

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

In Re:)
)
RETENTION OF SECURED PROPERTY WITHOUT)
REAFFIRMATION; CH. 11 CLAIM FILING)
DEADLINE; CH. 13 PLAN AND CONFIRMATION)
ORDER; DISPOSITION OF FUNDS IN CASES)
CONVERTED/DISMISSED FROM CH. 13; RELIEF)
FROM AUTOMATIC STAY REGARDING PROPERTY) GENERAL ORDER NO. 01-1
TO BE SURRENDERED; SALE OF PUBLICLY HELD)
SECURITIES BY A CH. 7 TRUSTEE; REQUEST)
TO RECEIVE ELECTRONIC NOTICES FROM THE)
BANKRUPTCY NOTICING CENTER (BNC); AND)
DISCLOSURE OF OWNERSHIP)
)

IT IS ORDERED that points 1, 2, 5, 6 and 7 below are effective immediately as to all bankruptcy cases pending, filed or reopened in this court on or after the FILED date of this General Order, point 8 is effective on and after May 1, 2001 as to all such cases, and points 3 and 4 will be effective on and after June 1, 2001 as to all such cases (although the 6/1/01 versions of LBFs #1300 and #1350 may be used at any time after they become available from the court's Internet site @ www.orb.uscourts.gov).

IT IS FURTHER ORDERED THAT:

1. To clarify a secured creditor's rights regarding property a Chapter 7 debtor has designated on the debtor's Statement of Intent form (LBF #521) that it will be retained by such debtor, but the underlying debt will not be reaffirmed since the contract is current, LBR 1007-3.A.1. will be supplemented with the following additional section:

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 the debtor: (1) coupon books; (2) notices regarding payment changes; and (3) account statements.

2. To clarify the deadline for filing a timely proof of claim in a Chapter 11 case, LBR 3001-1.A.2. is supplemented with the following section:

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).

3. LBR 3015-1. is amended by, and point 1 of General Order No. 97-1 is totally superseded with, the following language:

A party filing a Chapter 13 Plan as required by LBRs 3015-1.B. or 3015-1.C. shall only use LBF #1300, and such LBF must have a version date no older than 6/1/01. A party filing a Chapter 13 Confirmation Order as required by LBRs 3015-1.B. or 3015-1.C. shall only use LBF #1350, and such LBF must have a version date no older than 6/1/01.

4. Point 4 of General Order No. 98-2, regarding disposition of funds in a trustee's possession upon conversion/dismissal of a case from Chapter 13 to Chapter 7, is abrogated by paragraph 14 of any Chapter 13 Confirmation Order (LBF #1350) that has a version date no older than 6/1/01.

5. To help ensure the timely granting of relief from the automatic stay of 11 U.S.C. §362 regarding property to be surrendered, LBR 4001-1. will be supplemented with the following new section:

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.

6. LBR 6004-1. will be supplemented for administrative efficiency with the following section:

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.

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.

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:

OWNERSHIP DISCLOSURE STATEMENT

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".

DATED: APRIL 19, 2001

/s/Albert E. Radcliffe
Chief Bankruptcy Judge