

**PROPOSED REVISIONS TO  
LOCAL BANKRUPTCY RULES AND FORMS**

**September 21, 2017**

This document contains proposed revisions to the December 1, 2016, 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.

Text proposed to be added is double-underlined, and text proposed language to be deleted is ~~struck through~~.

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 23, 2017**, 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, 2017, unless otherwise noted.

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## PROPOSED LOCAL BANKRUPTCY RULES REVISIONS

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### Rule 1002-1. Petition—General.

(a) **Authority to File.**

[...]

(3) **Voluntary Petition by Attorney in Fact.**

[...]

(B) **Duties of Attorney in Fact and Debtor; Limit on Authority of Attorney in Fact.**

[...]

- (iii) ~~Unless the court orders otherwise, t~~The attorney in fact may take no other action in the bankruptcy case on behalf of the debtor.

**Comment:** The deletion is not intended to change any practice, but instead to recognize that LBR 9029-1(c) applies across all LBRs. That rule permits the court to excuse a party from complying with any LBR to avoid injustice or to expedite the administration of a case or adversary proceeding.

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### Rule 1006-1. Fees—General.

[...]

- (d) **Erroneous Payment of Fee or Charge.** An entity making any payment with respect to a filing fee, or other fee or charge, must ensure the fee is due and not overpaid or paid more than once. The clerk ~~will~~may retain any excess payment.

**Comment.** This change provides the Clerk’s Office discretion regarding refund of overpayments.

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### Rule 1007-5. Statement of Social Security Number (Privacy).

- ~~(a) **Social Security (SSN)/Individual Taxpayer Identification (ITIN) Numbers.**~~ The following provisions apply to an Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN):

- (1a) **Electronically Filed Petition.** An OF 121 must be prepared, signed by the debtor, and retained by the debtor’s attorney under LBR 5005-4(e), ~~but must not be and~~ filed separately with an electronically filed voluntary petition.
- (2b) **Amendment.** To amend a debtor’s SSN or ITIN, the debtor must file an amended OF 121 with an attached certificate of service stating that a copy of the amended OF 121 (including all nine digits of the number) was served on all interested parties.

**Comment.** FRBP 1007(f) requires the filing of Official Form 121, Statement of Your Social Security Numbers; therefore, LBR 1007-5 is proposed to be changed to conform to it. Debtors’ attorneys were advised they could begin filing the form on May 1, 2017. The ECF system was modified to add events for this purpose. Access to the filed OF 121 is restricted to court users, the UST, and the filer. In May, the court updated LBR 5005, Electronic Filing Declaration (for Individual Debtors), to add OF 121 to the list of documents.

In the Uniform Numbering System for Local Bankruptcy Court Rules, found at <http://www.uscourts.gov/file/document/uniform-numbering-system-local-bankruptcy-court-rules-january-2012>, there is no Rule 9037-1. It is therefore proposed that LBR 9037-1 be deleted, *infra*. The section of LBR 9037-1 dealing with Statements of Social Security Numbers is proposed to be moved to this new LBR 1007-5, which is listed in the Uniform Numbering System with the title “Statement of SSN (Privacy)”. Revisions in LBR 1007-5 to the language of LBR 9037-1(a) are indicated above.

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**Rule 1015-1. Joint Administration.**

[...]

- (b) **Limited Effect of Joint Administration.** ~~Unless otherwise ordered, j~~Joint administration will not cause a substantive consolidation of the debtors’ estates or authorize the filing of joint statements, schedules, or reports, including reports made under [FRBP 2015](#).

**Comment:** See comment to LBR 1002-1.

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**Rule 3007-1. Claim—Objection.**

[...]

- (b) **Chapter 11.**

**(1) Timing of Objections and Effect on Confirmation.** A claim objection filed more than seven days after service of notice of the initial disclosure statement hearing does not affect the amount of the claim for the purpose of voting on, objecting to, determining creditor acceptance of, or otherwise determining whether to confirm, the plan to which the notice referred or any amendments to the plan.

**(2) Prefiling Conference Certification.** In a chapter 11 case, the signature on a claim objection certifies that one of the LBR 7007-1(a)(1) statements is true (but no description is required); LBR 7007-1(a)(2) applies.

**Comment.** This addition imposes the LBR 7007-1(a) prefiling conferral requirement on claims objections in chapter 11 cases. Many claimants are represented by counsel and are frequently active participants. Considering the constraints of LBF 763, the requirement to include a description of the efforts (found in LBR 7007-1(a)(1)(A)–(B)) is excluded. The addition is drafted to apply to claim objections filed on LBF 763 or any other claim objection form of pleading (if leave from use of the local forms is granted).

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#### **Rule 3015-1. Chapter 12 or 13—Plan & Payments.**

[...]

**(b) Chapter 13.**

**(1) Plan.** In any case commenced on or after December 1, 2017, a single local plan form is adopted for this district, and, pursuant to FRBP 3015.1, the court opts out of the national chapter 13 plan form. A plan must be filed on the applicable version of the local bankruptcy plan form (i.e., LBF 1300.17 for cases commenced or converted to chapter 13 on or after December 1, 2017, LBF 1300.14 for cases commenced or converted to chapter 13 from December 1, 2014 through November 30, 2017, ~~and~~ LBF 1300.05 for cases commenced or converted to chapter 13 before December 1, 2014). A plan must be signed and dated with the date signed by the debtor.

**Comment.** The court proposes to “opt out” of the national chapter 13 plan form. The revision also clarifies that, for cases filed before the transition to the Fed. R. Bankr. P. 3015.1-mandated plan form, amended plans should continue the current practice of using the then-applicable form.

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#### **Rule 3015-2. Chapter 12 or 13—Plan Amendment.**

[...]

- (a) ...
- (3) Signed and dated with the date signed by the debtor.
- (b) **Preconfirmation.** If a proposed amendment is filed ~~14~~28 days or more before a confirmation hearing, the debtor must attach the amended plan to LBF 1355.05 and serve it under that form. An amended plan may not be filed fewer than 28 days before the then-pending confirmation hearing. ~~If an amended plan is filed less than 14 days before a confirmation hearing, the court will determine at the hearing whether the debtor must comply with the preceding sentence.~~
- (c) **Postconfirmation.** The debtor must use the same version of the local form plan as the prior confirmed plan and attach a proposed amendment to LBF 1355.10.

**Comment:** Revisions to FRBP 2002 effective 12/1/17 require 21 days' notice of the deadline to object to confirmation of a Chapter 13 plan and 28 days' notice of a hearing on the confirmation of a Chapter 13 plan. Revisions to FRBP 3015 effective 12/1/17 require an objection to confirmation to be filed and served at least 7 days before a confirmation hearing. This LBR and LBF 1355.05 are being revised accordingly.

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**Rule 3015-3. Chapter 12 or 13—Confirmation.**

[...]

- (c) **Chapter 13.**
- (1) Except as set forth in (4) or in LBF 1355.05, a confirmation objection must be filed and served on the debtor within 14 days after the meeting of creditors concludes.
- (2) If no objection to the proposed plan is timely filed, the debtor must submit to the trustee a proposed confirmation order on LBF 1350.17 for cases commenced or converted to chapter 13 on or after December 1, 2017, or LBF 1350.05 for cases commenced or converted to chapter 13 before December 1, 2017, no later than 21 days after the meeting of creditors concludes. The trustee must review, approve if appropriate, and lodge the proposed order no later than seven days before the date set for the confirmation hearing. The court will review and consider entering an approved proposed order without a hearing.

**Comment.** The proposed change to (c)(1) is made in conjunction with the proposed change to LBF 1355.05, *infra*, and clarifies the deadline for objecting to confirmation when an amended plan is filed on LBF 1355.05. The proposed change to (c)(2) implements the proposed changes to the Order Confirming Plan discussed *infra*.

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

[...]

**Cross-reference:** Voluntary Modification of Debt Secured by Debtor's Residence in Chapter 13 Cases – LBR 4008-2.

**Comment:** This cross-reference is added to bring attention to the provisions of LBR 4008-2 which limit the application of the automatic stay.

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**Rule 4008-2. Voluntary Modification of Debt Secured by Debtor's Residence in Chapter 7 and Chapter 13 Cases.**

[...]

**Cross-reference:** Agreement Relating to Relief From the Automatic Stay - LBR 4001-1.

**Comment:** This cross-reference is added to highlight the limitation of the automatic stay granted by this rule.

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**Rule 5077-1. Transcript.**

(a) **Redaction.** ~~LBR 9037-1 applies.~~

(1) **General.** Each party, including any attorney for the party, must review a transcript subject to FRBP 9037(a) and not exempted by FRBP 9037(b) for the following information, which should be redacted under the Judicial Conference's privacy policy: SSNs and ITINs should be redacted to show only the last four digits; birth dates should contain only the year of birth; individuals known to be minors should be referred to only with initials; and financial-account numbers should be redacted to show only the last four digits. A party is responsible for reviewing the opening and closing statements made on behalf of that party, any statements made by that party, and the testimony of any witness called by that party. [NOTE: This LBR is adopted under a privacy policy promulgated and required for use by the Judicial Conference of the United States. See the accompanying **Policy Note** provided by the Judicial Conference.]

(2) **Notice of Intent to Request Redaction.** No later than seven days after a transcript is filed, a party may file a notice of its intent to request redaction of information from the transcript.

(3) **Redaction Request/Completion.** After a party has filed a notice of intent to request redaction, that party must, no later than 21 days after the transcript was

filed, submit to the court reporter or transcriptionist a list of items to be redacted, including the transcript page and line numbers where the personal data appears and the manner in which each is to be redacted. No later than 31 days after the transcript was filed, the court reporter or transcriptionist must redact the identifiers as directed and file the redacted transcript. Also during this time, a party may move that additional information be redacted. No remote electronic public access to the transcript will be allowed until the court has ruled on any motion regarding its redaction, all redaction deadlines have expired, and all redaction has occurred.

**Comment.** The added text is moved from LBR 9037-1. Because there is no Rule 9037-1 in the Uniform Numbering System for Local Bankruptcy Court Rules (last revised in January 2012, after the adoption of FRBP 9037), the material in LBR 9037-1 regarding redaction of transcripts is proposed to be moved to LBR 5077-1. Proposed LBR 5077-1(a) is text moved from LBR 9037-1(b) (which is recommended for deletion, *infra*).

(b) ~~**Testimony Electronically Recorded by Court Personnel**~~ **Requests for Transcripts and Audio Files Orders of Court Hearings.**

(1) **Transcript.** A request for a transcript or recording of a hearing, other than of a meeting of creditors, A request for a transcript of a hearing electronically recorded by court personnel must be in writing, made according to the instructions on LBF 335 (Hearing Transcript Order Form). A request for a transcript of a hearing recorded by a court reporter must be placed with the court reporter.

(2) **Hearing Audio File.** A request for an audio file of a hearing must be made in ECF or on LBF 335.5 (Hearing CD Order Form).

**Comment.** This LBR currently states that transcript requests must be placed on LBF 335, an instructional form directing requesters to place a request directly with a transcriber. The reference to the meeting of creditors is deleted because it is not a court hearing. This LBR also refers to LBF 335.5. At the suggestion of the Local Rules and Forms Committee, the clerk looked into alternative ways to provide audio recordings and implemented an ECF text-only docket event for making requests for audio files, payment via Pay.Gov, and upload of audio files to a file-sharing site (Microsoft OneDrive). When audio is uploaded, a link is sent to the ECF participant's primary email address. Although ECF participants do not need to complete LBF 335.5, it is needed for those without ECF accounts. It will be retitled Audio Recording of Court Proceedings Request Form and has been revised to provide the option to receive an emailed link to the audio in lieu of a CD, and it provides instructions for e-filed requests. The titles of the LBFs are deleted for consistency with the remainder of the local rules.

(c) ~~**Testimony Taken by Court Reporter**~~ **Transcripts Offered into Evidence.** ~~The court reporter must be contacted directly to make arrangements for the preparation of a transcript.~~ A party offering into evidence a transcript, other than for impeachment, must produce the transcript to opposing parties at least 14 days before the hearing.



**Comment.** This proposed revised rule section would give opposing parties a chance to review any transcript, other than one that has already been made available to them or offered for impeachment, and compare it to the audio recording for accuracy.

(d) **Meeting of Creditors.** The UST must be contacted for a ~~transcript or~~ recording.

**Comment.** The United States Trustee provides audio recordings, not transcripts.

~~**Cross-reference:** Use of Electronically Recorded Testimony—LBR 9017-1(f).~~

**Comment.** Deletion of the cross-reference is consistent with the proposed deletion of LBR 9017-1, discussed *infra*.

(e) **Recorded Testimony from Court Proceedings.** A party offering a certified sound recording into evidence must also offer a transcript prepared under this LBR of the pertinent portions of the recording.

**Comment.** Moved from 9017-1(f)(2).

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### **Rule 7007-1. Motion Practice—Adversary Proceedings.**

[...]

**Cross-references:**

[...]

- Claim—Objection.- LBR 3007-1.

**Comment.** Cross-reference for change in LBR 3007-1 to require prefiling conference certification in chapter 11 cases.

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### **Rule 7026-1. Discovery—General.**

[...]

~~(d) **Discovery Planning Meeting.** If the court orders that FRCP 26(f) applies, the parties may use FRCP Form #52 or another form on which they agree for the written report of the discovery plan.~~

- (de) Timeliness of Discovery Motion.** A motion to compel or for other relief with respect to discovery request must be filed by the earlier of either: (1) the discovery completion deadline; or (2) 28 days after the discovery response is received, or if no response is timely made, within 28 days after the response is due. Failure to timely file a motion constitutes a waiver of the right to any relief.

**Comment.** Elimination of FRCP Form #52 eliminates the need for LBR 7026-1(d).

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

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

- (1) ~~Where, by order of the Court, f~~Funds on deposit with the court are to be placed in ~~some form of interest bearing account,~~ the Court Registry Investment System (“CRIS”), an interest-bearing account 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, i~~Interpleader funds must 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.

**Comments:** The Court no longer has a mechanism for deposit of registry funds except into an interest-bearing CRIS account, therefore (b)(1) is revised to that effect. Likewise, interpleader funds that meet the definition of Disputed Ownership Funds are administered through CRIS.

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### **Rule 9011-2. Law Student Appearance Program.**

[...]

- (d) Notice Regarding Appearance.** The supervising attorney seeking consent for a law student to appear in court must file a notice at least seven days before the first hearing or trial in which a law student will appear. The notice must include (i) a statement that the supervising attorney has on file a copy of the eligibility certification issued under [RFA 13.25](#), and (ii) the written and signed consent of the client to student representation. ~~Unless the court orders otherwise, a~~ timely filed notice constitutes the court’s consent under [RFA 13.10\(6\)](#).

**Comment:** See comment to LBR 1002-1.

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

**(a) Adversary Proceeding LBRs Applicable to Contested Matters.**

[...]

**(6) Jurisdiction.** LBR 7008-1 and 7012-1 apply to a motion not prepared on an LBF.

[renumber subsequent paragraphs]

**(c) Objection/Response and Reply.** An objection or other response to a motion or application must identify the filer and state with particularity the grounds for the objection or other response. Unless an FRBP, LBR, order, or notice of a motion or application sets a different deadline, the following deadlines apply to an objection or other response and a reply in connection with a motion or application.

**(1) Objection/Response in All Chapters.**

**(A) Filing Deadline to Object or Otherwise Respond.** ~~Unless the court orders otherwise, a~~Any objection or other response to a motion other than one described in 9021-1(b)(2) must be filed no later than 14 days after the filing of the motion.

[...]

**Comment.** The (a)(6) change would extend to contested matters filed on forms other than LBFs application of the requirement of consent or waiver to court's jurisdiction as implicated by *Stern* jurisdictional concerns. With respect to the deletion in (c)(1)(A), see comment to LBR 1002-1.

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

[...]

~~**(f) Use of Electronically Recorded Testimony.**~~

~~**(1) Recorded Testimony from Non-Court Proceedings.** A party must not offer the audio recording of any non-court proceeding (e.g., meeting of creditors, deposition, or FRBP 2004 examination) as evidence; instead, the party must offer a transcript of that testimony prepared under this LBR.~~

- ~~(2) — **Recorded Testimony from Court Proceedings.** A party offering a certified sound recording into evidence must also offer a transcript prepared under this LBR of the pertinent portions of the recording.~~
- ~~(3) — **Preparation of Transcript.** A party may arrange with the clerk (or UST for meeting of creditors testimony) for the timely preparation and filing of, and payment for, a transcript prepared by an authorized independent transcriptionist. The transcript must be of the entire proceeding unless the opposing party has been given two weeks written notice that specifies what parts of the transcript will be offered. The transcriptionist may require an advance deposit of the estimated transcription cost. To be used in a hearing or trial, a copy of a transcript required to be filed by a transcriptionist must be filed electronically or, if necessary, on an authorized electronic medium (e.g., a CD).~~

**Cross-references:**

- ~~• — Exhibits — LBR 9004-1(a)(7).~~
- ~~• — Transcript — LBR 5077-1.~~

**Comment.** LBR 9017-1(f)(1) addresses noncourt audio recordings, the admissibility of which is governed by the applicable Fed. R. Evid 801–804, and, as such, is not within the province of local rulemaking. LBR 9017-1(f)(2) is proposed to be moved to 5077-1(e). Most provisions of LBR 9017-1(f)(3), regarding transcript orders, need not be part of the local rules, and those that should be are addressed in LBR 5077-1.

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**Rule 9037-1. Privacy Protection.**

- ~~(a) — **Social Security (SSN)/Individual Taxpayer Identification (ITIN) Numbers.** The following provisions apply to an SSN or ITIN:~~
- ~~(1) — **Electronically Filed Petition.** An OF 121 must be prepared, signed, and retained by the debtor’s attorney under LBR 5005-4(e), but must not be filed with an electronically filed voluntary petition.~~
- ~~(2) — **Amendment.** To amend a debtor’s SSN or ITIN, the debtor must file an amended OF 121 with an attached certificate of service stating that a copy of the amended OF 121 (including all nine digits of the number) was served on all interested parties.~~
- ~~(b) — **Redaction in Electronically Filed Transcript.** The following procedures apply:~~
- ~~(1) — **General.** Each party, including any attorney for the party, must review a transcript subject to FRBP 9037(a) and not exempted by FRBP 9037(b) for the following information that should be redacted under the Judicial Conference’s privacy policy: SSNs and ITINs should be redacted to show only the last four~~

digits; birth dates should contain only the year of birth; individuals known to be minors should be referred to only with initials; and financial account numbers should be redacted to show only the last four digits. [NOTE: This LBR is adopted under a privacy policy promulgated and required for use by the Judicial Conference of the United States. See the accompanying Policy Note provided by the Judicial Conference.]

- (2) ~~Notice of Intent to Request Redaction.~~ No later than seven days after a transcript is filed, a party must file a notice of that party's intent to request redaction of information from the transcript. A party is responsible for reviewing the opening and closing statements made on behalf of that party, any statements made by that party, and the testimony of any witness called by that party. If no notice is timely filed, the court will presume that redaction of personal data is not necessary.
- (3) ~~Redaction Request/Completion.~~ Once a party has filed a notice of intent to request redaction, that party must, no later than 21 days after the transcript was filed, submit to the court reporter or transcriptionist a list of items to be redacted including the transcript page, paragraph, and line in which the personal data appears, and the manner in which each is to be redacted. No later than 31 days after the transcript was filed, the court reporter or transcriptionist must redact the identifiers as directed, and file the redacted transcript. Also during this time period a party may, by motion, request that additional information be redacted. No remote electronic public access to the transcript will be allowed until the court has ruled on any motion regarding its redaction, all redaction deadlines have expired, and all redaction has occurred.

**Comment.** Consistent with the proposed move of language to LBR 1007-5 and LBR 5077-1, deletion of LBR 9037-1 is proposed; for discussion, see proposed LBR 1007-5 and LBR 5077-1 *supra*.

**PROPOSED LOCAL BANKRUPTCY FORM (LBF) REVISIONS**

The complete forms with proposed revisions follow the comments.

**LBF 717. Notice of Motion Pursuant to 11 U.S.C. §522(f) for Avoidance of Lien.**

[...]

I certify on \_\_\_\_\_ copies of this Notice, and the Motion, were served on the Trustee, U.S. Trustee, and all other parties named in the motion, whose names and addresses are listed below (Please Note: Service must be made pursuant to Fed. Bankruptcy Rule 7004 (e.g., 7004(b)(3) for corporations and 7004(h) for insured depository institutions):

**Comment.** This proposed form change expands the examples provided to address the two most common service errors for service of a lien avoidance motion.

\_\_\_\_\_

**LBF 763. Objection to Claim and Order and Notice Thereon.**

[...]

1. The undersigned objects to Claim No. \_\_\_\_\_, filed in the amount of \$ \_\_\_\_\_, by: ~~(Enter the current claimant's name, proof of claim notice address, and FRBP 7004 service address(es) of claimant)~~

Claimant's name: \_\_\_\_\_

Proof of Claim Notice Address:

FRBP 7004(h) Service Address, if applicable  
(objecting party must serve)

[Note: The clerk will send this objection to the claimant at the proof of claim notice address and, if applicable, to the addresses required under FRBP 3007(a)(2)(A)(i).]

[...]

**4. THE UNDERSIGNED CERTIFIES THAT:**

- (a) The undersigned will make any required additional service of this objection and file a separate certificate of service.
- (b) If this objection is filed in a chapter 11 case, the undersigned has complied with LBR 3007-1(b)(2) (requiring prefiling conferral).

- (c) A copy of any Withdrawal of this Objection will be served on all parties that were served a copy of this Objection (i.e., the U.S. Trustee, any trustee, debtor(s), the creditor at the address shown above, and their respective attorneys; and, if the creditor is a federal agency, on the U.S. Attorney for the District of Oregon and the U.S. Attorney General).

**Comment.** Changes to paragraph 1 are made consistent with FRBP 3007 (12/01/17) and its inclusion of specific information prescribing service of an objection to claim. The clerk's office will send notice according to FRBP 3007(a)(2)(A)(i) to the civil process clerk at the office of the United States attorney and Attorney General of the United States. Changes to paragraph 4 are made to ensure that filers comply with service requirements and to be consistent with the proposed change to LBR 3007-1(b)(2).

**Proposed Order Language re: LBF 763. Objection to Claim, and Order and Notice Thereon**

*[The italicized language is a short-hand description of the circumstances under which the language would be used and will not be included in the actual order.]*

*Negative Notice (No Hearing Set):*

NOTICE IS GIVEN that the claimant has 35 days from the date in the 'FILED' stamp to file any response and serve a copy of it on the trustee/debtor-in-possession and any other objecting party at the service address below.

IT IS ORDERED that if no response or withdrawal of the objection is filed by the deadline set forth above, the objection will be sustained without further order and the claim will be treated as provided in paragraph 3 below.

IT IS FURTHER ORDERED that if certified mail is required for effective service, the objecting party must send the signed order by certified mail and file a separate certificate of service within 5 days of the 'FILED' date of this order.

*Hearing Set & Negative Notice:*

IT IS ORDERED AND NOTICE IS GIVEN that a hearing on the matter below will be set by the court in a separate Notice of Hearing.

IT IS FURTHER ORDERED that if certified mail is required for effective service, the objecting party must send the signed order by certified mail and file a separate certificate of service within 5 days of the 'FILED' date of this order.

Any response must be filed within 35 days of the "FILED" date of this order. If no response or withdrawal of the objection is filed by that deadline, the objection may be sustained without further order and the claim may be treated as provided in paragraph 3 below.

**Comment.** The order language for both signing options is revised in light of the proposal to move much of the notice language from the order to a separate notice that substantially conforms with the official form (see below) and to shorten the time for service from 14 days to 5 days while still allowing the required 30 days for the filing of a response.

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### **Court Forms NOCN and NOCH. Proposed Notice of Objection to Claim**

See proposed form **NOCN** for Notice of Objection to Claim when no hearing has been scheduled.

See proposed form **NOCH** for Notice of Objection to Claim when a hearing has been scheduled.

**Comment.** The amendment of FRBP 3007 requires an objection to claim be served with “a notice of objection that substantially conforms to the appropriate Official Form”. Forms NOCN and NOCH comply with this requirement and will be generated by the Clerk.

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### **LBF 1300.17. Chapter 13 Plan.**

Extensive formatting changes have been made and the proposed form is attached as LBF 1300.17.

**Comment.** The chapter 13 plan is the foundational document in a chapter 13 case, and it should contain all provisions that dictate the rights, duties, and responsibilities of debtors, creditors, attorneys, the trustee, and the court. Consistent with this philosophy, many of the provisions of the current Order Confirming Plan have been moved into the plan itself. An extensive review was undertaken (sometimes on a line-by-line basis) regarding the provisions to remove surplus language and unnecessary complexity. Revisions to improve the readability and reduce “legalese” were also undertaken. The revised plan does not represent a substantial departure from current chapter 13 practice.

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### **LBF 1306. Fee and Expenses Itemization.**

With the changes to the proposed Order Confirming Plan and the removal of the attorney-fee certification, the proposed Fee and Expenses Itemization (which would serve as a coversheet to the currently filed fee itemizations) is presented as LBF 1306.



**Comment.** The Fee and Expenses Itemization is drafted to incorporate current practice regarding fee itemizations and approval of attorney fees in chapter 13 cases. It is intended to ensure that, at or near the time of confirmation, all parties have recent information on the status of claims, including administrative claims. The Fee and Expense Itemization includes a request for the award of fees through a date certain.

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**LBF 1350.17. Order Confirming Plan and Resolving Motions.**

Extensive substantive changes have been made, and the proposed form is attached as LBF 1350.17.

**Comment.** The role of the Order Confirming Plan (OCP) is to implement the chapter 13 plan. With the transfer of provisions into the plan, review of the OCP focused on only including necessary implementing provisions. Consistent with the removal of non-implementing provisions from the OCP, the OCP's attorney fee certification has also been relocated to a cover sheet for the attorney-fee itemization (LBF 1306, described above). Remaining in the OCP are those provisions believed necessary to implement the plan. Although the committee considered the potential for a shorter OCP (simply stating that the plan is confirmed) or text-only docket entry (comparable to practice in Western District of Washington), the benefits of a stand-alone confirmation document outweighed these benefits including, in particular, the ability to amend the plan by interlineation, integration of approval of attorney fees, and having a short document available for recording with respect to avoidance of judicial liens

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**LBF 1355.05. Notice of Pre-Confirmation Amendment of Plan and Confirmation Hearing.**

[NOTE: ~~Only use if filing 14 or more days before a hearing~~]

[...]

2. A Confirmation Hearing regarding the amended plan, at which testimony  will not be received  will 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, ~~e~~Contact the calendar clerk to obtain ~~a~~ the hearing date and time and evidentiary status before completing this notice. If a telephone hearing is scheduled, mark the Access Code box for the hearing judge.]**

[...]

NOTICE IS GIVEN THAT any creditor who has any objection to any provision of the amended plan must file the objection with the court at least ~~73 business~~ days before the confirmation hearing ~~or appear at the confirmation hearing and present the objection to the court.~~ Filing a

proof of claim or a motion for relief from the automatic stay will not be considered as an objection to confirmation.

**Comment:** Revisions to FRBP 2002 effective 12/1/17 require 21 days' notice of the deadline to object to confirmation of a Chapter 13 plan and 28 days' notice of a hearing on the confirmation of a Chapter 13 plan. Revisions to FRBP 3015 effective 12/1/17 require an objection to confirmation to be filed and served at least 7 days before a confirmation hearing. Therefore, an amended plan may not be filed with less than 28 days' notice. LBR 3015-2 and LBF 1355.05 are being revised accordingly.

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re ) Case No. \_\_\_\_\_  
)  
) NOTICE OF MOTION  
) PURSUANT TO 11 U.S.C. §522(f)  
) FOR AVOIDANCE OF LIEN  
Debtor(s) )

A motion, copy attached, was filed on behalf of the debtor(s) to avoid a lien pursuant to 11 U.S.C. §522(f). The name and address of the debtor's attorney (or debtor(s), if no attorney) are:

The debtor's address and Taxpayer ID#(s) (last 4 digits) are: \_\_\_\_\_.

If you wish to resist the motion you must, within 14 days of the service date shown below, file both a written response, and a certificate showing a copy of the response has been served on the person named above, with the Clerk of the Bankruptcy Court.

Contents of Response - A response must state the facts upon which the motion is resisted. See Local Form [717.15](#) for details.

If you file a timely response, and the Court requires a hearing, all parties will be given notice of the hearing date, time, and location.

Failure to Respond - If no timely response is filed, the court may sign an ex parte order, submitted by the debtor(s), granting the motion.

Filing Address - If the 5-digit portion of the Case No. begins with "3" or "4", mail to 1001 SW 5th Ave. #700, Portland OR 97204. If it begins with "6" or "7", mail to 405 E 8<sup>th</sup> Ave. #2600, Eugene OR 97401. ECF participants must file electronically.

Clerk, U.S. Bankruptcy Court

I certify on \_\_\_\_\_ copies of this Notice, and the Motion, were served on the Trustee, U.S. Trustee, and all other parties named in the motion, whose names and addresses are listed below (Please Note: Service must be made pursuant to Fed. Bankruptcy Rule 7004 (e.g., 7004(b)(3) for corporations and 7004(h) for Insured Depository Institutions)):

\_\_\_\_\_  
Debtor's or Debtor's Attorney's Signature

OSB #

717 (12/1/17)

**\*\*LOCAL FORM #717.15 ATTACHED IF this Notice served ON PAPER\*\***

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

)

)

Case No. \_\_\_\_\_

)

)

)

**OBJECTION TO CLAIM, AND  
ORDER AND NOTICE**

**THEREON**

Debtor(s)

)

1. The undersigned objects to Claim No. \_\_\_\_\_, filed in the amount of \$ \_\_\_\_\_  
by: ~~(Enter the current claimant's name, proof of claim notice address, and FRBP 7004 service  
address(es) of claimant)~~

Claimant's name:

Proof of Claim Notice Address:

FRBP 7004(h) Service Address, if  
applicable (objecting party must serve)

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[Note: The clerk will send this objection to the claimant at the proof of claim notice address and,  
if applicable, to the addresses required under FRBP 3007(a)(2)(A)(i).]

2. The undersigned objects to such claim on the ground(s) it (check all applicable sections):

Duplicates Claim No. \_\_\_\_\_ filed by \_\_\_\_\_.

Fails to assert grounds for priority.

Was not filed on behalf of a real party in interest (e.g., does not include a copy of the  
assignment(s) upon which it is based).

Appears to include interest or charges accrued after the filing.

Appears that value of collateral exceeds debt.

Arrearage asserted is incorrect.

The creditor filed a secured claim, but neither: (a) specified that any portion of the claim should be treated as unsecured nor (b) requested a hearing to determine the value of their collateral, and therefore the trustee objects to any portion of the claim being treated as unsecured.

The creditor filed a claim for taxes assessed against real or personal property of the debtor(s). The undersigned represents that the interest of the estate in the real or personal property against which the above taxes were assessed has no value in that the estate has no equity or interest in such property, and so under the provisions of 11 U.S.C. §502(b) no order can be made for payment of such taxes.

Proof of claim does not include documentation required by FRBP 3001(c) and (d) (e.g., a copy of the note, or documents establishing secured status).

Other:

3. The undersigned recommends said claim be (check applicable box(es)):

Disallowed in full.

(If objection is based on failure to provide documentation) Disallowed for distribution: If an amended claim including the required documentation is not filed within 30 days of the filed date noted above, no distribution on account of the claim will be made by the trustee or debtor.

Allowed as a SECURED claim for \$\_\_\_\_\_; a PRIORITY UNSECURED claim for \$\_\_\_\_\_; AND a NONPRIORITY UNSECURED claim for \$\_\_\_\_\_.  
[You must fill in each blank even if it is \$0.]

(If amount of arrearage is contested) The amount of the arrearage is \$\_\_\_\_\_.

4. **THE UNDERSIGNED CERTIFIES THAT:**

- a. The undersigned will make any required additional service of this objection and file a separate certificate of service.
- b. If this objection is filed in a chapter 11 case, the undersigned has complied with LBR 3007-1(b)(2) (requiring prefiling conferral).
- c. A copy of any Withdrawal of this Objection will be served on all parties that were served a copy of this Objection (i.e., the U.S. Trustee, any trustee, debtor(s), the creditor at the

address shown above, and their respective attorneys; and, if the creditor is a federal agency, on the U.S. Attorney for the District of Oregon and the U.S. Attorney General).

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

\_\_\_\_\_  
Objecting Party Signature AND Relation to Case

\_\_\_\_\_  
Objecting Party Name AND Service Address (Type or Print)

\_\_\_\_\_  
Objecting Party Phone Number

\_\_\_\_\_  
(If Debtor is Objecting Party) Debtor's Address AND Taxpayer  
I.D.#(s) (last 4 digits)

763 (12/1/17)

UNITED STATES BANKRUPTCY COURT

District of Oregon

In re )  
**John Doe** ) Case No. **xx-xxxxx-xxx7**  
**Jane Doe** )  
) **NOTICE OF OBJECTION TO CLAIM**  
Debtor(s) )

An objection to your claim in this bankruptcy case has been filed and is enclosed with this notice.

**Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the court to eliminate or change your claim, then on or before 35 days from the "FILED" date shown at the top of the objection to claim, you or your attorney must either:

1. Obtain a written withdrawal of the claim objection by the objecting party. In order to obtain a withdrawal, you may need to provide the objecting party with any documentation supporting your claim that was not included when you filed your claim with the court. You should send this documentation to the objecting party's address or addresses listed at the bottom of the claim objection. The written withdrawal of the objection must be filed with the court.

or

2. Prepare a written response to the objection, explaining your position, and file it with the court at the address below. The court will set a hearing and send you a hearing notice. You must appear at the hearing.

If the 5-digit portion of the Case No. begins with "3" or "4", file your response at 1001 SW 5<sup>th</sup> Ave. #700, Portland OR 97204.

If the 5-digit portion of the Case No. begins with "6" or "7", file your response at 405 E 8th Ave #2600, Eugene OR 97401.

You must also send a copy of your response to the objecting party at the address or addresses listed at the bottom of the claim objection.

If you or your attorney do not take one of these steps within 35 days of the "FILED" date of the claim objection, the claim will be treated as shown in Paragraph 3 of the claim objection.

Clerk, U.S. Bankruptcy Court

NOCH (12/1/17)

**UNITED STATES BANKRUPTCY COURT**

**District of Oregon**

In re	)	
<b>John Doe</b>	)	Case No. <b>xx-xxxxx-xxx7</b>
<b>Jane Doe</b>	)	
	)	<b>NOTICE OF OBJECTION TO CLAIM</b>
Debtor(s)	)	

An objection to your claim in this bankruptcy case has been filed and is enclosed with this notice.

**Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the court to eliminate or change your claim, then you or your attorney must:

1. If required by the order at the top of the claim objection, prepare a written response to the objection, explaining your position, and file it with the court at the address below. The objection must be filed within 35 days of the "FILED" date on the objection to claim.

If the 5-digit portion of the Case No. begins with "3" or "4", file your response at 1001 SW 5<sup>th</sup> Ave. #700, Portland OR 97204.

If the 5-digit portion of the Case No. begins with "6" or "7", file your response at 405 E 8th Ave #2600, Eugene OR 97401.

You must also send a copy of your response to the objecting party at the address or addresses listed at the bottom of the claim objection.

2. Appear at the hearing at the date, time, and location specified in the enclosed notice of hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim, and may reduce or eliminate your claim.

Clerk, U.S. Bankruptcy Court



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Case No.

[1<sup>st</sup> Amended, 2<sup>nd</sup> Amended, etc.]

**CHAPTER 13 PLAN DATED**

Debtor

**NOTICE: Your rights may be affected: all parties (including debtor and creditors) are bound to the terms of a confirmed plan. Creditors' claims may be modified or eliminated. The plan imposes obligations and duties on the debtor and other parties. 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 chapter 13 plan, you must file an objection. **Failure of a creditor to file a written objection to this plan will constitute acceptance of the plan, and the bankruptcy court may confirm the plan without further notice.** Objections must be filed within 14 days after the conclusion of the meeting of creditors, unless otherwise ordered by the court; for an amended plan, the deadline is in the attached notice of amendment. If there are any additional plan provisions or provisions that alter the language of paragraphs 1–13, they must be in paragraphs 14+ below.

**1. Plan Motions.** This plan does or does not include the following items:

Includes:	Does Not Include:	
<input type="checkbox"/>	<input type="checkbox"/>	<b>Motion to Value Collateral:</b> A limit on the amount of a secured claim, set out in paragraphs 4(b)(1) and (2), which may result in a partial payment or no payment at all to the secured creditor.
<input type="checkbox"/>	<input type="checkbox"/>	<b>Motion for Relief:</b> Termination of the automatic stay with respect to surrendered property, set out in paragraph 4(b)(4).
<input type="checkbox"/>	<input type="checkbox"/>	<b>Motion to Avoid Liens:</b> Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in paragraph 6.
<input type="checkbox"/>	<input type="checkbox"/>	<b>Nonstandard Provisions:</b> Nonstandard provisions, set out starting in paragraph 14.

**2. Applicable Commitment Period.** The applicable commitment period of this plan is  36 or

60 months. Debtor must make plan payments for that period unless debtor first pays 100% of all allowed claims with appropriate interest. If that 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:

3. **Payments to the Trustee.** Debtor must pay to the trustee:

- (a) a monthly payment of \$ \_\_\_\_\_;
- (b) all non-exempt proceeds from avoided transfers, including those from transfers avoided by the trustee;
- (c) upon receipt, net tax refunds attributable to the following tax years: \_\_\_\_\_; net tax refunds are those 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.
- (d) a lump sum payment of \$\_\_\_\_\_ on or before \_\_\_\_\_ (date); and
- (e) \_\_\_\_\_.

4. **Trustee Disbursements and Treatment of Claims.** The trustee must commence preconfirmation disbursements required by paragraph 4(b)(3); upon confirmation of this plan, the trustee must commence disbursements in accordance with this plan. Should the trustee not have sufficient funds in trust to pay fully the disbursements listed below, disbursements of available funds must be made pro rata. The trustee must disburse all funds in the following amounts and order:

- (a) **Trustee's Fee and Expenses.** First, to the trustee's percentage fee and expenses.
- (b) **Treatment of Secured Claims.** Second, to secured creditors as provided in (1) and (2) below. The terms of debtor's prepetition agreement with each secured creditor will continue to apply, except as otherwise provided in this plan or in the confirmation order. The value of collateral for secured claims is fixed at the values stated in (1) and (2) only if there is a check in the box "Includes" in paragraph 1 for "Motion to Value Collateral" and the plan is served on the secured creditor as required under FRBP 7004 or the allowed amount of the secured claim is fixed by consent of the secured creditor. Each secured creditor will retain its liens until payment of its secured claim.

- (1) **Cure of Default and Claim Modification.** Debtor must cure the default and

maintain the contractual installment payments (as provided in paragraph 7) on a secured claim listed below in the “Estimated Arrearage if Curing” column. The amount listed in that column is an estimate; the creditor’s allowed claim will control. A claim listed in the “Collateral Value if Not Paying in Full” column is an allowed secured claim only to the extent of the value listed, and pursuant to § 506(a), debtor MOVES the court for an order fixing the value of the collateral in the listed amount. The value of the creditor’s interest in the collateral is limited to the amount listed below, and that amount will be paid under the plan with postconfirmation interest at the rate stated below. The holder of a claim listed in the "Estimated Secured Claim if Paying in Full" column will receive the amount of the claim that is secured as set forth in the creditor's proof of claim, except if, pursuant to § 1325(a)(9), § 506 does not apply because (a) the claim is a "910 claim" or (b) the debt is for any other thing of value and was incurred during the 1-year period before filing, the creditor will receive the total amount of the claim set forth in the creditor's proof of claim.

For all creditors provided for under this subparagraph (1), 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 will be treated as an unsecured claim under paragraph 4(f) (if the claim identifies the priority position of the claim) and 4(g) below.

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

*Use only one of these columns for each creditor*

- (2) **Secured Claim Modification Not Expressly Authorized by the Code.** Treatment of secured claims under this subparagraph (2) may include modification of a claim secured by a purchase-money security interest in either (a) a motor vehicle acquired for personal use by the debtor within 910 days before the petition date or (b) any

other personal property collateral acquired within 1 year before the petition date. A secured claim treated in this subparagraph is limited to the amount listed in the “Amount of Claim as Modified (Value of Collateral)” column. Debtor MOVES the court for an order fixing the value of the collateral in the amount listed below.

**Debtor proposes that the creditors listed accept, either expressly or impliedly, the following treatment, which might not be able to be approved absent consent of creditor. Failure of a creditor to file a written objection to this plan before confirmation will constitute acceptance of the plan.**

Creditor	Collateral	Amount of Claim as Modified (Value of Collateral)	Postconfirmation Interest Rate	Monthly Payment

- (3) **Adequate Protection.** Adequate protection payments must be disbursed by the trustee before confirmation from funds on hand with the trustee in the payment amounts specified in the plan for personal-property-secured creditors. Payments by the trustee before confirmation will be deducted from the amount of the allowed secured claim. Unless the concerned creditor is fully secured or oversecured under § 506 or § 1325(a)(9), no interest will accrue or may be paid from the petition date to the confirmation date unless otherwise specifically provided for in the payment provisions set forth above.
- (4) **Surrender of Collateral.** Debtor must surrender any collateral not addressed by the terms of this plan no later than the confirmation date to the following (state creditor name followed by description of collateral to be surrendered, and if debtor does not have possession of the collateral, so state):

With respect to the claims secured by the collateral listed in this subparagraph (4), debtor MOVES that the stay of § 362(a) be terminated as to the collateral only and that the stay of § 1301 be terminated.

- (c) **Debtor’s Attorney Compensation.** Third, to debtor’s attorney fees of \$\_\_\_\_\_ and expenses of \$\_\_\_\_\_, of which \$ \_\_\_\_\_ has been paid, leaving \$\_\_\_\_\_ unpaid. Upon application, the court may award not more than \$500 in

addition to the above amount without further notice at the time of confirmation. Debtor's attorney  may  may not apply for supplemental compensation and expense reimbursement. Attorney will be paid as follows (check only one):

- All attorney fees and expenses, including supplemental compensation, will be paid from all available funds after the trustee makes any disbursements under paragraph 4(a) and any fixed monthly payments in paragraph 4(b).
- Other

(d) **Domestic Support.** Fourth, to allowed unsecured domestic support obligations under § 507(a)(1).

(e) **Administrative Expenses.** Fifth, to allowed administrative expenses under § 507(a)(2).

(f) **Priority Claims.** Sixth, to allowed priority claims in the order stated in § 507(a)(3)–(10), including § 1305 claims.

(g) **Unsecured Claims.** Seventh, to allowed nonpriority unsecured claims, the amounts required by § 1325(b)(1). [mark only one]

(1) Creditors will receive approximately \_\_\_\_% of their claims. Payment of any dividend will depend on the amounts of allowed secured, priority (including costs of administration and the debtor's attorney's fees), and nonpriority unsecured claims.

(2) Creditors will receive a minimum \_\_\_\_% of their claims.

(h) **Best Interest of Creditors.** The "best interest of creditors" number is \$\_\_\_\_, and not less than that amount must be distributed to unsecured priority and nonpriority creditors. The amount of allowed priority claims will reduce the amount distributed to allowed unsecured nonpriority creditors.

(i) **Unsecured Claim Interest.** All allowed unsecured claims will receive interest of \_\_\_\_% from the time of confirmation.

(j) **Untimely Claims Disallowed.** Subject to the provisions of § 502(b)(9), untimely claims are disallowed without the need for objection.

5. **Executory Contracts and Leases.** The debtor ASSUMES the following executory contracts

and leases:

Creditor	Amount of Default [State if None]	Cure Provisions

Executory contracts or leases not specifically listed above are rejected. Any allowed claim arising from rejection will be treated under paragraph 4(g). Debtor will pay all assumed executory contracts and leases directly, including amounts required to cure. Debtor must surrender any property covered by rejected executory contracts or leases to the affected creditor no later than confirmation.

6. **Section 522 Lien Avoidance.** Debtor MOVES, pursuant to § 522(f)(1), to avoid the judicial liens or nonpurchase-money security interests of the following creditors because they impair an exemption of the debtor:

The order of confirmation will avoid the liens listed above, and claims of the lienholders will be treated in paragraph 4(g).

7. **Direct Payments.** Debtor must pay directly to each of the following creditors the regular payment that comes due after the petition date (state creditor name followed by collateral description):
8. **Use of Credit.** Debtor may not incur credit or debt obligations during the life of the plan without the trustee's written consent unless made necessary by emergency or incurred in the ordinary course of operating debtor's business.
9. **Debtor Reporting Requirements.** Unless waived by the trustee in writing, debtor must report immediately, upon receipt of notice of the change, to the trustee if actual or projected gross annual income exceeds by more than 10% the gross income projected by debtor in the most recently filed Schedule I. Unless listed in the schedules, debtor must report immediately to the trustee any right of debtor to a distribution or right to distribution of funds or other property, including bonuses and inheritances, worth more than \$2,500.

10. **Postpetition Tax Reporting.** For tax years listed in paragraph 3(c), debtor must timely file all required tax returns and provide copies to the trustee each year immediately upon filing with the taxing authority.
11. **Vesting of Estate Property; Limitations on Postconfirmation Property Use.** Property of the estate will vest in debtor upon confirmation, subject to the terms of this paragraph. Except for regular monthly income, any right of debtor to a distribution of funds or other property exceeding a value of \$2,500 must be held by debtor and not used without the trustee's permission or a court order. Debtor must not buy, sell, use, lease (other than a lease of real property in which the debtor will reside), encumber, or otherwise dispose of any interest in: (a) real property; or (b) personal property worth more than \$10,000 out of the ordinary course of business without notice (given per FRBP 2002 as if the interest were property of the estate) to all creditors and the trustee, with an opportunity for hearing, unless the property is acquired through the use of credit with the trustee's written consent.
12. **Treatment of Trustee Funds on Hand Upon Dismissal or Conversion.** If this case is converted to chapter 7 and the chapter 13 trustee has more than \$2,500 at the time of conversion, the chapter 13 trustee must forward all funds to debtor, in care of debtor's attorney, if any, 10 days after the first scheduled § 341(a) meeting in the chapter 7 case unless the chapter 7 trustee files and serves a written objection pursuant to § 348(f)(2). If the funds in the chapter 13 trustee's possession at conversion are \$2,500 or less, or if this case is dismissed, the chapter 13 trustee must forward all funds to debtor in care of debtor's attorney, if any. This paragraph does not determine the rights of the parties to these funds.
13. **Additional Nonstandard Provisions.** Any nonstandard provisions are set forth below or on attachments; each provision is numbered, beginning with 14. Debtor and, if applicable, debtor's counsel certify that the plan contains no nonstandard provision other than those set out consistent with this paragraph. Nonstandard provisions set out elsewhere in this plan are ineffective; nonstandard provisions will be effective only if there is a check in the box "Included" in paragraph 1.

_____	_____	_____	_____
DEBTOR	DATE	DEBTOR	DATE

**CERTIFICATE OF SERVICE on Creditors/Parties Treated in Paragraphs 4(b)(1)** (under the "Collateral Value if Not Paying in Full" column), **4(b)(2)** (under the "Amount of Claim as Modified" column), **5**, 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 \_\_\_\_\_, 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 \_\_\_\_\_, 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

1300.17 (12/1/17)



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Case No.

**FEE AND EXPENSES ITEMIZATION**

**THROUGH \_\_\_\_\_;**  
**REQUEST FOR APPROVAL OF**  
**ATTORNEY FEES**

Debtor

*For Schedule 2 attorney fees, if the estimated fee exceeds \$3,450, debtor's counsel must complete the below certification and attach an itemized statement showing the time and hourly rate applied to each service rendered. The itemization must be filed with the court not less than 1 week before the final confirmation hearing and should include all services and fees incurred through a date no earlier than two weeks before the confirmation hearing, even if that amount exceeds the amount sought for approval at confirmation.*

I, the undersigned debtor's attorney, whose address and phone number are

\_\_\_\_\_, certify that, through the date stated above, I have incurred attorney fees of \$\_\_\_\_\_ and expenses of \$\_\_\_\_\_, of which \$\_\_\_\_\_ has been paid, leaving \$\_\_\_\_\_ unpaid. I have contemporaneous time and expense records and have attached an itemization of my fees and expenses hereto. Consistent with the estimated attorney fees listed on the chapter 13 plan, I am requesting approval of compensation to debtor's counsel the above amounts covering the period through  confirmation  \_\_\_\_\_ to be paid pursuant to plan ¶ 4(c).

\_\_\_\_\_  
[Name, OSB] Debtor's Attorney

1306 (12/1/17)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Case No.

CONFIRMATION HEARING DATE:

Debtor

**ORDER CONFIRMING PLAN AND  
RESOLVING MOTIONS**

The debtor's plan having been provided to creditors and the Court having found that it complies with 11 USC § 1325, now, therefore IT IS ORDERED:

1. Debtor's plan (Dkt. No. \_\_\_\_\_) is confirmed, and all relief requested in the plan is granted. All references to the plan are to the plan as modified by any amendment shown in ¶ 4 below.

2. Pursuant to 11 USC §522(f)(1), the following liens are avoided [listed alphabetically, and only one per line, including each creditor’s name, service address, and lien type (e.g., judicial lien or nonpurchase money security interest)]:

3. Per the filed *Application for Compensation* (LBF 1305) and, if applicable, the *Fees and Expenses Itemization Through* \_\_\_\_\_ (LBF 1306), compensation to debtor’s counsel of attorney fees of \$\_\_\_\_\_ and expenses of \$\_\_\_\_\_, of which \$ \_\_\_\_\_ has been paid, leaving \$\_\_\_\_\_ to be paid as funds become available per plan ¶ 4(c).

4. Debtor has moved to amend the plan by interlineation as follows, which amendments are allowed and become part of the confirmed plan:

5. The terms of this order are subject to any objection filed within 21 days by [listed alphabetically, and only one per line, including each creditor’s name, service address]:

[Additional Provisions Below]

###

*I certify that on \_\_\_\_\_ I provided this Order to the Trustee for submission to the court.*

\_\_\_\_\_

*Debtor or Debtor’s Attorney*

*Approved:* \_\_\_\_\_

*Trustee*

1350.17 (12/1/17)

UNITED STATES  
BANKRUPTCY  
COURT DISTRICT OF  
OREGON

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

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 amended plan is attached to 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  will 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 or you do not know whether the hearing is evidentiary, eContact the calendar clerk to obtain the hearing date and time and evidentiary status 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:**  4950985 for Judge Trish M. Brown (tmb)  
 5870400 for Judge David W. Hercher (dwh)  
 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 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 objection with the court at least 7 business days before the confirmation hearing. Filing a proof of claim or a motion for relief from the automatic stay will not be considered as an objection to confirmation.

CLERK, U.S. BANKRUPTCY COURT

1355.05 (12/1/17)