

Proposed Revisions to  
Local Bankruptcy Rules  
and  
Local Bankruptcy Forms

October 7, 2016

This document contains proposed revisions to the December 1, 2015 version of the Local Bankruptcy Rules for the District of Oregon and proposed revisions to various Local Bankruptcy Forms. A majority of the proposed revisions were recommended to the Court by the Oregon State Bar Debtor-Creditor Section Local Bankruptcy Rules and Forms Committee. Comments intended to explain the proposals follow each proposed change.

Proposed new language is in **redline text**. Proposed language to be deleted is in ~~strikeout text~~.

Please [click here](#) to submit comments concerning the proposed revisions or e-mail comments to [LBRcomments@orb.uscourts.gov](mailto:LBRcomments@orb.uscourts.gov). Any comments must be received on or before October 31, 2016, in order to be considered. After reviewing any comments, the Court will post the final revised rules and forms which will take effect on December 1, 2016, unless otherwise noted.

**Local Bankruptcy Rules & Forms Proposed Revisions**

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**Rule 1016-1. Death of a Debtor or Party.**

- (a)** In the event of the death of an individual debtor or party in an open case, a joint debtor or counsel for the decedent must file a notice of the death as soon as practicable, and include a redacted copy of the death certificate, if available. Any party in interest, including the personal representative of the decedent's estate, may file a notice of death.
- (b)** In the event of the death of an individual debtor, a surviving debtor or personal representative must notify the court of the initiation of a probate proceeding.

**Cross-references:**

- Privacy Protection – LBR 9037-1.

**Comment.**

At present, there is no uniform procedure or requirement for providing notice to the court or interested parties of the death of one or more debtors or of the initiation of a probate proceeding.

**Rule 1017-2. Dismissal—Case.**

[...]

- (b) **Chapter 7 or 13—Motion to Vacate Dismissal.** A motion must be filed on [LBF 1367.92](#) and signed by the debtor(s).

**Comment.**

This rule change makes the use of LBF 1367.92, *Motion to Reopen Case and, If Applicable, Vacate Dismissal*, mandatory in chapter 7 cases as well as chapter 13 cases. The revisions to LBF 1367.92 implement that change and make it easier for debtors and their counsel to complete the form and better inform the court of the basis for the relief requested. To ensure debtors are aware of the motion to reopen, and to provide an evidentiary basis for a ruling on the motion, their signature is required on the form.

**Rule 1073-1. = Assignment of Cases to Offices.**

**Comment.**

LBR 1073-1's formatting is inconsistent with the remainder of the Local Bankruptcy Rules.

**Rule 2003-1. Meeting of Creditors.**

[...]

**(d) Request to Reschedule Meeting.**

[...]

**(2) Request Filed After the Time Set for the Meeting.**

**(A) Form.** The debtor must file a motion.

**(B) Timing.** To avoid automatic dismissal of the case, the motion must be filed promptly. If the case has been closed, the motion to reschedule the meeting must be accompanied by a motion to reopen the case (on [LBF 1367.92](#) if a chapter **7 or 13**), and the appropriate court filing fee.

**Comment.**

This rule change reflects other changes making the use of LBF 1367.92, *Motion to Reopen Case and, If Applicable, Vacate Dismissal*, mandatory in chapter 7 cases as well as chapter 13 cases.

**Rule 2016-1. Compensation for Services Rendered & Reimbursement of Expenses.**

[...]

**(c) Chapter 7 or 11.**

[...]

**(2) Final Applications.**

[...]

**(C) Timely Filing.**

[...]

**(ii) Chapter 11.** Unless the case has been converted **or the plan provides otherwise**, an application for compensation earned or expense reimbursement at least through plan confirmation must be filed no later than 28 days after entry of the confirmation order.

[...]

**(i) Trustee Expenses.**

**(1) Payment of Certain Expenses Up to \$1,000.** A trustee may pay from estate funds, or reimburse the trustee from estate funds, up to \$1,000 in the aggregate after expiration without objection of the objection period set forth in a served *OFT, Order and Notice of Time to File Claims and Notice of Trustee's Intent to Incur and Pay Certain Expenses*, for the following actual and necessary expenses to preserve or protect the estate: bond premiums, bank fees, court fees, UCC search fees, property-title search fees, and locksmith or security charges.

**(2) Payment of Other Expenses.** To request authority to use estate funds to pay administrative expenses that either (i) exceed \$1,000 in the aggregate or (ii) are not listed as expenses under (1) above, the trustee must file a motion on **LBF 759.5**.

**Comment re: 2016-1(c).**

This proposed amendment addresses a potential ambiguity between LBR 2016-1(c)(2)(C)(ii) and a chapter 11 plan that includes a delayed effective date. The rule serves both (1) to define the period during which services of estate professionals may not be compensated or expenses

reimbursed and secured creditor attorney fees and expenses may not be included in secured claims without court approval, and (2) to set deadlines for filing of applications for that approval. Confusion arises when a chapter 11 plan specifies as the plan's effective date a date later than the date of entry of the confirmation order.

**Comment re: 2016-1(i).**

Former LBR 2016-1(g) (Dec. 2011), which addressed trustee compensation and expenses, was eliminated after *In re Salgado-Nava*, 473 B.R. 911 (9<sup>th</sup> Cir. BAP 2012) (holding that a chapter 7 trustee's compensation should be treated as a commission). *In re Cloobek*, 788 F. 3d 1243 (9<sup>th</sup> Cir. 2015) (requiring notice and opportunity for a hearing prior to paying estate expenses) reiterated the requirement that notice and opportunity for a hearing prior to paying estate expenses was required; this case can be read as requiring notice and opportunity for a hearing prior to payment of any expense by the estate. The proposed addition would provide guidance and a process for payment of routine, small expenses. This LBR is intended to work in conjunction with revisions to the court forms, LBF 759.5 and the OFT, *Order and Notice of Time to File Claims*.



**Rule 4001-1. Relief From Automatic Stay; Use of Cash Collateral; Obtaining Credit; Agreements; Rental Cure Deposits.**

~~(h) — Motion for Order Confirming Stay is Not in Effect Under § 362(j). A motion for an order under § 362(j) must be filed on LBF 720.95.~~

**(ih) Chapter 7 Trustee’s Motion for Continuation of Stay re Personal Property.**

**Rule 9013-1. Motion Practice—Contested Matters.**

[...]

**Cross-references:**

[...]

- Chapter 7 Trustee’s Motion for Continuance of Stay re Personal Property – LBR 4001-1(ih).
- ~~Confirming Stay Not in Effect — LBR 4001-1(h).~~

**Comment.**

Elimination of LBF 720.95, *Motion for Order Confirming Stay Not in Effect, and Order Thereon*, is proposed because: (a) the proposed order language is confusing due to the construction of the Code section, and a more comprehensible form language is not readily apparent; (b) the form did not fit the circumstances where its use may be appropriate; (c) the form and order are rarely used (four times in the past 12 months); and (d) the form language is inconsistent with current case law. This proposed change eliminates the rule requiring use of the proposed-to-be discontinued form, renumbers affected sections, and updates cross-references.

### Rule 5003-1. Clerk–General/Authority.

The clerk and designated deputies may sign and enter the following orders without further court authorization:

- (a) Requiring the filing of missing or corrected documents **and, in some circumstances, extending the time to file those documents.**
- (b) Closing case and discharging trustee in a case in which the trustee has reported the estate has no assets to administer or in which an order has been entered approving the trustee's final account.
- (c) Directing ~~the debtor~~ **a party** to appear at a hearing to show cause why a case, **matter, or proceeding** should not be dismissed or converted, or other appropriate relief ordered should not be granted, when ~~the debtor~~ **the party** has failed timely to comply with an order, FRBP, or LBR.
- (d) Permitting the debtor to pay filing fees in installments and setting the number, amount, and dates of payment of each installment, **and, in some circumstances, extending the time to make payments.**
- (e) Directing payment of court costs.
- (f) Refunding an erroneously tendered fee when appropriate.
- (g) Correcting a clerical error.
- (h) An order authorized by a judge.
- (i) Requiring the refiling of a document with redactions to comply with FRBP 9037.**
- (j) Reopening and closing a case when the case was previously closed for failure to comply with the requirements for entry of a discharge.**
- (k) Directing support payments or chapter 13 payments, or both, to the trustee and terminating those orders when the trustee consents to the termination.**
- (l) Dismissing a case in which the debtor has not complied with court orders (e.g., to file missing or deficient documents and to pay filing fees).**

**Comment.**

Current LBR 5003-1 does not accurately reflect all of the orders that the Clerk has been authorized to sign and enter on behalf of the judges; the proposed update seeks to reflect the current list of authorized actions.

## Rule 5010-1. Reopening Case.

[...]

- (b) **Chapter 7 or 13—Motion to Reopen Case or Vacate Dismissal.** A motion must be filed on [LBF 1367.92](#), signed by the debtor(s), and ~~must be~~ accompanied by the applicable filing fee. ~~If a motion is granted, the chapter 13 standing trustee will be the trustee.~~

### **Comment.**

This rule change makes the use of LBF 1367.92, *Motion to Reopen Case and, If Applicable, Vacate Dismissal*, mandatory in chapter 7 cases as well as chapter 13 cases. The revisions to LBF 1367.92 implement that change and make it easier for debtors and their counsel to complete the form and better inform the court of the basis for the relief requested. To ensure debtors are aware of the motion to reopen, and to provide an evidentiary basis for a ruling on the motion, their signature is required on the form.

## **Rule 7067-1. Registry Fund.**

### **(a) Procedure for Deposit into Court’s Registry Fund.**

- (1) Motion.** A motion must include the following:
  - (A)** The amount of money to be deposited and the estimated length of time that the money will remain in the court.
  - (B)** The name and address of each entity that may have a claim against the money, and of the attorney for any claimant.
- (2) Order.** No money shall be sent to the Court for deposit in the Court’s registry prior to entry of an authorizing court order.
- (3) Deposit.** Upon entry of the order, the depositor must deliver a money order, cashier’s check, or certified check payable to “Clerk, U. S. Bankruptcy Court” in the amount of the deposit. All monies ordered to be paid to the Court in any pending or adjudicated case shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2045 through depositories designated by the Treasury to accept such deposit on its behalf.

### **(b) Investment of Registry Funds.**

- (1)** Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account, the Court Registry Investment System (“CRIS”), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized.
- (2)** Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a “Disputed Ownership Fund” (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.
- (23)** The Director of the Administrative Office of the United States Courts is designated as custodian for CRIS. The Director or the Director’s designee shall perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.

- (34) Money from each case deposited in the CRIS shall be “pooled” together with those on deposit with Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Fiscal Service **Public Debt**, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principals of the CRIS Investment Policy as approved by the Registry Monitoring Group.
- (45) An account for each case will be established in the CRIS **Liquidity Fund** titled in the name of the case giving rise to the investment in the fund. Income generated from fund investments will be distributed to each case based on the ratio of each account’s principal and earnings to the aggregate principal and income total in the fund **after the CRIS fee has been applied**. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.
- (6) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOJ fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOJ in a case, the case DOJ funds should be transferred to another investment account as directed by court order.

(c) **Deductions of Fees.**

- (1) The custodian is authorized and directed by this ~~Order~~ **Rule** to deduct the ~~investment services~~ **CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOJ, for the management of investments in the CRIS. According to the Court’s Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. for the management of investments in the CRIS and the registry fee for maintaining accounts deposited with the Court.**
- (2) The investment services fee is ~~assessed from interest earnings to the pool according to the Bankruptcy Court Miscellaneous Fee Schedule (28 U.S.C. § 1930) and is to be assessed before a pro rata distribution of earnings to court cases.~~ **The custodian is authorized and directed by this Rule to deduct the DOJ**

fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this Rule to withhold and pay federal taxes due on behalf of the DOF.

~~(3) The registry fee is assessed by the custodian from each case's pro rata distribution of the earnings and is to be determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference of the United States.~~

**(d) Procedure for Withdrawing Deposited Funds.**

- (1) Monies will be disbursed by the clerk from the registry fund only under an order that includes the following:
  - (A) The name and address of each entity receiving the funds, and the name and address of any attorney for the entity.
  - (B) With respect to each entity who is to receive a disbursement, the amount of principal and the percentage of any accrued interest to be paid.
  - (C) The total amount of funds to be withdrawn if less than the total amount in the account.
- (2) **Payment by Clerk.** After entry of an order authorizing disbursement of registry fund monies, counsel for the person(s) receiving any accrued interest must complete the AO 213, Vendor Information/TIN Certification form, and forward the form to the court's financial administrator. After expiration of the time to file a notice of appeal, deposited funds will be disbursed by check payable to each entity entitled to the funds in care of any attorney of record for the payee.

**Comment.**

This LBR is being updated to reflect changes in procedures resulting from new IRS regulations regarding disputed interpleader funds. The changes follow a model rule or general order suggested by the Administrative Office of the U.S. Courts.

**Rule 9010-1. Attorney–Notice of Appearance; ~~Withdrawal~~.**

[...]

**(e) ~~Limited Scope Representation and Withdrawal of a Chapter 7 by Debtor’s Attorney in an Individual Chapter 7 Case;~~ **Required Services in Fee Agreement.****

~~(1) Required to be Covered and Included in Fee Agreement.~~ An attorney who agrees **to file or assist a debtor in filing a bankruptcy petition**, ~~to represent a debtor~~, but not **to** represent the debtor in all matters relating to a case, must enter into a written fee agreement with the debtor that includes a detailed description of all services **that** the attorney will perform on behalf of the debtor. Before the debtor signs the fee agreement, the attorney must provide written disclosures that clearly explain to the debtor additional duties **that** the debtor may be required to perform without the attorney’s assistance and the associated risks. The debtor must sign and date an acknowledgment of receipt of the disclosures. At a minimum, the agreement must provide that the attorney will perform the following services:

- (A1)** Counsel the debtor with regard to all bankruptcy and nonbankruptcy options, and the potential benefits and detriments of each.
- (B2)** Assist the debtor with all aspects relating to the preparation of the petition, including educational requirements and explaining the effects of a discharge.
- (C3)** File the petition.
- (D4)** Assist with all matters up to and through conclusion of the meeting of creditors, including informing the debtor of key deadlines, such as objecting to discharge, which may occur after the meeting of creditors. Adversary proceedings, however, may be specifically excluded from the agreement.
- (E5)** Represent and counsel the debtor with respect to the reaffirmation, redemption, surrender, or retention of consumer goods securing obligations to creditors. The attorney is not required to sign the attorney certification that is part of the reaffirmation agreement or appear at a hearing for court approval of a reaffirmation agreement.
- (F6)** Assist and respond to requests for information and documents from the Chapter 7 case trustee, including responding to motions for turnover.



~~(2) **Motion to Withdraw Upon Completion of All Services.** The motion must include: (A) a certification that the attorney has performed all services required by the fee agreement, and (B) copies of the fee agreement and the written disclosures that were provided to the debtor before the debtor signed the fee agreement.~~

**(f) Withdrawal of Attorney.**

**(1) Motion and Supporting Declaration.** In addition to the requirements of LR 83-11 and the Oregon Rules of Professional Conduct (ORPC), a request by an attorney to withdraw as attorney of record for a debtor must be made by motion with a supporting declaration and include a proposed order. Except to the extent inconsistent with the ORPC, the motion, declaration, and proposed order must:

- (A)** State the relief sought, including proposed handling of unearned or earned and unpaid fees;
- (B)** In a joint-representation case, state whether the attorney seeks to withdraw as to one or both of the debtors and identify any debtor whom the attorney will continue to represent;
- (C)** Identify all pending matters and proceedings in the case and the current status of each, including any hearing dates and upcoming deadlines and in any jointly administered or any related case, matter, or proceeding;
- (D)** State the reasons withdrawal is sought;
- (E)** Summarize the efforts made to communicate with the debtor and, if a response was received, whether the debtor consents to the withdrawal;
- (F)** State the debtor's last-known contact information, including physical address, phone number, and, if authorized by the debtor, an e-mail address; and
- (G)** If withdrawal is sought before completion of services under a fee agreement, set forth any facts in support of retention of fees received or payment of additional fees.

**(2) Motions to Withdraw by a Debtor's Attorney Providing Limited-Scope Representation in Individual Chapter 7 case Upon Completion**

**of All Services.** In addition to the requirements in (1) above, if the attorney has entered into a limited-scope representation agreement in an individual chapter 7 case, the motion must include: (A) a certification that the attorney has performed all services required by the fee agreement, and (B) copies of the fee agreement and the written disclosures that were provided to the debtor before the debtor signed the fee agreement.

**Cross-references:**

- Motion Practice – Adversary Proceedings – LBR 7007-1.
- Rules of Construction & Definitions – LBR 9001-1.
- Documents – Requirements of Form – LBR 9004-1.
- Motion Practice – Contested Matters – LBR 9013-1.
- Voluntary Petition by Attorney in Fact – LBR 1002-1(a)(3).

**Comment.**

LBR 9010-1(e) is revised to move withdrawal to a new section (f) and to exclude from the scope of “limited-scope representation” attorneys representing a debtor for discrete matters within a bankruptcy case, but not the petition/discharge portion of the case (e.g., a Motion for Contempt or Adversary Proceedings). LBR 9010-1(f) includes withdrawal procedures for debtor’s counsel, including requirements for the motion and supporting declaration to ensure the court has sufficient information with respect to the requested relief.

**Rule 9017-1. Exhibits and Equipment; Use of Electronically Recorded Testimony.**

[...]

(c)

[...]

- (2) **Court Equipment.** The court has a limited variety of audio and visual equipment available for use at hearings. A party must notify the court and courtroom deputy clerk ~~at the pretrial conference~~ **no later than 14 days before the hearing** of a need to use the court's equipment and meet with the courtroom deputy clerk before the ~~trial~~ **hearing** to learn how to operate the equipment. ~~A party must assist the courtroom deputy in returning the equipment to the storage location at the conclusion of the trial.~~ The court may, in the interest of fairness and efficiency, limit the use of audio or visual equipment, or condition its use on its availability to all parties.

**Comment.**

Last-minute requests to use court equipment are disruptive to the court and can be difficult to accommodate. This change is intended to provide a reasonable deadline for these requests.

## Local Bankruptcy Forms/Court Forms

[See attached]

### **LBF 521.05, *Chapter 7 Individual Debtor's Statement of Intention***

#### **Comment.**

In some cases, debtors have no secured property. Adding a "None" checkbox will facilitate use of this form.

### **LBF 759.5, *Motion and Notice of Intent To Incur Expenses; and Order Thereon***

#### **Comment.**

Along with the changes to LBR 2016-1 and for the same reasons, the current LBF 759.5 is revised from a notice form to a form order.

### **LBF 760.5, *Notice of Motion to Sell Property & Sell Free of Liens***

#### **Comment.**

Conducting a hearing where no objection has been filed (or scheduling a hearing only upon the filing of an objection) can delay the sale of property. Consistent with other unopposed motions, if no objection is filed, an order may be lodged and the hearing taken off the calendar once the objection period expires.

### **LBF 1300.14, *Chapter 13 Plan***

#### **Comment.**

The current LBF 1300.14 requires objections to be filed "within fourteen days after the conclusion of the meeting of creditors, unless otherwise ordered by the Bankruptcy Court." The Notice of Pre-Confirmation Modified Plan (LBF 1355.05) states that any creditor who has an objection to any provision of the amended plan must file the objection with the court at least 3 business days before the confirmation hearing or appear at the confirmation hearing and present the objection to the court. The proposed form change to LBF 1300.14 eliminates the potential for inconsistent deadlines as follows:

***"If you oppose the Plan*** treatment of your claim or any provision of this Plan, you must file an objection to confirmation (or one must be filed on your behalf) within fourteen days after the conclusion of the meeting of creditors, unless otherwise ordered by the Bankruptcy Court or provided in a notice of amendment."

**LBF 1355.05, *Notice of Pre-Confirmation Plan Modification***

**Comment.**

LBF 1355.05 erroneously states that the confirmation hearing at which an amended plan will be considered is an evidentiary hearing and can cause confusion requiring objectors to “personally appear” when the hearing is held via telephone; proposed revisions resolve both of these issues.

**LBF 1367.92, *Motion to Reopen Chapter 7 or 13 Case and, if applicable, to Vacate Dismissal***

**Comment.**

Proposed LBF 1367.92 *infra* becomes mandatory in chapter 7 cases as well as chapter 13 cases and makes it easier for debtors and their counsel to complete the form and better inform the court of the basis for the relief requested. The revisions to LBF 1367.92 implement that change and make it easier for debtors and their counsel to complete the form and better inform the court of the basis for the relief requested. To ensure debtors are aware of the motion to reopen, and to provide an evidentiary basis for a ruling on the motion, their signature is required on the form.

**Form OFT, *Order and Notice of Time to File Claims***

**Comment.**

Revision to court form OFT to implement proposed LBR 2016-1(i) *supra*.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re \_\_\_\_\_ ) Case No. \_\_\_\_\_ (If Known)  
 )  
 Debtor(s) ) CHAPTER 7 INDIVIDUAL DEBTOR'S\*  
 ) STATEMENT OF INTENTION  
 ) PER 11 U.S.C. §521(a)

**IMPORTANT NOTICES TO DEBTOR(S):**

1. Complete, sign and file this form even if you have no debts secured by property of the estate or personal property subject to unexpired leases. If creditors are listed, make sure the certificate of service is completed.

2. Failure to perform the intentions as to property stated below within 30 days after the first date set for the Meeting of Creditors under 11 USC §341(a) may result in relief for the creditor from the Automatic Stay protecting such property.

**PART A** - Debts secured by property of the estate. (Part A must be fully completed for **each** debt which is secured by property of the estate. Attach additional pages is necessary.)

**IF NONE - Check this box.**

Property No. 1	
<b>Creditor's Name:</b>	<b>Describe Property Securing Debt:</b>
Property will be (check one):    SURRENDERED                  RETAINED	
If retaining the property, I intend to (check at least one):	
Redeem the property	
Reaffirm the debt	
Other. Explain (for example, avoid lien using 11 USC §522(f)) _____	
Property is (check one):    CLAIMED AS EXEMPT                  NOT CLAIMED AS EXEMPT	

Property No. 2 (if necessary)	
<b>Creditor's Name:</b>	<b>Describe Property Securing Debt:</b>
Property will be (check one):    SURRENDERED                  RETAINED	
If retaining the property, I intend to (check at least one):	
Redeem the property	
Reaffirm the debt	
Other. Explain (for example, avoid lien using 11 USC §522(f)) _____	
Property is (check one):    CLAIMED AS EXEMPT                  NOT CLAIMED AS EXEMPT	

Property No. 3 (if necessary)	
<b>Creditor's Name:</b>	<b>Describe Property Securing Debt:</b>
Property will be (check one):    SURRENDERED                  RETAINED	

If retaining the property, I intend to (check at least one):

Redeem the property  
 Reaffirm the debt  
 Other. Explain (for example, avoid lien using 11 USC §522(f)) \_\_\_\_\_

Property is (check one):      CLAIMED AS EXEMPT      NOT CLAIMED AS EXEMPT

**PART B** - Personal property subject to unexpired leases. (All three columns of Part B must be completed for each unexpired lease. Attach additional pages if necessary.)

**IF NONE - Check this box.**

Property No. 1		
<b>Lessor's Name:</b>	<b>Describe Leased Property:</b>	Lease will be assumed pursuant to 11 USC §365(p)(2): YES                      NO

Property No. 2 (if necessary)		
<b>Lessor's Name:</b>	<b>Describe Leased Property:</b>	Lease will be assumed pursuant to 11 USC §365(p)(2): YES                      NO

Property No. 3 (if necessary)		
<b>Lessor's Name:</b>	<b>Describe Leased Property:</b>	Lease will be assumed pursuant to 11 USC §365(p)(2): YES                      NO

Continuation sheets attached (if any).

**I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INDICATES INTENTION AS TO ANY PROPERTY OF MY ESTATE SECURING A DEBT AND/OR PERSONAL PROPERTY SUBJECT TO AN UNEXPIRED LEASE.**

DATE: \_\_\_\_\_

**I/WE THE UNDERSIGNED, CERTIFY THAT COPIES OF THIS DOCUMENT AND [LOCAL FORM #715](#) WERE SERVED ON ANY CREDITOR NAMED ABOVE.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
 DEBTOR'S SIGNATURE

\_\_\_\_\_  
 DEBTOR OR ATTORNEY'S SIGNATURE      OSB# (if attorney)

\_\_\_\_\_  
 JOINT DEBTOR'S SIGNATURE (If applicable)

\_\_\_\_\_  
 JOINT DEBTOR'S SIGNATURE (If applicable and no attorney)

\_\_\_\_\_  
 PRINT OR TYPE SIGNER'S NAME & PHONE NO.

\_\_\_\_\_  
 SIGNER'S ADDRESS (if attorney)

**NON-JUDICIAL REMEDY WHEN CONSUMER DEBTOR FAILS TO TIMELY PERFORM STATED INTENTIONS**  
 Creditors, see [Local Form #715](#) (attached if this document was served on paper) if you wish information on how to obtain non-judicial relief from the automatic stay of 11 U.S.C. §362(a) as to your collateral.

**QUESTIONS????**

**Call an attorney with questions about these procedures or the law. However, only call the debtor's attorney if you have questions about the debtor's intent as to your collateral.**

**CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION**  
(Continuation Sheet)

**PART A - Continuation**

Property No. 4	
<b>Creditor's Name:</b>	<b>Describe Property Securing Debt:</b>
Property will be (check one):    SURRENDERED                      RETAINED	
If retaining the property, I intend to (check at least one): Redeem the property Reaffirm the debt Other. Explain (for example, avoid lien using 11 USC §522(f)) _____	
Property is (check one):    CLAIMED AS EXEMPT                      NOT CLAIMED AS EXEMPT	

Property No. 5 (if necessary)	
<b>Creditor's Name:</b>	<b>Describe Property Securing Debt:</b>
Property will be (check one):    SURRENDERED                      RETAINED	
If retaining the property, I intend to (check at least one): Redeem the property Reaffirm the debt Other. Explain (for example, avoid lien using 11 USC §522(f)) _____	
Property is (check one):    CLAIMED AS EXEMPT                      NOT CLAIMED AS EXEMPT	

Property No. 6 (if necessary)	
<b>Creditor's Name:</b>	<b>Describe Property Securing Debt:</b>
Property will be (check one):    SURRENDERED                      RETAINED	
If retaining the property, I intend to (check at least one): Redeem the property Reaffirm the debt Other. Explain (for example, avoid lien using 11 USC §522(f)) _____	
Property is (check one):    CLAIMED AS EXEMPT                      NOT CLAIMED AS EXEMPT	

**PART B - Continuation**

Property No. 4		
<b>Lessor's Name:</b>	<b>Describe Leased Property:</b>	Lease will be assumed pursuant to 11 USC §365(p)(2): YES                      NO

Property No. 5 (if necessary)		
<b>Lessor's Name:</b>	<b>Describe Leased Property:</b>	Lease will be assumed pursuant to 11 USC §365(p)(2): YES                      NO

Property No. 6 (if necessary)		
<b>Lessor's Name:</b>	<b>Describe Leased Property:</b>	Lease will be assumed pursuant to 11 USC §365(p)(2): YES                      NO



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re )  
 ) Case No. \_\_\_\_\_  
 )  
 ) **MOTION AND NOTICE OF INTENT TO INCUR**  
 ) **EXPENSES; AND ORDER THEREON**  
Debtor(s) )

1. The undersigned trustee, \_\_\_\_\_, moves for an order authorizing the payment of the following expenses from the property of the estate as follows: ~~represents that the following reasonable expenses are necessary and should be incurred in the administration of this case:~~

<u>Payee</u>	<u>Item (include explanation)</u>	<u>Amount</u>
--------------	-----------------------------------	---------------

2. The foregoing expenses are justified by the following facts:

**IT IS ORDERED, AND NOTICE IS HEREBY GIVEN,** that the trustee may incur and pay the above expenses from estate funds without further notice or court order, unless within ~~21~~16 days of the date in the "Filed" stamp, ~~Trustee's date below,~~ an interested party both: (1) files a written objection thereto, setting forth the specific grounds for such objection, with the Clerk of Court (i.e., if the 5-digit portion of the Case No. begins with "3" or "4", mail to 1001 SW 5th Ave. #700, Portland OR 97204; or, if it begins with "6" or "7", mail to 405 E 8<sup>th</sup> Ave #2600, Eugene OR 97401), and (2) serves a copy thereof on the trustee at \_\_\_\_\_, the trustee will incur and pay the above expenses from the funds of this estate:

DATE: \_\_\_\_\_

\_\_\_\_\_  
Trustee

759.5 (~~7/2/12~~12/1/16)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re )  
 ) Case No. \_\_\_\_\_  
 )  
 ) NOTICE OF INTENT TO Sell Real or  
 ) Personal Property, Compensate Real Estate  
 ) Broker, and/or Pay any Secured Creditor's Fees  
 ) and Costs; Motion for Authority to Sell Property  
 ) Free and Clear of Liens; and Notice of Hearing  
 ) [Note: Do not use to sell personally identifiable  
 Debtor(s) ) information about individuals!]

NOTICE IS GIVEN THAT \_\_\_\_\_, the  
\_\_\_\_\_ (i.e., debtor, trustee, etc.), intends to sell the property described below and moves  
for authority to sell said property free and clear of liens pursuant to 11 USC §363(f). The movant's name, address, and  
telephone # are: \_\_\_\_\_.

If you wish to object to any aspect of the sale or fees disclosed in ¶7 or ¶15 you must: (1) attend the hearing set in ¶16 below  
and, (2) within 23 days of the later of either (a) the date next to the signature below; or (b) the service date in ¶17 below, file  
with the Clerk of Court (i.e., if the 5-digit portion of the Case No. begins with "3" or "4", at 1001 SW 5th Ave. #700, Portland  
OR 97204; or if it begins with "6" or "7", at 405 E 8<sup>th</sup> Ave #2600, Eugene OR 97401): (a) a written response stating the specific  
facts upon which the objection is based, and (b) proof that a copy of the response was served on the movant.

This document shall constitute the notice required by LBR 2002-1. (COMPLETE ALL SECTIONS.)

1. The specific subsections of 11 USC §363(f) movant relies upon for authority to sell the property free and clear of liens are:
2. Buyer's Name & Relation to Debtor:
3. General description of the property (NOTE: If real property, state street address here. Also attach legal description as  
an Exhibit to the original filed with the court):
4. A copy of the full property description or inventory may be examined or obtained at:
5. The property may be previewed at (include time and place):
6. Other parties to the transaction and their relationship to the debtor are:
7. Gross sales price: \$ \_\_\_\_\_. All liens on the property total: \$ \_\_\_\_\_, of which Movant believes  
a total of \$ \_\_\_\_\_ need not be paid as secured claims (because the lien is invalid, avoidable, etc., the lienholder  
consents to less than full payment, or part or all of the underlying debt is not allowable). Secured creditor(s) also seek(s)  
reimbursement of \$ \_\_\_\_\_ for fees and costs. Total sales costs will be: \$ \_\_\_\_\_. All tax  
consequences have been considered and it presently appears the sale will result in net proceeds to the estate after payment  
of valid liens, fees, costs and taxes of approximately: \$ \_\_\_\_\_.
8. The sale is is not (**mark one**) of substantially all of the debtor's assets. Terms and conditions of sale:
9. Competing bids must be submitted to the movant no later than (date) \_\_\_\_\_, and must exceed the above offer by  
at least \_\_\_\_\_ (and be on the same or more favorable terms to the estate).

10. Summary of all available information regarding valuation, including any independent appraisals:

11. If ¶7 indicates little or no equity for the estate, the reason for the sale is:

and expenses and taxes resulting from the sale will be paid as follows:

12. (Ch. 11 cases only) The reason for proposing the sale in advance of approval of a plan of reorganization is:

13. The following information relates to lien holders (who are listed in PRIORITY order):

<u>Name</u>	<u>Service Address (See FRBP 7004)</u>	<u>Approximate Lien Amount</u>	<u>Indicate Treatment at Closing (i.e., Fully Paid, Partially Paid, or Not Paid)</u>
-------------	--	--------------------------------	--

14. Any liens not fully paid at closing shall attach to the sale proceeds in the same order of priority they attach to the property. Any proceeds remaining after paying liens, expenses, taxes, commissions, fees, costs or other charges as provided in this motion, shall be held in trust until the court orders payment.

15. [If real property] The court appointed real estate broker, \_\_\_\_\_, will be paid \_\_\_\_\_.

16. **A HEARING ON THIS MOTION AND ANY OBJECTIONS TO THE SALE AND/OR FEES WILL BE HELD IS SCHEDULED**  
ON \_\_\_\_\_ AT \_\_\_\_\_ IN \_\_\_\_\_ and testimony will be received if offered and admissible. **If no timely objection is filed, the hearing may be cancelled and an order submitted. Parties are encouraged to check the hearing calendar at [www.orb.uscourts.gov](http://www.orb.uscourts.gov) after the objection deadline has passed.**

17. [Unless movant is a Ch. 7 trustee] I certify that on \_\_\_\_\_ a copy of this document was served, pursuant to FRBP 7004, on the debtor(s), trustee, if any, U.S. Trustee, each named lien holder at the address listed above, Creditors' Committee Chairperson, if any, and their respective attorneys; and that a copy was also served that date, pursuant to FRBP 2002(a), on all creditors and parties requesting special notice as listed in the Court's records that were obtained on \_\_\_\_\_, a copy of which is attached to the original document filed with the Bankruptcy Court.

18. FOR FURTHER INFORMATION CONTACT: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature & Relation to Movant

\_\_\_\_\_  
(If debtor is movant) Debtor's Address & Taxpayer ID#(s) (last 4 digits)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re )  
) Case No. \_\_\_\_\_  
) (NOTE: If blank, Case No. will be on the Meeting of Creditors Notice)  
)  
) **CHAPTER 13 PLAN DATED \_\_\_\_\_; AND**  
)  **MOTION TO VALUE COLLATERAL (See Paragraph 2(b)(1) and (2) below);**  
)  **MOTION TO AVOID LIENS (See Paragraph 6 below)**  
)  **THIS PLAN SETS OUT NONSTANDARD PROVISIONS BEGINNING WITH**  
Debtor(s) ) **PARAGRAPH 10**

**NOTICE TO INTERESTED PARTIES: Your rights may be affected. Your claim may be modified or eliminated. You should read these papers carefully and discuss them with your attorney. If you do not have one, you may wish to consult one.**

***If you oppose the Plan*** treatment of your claim or any provision of this Plan, you must file an objection to confirmation (or one must be filed on your behalf) within fourteen days after the conclusion of the meeting of creditors, unless otherwise ordered by the Bankruptcy Court **or provided in a notice of amendment**. See Local Bankruptcy Rule 3015-3(c). **Failure of a creditor to file a written objection to the plan shall constitute acceptance of the plan and the Bankruptcy Court may confirm the plan without further notice.** If there are any additional plan provisions or provisions that alter the language of paragraphs 1-9, they shall be outlined in paragraphs 10+ below.

1. The debtor shall pay to the trustee:

(a) a monthly payment of \$ \_\_\_\_\_;

(b) all proceeds from avoided transfers, including proceeds from transfers avoided by the trustee;

(c) upon receipt by the debtor, all tax refunds attributable to prepetition tax years and, upon receipt by the debtor, net tax refunds (i.e., tax refunds not otherwise provided for in the plan, less tax paid by debtor for a deficiency shown on any tax return for that same tax year or tax paid by setoff by a tax agency for a postpetition tax year) attributable to postpetition tax years during the:  36 months or  60 months from the date the first plan payment is due (note: refunds for the first three years of the plan are due in cases with 36 month commitment periods; refunds for all five years are due in cases with 60 month commitment periods);

(d) a lump sum payment of \$ \_\_\_\_\_ on or before \_\_\_\_\_ (date); and

(e) \_\_\_\_\_.

Debtor acknowledges that if the debtor is ever more than 30 days delinquent on any payment due under section 1(a) of this plan, upon motion of the trustee granted by the court after appropriate notice, a wage deduction order to debtor's employer may be issued immediately.

2. The trustee shall disburse all funds received pursuant to paragraph 1 as follows:

(a) First, to the trustee's percentage fee and expenses.

(b) Second, to secured creditors as provided in (1) and (2) below. Should the trustee not have sufficient funds in trust to pay fully the disbursements listed below, disbursements of funds available shall be made pro rata. The terms of the debtor's prepetition agreement with each secured creditor shall continue to apply, except as otherwise provided in this plan or in the order confirming plan. Secured creditors shall retain their liens until payment of the underlying debt, determined under nonbankruptcy law, or discharge under §1328(a), at which time the lien shall terminate and be released by the creditor.

(1) **Cure of Default and Claim Modification.** The debtor will cure the default and maintain the contractual installment payments (as provided in paragraph 4) on the secured claims listed below in the "Estimated Arrearage if Curing" column. The amount listed in this column is an estimate; the creditor's timely filed and allowed claim shall control. Claims provided for in the "Collateral Value if Not Paying in Full" column are allowed secured claims only to the extent of the value indicated, and pursuant to §506(a), the debtor MOVES the court for an order fixing the value of the collateral in the amount stated below. Unless a creditor timely objects to confirmation, the value of the creditor's interest in the collateral shall be limited to the amount listed below, and that amount will be paid under the plan with interest at the rate stated below.

For claims provided for in the "Estimated Secured Claim if Paying Secured Claim in Full" column, the creditor will receive the amount of the claim that is secured as set forth on the creditor's timely proof of claim, except as follows: If the claim is a "910 claim" not subject to 11 U.S.C. §506 pursuant to the hanging paragraph of 11 U.S.C. §1325(a)(9), the creditor will receive the total amount of the claim set forth on the creditor's timely proof of claim, even if that amount exceeds the secured portion of the claim.

For all creditors provided for under this subparagraph, if the creditor's claim will not be paid in full, the portion of the creditor's claim that exceeds the amount of the allowed secured claim shall be treated as an unsecured claim under paragraph 2(e) (if the claim identifies the priority position of the claim) and 2(f) below.

*Instruction to debtor(s):* Use **only one** of the following columns for each creditor: "Estimated Arrearage if Curing," **or** "Collateral Value if Not Paying in Full," **or** "Estimated Secured Claim if Paying Secured Claim in Full." All other columns must be completed.

Creditor	Collateral	Estimated Arrearage if Curing	OR	Collateral Value if Not Paying in Full	OR	Estimated Secured Claim if Paying Secured Claim in Full	Post-confirmation Interest Rate	Monthly Plan Payment

**(2) Secured Claim Modification Not Expressly Authorized by the Code.** This subparagraph may include, but is not limited to, modification of a claim secured by a purchase money security interest in either (1) a motor vehicle acquired for personal use by the debtor within 910 days before the bankruptcy filing date, or (2) any other personal property collateral acquired within one year before the bankruptcy filing. Secured claims provided for in this subparagraph shall be limited to the amount indicated in the "Amount of Claim as Modified (Value of Collateral)" column. The debtor MOVES the court for an order fixing the value of the collateral in the amount stated below.

**DEBTOR PROPOSES THAT THE CREDITOR(S) SPECIFICALLY IDENTIFIED BELOW ACCEPT, EITHER EXPRESSLY OR IMPLIEDLY, THE FOLLOWING TREATMENT WHICH THE COURT MIGHT NOT BE ABLE TO APPROVE ABSENT CONSENT OF CREDITOR(S). FAILURE OF A CREDITOR TO FILE A WRITTEN OBJECTION TO THIS PLAN PRIOR TO CONFIRMATION SHALL CONSTITUTE ACCEPTANCE OF THE PLAN.**

Creditor	Collateral	Amount of Claim as Modified (Value of Collateral)	Post-confirmation Interest Rate	Monthly Plan Payment

**(3) Adequate protection payments shall be disbursed by the trustee pre-confirmation from funds on hand with the trustee in the payment amounts specified in the plan for personal property secured creditors, absent a provision in this plan or a court order providing for a different amount to be paid pre-confirmation. If the debtor fails to make a monthly payment sufficient to pay the adequate protection payments in full, the trustee will disburse the funds pro rata according to the monthly payments proposed for those creditors. Adequate protection payments paid through the trustee pre-confirmation will be deducted from the amount of the allowed claim. Unless the concerned creditor is fully secured or oversecured for purposes of §506 or §1325(a)(9), no interest shall be paid from the date of the filing of the petition to the date of confirmation unless otherwise specifically provided for in the payment provisions set forth above.**

(4) Attorney Compensation: Original attorney fees and expenses are \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ remains unpaid. If debtor has agreed to an estimated rather than a fixed fee, upon application, the court in its sole discretion may award not more than \$500 in addition to the above amount without further notice. Attorney fees are to be paid either:  From all available funds after paragraph 2(b) payments are made; or  Other \_\_\_\_\_.

(5) The debtor shall surrender any collateral not otherwise addressed by the terms of this plan no later than upon confirmation of this plan to the following (i.e., state creditor NAME followed by DESCRIPTION of collateral to be surrendered. If the debtor does not have possession of the collateral, this should be indicated below):

- (c) Third, pro rata until fully paid, allowed unsecured domestic support obligations under §507(a)(1).
- (d) Fourth, allowed administrative expenses under §507(a)(2).
- (e) Fifth, pro rata, until fully paid, to allowed priority claims in the order stated in §507(a)(3)-(10), including §1305 claims.
- (f) Sixth, pro rata, to timely filed and allowed nonpriority unsecured claims, the amounts required by §1325(b)(1). These monies will be distributed in the method indicated in the section marked below [MARK ONLY **ONE**].
  - (1) The creditors will receive approximately \_\_\_\_\_ % of their claims. Payment of any dividend will depend upon the amount of allowed secured claims, the amount of allowed priority claims (including costs of administration and the debtor's attorney's fees), and the total amount of allowed, nonpriority unsecured claims.
  - (2) The creditors will receive a minimum \_\_\_\_\_ % of their claims. This percentage will not be reduced regardless of the amount of total creditors' claims filed.
- (g) Pursuant to §1325(a)(4), the "best interest of creditors" number is determined to be \$ \_\_\_\_\_, and not less than that amount shall be distributed to unsecured priority and, pro rata, non-priority creditors with timely filed and allowed claims. The total amount of allowed priority claims will reduce the amount distributed to unsecured, non-priority creditors.
- (h) Pursuant to §1325(a)(4), all allowed unsecured claims shall receive interest of \_\_\_\_\_ % from the time of confirmation.

3. The debtor ASSUMES the following executory contracts and leases:

Creditor	Amount of Default [State if None]	Cure Provisions

Those executory contracts or leases not specifically mentioned above are treated as rejected. Any timely filed and allowed claim arising from rejection shall be treated under paragraph 2(f). The debtor will pay all assumed executory contracts and leases directly, including amounts required to cure. The debtor shall surrender any property covered by rejected executory contracts or leases to the affected creditor no later than upon confirmation of this plan.

- 4. The debtor shall pay directly to each of the following creditors, whose debts are either fully secured or are secured only by a security interest in real property that is the debtor's principal residence, the regular payment due post-petition on these claims in accordance with the terms of their respective contracts, list any pre-petition arrearages in paragraph 2(b)(1) and/or specify any other treatment of such secured creditor(s) in an additional paragraph at the end of this plan:
- 5. Subject to the provisions of §502, untimely claims are disallowed, without the need for formal objection, unless allowed by court order.

6. The debtor MOVES, pursuant to §522(f)(1), to avoid the judicial liens and/or non-purchase money security interests of the following creditors because they impair an exemption(s) of the debtor:

Absent objection from a creditor, the order of confirmation will avoid its lien and its claim will be treated in paragraph 2(f).

7. The applicable commitment period of this plan is 36 or 60 months. Debtor(s) shall make plan payments for the length of the commitment period unless the debtor(s) first pay 100% of all allowed claims with appropriate interest. If the commitment period is 36 months, the plan payments may continue for a longer period, not to exceed 60 months, as necessary to complete required payments to creditors. The approximate length of the plan is \_\_\_\_\_ months; cause to extend longer than 36 months is as follows:
8. This plan may be altered post-confirmation in a non-material manner by court order after notice to the debtor, the trustee, any creditor whose claim is the subject of the modification and any interested party who has requested special notice.
9. Debtor Certification. Debtor(s) certifies that the petition was filed in good faith, and this plan was proposed in good faith and not by any means forbidden by law. Debtor(s) further certifies that all postpetition domestic support obligations have been paid in full on the date of this plan and will be paid in full at the time of the confirmation hearing.

**ADDITIONAL NONSTANDARD PROVISIONS** (separately number below or on attachment(s), beginning with 10)

---

DEBTOR

---

DEBTOR

**CERTIFICATE OF SERVICE on Creditors/Parties Treated in Paragraphs 2(b)(1)** (under the "Collateral Value if Not Paying in Full" column), **2(b)(2)** (under the "Amount of Claim as Modified" column), **3**, and **6** (see FRBP 3012, 4003(d), and 9014, and LBR 6006-1(b)). I certify that copies of this plan and the notice of hearing to confirm this plan were served as follows:

a) For creditors/parties who are not Insured Depository Institutions (served by court) (see FRBP 7004(b)), I either listed the creditors/parties in the mailing list filed with the court exactly as follows, OR, on (insert date) \_\_\_\_\_, I served the above-documents by first-class mail to the creditors/parties at the names and addresses exactly as follows (list each creditor/party, the person or entity the creditor/party was served through, and the address):

b) For Insured Depository Institutions (see FRBP 7004(h)), on (insert date) \_\_\_\_\_, I served the above-documents by certified mail, or by other authorized means (specify), at the name and address exactly as follows (list each insured depository institution, the person or entity the institution was served through, and the address):

---

DEBTOR OR DEBTOR'S ATTORNEY

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re \_\_\_\_\_ ) Case No. \_\_\_\_\_  
 )  
 ) [NOTE: **Only use if filing 14 or more days before a hearing**]  
 )  
 )  
 )  
 Debtor(s) ) NOTICE OF **PRE**-CONFIRMATION  
 ) AMENDMENT OF PLAN AND  
 ) CONFIRMATION HEARING

The proponent, who is the \_\_\_\_\_, [i.e., debtor; trustee; or creditor (also state type of claim and any business name)] and whose name and address are \_\_\_\_\_

by and through the undersigned, certifies that:

1. An original amended plan dated \_\_\_\_\_ was attached to the original of this Notice and has been filed with the Clerk of Court.
2. A **Confirmation Hearing** regarding the amended plan, at which testimony will **not** be received if offered and ~~admissible~~, will be held: **[Instructions to filer: If a confirmation hearing is scheduled, insert the information for that hearing; do not obtain a new date! If no confirmation hearing is currently scheduled, contact the calendar clerk to obtain a hearing date and time before completing this notice. If a telephone hearing is scheduled, mark the Access Code box for the hearing judge.]**

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Location:**  Courtroom # \_\_\_\_\_, \_\_\_\_\_

Telephone Hearing **[NOTE: See LBF #888, Telephone Hearing Requirements]**

**Call In Number:** (888) 684-8852

- Access Code:**
- 8622907 for Judge Frank R. Alley (fra)
  - 4950985 for Judge Trish M. Brown (tmb)
  - 5870400 for Judge Randall L. Dunn (rld)
  - 1238244 for Judge Peter C. McKittrick (pcm)
  - 3388495 for Judge Thomas M. Renn (tmr)

3. A separate summary of the amendments has been served on the trustee along with a copy of the amended plan and any modified budget or other pertinent information.
4. On \_\_\_\_\_ copies of this Notice, Local Form #888 if a Telephone Hearing will be held and if this Notice is served on paper, and the amended plan described above were served on the debtor(s) and any debtor's attorney; trustee (with the attachments required in pt. 3); and all creditors.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Signature, Relation to Proponent, **AND** Proponent's Contact Phone #

\_\_\_\_\_  
(If debtor is proponent) Debtor's Address (unless shown above) & Taxpayer ID#(s) (last 4 digits)

NOTICE IS GIVEN THAT any creditor who has any objection to any provision of the amended plan must file **the detailed written objections** with the court at least 3 business days before **that the confirmation hearing** or **personally appear** at the confirmation hearing and present **such the objections** to the court. Filing of a proof of claim **rejecting the plan** or a motion for relief from the automatic stay will not be considered as an objection to confirmation.

CLERK, U.S. BANKRUPTCY COURT



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re )  
 )  
 ) Case No. \_\_\_\_\_  
 )  
 ) MOTION TO REOPEN CHAPTER 7 OR 13 CASE  
 ) AND, IF APPLICABLE, TO VACATE DISMISSAL  
 )  
 Debtor(s) )

1. The debtor moves the court for an order reopening the above-captioned case. [Note: In order for the court to accept and consider this motion, the debtor must pay the reopening fee, if applicable, and any unpaid balance of the original filing fee.]

2. [Check all applicable boxes]:  
 The court entered an order closing the case. \_\_\_\_\_ .  
 The court entered an order of dismissal in this case.

3. The debtor moves the court for an order reopening the case for the following reason(s):

- To pay overdue filing fees in order to receive a discharge.
- To file documents necessary for discharge (e.g., Debtor Education Certificate or LBF 525 *Certification Re Payment of Domestic Support Obligations*).
- To file documents listed on an *Order and Notice of Time to File Document(s)* so the case may proceed. The debtor(s) must file the documents within 14 days of entry of an order to reopen.
- To file a complaint or motion based upon an alleged violation of the terms of the discharge under 11 U.S.C. § 524. No reopening fee is due.
- To redact a record already filed in the case, pursuant to Fed. R. Bankr. P. 9037. If redaction is the only reason for reopening, no reopening fee is due.
- Other:

Note that the court will not reopen: (a) a case in which a discharge has been entered to accept or act upon a reaffirmation agreement without a motion explaining why Court action is necessary; or (b) a no-asset case in order to add a creditor.

4. The debtor states both: (a) debtor has paid the reopening fee and any unpaid balance of the original filing fee, and (b) the following ground(s) exist under Fed. R. Bankr. P. 9024 for entry of an order reopening and, if applicable, an order vacating the dismissal:

- mistake, inadvertence, surprise, or excusable neglect;
- newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial;
- fraud, misrepresentation, or misconduct by an opposing party;
- other:

5. The debtor offers evidence to support a finding that grounds exist as indicated above (check one)  in an affidavit or declaration attached to this motion  as follows:

~~If the court has entered an order of dismissal, the debtor further states the following ground(s) exist under Fed. R. Bankr. P. 9024 for entry of an order vacating the dismissal:~~

I declare under penalty of perjury that the information contained above is true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature of Debtor (required)

\_\_\_\_\_  
Signature of Joint Debtor (If applicable)

\_\_\_\_\_  
Debtor(s) Current Service Address

UNITED STATES BANKRUPTCY COURT  
District of Oregon

In re

John Doe

) Case No. 16-30000-pcm7

Jane Doe  
Debtor(s)

)  
)  
) ORDER AND NOTICE  
) OF TIME TO FILE  
) CLAIMS  
)  
)

The trustee anticipates receiving funds which may be sufficient to pay a dividend to creditors, therefore,

**IT IS ORDERED AND NOTICE IS GIVEN** that:

1. The deadline to file a Proof of Claim is **12/1/16** for all creditors, except for governmental units for which a later deadline may apply; see Fed. Rule Bankr. Proc. 3002(c)(1). Your claim must be received by the bankruptcy clerk's office by this deadline.
2. Any surplus of funds remaining after payment of filed claims will be returned to the debtor(s).

Clerk, U.S. Bankruptcy Court

**TO FILE A CLAIM:**

1. File a proof of claim at [www.orb.uscourts.gov](http://www.orb.uscourts.gov). Select Proof of Claim (ePOC) and follow the steps to create and electronically file a proof of claim on the required form. No login/password is required.
2. If you have already filed a claim in this case, do not file it again.
3. If you do not have internet access, please call the court at 503-326-1500 or 541-431-4000 to request a claim form.

**NOTICE IS GIVEN** that, pursuant to LBR 2016-1(i)(1), the trustee may incur and pay from estate funds, or reimburse the trustee from estate funds, up to \$1,000 in the aggregate for the following actual and necessary expenses to preserve or protect the estate: bond premiums, bank fees, court fees, UCC search fees, property-title search fees, and locksmith or security charges, unless within 21 days after the date in the "FILED" stamp above, an interested party: (1) files a written objection thereto, setting forth the specific grounds for the objection, with the Clerk of Court (i.e. , if the 5-digit portion of the Case No. begins with "3" or "4," mail to 1001 SW 5th Ave. #700, Portland, OR 97204; or, if it begins with "6" or "7," mail to 405 E 8th Ave #2600, Eugene, OR 97401, and (2) serves a copy thereof on the trustee at: [INSERT NAME AND ADDRESS OF CASE TRUSTEE].