such party, though a document may be signed by another member of that attorney of record's firm.

2. Modifications to LR 83.1 through 83.12 ~~HO~~ Provisions. [See G.O. 98-2.](#)

a. "This Court" Defined. All reference to "this court" shall mean to the United States Bankruptcy Court for the District of Oregon unless otherwise specified in LBR 9010-1.A.2. In addition, where an applicable LR refers to a case or issues "pending before this court or the Court of Appeals", it shall be read as also referring to a case or issues pending before the District Court or the Bankruptcy Appellate Panel (BAP).

b. Applications for Admission. Applications pursuant to ~~LRs 83.1(b) and 83.2~~ ~~HO~~ shall be filed with the District Court clerk and, if granted, the oath shall be given by a District Court judge. [See G.O. 98-2.](#)

c. Change of Address. The notice of an attorney's change of address required by ~~LR 83.10~~ ~~HO~~ shall include such attorney's name, OSB#, original address, and the new address (preferably using [LBF #101](#)). [See G.O. 98-2.](#)

d. "Eligible" Law Students. The certification necessary to participate as an eligible law student pursuant to ~~LR 83.5~~ ~~HO~~ shall be filed with the District Court clerk. [See G.O. 98-2.](#)

e. Conformed Copies of Pleadings and Documents. Any person requesting conformed copies of pleadings or documents shall provide (1) copies of the specific documents; (2) a separate written affidavit that such copies are identical to those in the case or adversary proceeding file, or to the original documents tendered; and (3) a SASE.

f. ~~LR 110-9 Not Applicable.~~ ~~LR 110-9 does not apply.~~ [See G.O. 98-2](#)

LBR 9010-1.A.2. (cont'd)

**NOTE:** Per [G.O. 98-2](#). *Pro Hac Vice* provisions found in LR 83.3 are applicable except that there is no admission fee, and the application for admission must be submitted to the clerk of the bankruptcy court using [LBF #120](#). See [G.O. 97-2](#) for application procedure.

**B. PROFESSIONAL APPOINTMENT APPLICATIONS IN CHAPTER 11 CASES**

Professionals may, and in some chapter 11 cases will be required to, apply for appointment and certify their disinterest using [LBF #1114](#).

**C. REPRESENTATION OF CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS**

~~Corporations, except for a corporate panel or standing bankruptcy trustee, associations and partnerships shall only be represented by an attorney.~~ Corporations, partnerships, associations and any other entity that is not an individual (e.g., any trust, LLC, LLP, conservatorship, guardianship, etc.) must be represented by an attorney, except for a corporate standing or panel trustee. See [G.O. 02-1](#).

**D. SUBSTITUTION OF ATTORNEY**

An attorney who is proposing to be substituted for an attorney of record in less than the entire case load of such attorney of record shall present a separate proposed order of such substitution for each case or proceeding in which that attorney appears as a party's attorney of record.

**RULE 9011-3. SANCTIONS; FOR EXPEDITION OF COURT BUSINESS**

**A. WITHDRAWAL OR LACK OF OPPOSITION**

No later than 3:00 P.M. 2 business days prior to the date fixed for hearing, any party not intending to propound or oppose a contested matter or adversary proceeding shall notify all parties, the clerk and the judge before whom the matter is pending.

**B. NOTICE OF SETTLEMENT**

It is the duty of the plaintiff or moving party to promptly advise the court when a contested matter or adversary proceeding is settled.

C. REQUEST FOR CONTINUANCE

Any party requesting the continuance of a trial, hearing or conference shall:

1. advise the court of the affected party's response to such request or what attempts have been made to gain each party's consent; and
2. (if granted) give telephone notice of the date, time and location of, and reason for, the continued hearing to all affected parties and file written confirmation of such notice within 2 business days of receiving such information from the court.

D. FAILURE TO APPEAR OR PROPERLY PREPARE

The failure of any party or any party's attorney to file any required document, appear at a preliminary hearing or pre-trial conference, complete necessary preparations, meet and confer as required, appear or be prepared for trial or a hearing on a contested matter on the date assigned, or fail to make such other appearances or preparations as the court deems necessary for appropriate and timely case administration may be considered an abandonment of the party's position, or a failure to prosecute or defend diligently.

E. GENERAL NOTICING FAILURE

LBR 2002-1.J. applies.

F. GENERAL SANCTIONS AND PENALTIES

Any party or attorney who without just cause fails to comply with any provision of the FRCPs, FRBPs, LBRs, any applicable LR, statute or court order; fails to timely notify the court of withdrawal, lack of opposition, settlement or proposed continuance of any matter; presents to the court unnecessary contested matters or adversary proceedings, motions or unwarranted opposition thereto; fails to appear or prepare for presentation to the court; or otherwise so multiplies the proceedings in any case as to increase any costs of the case unreasonably or vexatiously, may be subject to the following sanctions:

1. Entry of an order or judgment of default on a specific issue or the entire matter;
2. Payment of excess costs, such as filing fees, attorney's fees or court reporter fees;
3. Entry of an order of dismissal for lack of prosecution; or

LBR 9011-3.F. (cont'd)

4. Any other appropriate sanction.

## **RULE 9013-1. MOTION PRACTICE**

### A. APPLICABILITY OF RULE

This Rule applies to all matters not covered by FRBP 7001. For applicability of FRCP 26 to contested matters, see LBR 7026-1. et seq.

### B. COMMENCEMENT

FRBP 9013, and the rules cited below, apply as follows:

1. Abandonment. LBRs 2002-1.B. and 6007-1. apply.
2. Abstention. LBR 5011-2. applies.
3. Adversary Proceedings (Non-Discovery). LBR 7001-1. applies.
4. Cash Collateral Use. LBR 4001-1. applies.
5. Executory Contract (Assume, Reject or Assign). LBR 6006-1. applies.
6. Claim Objections. LBR 3007-1. applies.
7. Compensation or Expense Applications. LBR 2016-1. applies.
8. Conversion of Case. LBR 1019-1. applies.
9. Credit (Obtaining). LBR 4001-1. applies.
10. Deposits Into Court. LBR 7067-1. applies.
11. Discovery (Adversary Proceeding). LBR 7026-1. applies.
12. Dismissal of Case. LBR 1017-2.A. applies.
13. "Hardship" Discharge (Chapter 12 or 13). LBR 4004-1. applies.

14. Lien Avoidance Pursuant to §522(f). LBR 4003-1. applies.
15. Property [Use, Sale (Including Free and Clear of Liens), or Lease Thereof]. LBRs 2002-1. and 6004-1. apply.
16. Redemption. LBR 6008-1. applies.
17. Relief From Stay. LBR 4001-1. applies.
18. Removal and Remand. LBR 9027-1. applies.
19. Summary Judgment. LBR 7056-1. applies.
20. Temporary Restraining Order. LBR 7065-1. applies.
21. Withdrawal of Reference (28 U.S.C. §157(d)). LBR 9033-1. applies.

#### C. SERVICE

Service is generally made by conforming to the provisions of LBR 2002-1. and FRBP 9014, but a copy of any document served on a party shall also be served on any known attorney of record for such party. A "Notice of Motion" form will only be required when specified in these rules and the court will give notice of hearings on all other motions.

#### **Notice Re: Presentation of Testimony at Hearings in contested Matters.**

- a. The notice of each hearing on a contested matter shall state whether or not testimony may be received at the hearing unless the hearing is set to be heard via telephone or unless the hearing is specifically designated as a "preliminary" hearing such as a pretrial conference or status conference.
- b. No testimony may be offered or received at hearings conducted via telephone or hearings designated as a preliminary hearing or a status conference unless agreed to by all essential parties and the presiding judge or provided for in a notice of hearing from the court. [See G.O. 03-1.](#)

#### D. RESPONSE/OBJECTIONS

1. General. Unless a specific time is fixed in the FRBPs, LRs, LBRs, by court order, or in a notice, a party objecting to the relief requested shall file and serve a response identifying the interest of the responding party and stating with particularity the grounds for opposition not less than 3 business days prior to the date fixed for hearing.
2. Exception. If less than 10 days notice of a hearing is provided, then the response shall be filed and served by 4:30 P.M. on the business day immediately prior to the hearing with a copy, clearly marked "COPY," also immediately delivered to the judge's chambers.
3. Objections Requiring Notice of a Hearing. LBR 2002-1.H. applies.
4. Summary Judgment. LBR 7056-1. applies.

5. Failure to Respond/Object. A motion to which no timely response or objection has been filed may be decided on the moving papers without a hearing.

**Notice Re: Presentation of Testimony at Hearings in Contested Matters.**

a. The notice of each hearing on a contested matter shall state whether or not testimony may be received at the hearing unless the hearing is set to be heard via telephone or unless the hearing is specifically designated as a “preliminary” hearing such as a pretrial conference or status conference.

b. No testimony may be offered or received at hearings conducted via telephone or hearings designated as a preliminary hearing or a status conference unless agreed to by all essential parties and the presiding judge or provided for in a notice of hearing from the court. See G.O. 03-1.

**E. EXPEDITED HEARINGS**

Any party requesting an expedited hearing shall attach **each of the following** to such **written motion request** ~~a written~~: See G.O. 03-3 Pt.43.

1. **An explanation of the reasons** ~~why~~ it is necessary;
2. **An original proof of service showing that the motion was served by either hand-delivery or facsimile contemporaneously with the filing of the motion and as provided in FRBPs 7004 and 7005; and**
3. **A certification that either: (a) the attorney presenting the motion has conferred with opposing counsel and obtained agreement as to the need for an expedited hearing, or (b) describes the steps taken in a good faith attempt to confer with opposing counsel as to the need for an expedited hearing. See G.O. 98-1**

**F. NONPERMISSIBLE STIPULATIONS**

**LBR 7001-1.H. Applies. See G.O. 98-2.**

**GF. USE OF ELECTRONICALLY RECORDED TESTIMONY**

A party may not utilize the original or any copy of electronically recorded testimony as testimony in any court proceeding. **An electronic version of a paper transcript of such testimony (i.e., as opposed to an audio version of electronically recorded testimony)** may be used in a court proceeding if, prior to its use, it is arranged with the Clerk (or UST for §341(a) meeting testimony) for the timely preparation and filing of, and payment for, a transcript prepared by an authorized and independent transcriptionist in accordance with FRBP 5007. The party preparing any transcript may require an advance deposit covering the estimated transcription cost. **Any copy of a transcript required to be filed by a**

transcriptionist must be done electronically or using other authorized electronic medium (e.g., a CD). [G.O. 03-3 Pt. 34](#).

**HG. PREPARATION OF ORDERS**

LBRs 2002-1.I. and 9021-1.A. apply.

**RULE 9013-2. BRIEFS & MEMORANDUMS OF LAW**

LBRs 7001-1. and 9004-1.A. apply.

**RULE 9015-1. JURY TRIAL; PROCEDURES**

**A. FRCP AND LR APPLICABILITY**

FRCPs 38, 39 and 47-51, 81(c) insofar as it applies to jury trials, and LRs 47, 48, and 51.1.(d) and (e) apply in cases and proceedings, except that a demand made under FRCP 38(b) shall be filed in accordance with FRBP 5005. [See G.O. 98-2](#).

**B. DEMAND**

A demand for jury trial shall appear in the caption as set forth in LBR 9004-2.D., and shall be made:

1. on either the plaintiff's adversary proceeding cover sheet, or application for removal; and
2. on either a party's first pleading, or within 30 days of the filing of a removal application (pursuant to FRBP 9027 and LBR 9027-1.), whichever is earlier.

**C. CONSENT TO HAVE TRIAL CONDUCTED BY BANKRUPTCY JUDGE**

If the right to a jury trial applies, and a timely demand has been filed under FRCP Rule 38(b), the parties may consent to have a jury trial conducted by a bankruptcy judge under 28 USC §157(e) by jointly or separately filing either a statement of consent no later than the date the pre-trial order is lodged or by consenting on the record in court.

**D. PRE-TRIAL**

LBRs 2100 and 16.6235-2(b) and(c) apply except for reference to a magistrate judge. [See G.O. 98-2](#).

## **RULE 9017-1. EXHIBITS & EQUIPMENT**

### **A. GENERAL REQUIREMENTS FOR DOCUMENT EXHIBITS**

1. Pagination. All exhibits to documents shall be marked in the lower left margin of each page using the exhibit letter (by plaintiff or moving party) or number (by defendant or respondent), page number of the exhibit and total number of pages in the exhibit (e.g., Ex. A - pg. 1 of 3).

2. Attachment to Documents. All exhibits shall be attached to the document to which they belong so as to be easily accessible and readable without detachment from such document. Exhibits too bulky for attachment shall be clearly identified by the case number, document titles and numbers, and name of the attorney or parties presenting them.

Briefs or memorandums (e.g., filed per LBR 7001-1.C.) shall only include the excerpts of any referenced exhibit that are directly germane to the matter under consideration by the court. Excerpts must be clearly and prominently identified as such. Persons filing excerpts of exhibits do so without prejudice to their right to file additional excerpts or the complete document. Responding parties may timely file additional relevant excerpts. The court may also require parties to file additional excerpts or the complete document. [See G.O. 03-3 Pt.42.](#)

### **B. PREPARATION FOR A HEARING OR TRIAL**

All exhibits must be pre-marked prior to the commencement of any hearing or trial. Plaintiff's/movant's exhibits shall be consecutively numbered beginning with a "1." Defendant's/ respondent's exhibits shall be consecutively lettered beginning with an "A." LBR 9017-1.A.1. applies regarding pagination. Exhibits shall be accompanied by 3 copies of an Exhibit List plus an additional copy for each party.

### **C. AUDIO/VISUAL EQUIPMENT**

1. Counsel ~~is~~ are responsible for providing all audio **and/or** video equipment for use in court proceedings, **except to the extent the court can make such equipment available per LBR 9017-1.C.2.** Counsel should make arrangements in advance of the proceedings with the courtroom deputy clerk to move the equipment through security, and position it in the courtroom. [See G.O. 98-2.](#)

2. The court has a limited variety of audio/visual equipment available to counsel for use at trial. Counsel must notify the court and courtroom deputy at the Pre-trial Conference of their need to use the court's equipment. Counsel are responsible for meeting with the courtroom deputy in advance of the scheduled trial to learn how to operate the equipment. Counsel shall assist the courtroom deputy in returning the equipment to the storage location at the conclusion of the proceeding.

LBR 9017-1. (cont'd)

D. PHYSICALLY LARGE EXHIBITS

Physically large exhibits unsuitable for filing with the case file shall be returned to the party introducing the same for retention until the matter is no longer subject to appellate review. Parties receiving such exhibits shall be responsible for producing them if required for an appellate record.

E. WITHDRAWAL OR DISPOSAL UPON FINALITY

30 days after a matter is no longer subject to appellate review an exhibit may be withdrawn by the party offering it without court order upon a written request stating that no appeal is pending and the case or proceeding is final. The requesting party shall furnish the clerk with a SASE or make other appropriate arrangements for delivery thereof. If not withdrawn within 60 days after a matter is no longer subject to appellate review, exhibits may be destroyed or otherwise disposed of by the clerk without further notice.

**RULE 9019-1. SETTLEMENT & AGREED ORDERS**

A. SETTLEMENT CONFERENCE

A judge may order, or any party request, a settlement conference at any time.

B. NOTICE OF COMPROMISE

The party requesting approval of a compromise or settlement shall give the notice required by FRBP 9019(a) pursuant to LBR 2002-1.B., except that chapter 7 trustees and chapter 12 or 13 standing trustees shall use the appropriate LBF.

**RULE 9019-2. ALTERNATIVE DISPUTE RESOLUTION (ADR); MEDIATION**

A. ASSIGNMENT OF MATTERS TO MEDIATION

1. By Court Order. The court may order assignment of a matter to mediation upon its own motion, or upon a motion by any party in interest or the U.S. Trustee, using LBF [#202](#) or [#202.5](#), whichever applies. The motion by a party

LBR 9019-2.A.1. (cont'd)

in interest must be filed promptly after filing the initial document in the matter. Notwithstanding assignment of a matter or proceeding to mediation, it shall be set for the next appropriate hearing on the court docket in the normal course of setting required for such a matter.

2. Stipulation of Counsel. Any matter may be referred to mediation upon stipulated order submitted by counsel of record using LBF [#204](#) or [#204.5](#), whichever applies.

3. Types of Cases Subject to Mediation. Unless otherwise ordered by the presiding judge, any adversary proceeding, contested matter or other dispute may be referred by the court to mediation.

4. Mediation Procedures. Upon assignment of a matter to mediation, this LBR shall become binding on all parties subject to such mediation.

B. THE MEDIATOR

1. Mediation Register. The Clerk of the United States Bankruptcy Court for the District of Oregon shall establish and maintain a register of persons qualifying under LBR 9019-2.B.

a. Application and Qualification Procedures for Mediation Register. To qualify for the mediation register of this court, a person must apply using LBF #201, and meet the following minimum qualifications:

(1) Have been licensed for at least four years, under the laws of Oregon, as an attorney at law, accountant, real estate broker, appraiser, engineer, or other professional;

(2) Be an active member in good standing, or if retired, have been a member in good standing, of any applicable professional organization;

(3) Have not:

(a) been suspended, disbarred or had the person's professional license revoked, nor have pending any proceeding to suspend or revoke such license;

LBR 9019-2.B.1.a.(3) (cont'd)

(b) resigned from any bar or other applicable professional organization while an investigation into allegations of misconduct which would warrant suspension, disbarment or professional license revocation was pending; or

(c) been convicted of a felony.

(4) Have either:

(a) Completed a mediation training course qualifying for at least 12 hours of Oregon State Bar continuing legal education credit; or

(b) Qualified as a mediator under another state or federal court-annexed mediation program.

b. Removal from Register. A person shall be removed from the mediation register either at the person's request or by court order. If removed from the register by court order, the person shall not be returned to the register absent a court order obtained upon motion and affidavit sufficiently explaining the circumstances of such removal and reasons justifying the return of the person to the register.

2. Appointment of the Mediator.

a. If the parties cannot agree upon a mediator within 7 days of assignment to mediation, each party shall submit a list of 4 mediators acceptable to such party of which at least 2 shall be from the mediation register. The court shall appoint a mediator and alternate mediator from the lists provided by the parties.

b. If unable to serve, the mediator shall file, within 7 days after receipt of the notice of appointment, a notice of inability to accept appointment and immediately serve a copy upon the appointed alternate. The alternate mediator shall become the mediator for the matter if such person fails to file a notice of inability to accept appointment within 7 days after filing of the original mediator's inability notice. If neither can serve, the court will appoint another mediator and alternate from the lists provided by the parties.

LBR 9019-2.B. (cont'd)

3. Disqualification of a Mediator. Any person selected as a mediator may be disqualified for bias or prejudice as provided in 28 U.S.C. §144 or if not disinterested under 11 U.S.C. §101; and shall be disqualified in any matter where 28 U.S.C. §455 would apply if [s]he were a justice, judge or magistrate.

### C. THE MEDIATION

1. Time and Place of Mediation. Upon consultation with all attorneys and pro se parties subject to the mediation, the mediator shall fix a reasonable time and place for the mediation conference and promptly shall give the attorneys and pro se parties advance written notice of the conference. The conference shall be set as soon after the entry of the mediation order and as far in advance of the court's final evidentiary hearing as practicable. To ensure prompt dispute resolution, the mediator shall have the duty and authority to establish the time for all mediation activities including a deadline for the parties to act upon a settlement or upon a mediated recommendation.

2. Mediation Conference. A representative of each party shall attend the mediation conference, and must have complete authority to negotiate all disputed amounts and issues. The mediator shall determine when the parties are to be present in the conference room. The mediator shall report any willful failures to attend or participate in the mediation process or conference in good faith, and such failures may result in the imposition of sanctions by the court.

3. Recommendations of the Mediator. The mediator shall have no obligation to make any written comments or recommendations; provided, however, that the mediator may furnish the attorneys for the parties with a written settlement recommendation. No copy of any recommendation shall be filed with the court.

4. Post-Mediation Procedures. Promptly upon conclusion of the mediation conference, and in any event no later than 3:00 P.M. 2 business days prior to the date fixed for hearing, the mediator shall file a final report on LBF #210 or #210.5, whichever applies, showing compliance or non-compliance by the parties and the mediation results. If in the mediation the parties reach an agreement regarding the disposition of the matter, they shall determine who shall prepare and submit to the court a stipulated order or judgment, or joint motion for approval of compromise of controversy (as appropriate), within 20 days of the conference. Failure to timely file such a stipulated order or judgment or motion when agreement is reached shall be a basis for the court to impose appropriate sanctions. Absent such a stipulated order or judgment or motion, no party shall be bound by any statement made or action taken at the mediation conference. If the conference ends in an impasse, the matter will be heard or tried as scheduled.

LBR 9019-2.C. (cont'd)

5. Termination of Mediation. Upon receipt of the mediator's final report (LBF #210 or #210.5, whichever applies), the mediation will be deemed terminated, and the mediator excused and relieved from further responsibilities in the matter without further court order.

6. Withdrawal from Mediation. Any matter referred pursuant to this LBR may be withdrawn from mediation by the judge assigned to the matter at any time upon determination for any reason the matter is not suitable for mediation. Nothing in this LBR shall prohibit or prevent any party in interest, the U.S. Trustee or mediator from filing a motion to withdraw a matter from mediation for cause.

#### D. COMPENSATION OF MEDIATORS

The mediator's compensation shall be on such terms as are satisfactory to the mediator and the parties, and subject to court approval if the estate is to be charged with such expense. A request for compensation or reimbursement payments shall be made in the form of a proof of claim in accordance with LBR 2016-1.A.1.; and in addition the claim must include separate itemizations of all time spent on pre-mediation activity, mediation activity, and post-mediation activity.

#### E. CONFIDENTIALITY

1. Confidentiality of Mediator. Confidential information disclosed by the parties or by witnesses in the course of the mediation shall not be divulged by the mediator. Other than the mediator's final report, all records, reports, or other documents received or made by a mediator while serving in such capacity shall be confidential. ~~The mediator shall not be compelled to divulge such records or to testify in regard to the mediation in connection with any arbitral, judicial or other proceeding.~~ [See G.O. 02-1.](#)

2. Confidentiality of Mediation Effort. Rule 408 of the Federal Rules of Evidence (FRE) shall apply to mediation proceedings. Except as permitted by FRE 408, no person may rely on or introduce as evidence in connection with any arbitral, judicial or other proceeding, any aspect of the mediation effort, including, but not limited to:

- a. views expressed or suggestions made by the other party with respect to a possible settlement of the dispute;
- b. admissions made by the other party in the course of the mediation proceedings; and

F. COMPLIANCE WITH THE U.S. BANKRUPTCY CODE, BANKRUPTCY RULES, AND COURT RULES AND ORDERS

Nothing in this LBR regarding mediation shall relieve any debtor, party in interest, or the U.S. Trustee from complying with any court orders, the U.S. Bankruptcy Code, FRBPs, or these LBRs, including times fixed for discovery or preparation for any court hearing pending on the matter.

**RULE 9021-1. ENTRY OF JUDGMENTS & ORDERS; COSTS**

A. GENERAL REQUIREMENTS RE: PROPOSED ORDERS OR JUDGMENTS

1. Lodging. Unless otherwise specified in these LBRs, no proposed order or judgment shall be lodged with the clerk until such time as it is appropriate for the court to sign such order or judgment.
2. Notice of Entry. Except as provided in LBR 9021-1.A.4., any party lodging or otherwise submitting a proposed order or judgment shall also include:
  - a. in the lower left corner of the bottom of the last page of the document, the notation "cc:" followed by a column listing the names of all interested parties who will receive a copy of such document; and
  - b. ~~a list of names and addresses of all parties requiring conventional paper service attached at the end of any electronically submitted document adequately sized envelopes, bearing adequate postage to mail copies, that are pre-addressed to each party listed; or, as an alternative if less than five parties are to be notified, pre-addressed and pre-stamped notification cards for each such party.~~ [See G.O. 03-3 Pt.25.](#)
3. Form. [See G.O. 03-3 Pt 13.a. and 48.](#)
  - a. General. ~~The top margin on the FIRST page of any order or judgment must be four (4) inches unless the document is an LBF with a different format, and all other pages of such document must have a top margin of one (1) inch. A Participant electronically submitting a document that requires a judge's signature must also submit the document in accordance with the Administrative Procedures. Every proposed order (e.g., including stipulations) or judgment shall be presented as a totally separate document from any other related document (e.g., a stipulated motion must first be separately filed before presentation of a proposed stipulated order) unless the document is filed using an LBF and, unless this LBR provides otherwise, shall:~~

- (1) contain a brief description of the subject and content in the caption if the document is an order;
- (2) state in simple and direct terms, on a document separate from any other pleading, the ruling of the court;
- (3) identify any real property to which it pertains;
- (4) bear the signature of the party presenting it, preceded by the words "presented by" on the left side of the last page;
- (5) not include a "Dated" line for the judge; and
- (6) never have a judge's signature line on a continuation page which is otherwise void of actual text.

b. Defaults.

- (1) Orders. Proposed default orders shall:

- (a) if to be entered in an adversary proceeding to allow for entry of a default judgment, include a statement as to whether the matter is "core" or "non-core" as defined by 28 U.S.C. §157(b) and not be included on the same document as the judgment;
- (b) state the filing date of the underlying motion or application, and attach a copy thereof;
- (c) have attached a copy of any notice, and exhibits thereto, given concerning the underlying motion or application; and
- (d) state, if applicable, that no objection, response or answer was made by any affected party within the specified response period plus 3 days.

- (2) Judgments. Default judgments shall be accompanied by a separate form of order of default as described in subsection 3.a. above.

c. Matters Requiring District Judge's Final Determination. Any order or judgment which requires a District Court judge's signature shall provide for that signature directly under the text of the judgment or order. In addition, in the lower left hand corner, such order or judgment shall state the following: "Recommended by" with a signature line for the bankruptcy judge. Neither

signature line shall be on a continuation page which is otherwise void of actual text. LR 2100 applies to proposed orders and judgments in "non-core" matters which require review, determination, and signing by a district judge.

4. Waiver of Notice. When an order or judgment is based on a written stipulation or made in open court in the presence of the parties or their attorneys, the mailing of the notice required by FRCP 77(d) shall be deemed waived unless a party files a written request for notice with the clerk and includes a SASE.

5. Failure to Comply. Failure to comply with the provisions of LBR 9021-1.A. will subject the prevailing party to possible sanctions as provided in LBR 9011-3.F.

## B. FEES AND COSTS

1. General. Allowed costs will be taxed by the judge pursuant to FRBP 7054(b) and the modifications in this LBR. All time deadline provisions in subsections 2. and 3. of this LBR relating to the filing of, and objection to, cost bills will also apply to the filing of an objection to attorney fee petitions in adversary proceedings when judgment is sought against a losing party to pay their attorney fees.

2. Filing of Cost Bill. The prevailing party shall, within 14 days after entry of a judgment, serve on all adverse parties and file a bill of costs (which includes a proof of service on all adverse parties) or be deemed to have waived any right to costs. It shall itemize the costs claimed and shall be verified as required by 28 U.S.C. §1924.

3. Objections to Cost Bill.

a. Within 14 days after a cost bill is served, a party objecting to any cost item shall serve and file objections. The objections may be supported by briefs or memoranda and by affidavits or other evidence. Within 5 days after service of objections, the party requesting the costs may present written responses. Should oral argument be required, the court will generally notice a hearing.

b. In the absence of any objection, any item listed in the cost bill may be taxed.

4. Order. The prevailing party shall submit a proposed order which shall comply with the requirements of LBR 9021-1.A.

C. RECORDING AND DOCKETING OF JUDGMENTS

The Bankruptcy Court clerk shall maintain any judgment docket and judgment books required by the District Court for all judgments and orders rendered pursuant to the Bankruptcy Act or Code.

D. ENFORCEMENT OF JUDGMENTS

All Bankruptcy Court judgment creditors having claims against assets or defendants within Oregon shall register the applicable judgments in the appropriate circuit court of the state of Oregon. For claims against out-of-state assets or defendants, such creditors may use any appropriate court to register or transcribe judgments. The clerk shall certify at no cost, but only for execution purposes, copies of documents required for registration or transcription. Such certification at no cost is for the administrative convenience and economic efficiency of the United States Courts.

**RULE 9027-1. REMOVAL/REMAND**

A. NOTICING

1. General. Within 5 days of filing a notice of removal, the party effecting the removal shall file evidence of compliance with notice requirements of FRBP 9027(b).
2. If Hearing Already Set. If a hearing has been set by the court from which the case is removed, the party effecting the removal shall promptly notify the clerk of the court where the case was pending and any judge assigned to the case in that court of the removal.

B. REMAND MOTION

A motion to remand a case removed to the Bankruptcy Court shall only be considered if it is filed within 30 days of docketing of the removal.

C. JURY TRIALS

LBR 9015-1. applies.

**RULE 9029-1. LOCAL RULES - GENERAL**

LBR 1001-1. applies.

**RULE 9033-1. FINAL DISTRICT COURT DETERMINATION OF MOTIONS TO WITHDRAW REFERENCE OR CHANGE VENUE BASED UPON PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW IN NON-CORE PROCEEDINGS, AND UPON REPORTS AND RECOMMENDATIONS**

A. GENERAL

LR 2100 applies.

B. PROPOSED FINDINGS AND CONCLUSIONS, AND REPORTS AND RECOMMENDATIONS

1. Form. The bankruptcy judge's signature line shall not be on a page otherwise void of text from the proposed findings of fact and conclusions of law, or report and recommendation.
2. Notice of Entry. If the court requires a party to submit proposed findings of fact and conclusions of law, or a report and recommendation, such party shall simultaneously submit both:
  - a. An original ~~and 1 copy~~ of the proposed findings and conclusions, or report and recommendation. [See G.O. 03-3 Pt 49](#)
  - b. **A list of the names and mailing addresses of all parties requiring conventional service of such document must be included as an attachment at the bottom of the document (e.g., see the Administrative Procedures re: Orders). A list of all parties to be served a copy of such document (including**

~~the name and complete mailing address of each party), and a 9"x12" envelope bearing adequate postage to mail a full copy, that is pre-addressed to each party listed. In the lower left corner of the bottom of the last page of the document, make the notation "cc:" followed by a column listing the names of all interested parties who should receive a copy of such document.~~

[See G.O. 03-3 Pts 25 and 49](#)

**RULE 9034-1. SERVICE OF DOCUMENTS ON UST**

LBRs 1007-3.E., 1009-1.B., 2002-1.C.2. and 7004-1. apply.

**RULE 9037-1. SEALED OR IN CAMERA DOCUMENTS**

**A. FILING**

No documents may be filed by a party for sealing or in camera review until a court order has been entered allowing that filing. The form of proposed order shall:

1. name all persons authorized to review or obtain copies of the documents without prior written approval;
2. the length of time the documents will be sealed; and
3. if returnable, to whom the documents may be returned.

**B. REVIEW OR REPRODUCTION OF SEALED DOCUMENTS**

No person may review or reproduce any sealed documents without obtaining an appropriate court order.

**C. RETURN OR STORAGE ~~WITHDRAWAL OR DISPOSAL~~**

Because the National Archives (fka Federal Records Center) prohibits storage of sealed records or documents, the clerk must unseal all documents in cases prior to shipment of any record to the National Archives. Therefore, not later than 60 days after a case has

LBR 9037-1.C. (cont'd)

closed, or within 60 days after the conclusion of any appeal, any party may file and serve a motion, which shall have a copy of the original court order that sealed such document attached, to have the clerk return a document ordered to be sealed. If the court enters an order to return a sealed document to a party, then the party to whom the document will be returned must supply the clerk with a SASE (or make other appropriate arrangements for delivery of such document). Unless otherwise restricted by federal law, and absent a timely written motion for return, the clerk is authorized to unseal all previously sealed documents, cases, and proceedings, without further court order, before a record is shipped to the National Archives. Upon expiration of any date specified in the filing order or, if no date specified, 30 days after a matter is no longer subject to appellate review, any documents ordered to be sealed or for *in camera* review may be withdrawn by the party named in the order (or the offering party if no person named) without court order upon a written request stating that no appeal is pending and the case or proceeding is final. The requesting party shall furnish the clerk with both (1) a copy of the applicable court order, and (2) a SASE (or shall make other appropriate arrangements for delivery thereof). If such documents are not withdrawn within 60 days after a matter is no longer subject to appellate review, they may be destroyed or otherwise disposed of by the clerk without further notice. [See G.O. 98-2.](#)

D. PHYSICALLY LARGE DOCUMENTS

Physically large documents ordered to be sealed or for *in camera* review, and which the clerk is unable to store shall be returned to the filing party for retention until the matter is no longer subject to appellate review. Parties receiving such documents shall be responsible for producing them if required pursuant to a court order or for an appellate review.

**RULE 9039-1. PROHIBITION AGAINST POSSESSION OF FIREARMS, WEAPONS OR OTHER DISRUPTIVE OR DISABLING DEVICES**

No person shall possess any firearm, weapon, or other disruptive or disabling device in the clerk's office, any judge's chambers, or courtroom or courtroom area, unless specifically authorized by the court. "Courtroom area" shall include all hallways, elevators and stairwells available for any use by parties; attorneys or other counsel; jurors; judges; the clerk or deputy clerks; or witnesses or spectators at any judicial proceeding.

**RULE 9074-1. TELEPHONE CONFERENCES**

Matters may be heard by telephone at the court's discretion.

***NOTE: The following provisions are in effect per the cited General Orders but do not amend or modify any current provisions of the LBRs.***

**G.O. 96-2 REMINDERS TO THE COURT OF MATTERS UNDER ADVISEMENT FOR 60 DAYS**

(1) In the event a judge has under advisement any matter, including, but not limited to, a motion or decision in a bench trial, for a period of more than 60 days, each party affected by the undecided matter shall send to the judge a letter particularly describing the matter under advisement and stating the date the matter was taken under advisement.

(2) As long as a matter remains under advisement for more than 60 days, at intervals of 45 days thereafter, each affected party shall send a letter similar to the one required in point 1 above, to the concerned judge and to the chief judge of this court.

**G.O. 97-1 SECURED CREDITOR ATTORNEYS' FEE CLAIMS**

4. Secured creditor attorneys' fee claims shall be filed as follows in all Chapter 7 cases, all Chapter 11 cases which do not have a confirmed Plan, and all Chapter 12 or 13 cases which are filed or initially converted to such a chapter on or after such date:

(a) Chapter 7 and Chapter 11 Cases. A secured creditor who claims a right to reimbursement of or payment of prepetition attorney fees and costs shall include such fees and costs in the creditor's proof of claim. A secured creditor seeking reimbursement of or payment of postpetition attorney fees and costs from the Chapter 7 estate or in a Chapter 11 case shall file its attorney fee application using [LBF #345](#) by the deadline specified in LBR 2016-1.D.2. The fee application shall be filed concurrently with the mailing of notice of the fee application, unless notice is not required pursuant to FRBP 2002 (a)(6) or the fees are noticed as part of a proposed sale of collateral. In the latter case, the application shall BOTH: (1) clearly indicate in the caption that fees were noticed in the notice of sale; and (2) be filed at least 10 days prior to the expiration of the period for filing objections to the sale.

G.O. 97-1 Secured Creditor Attorney's Fee Claims Pt.4.(a) (cont'd)

(1) Fees and Costs Arising After Initial Application. A secured creditor may estimate future fees, clearly marked as estimated fees, in connection with the case as part of the initial application. In addition, a secured creditor may file a supplemental application which, unless otherwise ordered, shall be noticed in the same manner as the original application.

(2) Notice. Notice of a secured creditor's attorney fee application shall be given to all parties in interest in the case. When a secured creditor's attorney fees will be paid pursuant to a confirmed Chapter 11 plan or by the estate other than from the proceeds of sale of collateral, the secured creditor shall notice the fee application. When a secured creditor's attorney fees will be paid from the proceeds of sale of collateral, the trustee/DIP shall include notice of the fee application in the notice of proposed sale if the secured creditor's attorney advises the trustee/DIP of the amount of the fees requested within three business days after being notified in writing by the trustee/DIP of the proposed sale. If the application is filed within 10 days after entry of the confirmation order, the plan proponent shall notice the application with the notice of confirmation using LBF #1190. If the secured creditor has the opportunity to have its fees noticed as part of a notice of proposed sale or confirmation, but does not do so, the secured creditor shall, at its own expense, notice the fee application. ~~[NOTE: LBF# 1190 NOW PREPARED BY COURT.]~~ See G.O. 03-3 Pt.39.

(3) Hearing. LBR 2002-1.H. applies.

(4) Proposed Order Required if No Objections Filed. If no objections to a notice are filed, the secured creditor shall file a proposed order pursuant to LBR 2002-1.I.

(5) Hold back for Fees If Order Not Entered and Sale Can Close. If no order has been entered by the time of the closing of the sale, the sale proceeds shall be delivered to the trustee or attorney for DIP and impressed with the secured creditor's lien in the amount of 150% of the attorney fees claimed.

(b) Chapter 12 and 13 Cases.

(1) Inclusion of Fees and Costs in Proof of Claim. A creditor who asserts a right to attorney fees and costs as part of its secured claim and who wants those fees paid by the trustee as part of the cure of the debtor's default shall:

(A) Prepetition. Include and identify the prepetition fees and costs in the initial proof of claim filed in the case.

G.O. 97-1. Secured Creditor Attorneys' Fee Claims Pt.4.(b)(1) (cont'd)

(B) Postpetition and Preconfirmation. Either: (1) include those fees and costs in the initial proof of claim filed in the case, or (2) within 30 days after entry of the confirmation order, file and serve LBF #302 and a supplemental amended proof of claim which adds the fees and costs. The portion of the claim attributable to fees and costs incurred postpetition and preconfirmation shall be identified. [G.O. 97-1 provisions amended by G.O. 98-1]

(C) Postconfirmation. At least 90 days prior to the date the debtor is scheduled to make the final plan payment, file and serve LBF #302 and an amended or supplemental amended proof of claim which adds the claim for any fees and costs incurred postconfirmation which have not been included in a previously filed proof of claim. [G.O. 97-1 provisions amended by G.O. 98-1.]

(2) Disclosure of Preservation of Attorney Fee and Cost Claim Post Discharge. A creditor who asserts a right to attorney fees and costs as part of its secured claim but does not want those fees paid by the trustee shall disclose said claim by either filing and serving on the debtor a notice regarding attorney fee and cost claim or including the information required in the creditor's proof of claim. A secured creditor may elect to include some fees and costs in its proof of claim and to make disclosure as to other fees and costs.

(A) Information Required. Said notice shall state that the creditor asserts the right to attorney fees and costs as part of its secured claim, that the creditor does not request payment by the trustee, the amount of the claim for fees and costs to the extent known at the time the disclosure is filed, and the interest rate being charged, if any, on accrued fees and costs.

(B) Deadline to Make Disclosure. A creditor that asserts a claim for prepetition fees and costs shall make its disclosure not later than the deadline for that creditor to file a proof of claim. A creditor that asserts only a claim for postpetition fees and costs shall make its disclosure at least 90 days prior to the date the debtor is scheduled to make the final plan payment.

(3) Itemization of Fees and Costs. Within 30 days of service of a written request by an interested party, a secured creditor shall provide a written itemization of all fees and costs to the extent such itemization is not provided with the proof of claim.

(4) Deadline for Objection to Claim for Fees and Costs. Any objection to a secured creditor's fees and costs shall be filed by a party in interest at least 60 days prior to the date the debtor is scheduled to make the final plan payment. This deadline shall not preclude the court from, sua sponte, considering the reasonableness of the fees.

G.O. 97-1. Secured Creditor Attorneys' Fee Claims Pt.4.(b) (cont'd)

(5) Performance of Plan as Cure of Debtor's Obligation to Pay Fees and Cost. A debtor who completes payments under a Chapter 12 or 13 plan and is granted a discharge under 11 U.S.C. §§1228(a) or 1328(a) shall be deemed to have cured any obligation to a secured creditor for fees and costs incurred by the secured creditor no later than 120 days prior to the date the debtor is scheduled to make the final plan payment, unless the secured creditor has disclosed the intent to preserve such a claim in accordance with, and including the information required by, point 4(b) of this General Order.

G.O. 97-2     **PRO HAC VICE APPLICATIONS**

3. Attorneys seeking special *Pro Hac Vice* admission to this court shall comply with LR 83 ~~110-2(b)~~ except as follows: (as amended by G.O. 98-2)

a. Applications for such admission shall be both: (1) filed on LBF #120 (although other application types will not be prohibited until the effective date of the next LBF update), and (2) filed with the clerk of this court; and

b. No admission fee will be charged for filing such application.

G.O. 01-1     **ELECTRONIC TRANSMISSION OF NOTICES**

7. To promote the electronic transmission of a notice by the Bankruptcy Noticing Center (BNC) pursuant to the terms and procedures for electronic noticing by the BNC detailed in the *Electronic Noticing Agreement*, the court adopts the following sections which supplement FRBP 9036:

a. The court will permit the Bankruptcy Noticing Center (BNC) to electronically transmit notices to any entity which requests this service by completing and executing the *Electronic Noticing Agreement* and, if applicable, the appropriate *Evidence of Authority Form(s)* which must be subsequently executed by the clerk; and

b. The clerk may delegate to the BNC the authority to enter into and monitor *Electronic Noticing Agreements* with entities who are acting solely on their own behalf or, in an instance where an entity is acting as agent for others, those agreements which are executed by both the party and the agent.

G.O. 01-1     ~~OWNERSHIP DISCLOSURE STATEMENT~~ Abrogated effective 12/1/03 per  
G.O. 03-3 Pt. 50. Now governed by FRBP 1007 and 7007.1.

~~8. Canon 3C(1)(c) of the Code of Conduct for United States Judges requires judges to recuse themselves from cases when they own stock in a parent company whose subsidiary appears as a party before the judge. Ownership of stock in a subsidiary company whose parent appears before the judge is not per se disqualifying. Therefore, in order to determine if recusal is required, and in accordance with 28 U.S.C. §2071(e), the following provisions apply:~~

~~A. WHO MUST FILE~~

~~Every corporation or partnership which is an interested party in any contested matter or adversary proceeding, if either (a) it has a parent corporation, or (b) 10% or more of any class of the interested party's shares or equity securities is owned by any publicly traded corporation.~~

~~B. CONTENTS OF OWNERSHIP DISCLOSURE STATEMENT~~

~~An ownership disclosure statement filed pursuant to this rule shall include:~~

- ~~1. The name of the party;~~
- ~~2. The name of any parent corporation, and/or any publicly held corporation owning 10% or more of any class of the interested party's shares or equity securities;~~
- ~~3. The name of any publicly held corporation owning 10% or more of any class of the shares or equity securities of any company disclosed under either sub-point 2., or this sub-point; and~~
- ~~4. A certificate of service certifying that a copy of such disclosure was served on each adverse party.~~

~~C. WHEN TO FILE~~

~~A party must:~~

- ~~1. File an ownership disclosure statement pursuant to this rule at the same time as any petition for relief, complaint, motion, objection, application or request for hearing, or any answer, response or opposition thereto, unless an ownership disclosure statement has previously been filed by the party in the same case or adversary proceeding. An ownership disclosure statement should not be filed with a proof of claim, request for notice, or Chapter 11 ballot.~~

- ~~2. Promptly file a supplemental ownership disclosure statement upon change in the information that the statement requires.~~

~~D. NUMBER OF COPIES~~

~~Any interested party required to file an ownership disclosure statement shall file BOTH an original and a "JUDGE'S COPY".~~

**G.O. 03-2      CHAPTER 13 PLAN PROVISION RE: ATTORNEY FEES AND SUPPLEMENTAL APPLICATIONS FOR COMPENSATION**

1. For chapter 13 plans using [LBF #1300](#) or supplemental fee applications filed on or before September 1, 2003, absent a court order in an individual Chapter 13 case, after request of a party in interest and a hearing, no action will be required of the Chapter 13 trustees to revisit their administration of the provisions of Pt. 2(b)(2) of any such confirmed chapter 13 plans.

2. For chapter 13 plans using [LBF #1300](#) filed on or before September 1, 2003, absent a court order in an individual chapter 13 case, after request of a party in interest and a hearing, any supplemental fee applications filed on or after September 1, 2003 must include in Pt. 6 of the supplemental fee application, (i.e., [LBF #1307](#)) the specific creditor(s) affected and a description of the effect that allowance of the fees will have on the payments to each specific creditor until the supplemental fees are paid.

3. For Chapter 13 plans filed on or after September 1, 2003, unless the plan specifies in the "other" box in Pt. 2(b)(2) that supplemental attorney fees will be paid in the same manner as the original fees, and Pt. 6 of the supplemental fee application includes the specific creditor(s) affected and a description of the effect that allowance of the fees will have on the payments to each specific creditor, the trustee shall not pay any allowed supplemental attorney fees until after the Pt. 2(b)(1) claims are paid in full.

**G.O. 03-3 Pts. 1 - 17, 32 & 51**

**FILING OF PAPER AND ELECTRONIC CASE DOCUMENTS, ELECTRONIC CASE FILES, OWNERSHIP DISCLOSURE STATEMENTS, AND MISCELLANEOUS PROVISIONS**

This court is authorized to establish electronic case file procedures for use with the court's Electronic Case File (ECF) system, including the eventual electronic filing of documents in the

G.O. 03-3. Filing of Paper and Electronic Case Documents, etc. (cont'd)

ECF system through the process of registering individual persons and other specifically authorized entities (e.g., federal and state organizations) as "Participants" upon a schedule to be determined by the court, now, therefore,

IT IS ORDERED that the following provisions shall become effective on November 7, 2003, unless otherwise specified below:

1. All pending, reopened, and newly filed cases and adversary proceedings in the United States Bankruptcy Court for the District of Oregon shall be assigned to the court's Electronic Case File (ECF) system as of November 7, 2003. All documents filed from the implementation date forward will be entered into ECF either by the clerk's office (i.e., by scanning conventionally filed paper documents), or, when available, direct electronic filing by an approved Participant with a fully activated login and password using the Internet and ECF system. For the purposes of ECF, the term "file", and all derivations thereof, shall apply to all documents submitted to the court for any purpose. The clerk's office will continue to accept conventionally filed paper documents. The court, however, encourages all authorized individuals to promptly register to electronically file all documents using the ECF system as soon as the clerk's office notifies them it is available for their use.

2. Standing Chapter 12 and 13 trustees, and all panel trustees, appointed on cases filed in the District of Oregon shall be exempt from paying Public Access to Electronic Case Records (PACER) fees, but only for its use while such persons are acting in their capacity as a case trustee.

3. *Administrative Procedures for the Electronic Case File System* (Administrative Procedures) (LBF #125) will be developed by the court, and upon issuance will be effective as to the ECF system and use thereof. All provisions and procedures (e.g., registration) in the most current version of the Administrative Procedures available at the time a document is filed shall apply to such filing and are required for use by each Participant. The Administrative Procedures shall govern in the event of a conflict between the Administrative Procedures and a Local Bankruptcy Rule (LBR), Local Bankruptcy Form (LBF), or General Order (GO) of this United States Bankruptcy Court for the District of Oregon.

4. All Participants who retrieve data and effect filings electronically must purchase, install, use, and regularly update (i.e., at least weekly, and immediately upon notification of any software update issued to combat a new virus) antivirus software at all locations from which they access ECF or PACER. All electronic filings, including disks for mailing matrices, must be inspected for, and be free from, viruses and worms before submittal for filing or other transmittal to the court or court personnel.

G.O. 03-3. Filing of Paper and Electronic Case Documents, etc. (cont'd)

5. The electronic filing of any document using a login and password issued by the court shall constitute the signature of that Participant on the document under Federal Rule of Bankruptcy Procedure (FRBP) 9011. Each Participant is solely responsible for the use and control of that Participant's login and password.

6. Documents that are electronically filed and require signatures, including ones requiring a verification per FRBP 1008 or an unsworn declaration (e.g., signed under penalty of perjury, as provided in 28 U.S.C. §1746, etc.), must be maintained in their original paper form by the filing Participant or the firm representing the party on whose behalf the document was filed for ten (10) years, except as otherwise provided for trustees by the Department of Justice. The filing Participant must provide the original document(s) for review upon receipt of a written request from the court or an interested party.

7. Every document filed electronically shall contain, in each location a signature is required, the electronic signature of the filer and of any other signator to the document as follows "/s/ (Name)". By affixing an "/s/ (Name)" of another person on an electronically filed document (e.g., a debtor's petition, a stipulation or consent), the filing Participant is certifying under FRBP 9011 that the named person has signed an original of the document.

Documents requiring the signatures of two (2) or more persons, other than signatures requiring a verification or sworn declaration that therefore must be physical originals, must be circulated and each person must sign the document. For purposes of obtaining signatures that do not require a verification or unsworn declaration, either original or facsimile signatures are permitted and such document may be signed in counterparts.

8. Routine cover or transmittal letters shall not be entered into the ECF system, and the conventional filing of such letters on paper is discouraged.

9. The electronic filing of a document in accordance with the Administrative Procedures shall constitute the filing of the document for all purposes, and entry of the document on the docket kept by the clerk. Before electronically filing a scanned document, a Participant must verify its legibility.

10. After a document has been entered into the ECF system either by the clerk or a Participant, the official original record (e.g., including any scanned signatures) is the electronic recording of the document stored in the court's ECF system, and all parties are bound by that electronic document. A conventionally filed paper document shall be the official record of the filing of such document until it has been electronically entered into the ECF system, at which time the original document may be destroyed by the court.

G.O. 03-3, Filing of Paper and Electronic Case Documents, etc. (cont'd)

11. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight Pacific Time in order to be considered filed that day.

12. A Participant whose filing is rendered untimely due to a technical failure of a court-controlled aspect of the ECF system may seek appropriate relief from the court.

13. The following apply to documents whether conventionally filed on paper or electronically filed using the ECF system:

a. The top margin on the FIRST page of any order or judgment must be four (4) inches unless the document is an LBF with a different format, and all other pages of such document must have a top margin of one (1) inch. A Participant electronically submitting a document that requires a judge's signature must also submit the document in accordance with the Administrative Procedures.

b. The judge's signature on an order or judgment may appear either at the bottom of the document, or in the four inch top margin on the first page of the document. If the judge's signature appears in the 4 inch top margin on the first page of an order or judgment, then the last line of that order/judgment is delineated by three (3) pound symbols (###) centered in the middle of that line.

c. Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

d. All signed orders and judgments will be filed electronically by a judge or other court personnel. Any order or judgment filed electronically without the original signature of a judge, but with at least an "/s/" for the signature, has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the document in a conventional manner.

e. Any court-issued document (e.g., LBF) filed electronically without the original signature of the clerk has the same force and effect as if the clerk had signed a paper copy and it had been entered on the docket in a conventional manner.

f. The court may sign, seal and issue a summons electronically, although a summons may not be served electronically.

g. All orders, decrees, judgments, and proceedings of the court will be filed in accordance with all applicable GOs and the Administrative Procedures, and such filing shall constitute entry of the order, decree, judgment or proceeding on the docket kept by the clerk.

G.O. 03-3. Filing of Paper and Electronic Case Documents, etc. (cont'd)

14. Participation in the ECF system by receipt of a login and password from the clerk that is activated for ECF use shall constitute consent of the Participant to the electronic service and notice of pleadings and other papers as follows:

a. Whenever a document is filed electronically in accordance with the Administrative Procedures, the filing party will be automatically sent a Notice of Electronic Filing (NEF) by electronic means at the time of docketing. Any Participant fully activated for ECF use that is either a party in the case or registered to receive electronic notices of filing in the case will also be sent an NEF.

b. By accepting a login and password that is activated for ECF use, Participants waive the right to receive notice by first class mail, including notice pursuant to FRBP 2002(a); agree to receive notice electronically via an NEF; waive the right to service by personal service or first class mail; and agree to receive electronic service, except for service of a summons and complaint in an adversary proceeding under FRBP 7004 or a subpoena under FRBP 9016. The waiver of service and notice includes notice of the entry of an order or judgment under FRBP 9022.

c. The filing Participant shall conventionally serve a copy of a filed document upon all non-Participants entitled to notice or service in accordance with the applicable rules, and include a certificate of such service as an attachment to the original filed document. The clerk shall use the Bankruptcy Noticing Center (BNC) to serve all conventional paper notices required by an FRBP, LBR, GO, or LBF on an entity that has not either agreed to receive electronic notice and service pursuant to the Administrative Procedures, or signed an Electronic Bankruptcy Noticing (EBN) Agreement authorizing electronic service via e-mail or facsimile of all notices served by the BNC.

15. Pleadings or other documents that are conventionally filed on paper rather than electronically using the ECF system shall be served in the manner provided for, and on those parties entitled to, notice in accordance with the FRBPs, LBRs, and GOs.

16. The following provisions apply to electronic public access to court documents and information:

a. Remote access to case dockets and documents in ECF is available through the WebPACER Internet site, and will require registration with the PACER Billing Center which can be accessed either at the address: [pacer.psc.uscourts.gov](http://pacer.psc.uscourts.gov), or by calling 1-800-676-6856. Remote access to other general court information is

G.O. 03-3. Filing of Paper and Electronic Case Documents, etc. Pt.16.a. (cont'd)

available directly through this court's Internet site at the following address:  
[www.orb.uscourts.gov](http://www.orb.uscourts.gov).

b Access to case dockets and documents filed in the ECF system is also available in the clerk's office during regular business hours.

c. Conventional and certified/exemplified paper copies of an electronically filed document may be obtained at the clerk's office. An appropriately sized self-addressed, pre-stamped, envelope (SASE) must accompany each request unless the requesting party can pick up the document at the clerk's office no later than 4:00 P.M. on the business day after it is prepared. The fees for these services shall be as provided in 28 U.S.C. §1930(b) and the Appendix thereto.

d. Fees required by the Judicial Conference of the United States, as provided in 28 U.S.C. §1930(b) and the Appendix thereto for electronic access to court records, are assessed in accordance with the procedures established by the Administrative Office of the United States Courts. Parties who have set up automatic electronic notification in a case will not be charged for the initial downloading or viewing of that document when accessing the document directly from the e-mail notification.

17. To address the privacy concerns created by Internet access to court documents, parties may modify or partially redact the personal data identifiers as suggested below.

a. Minors' names: Use the minor's initials.

b. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number.

c. Dates of birth: Use only the year.

d. Social Security Numbers:

(1) Use only the last four (4) digits except as otherwise required in relation to the filing of a debtor's petition (e.g., see FRBPs 1005, 1007, & 2002) and Official Bankruptcy Form #B21, or when the debtor is providing notice of filing of an amendment to either modify a social security number provided to the court or to add a creditor.

G.O. 03-3. Filing of Paper and Electronic Case Documents, etc. Pt. 17.d. (cont'd)

(2) If an amendment to a debtor's social security number is necessary, a SEPARATE conventionally filed paper version of Official Bankruptcy Form #B21 which is clearly marked "AMENDED" and includes the case number shall be tendered to the court in addition to the original certificate of service of the required notice to all interested parties of such amendment.

(3) Notice of amendments to either a debtor's social security number or to add creditors must include a debtor's full nine (9) digit social security number. Documents attached to the certificate of service of such notice that is submitted for filing with the court, however, must only include the last four (4) digits of the number.

(4) An electronically filed voluntary petition must include each debtor's full social security number at the time of filing. If a voluntary petition is electronically filed using the ECF System, then the debtor(s) need not file a separate paper version of Official Bankruptcy Form #B21.

*Pt. 18. through 31. . . (inserted into applicable sections of LBRs)*

32. LBRs 2002-1.G., 2016-1.D.3. and 4., 3018-2., etc. are modified to substitute the term "service" for the term "mailing", including all derivations of such terms (e.g., the phrase "mailed to" will read "served on", the term "mailing of" will read "service of", and the term "mailing date" will read "service date"). [Note: inserted into cited sections but applicable throughout.]

*Pt 33. through 50. . . (inserted into applicable sections of LBRs)*

51. Updated amended versions of the Administrative Procedures may be entered from time to time in keeping with the needs of the court.

## **I N D E X**

### **9/96 LOCAL BANKRUPTCY RULES of the US Bankruptcy Court for the District of Oregon**

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**ABANDONMENT OF PROPERTY** 2002-1.B.2.; 2002-1.B.4.; 6007-1.;  
9013-1.B.1.

**ABSTENTION MOTIONS** 5011-2.; 9013-1.B.2.

#### **ADDRESS**

Changes **2002-1.F.**

Attorneys **9010-1.A.2.c.**

Duty to Notify Clerk **2002-1.F.1.**

Failure to Notify, Sanctions **2002-1.F.2.**

Return Address **2002-1.F.3.**

US Agencies, for Service of Notices **2002-2.**

**ADEQUATE PROTECTION, AGREEMENTS RE** 2002-1.B.5.; 4001-1.E.

#### **ADMINISTRATIVE EXPENSES** 2016-1.

Chapter 11 Report of **3020-1.**

Compensation of Officers & Professional Persons **2016-1.A.2.**

Converted Cases **2016-1.G.**

Custodian **2016-1.A.3.**

Location of Fee Applications in Files **2016-1.A.4.**

Matrix Preparation by Data Entry Company **1007-2.E.**

Non-professional **2016-1.A.1.**

Noticing Costs **2002-1.D.**

**ADR** [See **MEDIATION**]

#### **ADVERSARY PROCEEDINGS** 7001-1.

Amended Pleadings **7015-1.**

Appeal to District Court or Bankruptcy Appellate Panel (BAP) **8001-1.**

Applications for Temporary Restraining Orders & Preliminary  
Injunctions **7065-1.**

Briefs/Memorandum **7001-1.C.**

Opposition **7001-1.C.2.a.**

Reply **7001-1.C.2.b.**

Commencement of **7001-1.**

Complaint/Proposed Stipulated Judgment **7001-1.B.1.**

Compromise & Settlement **9019-1.**

Cost Bills, Time Deadlines **2016-1.I.**

Coversheet **7001-1.; 7003-1.**

Deposits into Court **7067-1.**

Discovery **7026-1.; 7005-2.**

Document Requirements **7001-1.B.**

**Adversary Proceedings (cont'd)**

Electronically Recorded Testimony **7001-1.E.**

Execution **7069-1.**

Expedited Hearing **7001-1.D.**

Filing Fees **7001-1.A.**

Findings of Fact & Conclusions of Law **7052-1.; 9021-1.A.**

FRCP 26 Application **7026-1.**

Judgments/Costs **7054-1.; 9021-1.**

Jury Trial **7001-1.F.; 9015-1.**

Pretrial **7016-1.**

Procedures **9015-1.**

Motion for Leave to Appeal, Review of **8003-1.**

Motions for Summary Judgment **7056-1.**

Nonfiling of Certain Documents **7026-1.B.**

Orders of Default **7055-1.; 9021-1.A.**

Pretrial Orders **7016-1.**

Removal & Remand **9027-1.; 7001-1.B.2.**

Service

Copy of LBR 7026-1 Served by Plaintiff **7026-1.F.**

On UST **7004-1.**

Settlement Conference **9019-1.A.**

Settlement, Notice to Court **9036-2.**

Summons (LBFs #300 & 300.1 *prepared by court*) **7001-1.B.1.b.; 7004-2.**

Timing Requirements **7001-1.C.2.**

Transcript Orders **8006-1.**

Unconstitutionality, Claim of **7024-2.**

Withdrawal or Lack of Opposition, Notice to Court **9036-2.A.**

**ADVISEMENT, Reminder Re: Matters Under AdviseMENT By Court for 60 Days p.105**

**AGREEMENTS**

Reaffirmation Agreements **4008-1.A.**

Relating to Relief from Stay/Adequate Protection/Use of Cash

Collateral & Obtaining Credit **4001-1.E.**

**AKAs and DBAs** 1005-1.B.

**ALTERNATIVE DISPUTE RESOLUTION (ADR)** [See MEDIATION]

**AMENDED/MODIFIED** 1001-1.D.1.; 1001-1.D.14.

Documents **9004-2.F.**

**AMENDMENTS** 1009-1.; 9004-2.F.

Claims **3001-1.C.**

**APPEALS**

Designation of Record **8006-1.**

District Court or Bankruptcy Appellate Panel (BAP) **8001-1.**

Motion for Leave to Appeal **8003-1.**

Transcript Orders **8006-1.**

**APPLICATIONS FOR COMPENSATION**

Administrative Expenses **2016-1.A.**

Adversary Proceedings **2016-1.I.**

Chapter 12 Cases **2016-1.E.**

Post-Confirmation (LBF #1214) **2016-1.E.3.**

Chapter 13 Cases **2016-1.F.**

Post-Confirmation (LBF #1307) **2016-1.F.3.**

Pre-Confirmation **2016-1.F.2.**

Converted Cases **2016-1.G.**

Custodians **2016-1.A.3.**

**Applications For Compensation (cont'd)**

- Expenses, Reimbursement of **2016-1.C.**
- Filing Location **2016-1.A.4.**
- Final Compensation in Ch. 7 & 11 **2016-1.D.**
- Form (LBF #345) **2016-1.B.2.**
- Hearing **2002-1.H.; 2016-1.B.4.**
- Interim Compensation **2016-1.B.**
- Location of Application **2016-1.A.4.**
- Non-professionals **2016-1.A.1.**
- Notice of Intent to Compensate **2016-1.B.3.**
- Post Petition Services & Expenses **2016-1.; 1019-1.E.**
- Professionals & Officers **2016-1.A.2.**
- Proposed Order if No Objections **2016-1.B.5.**
- Reimbursement of Expenses **2016-1.C.**
- Secured Creditor Attorneys' Fee Claims p.105**
- Time to File **2016-1.B.1.a.**
- Trustee, Fees **2016-1.H.1.d.; Expenses 2016-1.H.2.**
- APPRAISERS & AUCTIONEERS 2014-1.; 2016-1.; 6005-1.**
- ASSUMPTION/REJECTION/ASSIGNMENT OF EXECUTORY CONTRACT 6006-1.**
- ATTORNEY(S) 1001-1.D.2.**
  - Appearance of **9010-1.A.**
  - Admission **9010-1.A.2.b.**
  - Appointment **2014-1.; 9010-1.B.**
  - Attorney of Record **9010-1.A.1.b.**
  - Change of Address (LBF #101) **9010-1.A.2.c.**
  - Compensation **2016-1.**
  - Declaration on Reaffirmation Agreement **4008-1.B.**
  - Employment Application Re: Disinterest **9010-1.B.**
  - Expense Reimbursement **2016-1.C.**
  - Fee Application **2016-1.** [See APPLICATIONS FOR COMPENSATION]
  - OSB Number on Documents **9004-1.D.**
  - Pro Hac Vice Procedures G.O. 97-2 p. 108**
  - Representation of Corporations & Partnerships **9010-1.C.**
  - Secured Creditor Attorneys' Fee Claims p.105**
  - Substitution of **9010-1.D.**
  - Title Page Information **9004-1.D.**
- AUCTIONEERS & APPRAISERS 2014-1.; 2016-1.; 6005-1.**
- AVOIDANCE OF LIENS [See MOTION TO AVOID LIENS]**
- BALLOT FORM - CH. 9 & 11 PLANS 3018-1.**
- BANKRUPTCY COURT 1001-1.D.3.**
- BRIEFS/MEMORANDUMS IN ADVERSARY PROCEEDINGS 7001-1.C.; 9013-2.**
- CAMERAS 5073-1.**
- CAPTION 9004-2.; G.O. 03-3 Pt.18**
- CASE NUMBER FORMATTING G.O. 03-3 Pt.18**
- CERTIFICATE OF MAILING, ACCURACY 2002-1.E.**
- CHAPTER 7**
  - Claims **3001-1.C.1.**
    - Objections to **3007-1.**
  - Final Application for Compensation **2016-1.D.**
  - Final Report & Account **2015-3.**
  - Interim Compensation **2016-1.B.1.**
  - Interim Distribution to Unsecured Creditors **3009-1.A.**
  - Inventory & Report of Assets (LBF #752) **2015-1.A.**
  - Notices **2002-1.A.2.; 2002-1.C.2.a.(1); 2002-1.C.3.**

**Chapter 7 (cont'd)**

- Schedules **1007-1.**
- Statement of Intent (LBF #521) **1007-3.A.1.**
- Trustee
  - Duties **3007-1.B.**
  - Sale of Publicly Held Securities 6004-1.**
  - Timekeeping & Fee Applications **2016-1.H.**

**CHAPTER 9** 1002-1.C.

**CHAPTER 11**

- Accelerated Ch. 11 **3016-1.D.**
  - Claims **3001-1.C.2.**
    - Deadline for filing proof of claim 3001-1.A.2.**
  - Objection to **3007-1.**
    - Temporary Allowance of Disputed Claim/Interest **3018-2.B.**
  - Confirmation Order **3020-1.B.1.**
    - Notice of (LBF #1190 *prepared by court*) **3020-2.B.2.**
  - Deposit Accounts **2015-2.F.**
  - Election of Trustees & Examiners **2007-1.**
    - Application for Approval of Appointment **2007-1.C.**
    - Notice of **2007-1.**
    - Request for Election **2007-1.A.**
    - Resolution of Disputes **2007-1.C.**
  - Final Account, Case Converted/Dismissed (LBF #1111) **2015-3.B.**
  - Final Fee Application **2016-1.D.**
  - Final Decree (LBF #1195) **3022-1.**
  - Final Report
    - Converted/Dismissed (LBF #1198) **2015-3.B.2.**
    - Post-Confirmation (LBF #1195) **2015-3.B.1.**
  - Financial & Accounting Records **2015-2.E.**
  - Interim Compensation (LBF #1153 & LBF #345) **2016-1.B.**
  - List of 20 Largest Unsecured Creditors **1007-2.B.**
  - Lists, Schedules and Statements **1007-3.B.**
  - Monthly Financial Report (LBF #1111) **2015-2.; 2015-2.E.**
  - Notices **2002-1.A.3.; 2002-1.D.1.**
    - Confirmation **3020-1.B.2.**
  - Objection **3007-1.**
  - Plan & Disclosure Statement **3016-1.**
    - Acceptance/Rejection of Plan **3018-2.**
    - Ballot Form **3018-1.**
    - Confirmation Order **3020-1.B.**
    - Filing **3016-1.A.**
    - Hearing Re: Disclosure Statement (LBF #1165 *now prepared by court*) **3017-1.**
    - Modification **3016-1.B.**
    - Notice (LBF #1175 *now prepared by court*) **3018-2.A.; 2002-1.A.3.b.; 2002-2.**
    - Summary of Acceptances/Rejections **3018-2.C.**
  - Report of Administrative Expenses (LBF #1182) **3020-1.A.**
  - Schedules **1007-1.**
  - Small Business Ch. 11 **1020-1.; 3017-2.**
  - Trustees & Examiners, Election of **2007-1.**
- CHAPTER 12** 3015-1.
- Attorney Fee Application **2016-1.E.**
  - Claims **3001-1.C.3.**
    - Objections to **3007-1.D.**
  - Confirmation Hearing, Notice of (LBF #1250) **3015-1.A.3.**

**Chapter 12 (cont'd)**

Confirmation Order (LBF #1255) **3015-1.A.4.**  
Deposit Accounts **2015-2.F.**  
DIP Duties **2015-2.D.**  
Exhibit D (LBF #EX. D & D-2) **1007-3.C.2.**  
Final Report & Account (LBF #1375) **2015-3.C.**  
Financial & Accounting Records **2015-2.E.**  
Hardship Discharge (LBF #1278) **4004-1.**  
Lists, Schedules and Statements **1007-1.**  
Notices **2002-1.A.4.; 2002-1.C.2.; 2002-1.C.3.**  
Number of Copies **1007-1.**  
Plan (LBF #1200) **3015-1.A.1.**  
Records - Pre-Petition & Post-Petition **2015-2.E.**  
Schedules **1007-3.C.**  
Service of Documents **3015-1.D.**  
Sole Proprietor (LBF #Ex. D) **1007-3.C.2.**  
Trustee Final Report (LBF #1375) **2015-3.C.**

**CHAPTER 13** 3015-1.

Attorney's Compensation **2016-1.F.**  
**Payment of Attorney Fees/Supplemental Compensation** G.O. 03-2  
Claims **3001-1.C.3.**  
    Objections to **3007-1.**  
    Transfer After Proof of Claim Filed **3001-1.C.**  
Modified Plans **3015-1.C.**  
Notice of Claim filed by Debtor or Trustee **3004-1.**  
    Objections to **3007-1.**  
Confirmation Order (LBF #1350) **3015-1.B.2.**  
Ex. D Financial Review of Debtor's Business (LBF #EX. D) **1007-3.D.3.**  
Final Report & Account (LBF #1375) **2015-3.C.**  
Hardship Discharge (LBF #1378) **4004-1.**  
Motion Reopen/Vacate Dismissal **3015-1.B.6.**  
Notices **2002-1.A.5.; 2002-1.C.3.**  
Order Directing Ch. 13 Payment to Trustee (LBF #1351) **3015-1.B.2.**  
    Terminate Order **3015-1.B.3.**  
Plan (LBF #1300 pre-2/1/96; LBF #1300.1 post-2/1/96) **3015-1.B.1.**  
    Modification **3015-1.C.**  
**Payment of Attorney Fees/Supplemental Compensation** G.O. 03-2  
Reopen/Vacate Dismissal **3015-1.B.6.**  
Schedules **1007-1.; 1007-3.D.**  
Service of Documents **3015-1.D.**  
Sole Proprietor (LBF #Ex. D) **1007-3.D.3.**  
Tax Refunds to Trustee **3015-1.B.5.**  
Tax Returns, Failure to File **3015-1.B.7.**  
Trustee Compensation (pre-2/1/96) **3015-1.B.4.**  
Wage Order (LBF #1351) **3015-1.B.2.**  
    Terminate Order **3015-1.B.3.**

**CHILD SUPPORT CREDITOR**, Fees Exemption (LBF #119 or OBF #B281) 5080-1.

**CLAIMS** 3001-1.

Amended **3001-1.A.1.b.; 3001-1.A.3.b.**  
Audit **3007-1.A.1.**  
Copies of **3001-1.D.**

**Claims (cont'd)**

Deadline to File **3001-1.A.**

Filing of **3001-1.**

By Debtor or Trustee **3004-1.; 3001-1.A.3.c.**

Chapter 7 Asset Cases **3001-1.A.1.**

Chapter 11 **3001-1.A.2.**

Chapter 12 & 13 **3001-1.A.3.**

Tardy, Ch. 7 **3001-1.A.1.;** Ch. 12 & 13 **3001-1.A.3.**

Motion by Debtor/Trustee for Payment of Untimely Filed Claim **3001-1.A.3.c.**

Notice of Claim Filed by Debtor or Trustee **3004-1.**

Objections to **3007-1.**

Secured Claim Deficiency Amount **3001-1.A.3.d.**

**Secured Creditor Attorneys' Fee Claims p.105**

Surplus Assets **3001-1.A.1.d.**

Tardy Filing, Ch. 7 **3001-1.A.1.;** Ch. 12 & 13 **3001-1.A.3.**

Transfer of Claim

After Proof of Claim Filed **3001-1.C.**

For Security Before Proof of Claim Filed **3001-1.B.**

Service on Ch. 12 & 13 Trustee **3001-1.C.3.**

**CLERK 1001-1.D.4.**

**CLOSING CASES 5009-2.**

**COMPENSATION [See APPLICATIONS FOR]**

**COMPROMISE & SETTLEMENT 9019-1.**

**COMPUTER TAPE MATRIX 1007-2.E.**

**COMPUTER GENERATED VERSIONS OF LBFS 1001-1.F.3.; 9004-1.A.12.b.**

Service of **1001-1.F.5.**

**CONFIRMATION ORDER - CH. 11 3020-1.B.**

**CONFORMED COPIES 9010-1.A.2.e.**

**CONSERVATORSHIP 1002-1.A.2.b.**

**CONSTITUTIONALITY QUESTIONED 7024-2.**

**CONSUMER DEBT PETITION**

Chapter 7 Individual, Presumption **1002-1.A.3.**

Notice of Filing **1002-1.A.4.**

**CONTESTED MATTERS, PROCEDURES 7026-1.; 9011-3.; 9013-1.; 9019-2.A.3.**

Electronically Recorded Testimony **9013-1.F.**

Expedited Hearings **9013-1.E.**

Proposed Findings/Conclusions, Reports/Recommendations **9033-1.B.**

Response/Objections **9013-1.D.**

Service **9013-1.C.**

Settlement Conference **9019-1.A.**

**CONTINUANCE, REQUEST FOR 9011-3.C.**

**CORPORATIONS Representation by Attorney 9010-1.C.**

**CONSENT TO RELIEF FROM STAY, Re Property Surrendered 4001-1.**

**CONVERSION/CONVERTED CASES 1017-1.; 1019-1.**

Claims/Applications for Post-Petition Services/Expenses **1019-1.E.; 2016-1.**

Duty of Trustee **1019-1.A.**

Final Report and Account **1019-1.D.; 2015-3.; 3022-1.**

Motions to Convert **1019-1.C.**

Procedure Following **1019-1.**

§341(a) Meeting Notice **1019-1.B.; 2003-1.**

**COPIES OF**

Conformed Copies **9010-1.A.2.e.**  
Lists, Schedules & Statements **1007-1.; 1002-1.C.**  
Local Forms, Requests for **1001-1.F.**  
Petitions Required **1002-1.C.**

**COSTS & COST BILL** 9021-1.B.

**COURT PAPERS**, Removal of 5003-2.

**CREDITOR COMMITTEE** 1001-1.D.5.

**CREDITOR LIST**

Amendments to (LBF #728) **1009-1.A.**

**DEBTOR**

AKAs and DBAs **1005-1.B.**

**Consent to Relief From Stay Re Property Surrendered** **4001-1.**

Joint Debtors with Different Surnames **1002-1.A.2.**

Name **1005-1.**

**DEFAULT JUDGMENTS OR ORDERS** 9021-1.3.b.

**DEFINITIONS** 1001-1.D.; 9001-1.

**DELEGATION OF RESPONSIBILITY FOR MINISTERIAL ORDERS** 5003-1.

**DEBTOR IN POSSESSION** [See DIP]

**DEPOSIT ACCOUNTS** 2015-2.F.

**DEPOSIT INTO COURT** 7067-1.

Fee **7067-1.B.**

Motion **7067-1.A.1.**

Order **7067-1.A.2.**

Payment **7067-1.C.**

Private Agreements **7067-1.D.**

Withdrawing **7067-1.C.**

**DIP (DEBTOR-IN-POSSESSION)** 1001-1.D.6.

Deposit Accounts **2015-2.F.**

Duty To Keep Records & Make Reports **2015-2.**

Chapter 11 **2015-2.; 2015-3.B.**

Chapter 12 **2015-2.D.; 2015-3.C.**

Pre-Petition/Post-Petition Distinction **2015-2.E.**

**DISBURSEMENT/DISTRIBUTION OF ESTATE MONEY** 6003-1.

Interim Distribution to Unsecured Creditors in Ch. 7 **3009-1.**

**DISCHARGE HEARINGS** 4008-1.B.

**DISCLOSURE**, Ownership Disclosure Statement p. 109

**DISCOVERY** 7026-1.; 7005-2.

**DISMISSAL OF CASE/PROCEEDING** 1017-2.

Motion for **1017-2.**

Vacate/Set Aside Dismissal in Ch. 13 **1017-2.; 3015-1.B.6.**

Final Report **1017-2.B.; 2015-3.**

**DISTRICT COURT** 1001-1.D.7.; 9033-1.

Local Rules, Applicability of **1001-1.E.**

Non-Core Proceedings **9033-1.**

**DOCUMENT/PETITION PREPARERS** 1002-1.B.2.

**DOCUMENTS**

Amended **9004-2.F.**

Caption **9004-2.A.**

Filed Within 3 Days of Hearing **9004-1.B.**

General Requirements for **9004-1.A.**

Location for Filing **5001-2.**

Multiple Cases **9004-1.C.**

Proof of Service **9004-2.G.**

**Documents (cont'd)**

Removal of **5003-2.**

Sealed or In Camera Documents **9037-1.**

**EFFECTIVE DATE** 1001-1.B.

**ELECTRONIC CASE FILING (ECF) G.O. 03-3 Pgs. 110 to 116**

Administrative Procedures for **Pt. 3 & Pt. 51**

Antivirus Software Required **Pt.4**

Cover/Transmittal Letters Discouraged **Pt. 8**

Filing Deadlines Not Altered **Pt. 11**

Format For Court-Issued Documents **Pt. 13**

Implementation **Pt. 1**

Legibility of scanned document **Pt. 9**

Notice of Electronic Filing (NEF) **Pt. 14**

Official Record **Pt. 10**

Privacy of Personal Data **Pt. 17**

Public Access to Court Documents **Pt. 16**

Scope **Pt. 1**

Signature

    Login & Password = Participant's Signature **Pt. 5**

    /s/ (Name) On Documents **Pt. 7**

    Technical Failure of Court ECF System **Pt. 12**

    Verification/Unsworn Declarations of Debtor Retention **Pt. 6**

**ELECTRONIC TAPE RECORDINGS** 5007-1.; 2003-1.B.; 7001-1.E.;  
9013-1.F.

    Debtor Examinations **2004-1.**

    First Meeting of Creditors, Use in Court Proceeding **2003-1.B.**

**ELECTRONIC TRANSMISSION OF NOTICES G.O. 01-1 pg. 108**

**EMPLOYMENT OF PROFESSIONALS** 2014-1.

**EXCEPTIONS TO RULES** 1001-1.H.

**EXECUTION** 7069-1.

**EXECUTORY CONTRACTS - ASSUMPTION/REJECTION/ASSIGNMENT** 6006-1.

**EXPENSES** [See APPLICATIONS FOR COMPENSATION]

**EXHIBIT C - SUPPLEMENTAL PETITION INFORMATION (LBF #Ex. C)** 1002-1.B.

**EXHIBIT D - FINANCIAL REVIEW OF DEBTOR'S BUSINESS OPERATED AS SOLE  
PROPRIETORSHIP (LBF #Ex. D)** 1007-3.C.; 1007-3.D.

**EXHIBITS & EQUIPMENT** 9017-1.

    Audio/Visual Equipment **9017-1.C.**

    Physically Large **9017-1.B.**

    Preparation **9017-1.A.**

    Withdrawal or Disposal **9017-1.D.**

**EXPEDITED HEARING REQUEST** 7056-1.B.; 9013.1.E.; 7001.1.D.

**FAILURE TO APPEAR/PROPERLY PREPARE** 9011-3.D.

**FEDERAL RULES OF BANKRUPTCY PROCEDURE (FRBP)** 1001-1.D.9.

**FEE APPLICATIONS** [See APPLICATIONS FOR COMPENSATION]

**FEES**

    Adversary Proceeding Filing Fee **7001-1.A.**

    Child Support Creditor Exemption (LBF #119 or OBF #B281) **5080-1.**

    Deposit into Court **7067-1.B.**

    Dishonored Checks **1006-1.B.**

    Erroneous Payment of Fee or Charge **1006-1.C.**

    Payment of

        Check Dishonored **1006-1.B.**

        Erroneous/Excess Amount **1006-1.C.**

        Installment Payments (LBF #110) **1006-1.A.**

**FEES & COSTS** 9021-1.B.

**FILE/FILING** 1001-1.D.8.  
Adversary Proceedings **7001-1.**  
Authority to File **1002-1.A.**  
Caption **9004-2.**  
Conservatorship **1002-1.A.2.b.**  
In Multiple Cases **9004-1.C.**  
Incomplete Filings **1002-1.D.**  
Involuntary Petition **1003-1.**  
Location **5001-2.**  
Objections to Filing **1002-1.A.2.c.**  
Place **1002-1.A.1.; 5001-2.A.1.**  
Voluntary Petitions **1002-1.**  
Within 3 Days of Hearing **9004-1.B.**

**FINAL DECREE - CH. 11** 3022-1.  
**FINAL REPORTS AND ACCOUNT** 2015-3.; 1017-2.B.; 1019-1.D.; 2012-1.; 3022-1.;  
5009-1.

**FINDINGS OF FACT & CONCLUSIONS OF LAW** 7052-1.; 9021-1.A.  
**FIREARMS, PROHIBITION AGAINST POSSESSION** 9039-1.  
**FIRST MEETING OF CREDITORS - §341(a) MEETING** 2003-1.  
Attendance **2003-1.A.2.**  
Electronically Recorded Testimony, Use of **2003-1.B.**  
Location **2003-1.A.3.**  
Presiding Officer **2003-1.A.4.**  
Scheduling **2003-1.A.1.**

**FORMS, USE OF** 9004-1.A.14. [See LBFs, OFFICIAL FORMS]  
**FRBP (FEDERAL RULES OF BANKRUPTCY PROCEDURE)** 1001-1.D.9.  
**FRCP (FEDERAL RULES OF CIVIL PROCEDURE)** 1001-1.D.10.  
FRCP 26, Applicability of **7026-1.**

**GENERAL ORDERS**  
Superseded by LBRs **1001-1.B.**

**HEARINGS**  
Emergency, Cash Collateral/Authority to Obtain Credit **4001-1.D.1.**  
Discharge **4008-1.B.**  
Telephone **9074-1.**

**INCOMPLETE FILINGS** 1002-1.D.  
**INTERIM COMPENSATION** 2016-1.  
**INTERIM DISTRIBUTION** 3009-1.  
**INTERIM REPORT (LBF #753 or #1153)** 2016-1.B.1.  
**INVOLUNTARY PETITIONS** 1003-1.  
Copies Required **1003-1.C.**  
Filing Location **1003-1.A.; 5001-2.A.1.**  
§341(a) Meeting Notice **1003-1.F.; 2003-1.A.**  
Objection to Consent to Relief **1003-1.E.**  
Petition Information **1003-1.B.**  
Summons/Notice of Trial (LBF #700.2) **1003-1.D.**

**INSTALLMENT PAYMENT OF FILING FEES** [See FEES]  
**IRS, Address for Notices** **2002-2.B.**  
**JOINT DEBTORS WITH DIFFERENT SURNAMES** 1002-1.A.2.a.

**JUDGMENTS** 9021-1.  
Default **9021-1.A.3.**  
Execution **7069-1.**  
Enforcement **9021-1.D.**  
Proposed Orders or Judgments **9021-1.A.**

**Judgments (cont'd)**

Recording & Docketing **9021-1.C.**

Waiver of Notice **9021-1.A.4.**

**JURORS & JURIES** 9015-1.

**JURY TRIAL** 7001-1.F.; 9015-1.

Demand; Waiver **9015-1.B.**

Pretrial **7016-1.; 9015-1.D.**

Procedures **9015-1.; 9027-1.C.**

**LABELS FOR MAILING** 2002-1.D.

**LBFs (LOCAL BANKRUPTCY FORMS)** 1001-1.D.11.; 1001-1.F.; 9004-1.A.14.

Applicable Version; Modification; Promulgation **1001-1.F.2.**

Copies of **1001-1.F.1.**

Completion of **1001-1.F.5.**

Computer/Word Processor Generated Copies **1001-1.F.3.**

Filing **1001-1.F.5.**

Local Bankruptcy Forms

#EX. D-1 & D-2 **1007-3.C.2.; 1007-3.D.3.**

#EX. C **1002-1.B.**

#101 Change of Address; Or Addition of Interested Party if Not Done  
By Debtor **2002-1.F.;**  
**9010-1.A.2.c.**

#102 Dates Either Debtor(s) or Debtor's Attorney Unavailable For  
Hearings on § 341(a)  
**2003-1.A.2.**

#104 Instructions For Preparation of Master Mailing Matrix (Creditor  
List) **1007-2.A.1.**

#110 Individual Debtor's Application to Pay Filing Fees in In-  
stallments; And Notice Thereon **1006-1.A.1.**

#116 Memorandum Re: Additional Requirements for Cases With  
Over 300 Creditors and Interested Parties **1007-2.E.**

#119 Appearance of Child Support Creditor or Representative **5080-  
1.B.**

#201 Application For Inclusion on Court's Register of Qualified  
Mediators **9019-2.B.1.a.**

#202 Motion for Mediation (Contested Matter)  
**9019-2.A.1.**

#202.5 Motion for Mediation (Adversary Proceeding) **9019-  
2.A.1.**

#204 Stipulated Motion & Order Directing Mediation & Appointing  
Mediator (Contested Matter) **9019-2.A.2.**

#204.5 Stipulated Motion & Order Directing Mediation &  
Appointing Mediator (Adversary Proceeding) **9019-  
2.A.2.**

#210 Mediator's Final Report & Notice of Completion of Mediation  
(Contested Matter) **9019-2.C.4. & 5.**

#210.5 Mediator's Final Report & Notice of Completion of  
Mediation (Adversary Proceeding) **9019-2.C.4. & 5.**

#300 Adversary Proceeding Summons & Notice of Trial **7001-  
1.B.1.b. (Prepared by court).**

#300.1 Certification of Service **7001-1.B.1.b.**

#300.5 Order Re: Application of FRCP 26 **7026-1.A.2.**

**LBFs (cont'd)**

- #301 Unconditional Transfer of Claim After Proof of Claim Filed **3001-1.C.1.**
- #302 Notice of Amended Claim [For use only in Ch. 12 & 13 Cases] **3001-1.A.3.b.**
- #345 Application For Interim/Final Compensation of Attorney **2016-1.B.2.; 2016-1.D.1.**
- #345.7 Application For Interim/Final Accountant's Compensation 2016-1.B.2; 2016-1.D>1.; 2016-1.E.**
- #391 Petition for Unclaimed Funds and Order Thereon **3011-1.**
- #521 Individual Debtor's Ch. 7 11 USC §521(2) Statement of Intent About the Disposition of Estate Property Used as Collateral To Secure Consumer Debts; And Creditor Remedy **1007-3.A.1.**
- #541 Notice of Final Hearing on Motion for Use of Cash Collateral/To Obtain Credit **4001-1.D.1.**
- #541.1 Notice of *Preliminary* Hearing on Motion for Use of Cash Collateral/to Obtain Credit **4001-1.D.2.**
- #541.50 Motions Re: Use of Cash Collateral, or to Obtain Credit **4001-1.D.1.**
- #541.51 Motions & Preliminary Hearings Re: Use of Cash Collateral or to Obtain Credit (on reverse of LBF #541) **4001-1.D.2.**
- #700.2 Involuntary Case Summons and Notice of Trial **1003-1.D.; 7001-1.B.1.b.**
- #715 Procedures Created by the Bankruptcy Court Concerning Requests for Non-Judicial Relief From the Automatic Stay as to Secured Collateral in Ch. 7 Cases **4001-1.B.1.**
- ~~#715.5 Procedures Created by the Bankruptcy Court Concerning Requests for Non-Judicial Relief From the Automatic Stay as to Secured Collateral in Ch. 7 Cases **4001-1.B.3.**~~  
[G.O. 03-3 Pt.40.](#)
- #717.10 Procedures Re: Motion for Redemption **6008-1.**
- #717.15 Lien Avoidance (§522(f)) Procedures **4003-1.**
- #718 Reaffirmation Agreement coversheet For Debtor(s) With No Attorney 4008-1.A.**
- #719 Attorney's §524(c) Declaration Accompanying Reaffirmation Agreement **4008-1.B.2.**
- #720 Notice of Motion For Relief From Automatic Stay in Ch. 7/13 Case **4001-1.C.2.**
- #720.50 Relief From Automatic Stay Procedures **4001-1.C.2.**
- #721 Notice of Hearing on Motion For Relief From Automatic Stay in a Ch. 7/13 Case **4001-1.C.2.; 4001-1.C.4.**
- #728 Notice of Debtor's Amendment of Schedules D, E, F, G or H **1009-1.A.; 2002-1.F.3.; 2003-1.A.1.; 3001-1.A.2.**
- #740 Trustee's Final Report & Application for Compensation, & UST Certification **2015-3.A.3.; 2016-1.H.1.d.(2); 6004-1.B.**
- #740.05 Chapter 7 Trustee's Final Report For Dismissed or Converted Case **2015-3.A.2.**
- #740.2 Schedules C, D & E (Pg 2 of Final Report) **2016-1.H.1.d.**
- #740.3 Order Allowing Professional Compensation & Expenses; And Directing Distribution of Assets **2015-1.B.; 6003-1.**

**LBFs (cont'd)**

- #740.5 Report of "Zero" Bank Balance and Record of Distribution **2015-1.B.; 2015-3.A.; 6003-1.**
- #750 Non-Judicial Relief From the Automatic Stay of 11 USC §362(a) **4001-1.B.3.**
- #752 Inventory and Report of Assets **2015-1.A.; 2015-3.A.1.**
- #753 Chapter 7 Trustee's Interim Report **2016-1.B.1.b.**
- #753.40 Notice of Intent to Compensate Professional(s) **2016-1.B.3.**
- #753.50 Application to Employ Auctioneer & Order Thereon; & Notice of Intent to Sell Property at Public Auction & Compensate Auctioneer **2014-1.A.; 2016-1.B.3.**
- #753.55 Application to Employ Liquidator & Order Thereon; & Notice of Intent to Sell Property at Public Sale & Compensate Liquidator **2014-1.A.; 2016-1.B.3.**
- #753.58 Application to Employ Collection Agency & Order Thereon; Notice of Intent to Compensate Collection Agency **2014-1.A.; 2016-1.B.3.**
- #753.60 Application to Employ Real Estate Broker & Order Thereon **2014-1.A.; 2016-1.B.3.**
- #753.70 Application to Employ Accountant & Order Thereon; & Notice of Intent to Compensate Accountant [For Ch. 7 Cases ONLY] **2014-1.A.; 2016-1.B.3.**
- #753.80 Application to Employ Appraiser & Order Thereon; & Notice of Intent to Compensate Appraiser **2014-1.A.; 2016-1.B.3.**
- #753.90 Application to Employ Attorney, Attorney Certification, & Order Thereon **2014-1.A.**
- #753.95 Application to Employ Attorney on Contingent Fee Basis; Attorney Certification; & Order Thereon **2014-1.A.**
- #754 Trustee's Audit of Claims; & Objection to Un-secured Status for Secured Claims, With Notice Thereon **3007-1.A.3.; 3007-1.B.**
- #759.5 Notice of Intent to Incur Expenses **2016-1.H.2.c.**
- #760.5 Motion for Authority to Sell Property Free & Clear of Liens & Notice of Hearing Thereon **2002-1.B.3.**
- #763 Trustee's Objection to Claim No.\_\_\_\_ & Order & Notice Thereon **3007-1.A.3.**
- #763.2. Objection To Claim & Order & Notice Thereon **3007-1.A.2.**
- #767 ~~Notice of Objection to Claim(s) For Property Taxes & Order Thereon **3007-1.A.3.** [See G.O. 03-1.](#)~~
- #1111 Rule 2015 Report For The Month And Year Of \_\_\_\_ **2015-2.B.; 6004-1.B.**
- #1112 Order Designating Case For Accelerated Treatment **3016-1.D.**
- #1114 Rule 2014 Verified Statement for Proposed Professional **2014-1.B.; 9010-1.B.**
- #1121 Debtor's Election for Treatment as Small Business, Notice & Order Thereon **1020-1.A.**
- #1124 Notice of Motion for Relief From Automatic Stay in a Ch. 11/12 Case **4001-1.C.2.**
- #1153 Chapter 11 Interim Report Number \_\_\_\_ **2016-1.B.1.b.**
- #1165 Notice of Hearing on Proposed Chapter 11 Dis-closure Statement **2002-1.A.3.b.(1); 3017-1.A. *[Now prepared by court]***

**LBFs (cont'd)**

- #1175 Order Approving Disclosure Statement & Fixing Time for Filing Acceptances or Rejections of Plan; & Notice of Confirmation Hearing **2002-1.A.3.b.(2); 3018-2.A.** *[Now prepared by court]*
- #1181 Summary of Acceptances & Rejections **3018-2.C.**
- #1181.2 Instruction For Preparation of the Acceptance & Rejection Summary Form #1181 **3018-2.C.**
- #1182 Report of Administrative Expenses **3020-1.A.** See also **G.O. 97-1.**
- #1190 Notice of Order Confirming Chapter 11 Plan & Discharge **2002-1.A.3.b.(3); 2016-1.D.4.; 3020-1.B.2.**
- #1193 Final Order Awarding Professional Compensation **2016-1.D.4.**
- #1195 Final Report; Applications for Authority to Pay Any Allowed Attorney Fee & for Entry of Final Order & Closing Order; & Notice Thereon **2015-3.B.1.; 3022-1.**
- #1198 Chapter 9 or 11 Trustee's Final Report for Converted or Dismissed Case **2015-3.B.2.**
- #1200 Chapter 12 Plan **3015-1.A.1.**
- #1214 Notice of Application For Additional Compensation For Ch. 12 Debtor's Attorney **2016-1.E.3.**
- #1250 Notice of Confirmation Hearing; & Valuation Hearing Opportunity **3015-1.A.2.**
- #1255 Order Confirming Chapter 12 Plan **3015-1.A.3.**
- #1300 Chapter 13 Plan (pre-2/1/96) **3015-1.B.1.; 3015-1.C.1.**
- #1300.1 ~~Chapter 13 Plan (post-2/1/96) **3015-1.B.1.; 3015-1.C.1.**~~
- #1305 [Only For Ch. 13 Cases] Debtor's Attorney's Disclosure & Application For Compensation Under 11 USC §329 & Bankruptcy Rule 2016(b) **2016-1.F.**
- #1307 [Only for Ch. 13 Cases] Application By Deb-tor's Attorney For Supplemental Compensation & Order Thereon: & Notice Thereof **2002-1.A.5.; 2016-1.F.3.**
- #1320 Notice of Motion In a Ch. 12/13 Case For Relief From Codebtor Stay **4001-1.C.3.**
- #1320.5 Notice of Hearing on Motion in a Ch. 12/13 Case For Relief From Codebtor Stay **4001-1.C.3.; 4001-1.C.4.**
- #1340 Certification Re: Tax Returns And Proof Of Income 3015-1.A.2.; 3015-1.B.7.**
- #1350 Order Confirming Plan **3015-1.B.2.**
- #1350.1 Order Confirming Plan & Resolving Motion **3015-1.B.2.**
- #1350.51 Instruction Re: Ch. 13 Confirmation & Wage Orders **3015-1.B.2.**
- #1351LMRY Order Directing Chapter 13 Payment to Trustee **3015-1.B.2.**
- #1351.5 Motion to Terminate Order Directing Ch. 13 Payment to Trustee; & Order Thereon **3015-1.B.3.**
- #1355.05 Notice of Pre-Confirmation Modification of Plan & Confirmation Hearing **3015-1.C.2.**
- #1355.10 Notice of Post-Confirmation Modification of Plan **3015-1.C.3.**

**LBFs (cont'd)**

- #1365 [Only For Ch. 13 Cases] Debtor's Motion for Order Allowing Untimely Filed Claims; & Order & Notice Thereon **3001-1.A.3.c.**
- #1365.5 Notice of Hearing on Objection to Debtor's Motion For Order Allowing Untimely Filed Claim in a Ch. 13 Case **3001-1.A.3.c.**
- #1367.90 Mot. to Vacate Dismissal **1017-2.A.2.; 3015-1.B.6. (Obsolete)**
- #1367.92 Motion To Reopen Case (And, If Applicable, To Vacate Dismissal **1017-2.A.2.; 3015-1.B.6.**
- #1375 Final Account and Report of Trustee **2015-3.C.**
- #1378 Notice of Motion for Hardship Discharge, and Fixing Times for Filing Objections to the Motion and Complaints to Determine Discharge-ability of Certain Debts **4004-1.**

Modification & Promulgation **1001-1.F.2.**

Service **1001-1.F.5.**

Two-Sided Documents **1001-1.F.4.**

Use of Current Version **1001-1.F.2.**

**LBRs (LOCAL BANKRUPTCY RULES) 1001-1.D.12.**

Cross Reference Table - New LBR Number to Old LBR Number  
Attachment to Table of Contents Pg. xxviii

Cross Reference Table - Old LBR Number to New LBR Number  
Attachment to Table of Contents Pg. xix

Effective Date **1001-1.B.**

Exceptions to **1001-1.H.**

Scope and Construction **1001-1.C.**

Supersede General Orders **1001-1.B.**

Title and Numbering Sequence **1001-1.A.**

**LEASE OF PROPERTY [See USE, SALE OR LEASE OF PROPERTY]**

Unexpired Leases **6006-1.**

**LIEN AVOIDANCE 4003-1.**

**LISTS, SCHEDULES & STATEMENTS 1007-1.; 1002-1.C.**

Amendments to **1009-1.**

Copies Required **1002-1.C.; 1007-1.**

Mailing List [See MATRIX]

**LOCATION FOR FILING 5001-2.**

**LR (DISTRICT COURT LOCAL RULES) 1001-1.D.13.**

Applicability **1001-1.E.**

Modifications to LR 83 Provisions **9010-1.A.2.**

**MAILING LABELS 2002-1.D.**

**MATRIX 1007-2.**

Accuracy and Completeness **1007-2.D.; 2002-1.E.**

Amendments **1007-2.F.; 1009-1.**

Computer Tape (LBF #116) **1007-2.E.**

Chapter 11 Cases **1007-2.B.**

Federal Agencies on **1007-2.A.2.**

Form, Instructions (LBF #104) **1007-2.A.1.**

Noticing Matrix **2002-1.D.**

Schedule G & H Parties Must be on Matrix **1007-1.C.**

**MEETING OF CREDITORS [See FIRST MEETING OF CREDITORS]**

**MEDIATION 9019-2.; 7001-1.G.**

**MODIFIED 1001-1.D.14.; 1001-1.D.1.**

## **MOTIONS**

Abandonment of Property **6007-1.; 2002-1.B.**  
Abstention **5011-2.**  
Assume/Reject/Assign Executory Contract **6006-1.A.**  
Authority to Use Cash Collateral or to Obtain Credit **4001-1.D.**  
Avoidance of Liens Per §522(f) (LBF #717.15) **4003-1.**  
Briefs **7001-1.C.**  
Change of Venue **9033-1.**  
Conversion **1019-1.; 9013-1.B.8.**  
Dismissal of Case **1017-2.**  
Executory Contracts - Assume/Reject/Assign **6006-1.A.**  
Hardship Discharge **4004-1.**  
Leave to Appeal, Review of Motion **8003-1.**  
Objections to Claims **3007-1.**  
Oral Argument, Request **7056-1.C.**  
Redemption of Property (LBF #717.10) **6008-1.**  
Relief from Automatic Stay **4001-1.C.**  
Remand **9027-1.B.**  
Removal **9027-1.**  
Reopen/Vacate Dismissal in Ch. 13 **3015-1.B.6.**  
Sale of Property Free & Clear of Liens (LBF #760.5) **2002-1.B.3.**  
Summary Judgment **7056-1.; 7003-1.C.**  
Use of Cash Collateral/Authority to Obtain Credit **4001-1.D.**  
Use, Sale or Lease of Property **2002-1.B.2.; 6004-1.**  
Vacate Dismissal in Ch. 13 **3015-1.B.6.**  
Withdrawal of Reference **9033-1.**

**MULTIPLE CASES, FILING DOCUMENTS IN** 9004-1.C.

**NON-CORE PROCEEDINGS** 9033-1.A.; 9021-1.A.3.

**NON-JUDICIAL RELIEF FROM AUTOMATIC STAY** 4001-1.

**NON-PROFESSIONAL ADMINISTRATIVE EXPENSES** 2016-1.A.

**NOTICE TO COURT OF SETTLEMENT/WITHDRAWAL/LACK OF OPPOSITION**  
9011-3.

**NOTICES/NOTICING** 2002-1.

Addresses for US Agencies **2002-2.**

Abandonment **2002-1.B.4.**

Agreements Relating to Relief from Stay/Adequate Protection/Use of Cash  
Collateral/Obtaining Credit **2002-1.B.5.; 4001-1.E.**

Application for Compensation or Expenses **2002-1.B.6.; 2016-1.**

Change of Mailing Address **2002-1.F.**

Creditor's Claim Filed by Debtor or Trustee **3004-1.**

Confirmation Order - Ch. 11 **3020-1.B.2.**

Compromise & Settlement **9019-1.B.**

Costs **2002-1.D.2.**

**Electronic Transmission of p. 109**

Form of **2002-1.B.**

General Noticing Procedures **2002-1.C.**

General Notice of Hearing **2002-1.B.1.b.(2)**

General Notice of Intent **2002-1.B.1.b.(1)**

Intent to Compensate Professionals (LBF #753.40) **2016-1.**

Lien Avoidance [§522(f)] **2002-1.B.12.; 4003-1.**

Mailing Labels/Matrix for **2002-1.D.**

Accuracy of Mailing List **2002-1.E.**

Change of Address (LBF #101) **2002-1.F.**

Motion for Authority to Sell Property Free of Liens **2002-1.B.3.**

**Notices/Noticing (cont'd)**

Motion for Ch. 12 or 13 Hardship Discharge **2002-1.B.10.; 4004-1.**  
Motion for Relief from Stay/Use of Cash Collateral/Obtaining Credit **2002-1.B.11.; 4001-1.**  
Motion to Assume/Reject/Assign Executory Contract **2002-1.B.7.; 6006-1.**  
Motion to Convert **2002-1.B.8.**  
Motion to Dismiss **2002-1.B.9.**  
Objections  
    Requiring Notice of Hearing **2002-1.H.**  
    To Claims **2002-1.B.13.; 3007-1.**  
Obtaining Credit **2002-1.B.11.; 4001-1.**  
Persons Responsible for Giving Notices **2002-1.A.**  
Preparation of **9004-7.; 2002-1.**  
Proof of Claim Filed by Debtor or Trustee **3004-1.**  
Proof of Service **2002-1.G.**  
Proposed Distribution **3009-1.B.**  
Proposed Use/Sale/Lease/Abandonment of Property **2002-1.B.2.**  
Removal & Remand **2002-1.B.15.; 9027-1.**  
Redemption **2002-1.B.14.; 6008-1.**  
Returned **2002-1.F.**  
Sale of Property Free and Clear of Liens (LBF #760.5) **2002-1.B.3.**  
Sanctions **2002-1.J.**  
Service **2002-1.C.**  
Use of Cash Collateral **2002-1.B.11.; 4001-1.**

**NUMBERING SEQUENCE** 1001-1.A.

**OBJECTIONS/RESPONSE** 9013-1.D.; 2002-1.H.

    To Claims **3007-1.**

**OBTAINING CREDIT** 4001-1.D.; 9013-1.

    Agreements **4001-1.E.**

**OBF (OFFICIAL BANKRUPTCY FORMS)** 1001-1.D.15.; 1001-1.G.; 9004-1.A.14.

    AO #435 Transcript Order Form **8006-1.**

    OBF #B281 (or use LBF #119) Appearance of Child Support Creditor or Representative **5080-1.B.**

**ORDERS** 9021-1.

    Default **9021-1.A.3.; 7055-1.**

    Form **9021-1.A.3.**

    No Objection Filed **2002-1.I.; 9021-1.A.**

    Preparation **2002-1.I.; 4001-1.F.; 9013-1.G.; 9021-1.A.**

    Proposed **9021-1.A.**

    Requiring District Judge's Final Determination **9021-1.A.3.c.**

    Stipulated **7001-1.B.; 9019-2.A.2.; 9019-2.C.4.**

    Waiver of Notice **9021-1.A.4.**

**OWNERSHIP DISCLOSURE STATEMENT** G.O. 01-1 p. 109

**PAPERS**

    Caption **9004-2.**

    Requirements of Form **9004-1.**

**PARTY** 1001-1.D.16.

**PENALTIES & SANCTIONS** 9011-3.; 9021-1.A.5.

**PETITION**

    Authority to File **1002-1.A.2.**

        Conservatorship **1002-1.A.2.b.**

        Joint Debtors with Different Surnames **1002-1.A.2.a.**

        Objection to **1002-1.A.2.c.**

    Captions **1005-1.**

**Petition (cont'd)**

Consumer Debt **1002-1.A.3.**  
Notice of Filing **1002-1.A.4.**  
Copies Required **1002-1.C.**  
Filing **5001-2.A.1.**  
Voluntary **1002-1.A.**  
Involuntary **1003-1.A.**  
Incomplete Filing **1002-1.D.**  
Involuntary **1003-1.**  
Partnerships **1004-1.; 1005-1.B.; 9010-1.C.**  
Petition Preparer Disclosure **1002-1.B.2.**  
Required Copies **1002-1.C.**  
Supplemental Information (LBF #Ex. C) **1002-1.B.**  
Voluntary **1002-1.**

**PETITION FOR UNCLAIMED FUNDS** (LBF #391) 3011-1.

**PLAN** [See Specific Chapter]

**PRELIMINARY INJUNCTIONS** 7065-1.

**PRETRIAL** 9015-1.D.

**PROCEDURES FOR CONTESTED MATTERS & APPLICATIONS** 9013-1.

**PROFESSIONALS**

Applications for Employment/Appointment **2014-1.**

Chapter 7 Trustees **2014.1.A.**

Accountant (LBF #753.70); Appraiser (LBF #753.80);  
Attorney on Contingent Fee (LBF #753.95); Attorney Other Than on  
Contingent Fee (LBF #753.90); Auctioneer (LBF #753.50); Collection  
Agency (LBF #753.58); Liquidator (LBF #753.55); Real Estate Broker  
(LBF #753.60)

Chapter 11, Certify Disinterest (LBF #1114) **2014-1.B.**

Compensation **2016-1.**

Adversary Proceedings **2016-1.I.**

Chapter 12 **2016-1.E.**

Chapter 13 **2016-1.F.**

Chapter 7 Trustee Timekeeping and Fee Applications **2016-1.H.**

Converted Cases **2016-1.G.**

Interim Compensation **2016-1.B.**

Final Applications **2016-1.D.**

Expense Reimbursement **2016-1.C.**

Fee Applications [See Compensation above]

Interim Compensation [See Compensation above]

**PRO HAC VICE** G.O. 97-2 p. 108

**PROHIBITION AGAINST POSSESSION OF FIREARMS, WEAPONS, ETC.** 9039-1.

**PROOF OF CLAIM** [See CLAIMS, PROOF OF]

**PROOF OF SERVICE** 2002-1.G.; 9004-2.G.

**PROPOSED DISTRIBUTION** 3009-1.

**PRO SE INFORMATION ON TITLE PAGE** 9004-1.D.

**PUBLICITY** 5073-1.

**REAFFIRMATION AGREEMENT** 4008-1.

**Secured Creditor's Rights When Debt Not Reaffirmed/Contract Current** **1007-3.A.1.**

**REDEMPTION** 2002-1.B.14.; 6008-1.

**REGISTRY FUND DEPOSIT** 7067-1.

**REJECTION OF EXECUTORY CONTRACTS** [See EXECUTORY CONTRACTS]  
**RELIEF FROM STAY** 4001-1.

**Debtor's Consent Re Property Surrendered** **4001-1.**

**REMINDERS TO COURT** G.O. 96-2 p.105

**REMOVAL & REMAND** 9027-1.; 9013-1.B.18.

**REOPENING CASES** 5010-1.; 3015-1.B.6.

**REQUEST FOR CONTINUANCE** 9011-3.C.

**REQUEST FOR EXPEDITED HEARING** 7056-1.B.; 9013-1.E.

**RESPONSE/OBJECTIONS** 9013-1.D.

**REVIEW OF MOTION FOR LEAVE TO APPEAL** 8003-1.

**RULE 2004 EXAMINATION** 2004-1.

**SALE OF PROPERTY** [See USE, SALE OR LEASE OF PROPERTY]

**SANCTIONS & PENALTIES** 9011-3.; 9021-1.A.5.

Failure to Appear or Properly Prepare **9011-3.D.**

Failure to Give Notice **2002-1.J.**

Generally **9011-3.F.**

Withdrawal or Lack of Opposition **9011-3.**

**SASE (SELF-ADDRESSED STAMPED ENVELOPE)** 1001-1.D.17.; 1001-1.F.1.;

2002-1.D.1.; 2002-1.E.; 2016-1.B.3.; 2016-1.C.2.c.(6); ~~3001-1.D.~~; ~~3007-1.A.2.~~;

~~3015-1.A.2.~~; ~~3015-1.B.2.~~; 7001-1.B.1.b.; 9010-1.A.2.e.; 9017-1.E.; ~~9021-1.A.4.~~;

9037-1.C. **See G.O. 03-3 Pt. 25.b.**

**SCHEDULES OF LIABILITIES AKA SCHEDULES OF CREDITORS** 1001-1.D.18.

**SCHEDULES, LISTS & STATEMENTS** 1001-1.D.18.; 1007-1.; 1007-3.

Amendments to **1009-1.**

Chapter 7 Cases **1007-3.A.**

Chapter 11 Cases **1007-3.B.**

Chapter 12 Cases **1007-3.C.**

Chapter 13 Cases **1007-3.D.**

Copies

Number of **1002-1.C.**; **1007-1.**

To UST if Not Filed with Petition **1007-3.E.**

Exhibit C (Supplemental Petition Information) **1002-1.B.**

Exhibit D (Financial Review of Debtor's Business Operated as a Sole Proprietorship)

**1007-3.C.2.**; **1007-3.D.3.**

Incomplete **1002-1.D.**

Schedule C (Property Claimed as Exempt) **1007-3.C.3.**; **1007-3.D.2.**

Schedules D, E & F (Liabilities) **1007-3.C.1.**

Schedule G (Executory Contracts & Unexpired Leases) **1007-2.C.**

Schedule H (Co-debtors) **1007-2.C.**

Schedule I & J (Current Income & Expenditures) **1007-3.A.2.**; **1007-3.B.**;

**1007-3.C.4.**; **1007-3.D.1.**

Statement of Intent **1007-3.A.1.**

UST Copies **1007-3.E.**

**SCOPE OF RULES** 1001-1.C.

**SEALED OR IN CAMERA DOCUMENTS** 9037-1.

**SEC, Address for Notice** 2002-2.B.

**SECURED CREDITOR**

Attorney fees **G.O. 97-1** and amendment in **G.O. 98-1** p. 105

Rights When Debtor Does Not Reaffirm Debt Since Contract Current **1007-3.A.1.**

**SERVICE** 9013-1.C.; 2002-1.; 9034-1.

**SETTLEMENT** 9019-1.; Notice to Court **9011-3.**

**SETTLEMENT CONFERENCE** 9019-1.A.

**SMALL BUSINESS CH. 11 1020-1.**

Case Caption **1020-1.D.**

Conditional Approval of Disclosure Statement **1020-1.C.**

Election to be Treated as **1020-1.A.**

Motion to Dispense with Creditors' Committee **1020-1.B.**

**SOLE PROPRIETOR LBF #Ex. D Required 1007-3.**

**STATEMENT OF INTENT - §521 (LBF #521) 1007-3.A.1.**

**STIPULATED ORDERS 7001-1.B.; 9019-2.A.2.; 9019-2.C.4.**

**SUMMARY JUDGMENT 7056-1.**

Expedited Hearing **7056-1.B.**

Oral Argument **7056-1.C.**

Request **7056-1.C.1.**

Waiver **7056-1.C.2.**

**SUMMONS**

Adversary (LBF #300 *prepared by court*) **7001-1.B.1.b.**

Involuntary (LBF #700.2) **1003-1.D.**

**SURPLUS ASSETS 3001-1.A.1.d.**

**§341(a) MEETING OF CREDITORS [See FIRST MEETING OF CREDITORS]**

**TAX REFUND Payment to Ch. 13 Trustee 3015-1.B.5.**

**TAX RETURNS Failure to File in Ch. 13 3015-1.B.7.**

**TELEPHONE HEARINGS 9074-1.**

**TEMPORARY RESTRAINING ORDERS 7065-1.**

**TITLE & NUMBERING SEQUENCE 1001-1.A.**

**TRANSCRIPT ORDERS (LBF #AO 435) 8006-1.; 341(a) MEETINGS: 2003-1.B.**

**TRANSFER OF CLAIM 3001-1.**

**TRUSTEE(S) 1001-1.D.20.**

Audit of Claims **3007-1.A.**

Bonds/Surety **2010-1.**

Exemption from PACER fees **G.O. 03-3 Pt.2 pg. 111**

Final Report & Accounting **2015-3.**

Ch. 11 Election of **2007-1.**

Chapter 13 Trustee's Compensation **3015-1.B.4.**

Closing Report **2015-1.B.**

Computer Generated LBFs **1001-1.F.;** Service **1001-1.F.5.**

Destruction of Records **2015-3.D.**

Disbursement of Estate Money **6003-1.**

Employed as Attorney for Estate, Timekeeping **2016-1.H.**

Employment of Professionals **2014-1.**

Expenses, Payment of **2016-1.H.2.**

Fee Applications & Timekeeping **2016-1.H.**

Final Report & Account **2015-3.**

Asset Ch. 7 **2015-3.**

Dismissed/Converted Case **2015-3.**

No-Asset Case **2015-3.**

Inventory & Report of Assets **2015-1.A.**

PACER Fees, Exemption for Panel Trustees **G.O. 03-3 Pt. 2 pg.111**

Payments to Professionals **2016-1.H.2.**

Proposed Distribution, Notice of **3009-1.B.**

Objections to Claims **3007-1.**

Reports & Records, Duty to Keep **2015-1.**

Closing Report ("Zero Balance Report") (LBF #740.5) **2015-1.B.**

Dismissed/Converted Case (LBF #740.05, #1198 or #1375) **2015-3.**

Final Report & Account **2015-3.**

**Trustees, Reports & Records, Duty to Keep (cont'd)**

Interim Report (LBF #753 or #1153) **2016-1.B.1.**

Inventory & Report of Assets (IRA) (LBF #752) **2015-1.A.**

**Sale of Publicly Traded Securities by Ch.7 Trustee 6004-1.**

Successor Trustee **2012-1.**

Timekeeping & Fee Applications **2016-1.F.**

**UNCLAIMED FUNDS, PETITION FOR** (LBF #391) 3011-1.

**UNCONSTITUTIONALITY**, Claim of 7024-2.

**UNEXPIRED LEASE**, Assumption/Rejection 6006-1.

**USE OF CASH COLLATERAL** 4001-1.

**USE, SALE OR LEASE OF PROPERTY** 6004-1.

Sale Free & Clear of Liens (LBF #760.5) **2002-1.B.**

**Sale of Publicly Traded Securities by Ch.7 Trustee 6004-1.**

**UST (UNITED STATES TRUSTEE)** 1001-1.D.20. & 21.

Copies to & Service on **1007-3.E.; 1009-1.B.; 2002-1.C.; 7004-1.; 9034-1.**

**VOLUNTARY PETITIONS** 1002-1.

Authority to File **1002-1.A.**

Conservatorship **1002-1.A.2.b.**

Joint Debtors with Different Surnames **1002-1.A.2.**

Objection to **1002-1-1.A.**

Consumer Debt Presumption **1002-1.A.3.**

Copies Required **1002-1.C.**

Exhibit C - Supplemental Petition Information (LBF #Ex. C) **1002-1.**

Filing **1002-1.A.**

**WAGE ORDERS** [See CHAPTER 13]

**WITHDRAW REFERENCE OR CHANGE VENUE** 9033-1.

**"ZERO BALANCE" REPORT** (LBF# 740.5) 2015-1.B.