

PROPOSED REVISIONS TO LOCAL BANKRUPTCY RULES AND FORMS

September 21, 2022

This document contains proposed revisions to the December 1, 2021, version of the Local Bankruptcy Rules for the District of Oregon and proposed revisions to various Local Bankruptcy Forms. Some 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 to be deleted is ~~struck through~~.

Please [click here](#) and select “Local Rules and Forms Comments” from the “Category” dropdown list to submit comments concerning the proposed revisions, or e-mail comments to LBRcomments@orb.uscourts.gov. Any comments must be received on or before October 28, 2022 to be considered. After reviewing any comments, the court will post the final revised rules and forms which will take effect on December 1, 2022, unless otherwise noted.

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PROPOSED LOCAL BANKRUPTCY RULES REVISIONS

Rule 1004.1-1. Petition—Infant or Incompetent Person.

[...]

- (b) **No Prepetition Appointment of Representative.** If, before the petition date, no representative has been appointed by a court under nonbankruptcy law for a debtor who is an infant or incompetent person, then a motion for the court to appoint a next friend or guardian ad litem (“movant”) for the debtor must be filed with a voluntary petition or with the alleged debtor’s first pleading responding to an involuntary petition.
- (1) The motion must be accompanied by the movant’s declaration under penalty of perjury with the following information:
- (A) the movant’s name, address, and relationship to the debtor ~~(the movant’s relationship to the debtor as spouse or other close relative who might have an interest in the debtor’s financial affairs will not necessarily preclude granting the motion);~~
 - (B) whether a representative was appointed for the debtor under nonbankruptcy law before the petition was filed;
 - (C) why appointment of the movant as a next friend or guardian ad litem is necessary;
 - (D) why appointment of the movant would be in the debtor’s best interest;
 - (E) the fee, if any, that the movant would charge the debtor for serving as next friend or guardian ad litem;
 - (F) ~~the movant’s criminal, financial, and professional history~~ the information that would be required by ORS 125.055(2)(d) and (e) if the movant as petitioner were to petition in a protective proceeding in Oregon for the appointment of a fiduciary for the debtor as respondent;
 - (G) the movant’s competence to handle the debtor’s financial affairs, including the movant’s knowledge of debtor’s financial affairs;
 - (H) whether the movant has any current or potential future interest in the debtor’s financial affairs; ~~and~~
 - (I) whether any of the debtor’s debts were incurred for the benefit of the movant;

(J) the names and addresses of all persons who would be entitled to notice under ORS 125.060(2) if a petition were filed in Oregon for the appointment of the movant as a fiduciary for the debtor as respondent; and

(K) whether the debtor can provide some or all of the other information required by this (b)(1), either by live or telephone or video testimony or declaration and, if not, an explanation why not.

[...]

(3) The motion and declaration must be served under FRBP 7004 on the debtor, and notice thereof must be provided to the trustee, all creditors, the UST, ~~any governmental entity from which the debtor is receiving funds, the debtor's closest relative, if known,~~ and all persons ~~to whom~~ who would be entitled to notice must be given under ORS 125.060(2) of the filing of a petition in Oregon for the appointment of the movant as a fiduciary for the debtor as respondent.

(4) The court will hear the motion before the meeting of creditors under § 341(a), if possible. The movant must appear to testify at the hearing, either in person or by telephone.

(5) The movant must inform the court of events of which ORS 125.210 would require reporting if the movant were nominated or appointed in Oregon as a fiduciary for the debtor.

Comment. The information required in a motion to appoint a next friend or guardian ad litem would be defined in part by incorporating certain Oregon statutes governing appointment of a fiduciary, regardless of the debtor's state of residence.

Rule 1007-3. Statement of Intention.

~~An individual chapter 7 debtor must file a statement under § 521. The statement must be filed using either LBF 521.05 or OF 108. If OF 108 is filed, An individual chapter 7 debtor must also file proof of service on the creditors and lessors identified in the statement certifying service of both OF 108 and LBF 715. If the debtor fails to comply with an applicable subsection of § 521, a party may file an appropriate motion.~~

Comment. This proposal is in conjunction with the proposal [below](#) to retire LBF 521.05. The first sentence would be deleted because it is an unnecessary restatement of a Bankruptcy Code section, and the last sentence would be deleted because it states the obvious without adding guidance.

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

- (a) **Electronically Filed Petition.** An OF 121 must be prepared, signed by the debtor, obtained and retained by the debtor's attorney under LBRs 5005-4(e) and 9011-4(c)(1), and filed separately with an electronically filed voluntary petition.

[...]

Comment. This proposal is part of a larger proposal to make rules of three general orders adopted in 2020: G.O.s 20-1, 20-2, and 20-3. See also rule proposals for [LBR 5005-1](#), [LBR 5005-4](#), and [LBR 9011-4](#).

- G.O. 20-1 adopted Interim Rules suggested by the Advisory Committee on Bankruptcy Rules before it was possible to promulgate FRBPs. FRBPs to supplant the Interim Rules are expected to take effect on December 1, 2022, obviating the need for G.O. 20-1.
- G.O. 20-2 allows a debtor's lawyer to accept and file debtor-signed documents without obtaining the ink-signed originals. It does so by addressing LBRs 1007-5(a), [5005-4\(e\)](#), and [9011-4\(c\)\(1\)](#). The G.O. procedure would be imported into those rules. Paragraph 4 of the G.O. suspends certain in-person delivery requirements. The suspension of the requirements to deliver self-addressed, stamped envelopes to the clerk (in LBRs 1007-1(c)(5)(B) and 5078-1(a) and (b)) would not be continued, i.e., those requirements would be revived. The suspension of the LBR 7056-1(a)(2) requirement for paper copies of summary-judgment documents is addressed by the proposal [below](#) to repeal LBR 7056-1.
- G.O. 20-3 addresses filing methods, and many of its provisions would be imported to [LBR 5005-1](#), to be renamed with the Uniform Numbering System title for that rule.

Rule 2002-1. Notices to Creditors and Other Interested Parties.

[...]

- (b) **Notice of Intent to Take Proposed Action.**

- (1) **Template.** A notice of intent to take proposed action when an LBF does not exist may be single-spaced, must begin at least 1" from the top of the page, and must be in substantially the following form:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

[...]

The [debtor, trustee, etc.] proposes to take the following action:

[Insert a brief description of the proposed action and the reasons for it; a summary of the effects; names of insiders to the transaction; and any other information required under (2), (3), or (4).]

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

YOU ARE NOTIFIED that unless you file an objection to this notice no later than [insert number of days in objection period, excluding any additional time provided by FRBP 9006] days after the service date [if notice time has been shortened under LBR 2002-1(b)(2), add "per order shortening notice period docketed as docket # (insert number)"], and set forth the specific grounds for the objection and your relation to the case, with the clerk of court at [insert the address for the office in Portland or Eugene, whichever is administering the case] and serve it on [insert name, address and phone number of party proposing the action], the undersigned will proceed to take the proposed action, ~~or apply for an order if required,~~ without further notice or a hearing.

[...]

(c) **Notice of Hearing Template.** A notice of hearing ~~when an LBF does not exist or the court will not deliver one to an entity for service, prepared by a party~~ may be single-spaced, and must begin at least 1" from the top of the page, and ~~must~~ be in the following form:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

[...]

YOU ARE NOTIFIED THAT A HEARING to consider and act on the following: [Enter description of matter to be heard].

WILL BE HELD ON [hearing date] AT [hearing time] IN [or BY] [insert either: (1) the hearing room number and street address, or (2) if by telephone hearing, the telephone number, access code and the statement that "LBF 888 is also provided"]. [NOTE: Unless provided on the court's website at www.orb.uscourts.gov, or when using ECF, this information must be obtained from the judge's calendaring clerk at the telephone number identified on the court's website.]

~~[Insert a statement State as to whether or not testimony may be offered, and received if admissible, the hearing will be an evidentiary hearing at which witnesses may testify under (d).]~~

[...]

(d) ~~[Reserved] General Noticing Procedures.~~

- ~~(1) **Notice of Motion or Application.** A party required to serve a notice of a motion or application must serve the notice, with the motion or application, on the debtor and any creditors' committee.~~
- ~~(2) **Testimony Presentation at Contested Matter Hearings.**~~
- ~~(A) Testimony may be offered, and received if admissible, at a hearing, except that no testimony may be offered or received at a hearing conducted by telephone, or designated as a preliminary hearing or a status conference, unless all parties and the judge agree or a court-prepared notice of hearing so states.~~
- ~~(B) A notice of hearing on a contested matter must state whether or not testimony may be offered and received if admissible.~~

[...]

Comment. The language proposed for revision in the notice-of-intent template in LBR 2002-1(b)(1) predates adoption of the notice of motion required by LBR 9013-1(b)(2). Notice of the opportunity to object to a motion or application constituting a contested matter should be given only through the notice of motion required by LBR 9013-1(b)(2). The notice-of-intent template should be used only for the negative notices required by FRBP 2002(a). Absent a timely objection to a notice of intent, no order is necessary; the case docket, demonstrating the absence of a timely objection, constitutes the authority to do the act. The revision would strike from the notice-of-intent template references to motion, application, and order.

Current LBR 2002-1(d)(1) addresses only service of notice of a motion or application. It thus duplicates LBR 9013-1(b)(1) and would be deleted.

LBR 2002-1(d)(2) addresses evidence presentation at a contested-matter hearing. A matter initiated by a negative notice becomes a contested matter only if an objection is made to the notice. Contested-matter procedures are governed by LBR 9013-1. The substance of current LBR 2002-1(d)(2) would be moved to become [new LBR 9013-1\(e\)](#).

The changed language regarding testimony at a hearing would comply with FRBP 9014(e), which requires that parties be able to ascertain whether a hearing will be “an evidentiary hearing at which witnesses may testify.” Similar changes are proposed for LBR 9013-1(e) and various LBFs below.

Other revisions would simplify and clarify language.

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

(a) General.

- (1) Nonprofessional Administrative Expenses.** [...] A claimant may ~~serve a notice under LBR 2002-1(b) of its intent to submit~~ move the court for an order allowing immediate payment of the administrative expense, ~~which~~ The motion must have a copy of the proof of claim attached; ~~and be served~~ on the debtor and any creditors' committee.

[...]

(b) Compensation and Reimbursement Amounts for Entities Other Than Chapter 7, 12, or 13 Trustees.

[...]

- (5) Revision of Certain Dollar Amounts.** In each year in which dollar amounts change under § 104, the amounts listed in LBF 1305 for Schedule 1 (life-of-the-case fixed fee) and Schedule 2.(a) (fixed fee through confirmation and initial audit of claims) will be adjusted to reflect the same percentage change, rounded to the nearest \$25. The adjustments will apply only to cases filed on or after the December 1 adjustment date.

Comment. Under FRBP 9013, a request for an order must be made by motion, not a notice of intent, and the reference in subsection (a)(1) to LBR 2002-1(b) would therefore be removed. See also proposed revisions to LBRs [3001-1\(a\)\(1\)](#), [4001-1\(c\)](#), and [9019-1\(e\)](#).

Proposed new subsection (b)(5) would adjust certain chapter 13 maximum fee amounts to track the automatic, triennial national adjustments of various Code dollar amounts.

Rule 3001-1. Claims—General.

(a) Asset Chapter 7.

- (1) Tardy Proof of Claim.** If a tardily filed nonpriority unsecured claim does not otherwise state a reason for being considered timely under § 726(a)(2)(C), the trustee must treat the claim under § 726(a)(3) unless the court orders that the claim be considered timely the claimant serves a notice under LBR 2002-1(b) of its intent to seek § 726(a)(2)(C) status on all entities entitled to all notices, and obtains an order authorizing that status for the claim.

Comment. An order that a claim be considered timely should be requested by motion, not notice of intent.

Rule 3007-1. Claim—Objections.

(a) Objection to Allowance or Classification of Claim.

[...]

- (2) LBF for Objection.** Except for an omnibus claim objection, an objection ~~and accompanying notice~~ must be filed on LBF 763.~~3 and 763.4~~. Any proposed order arising from an objection must be lodged on LBF 763.5.
- (3) Notice of omnibus claim objection.** An omnibus claim objection under FRBP 3007(d)-(e) must ~~be accompanied by~~ include a notice that substantially conforms to the notice portion of LBF 763.~~4~~.

Cross-reference:

- ~~Certificate of~~ Service – LBR 7005-1, LBR 9013-1(a)(2).

Comment. This proposal is made in conjunction with the proposal [below](#) to combine the claim objection form (LBF 763.3) and notice of claim objection form (LBF 763.1) into a single form (new LBF 763).

The proposed cross-reference revision is related to the [LBR 9013-1](#) proposals.

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 version of LBF 1300 prescribed by the court's website at www.orb.uscourts.gov ~~on LBF 1300.17 for cases commenced or converted to chapter 13 on or after December 1, 2017 and LBF 1300.14 for cases commenced or converted to chapter 13 from December 1,~~

~~2014 through November 30, 2017.~~ A plan must be signed and dated with the date signed by the debtor.

(2) Order Directing Support or Chapter 13 Payments (Wage Order).

(A) The debtor must, no later than seven days after the meeting of creditors, either (i) file a proposed wage order on the version of LBF 1351 that applies to the trustee administering the case or (ii) enroll to make electronic payments using the trustee’s approved electronic payment vendor. ~~The debtor may, however, orally request at the meeting of creditors that t~~The trustee may orally waive this requirement.

[...]

(8) Postconfirmation Motions to Buy, Sell, Encumber Interests, Use, Lease, or Dispose of Interest in Property. Postconfirmation, any motions by chapter 13 debtors to buy, sell, or encumber interests in property (including refinances) must be filed on LBF 1301, and any motions by chapter 13 debtors to use, lease, or dispose of interest in property must be filed on LBF 1302.

Comment. The change to subsection (b)(1) would simplify the direction to use the most current plan form by referring filers to the court’s website.

Payments made through Nationwide TFS, LLC, now represent the most common method of payments by chapter 13 debtors. The subsection (b)(2) change would streamline the wage-order process by removing the current requirement to obtain a waiver of the wage-order requirement in order to use TFS.

Proposal to add new subsection (b)(8) is made in conjunction with the proposal for new motion forms, LBFs [1301](#) and [1302](#), and accompanying order forms, LBFs [1301.5](#) and [1302.5](#). Paragraph 11 of the current chapter 13 plan form provides in part that a 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.” Because these motions are frequently filed, it makes sense to clarify and streamline the process with standard forms for the motions and orders. In order to avoid the burden of overly-long forms, the most common motions, to buy, sell, or refinance property, are grouped together on one form (LBF 1301), and the less common motions, to use, lease, or dispose of property, are grouped together on a separate form (LBF 1302).

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

[...]

(c) Chapter 13.

[...]

- (2) The debtor must submit to the trustee a proposed confirmation order on the version of LBF 1350 prescribed by the court’s website at www.orb.uscourts.gov. 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,~~ the proposed order 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 revisions would simplify the direction to use the most current form for orders confirming chapter 13 plans by referring filers to the court’s website.

Rule 3019-1. Chapter 11—Plan or Disclosure Statement Amendment.

- (a) ~~A proposed amended plan or disclosure statement must be:~~
- (1) ~~Entitled a “(insert First, Second, etc.) Amended Plan or Disclosure Statement.”~~
 - (2) ~~Preceded by a separate document containing the old and new language set out separately in different forms (e.g., by striking through deleted language and highlighting new language, or bracketing deleted language and underlining new language).~~
 - (3) ~~Complete, including each proposed amendment.~~
 - (4) ~~Signed and dated.~~
- (b) LBR 2002-1(a)(1) applies to a request under FRBP 3019(b) to modify a confirmed plan in an individual chapter 11 case.

Cross-references:

- Documents—Requirements of Form – LBR 9004-1(d).

Comment. See also proposals for [LBR 9004-1](#) and [LBR 9021-1\(b\)\(1\)\(C\)\(ii\)](#).

Subsection (a)(2) would be moved to LBR 9004-1, expanding the requirement to attach comparison versions of proposed amendments to apply to all proposed amended pleadings not prepared on an LBF or national bankruptcy form. Doing so would permit faster and more accurate identification of the proposed changes.

Subsection (a)(1) and (a)(3) already apply to all documents through LBR 9004-1. Subsection (a)(4)'s signature requirement is unnecessary in view of FRBP 9011(a)'s signature requirement, and (a)(4)'s dating requirement can only introduce ambiguity if a document is dated other than the date on which it is filed.

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

[...]

- ~~(e)~~ ~~Agreement Relating to Relief From the Automatic Stay, Providing Adequate Protection, Use of Cash Collateral, or Obtaining Credit.~~ A notice under LBR 2002-1(b) of intent to submit a proposed order approving an agreement must be given, but the time for filing an objection shall be as specified in FRBP 4001(d).
- ~~(d)~~ **Debtor's Consent to Relief From Stay re Property to be Surrendered.** **Marking Checking** the "~~Property Will be Surrendered~~ Surrender the property" box on a debtor's chapter 7 statement of intention form (~~LBR 521.05~~ OF 108) as to any property constitutes the debtor's consent to relief from the automatic stay with regard to that property. Relief from stay will be effective at the earliest of the following: (1) the granting of relief from stay, (2) physical surrender of the property by the debtor, or (3) expiration of the time deadlines in § 521.
- ~~(e)~~ **Rent Deposit by Debtor for Cure Under § 362(l)(1).** [...]
- ~~(f)~~ **Motion to Extend or Impose Stay Under § 362(c) or § 362(n).** [...]
- ~~(g)~~ **Chapter 7 Trustee's Motion for Continuation of Stay re Personal Property.**
 - ~~(4)~~ A motion under either § 362(h)(2) or § 521(a)(6) must: (~~A~~1) clearly identify in the title the Code section relied on for the motion (~~i.e.~~, either § 362(h)(2) or

§ 521(a)(6)), and (B2) include the name and service address for any affected creditor.

- (2) ~~If a timely motion is filed under § 362(h)(2) or § 521(a)(6) regarding personal property identified as collateral for a secured debt included on a debtor's statement of intention (LBF 521.05), the stay of § 362(a) will continue as to the property until the date an order granting the motion is entered or a different date is determined by the court.~~

Cross-reference:

- Postconfirmation Motions to Buy, Sell, Encumber Interests, Use, Lease, or Dispose of Interest in Property—LBR 3015-1(b)(8).

Comment. Subsection (c) would be deleted because it improperly validates use of a notice of intent, rather than a motion, for a request for approval of a stipulation, and the objection deadline for that motion type is already prescribed by FRBP 4001(d)(2). See also proposed revisions to LBRs [2016-1\(a\)\(1\)](#), [3001-1\(a\)\(1\)](#), and [9019-1\(e\)](#).

The remaining revisions are proposed in conjunction with the proposal below to retire [LBF 521.05](#). The proposed change to subsection (d) would replace the reference to LBF 521.05 with a reference to OF 108 and change the quoted language accordingly.

The proposed addition of the cross-reference is made in conjunction with the proposed addition of [LBR 3015-1\(b\)\(8\)](#) and corresponding new LBFs [1301](#), [1301.5](#), [1302](#), and [1302.5](#).

Rule 4003-2. Lien Avoidance Under §§ 506(d)/1322 or 522(f).

[...]

(b) **Lien avoidance under § 522(f).**

(1) **Judicial liens on real property.** If not made as part of a chapter 12 or 13 plan, a motion to avoid under § 522(f)(1)(A) a judicial lien on real property under § 522(f), and any objection, must be filed under on LBFs 717, ~~and 717.05 and.~~ Any default proposed order ~~arising from such a motion~~ must be lodged under on LBF 717.07.

(2) **Other liens.** A motion to avoid under § 522(f) a lien other than a judicial lien on real property, if not made as part of a chapter 12 or 13 plan, must be in writing and state—

- (A) The name and address of the lienholder whose lien is to be avoided,
- (B) The subsection of § 522(f) under which relief is requested,
- (C) The nature of the lien to be avoided,
- (D) The date upon which the lien was perfected,
- (E) A description of the property sufficient for identification,
- (F) The fair-market value of the property,
- (G) A description of and the amounts due upon any security interests or other liens on the property,
- (H) A description of the nature and amount of exemptions impaired by the lien to be avoided,
- (I) The present balance owing on all security interests or liens on the property excluding any precomputed interest or other unearned charges,
- (J) The extent to which the lien should be avoided, and
- (K) Any other facts relevant to determining whether the motion should be granted.

Comment. The change would clarify the process for moving to avoid liens under § 522(f), depending on whether the lien is a judicial lien on real property.

In addition to the revisions above, the change would:

- Retire LBF 717.05 and replace it and LBF 717 with a combination notice and motion (new [LBF 717](#)) just for motions to avoid judicial liens on real property.
- Update [LBF 717.07](#), *Order Avoiding Judicial Lien Pursuant to 11 U.S.C. § 522(f)(1)(A)*.
- Retire LBF 717.15, *Procedures re: Motions to Avoid Liens Pursuant to 11 U.S.C. § 522(f)* (the contents of that form would be transferred to LBR 4003-2).

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

- (a) **Chapter 7 Cases.** A mortgage creditor may negotiate a modification of its secured claim with the debtor and the debtor's attorney at any time during the pendency of a chapter 7 case. A modification is voluntary on the part of the secured creditor and the debtor and is subject to procedures set forth in LBF 751.7. The court will not consider a mortgage creditor's contact with the debtor or the debtor's attorney and any negotiation or implementation of a modification, by themselves, to violate the automatic stay of § 362 or the discharge injunction of § 524. ~~No~~ A modification ~~can~~ becomes effective ~~until~~ when the trustee abandons the encumbered real property.
- (b) **Chapter 13 Cases.** A mortgage creditor may negotiate a modification of its secured claim with the debtor and the debtor's attorney at any time during the pendency of a ~~C~~chapter 13 case. A modification is voluntary on the part of the secured creditor and the debtor. The court will not consider a mortgage creditor's contact with the debtor and the debtor's attorney and any negotiation to effect a modification, by themselves, to violate the automatic stay of ~~11 U.S.C. §~~ 362. ~~No~~ A modification ~~can~~ becomes effective ~~until~~ when the trustee consents in writing or the court approves the modification.
- (c) **Approval of modification. If a modification agreement becomes effective under this rule, no separate motion or order for approval of it is necessary.**

Comment. New (c) would remind parties of the absence of any legal requirement for court approval as a condition to the effectiveness of a loan-modification agreement between a lender and a debtor. Other changes are stylistic.

Rule 5005-1. ~~Document Filing—Facsimile or E-Mail. Filing Papers—Requirements.~~

~~A document must not be sent to the clerk or the court by facsimile or e-mail, and the clerk must not file a copy of a document received by facsimile or e-mail.~~

- (a) A party without an attorney must file a petition and other documents via the court's Public Document Upload system at <https://www.orb.uscourts.gov/webform/public-document-upload> or by fax, mail, or delivery.
- (b) A document filed by fax must be accompanied by a cover page including the filer's telephone number and email address, and the fax must be sent to 1-213-401-1577.
- (c) A debtor who files a petition by mail or delivery may provide an email address and request that the case number be emailed to the debtor, or the debtor may telephone the clerk at (503) 326-1500 or (541) 431-4000 to request the case number.

Comment. See the comment under the [LBR 1007-5](#) proposal, which addresses moving current general orders into the rules. The exclusion of “a signed copy of the document” from paragraph 5 of the G.O. 20-3 is intentional; FRBP 9011 already requires the signing of petitions, pleadings, written motions, and, with some exceptions, other papers.

Rule 5005-4. Electronic Filing.

[...]

(b) Mandatory Electronic Filing.

- (1)** ~~An attorney or trustee who files or lodges documents, or a creditor who has filed more than 10 documents (e.g., claims, transfers of claims, and mortgage notices) in any calendar year, must file or lodge documents electronically using ECF or another program provided by the clerk for this purpose.~~ **Creditor Who Has Filed More than 10 Documents in Any Calendar Year, Attorney, or Trustee.** A creditor who has filed more than 10 documents in any calendar year and any attorney or trustee must file or lodge documents electronically.

[...]

- (e) Retention of Original Document.** An electronically filed document described in FRBP 1008 or a properly completed, signed, and filed LBF 5005 with respect to the document and a scanned electronic replica of the signed document must be obtained and maintained retained by the filing ECF Participant or the firm representing the party on whose behalf the document was filed ~~in its original paper form in accordance with LBR 9011-4(c)(1)~~ until the later of the closing of the case or the fifth anniversary of the filing of the document, except as otherwise provided for trustees by the U.S. Department of Justice. The filing ECF Participant or firm retaining the ~~original~~ document ~~or LBF 5005 and scanned electronic replica of the document~~ must produce it for review upon receipt of a written request.

Comment. From subsection (b)(1), the phrase “using ECF or another program provided by the clerk for this purpose” would be deleted in favor of defining “electronically” in [LBR 9001-1](#) as filing or lodging documents via ECF or ePOC (as opposed to other technically electronic means such as email or the PDU). Other changes are stylistic.

See the comment under the [LBR 1007-5](#) for the proposed revisions to subsection (e).

Rule 6004-1. Use, Sale, or Lease of Property.

[...]

Cross-reference:

● Postconfirmation Motions to Buy, Sell, Encumber Interests, Use, Lease, or Dispose of Interest in Property—LBR 3015-1(b)(8).

Comment. This proposal is made in conjunction with the proposed addition of [LBR 3015-1\(b\)\(8\)](#) and corresponding new LBFs [1301](#), [1301.5](#), [1302](#), and [1302.5](#).

Rule 6006-1. Executory Contracts & Unexpired Leases; Assumption, Rejection, or Assignment.

- (a)** ~~Chapter 7, 9, or 11. A party moving to assume, reject, or assign, or to compel the debtor or trustee to assume, reject, or assign an executory contract or unexpired lease, other than a chapter 7 trustee (who must use the appropriate LBF) or a chapter 11 plan proponent who is so moving in a plan of reorganization, must serve the motion attached to a notice of intent prepared under LBR 2002-1(b). The notice and motion must be served on all parties to the contract or lease, debtor, trustee, and any creditors' committee.~~
- (b)** ~~Chapter 12 or 13. A debtor may provide in a plan for assumption, rejection, or assignment of an executory contract or unexpired lease. When filed, the plan and the notice of any pending confirmation hearing must be contemporaneously served under FRBP 7004 on all parties to a contract or lease to be assumed, rejected, or assigned in the plan.~~

Comment. Current LBR 6006-1(a) is duplicative of FRBP 6006(a) and is thus unnecessary.

Current LBR 6006-1(b), when read in conjunction with the certificate of service to the chapter 13 plan, LBF 1300.21, requires that a plan proposing assumption, rejection, or assignment of an executory contract or lease be served on the counterparty under FRBP 7004. But FRBP 6006(a) applies under FRBP 9014 to a proceeding to assume, reject, or assign, thus requiring FRBP 7004 service, only if the assumption, rejection, or assignment is not proposed “as part of a plan.” The court does not by local rule expand the scope of FRBP 7004 service requirements.

See also the related proposed revisions to the [chapter 13 plan's](#) certificate of service below.

Rule 7001-1. Adversary Proceedings—General.

- (a)** Application of LBRs to adversary proceedings. LBRs 7001-1 through 7069-1 apply to adversary proceedings.
- (ab)** **Filing Fee.** The ~~applicable~~ complaint filing fee must accompany an adversary complaint, except one filed by an exempt plaintiff, such as a debtor ~~that who~~ is not a DIP, the UST, a child-support creditor or its representative ~~that who~~ files an OF 2810, or a trustee ~~that who~~ files a certification that estate funds are insufficient to pay the filing fee.
- (bc)** **Documents.**
- (1) General Form Requirements.** LBR 9004-1 applies.
 - (2) Cover Sheet.** To file an adversary proceeding, or ~~file~~ a stipulated judgment if no complaint has been filed, a party filing on paper must file an adversary proceeding cover sheet (on OF 1040) with the complaint or proposed judgment.
 - (3) Summons For Complaint Filed Electronically.** The clerk may sign, seal, and issue a summons electronically, although a plaintiff must not serve a summons electronically. The clerk may use ECF to notify the plaintiff when an electronic summons has been issued for service.
- (ed)** **Impermissible Stipulations.** The following deadlines and dates cannot be changed without an order obtained no later than three business days before the scheduled deadline or date: [...]

Comment. Under FRBP 7001, the rules of Part VII of the FRBPs govern adversary proceedings (APs). Although the context of most of the 7000-series LBRs indicates that they apply to APs, there now is no express LBR language applying those rules to APs. New LBR 7001-1(a) would fill that gap. Because LBR 9013-1(a) makes some 7000-series LBRs applicable to contested matters, LBR 7001-1(a) correctly does not state that the 7000-series LBRs apply only to APs.

Other changes are stylistic.

Rule 7005-1. Service & Certificate of Service.

[...]

Cross-references:

- ~~Certificate of Service—LBR 9013-1(a)(2).~~
- ~~Oral Argument/Telephone Appearance—LBR 9013-1(a)(6)~~

Comment. See comment under [LBR 9013-1](#) proposals.

Rule 7005-2. Nonfiling of Discovery ~~Material~~ Documents.

~~LBR 7026-1 applies.~~

Cross-reference:

- ~~Nonfiling of discovery documents—LBR 7026-1(b).~~

Comment. The substantive content of this rule would be unnecessary if the court adopts proposed new [LBR 7001-1\(a\)](#). But because the Uniform Numbering System includes “Filing of Discovery Materials” as LBR 7005-2, LBR 7005-2 would be retained.

Rule 7007-1. Motion Practice—Adversary Proceedings.

[...]

(d) Oral Argument/Telephone Appearance.

- (1) Hearing.** The court may decide a motion without oral argument. If the court elects to hear oral argument, the court will notify the parties of the hearing date and time. A party may not issue a notice of hearing on a motion unless authorized or directed to do so by another rule or LBR or the court.

[...]

Cross-references:

[...]

- ~~Motion Practice—Contested Matters—LBR 9013-1(a)(3), (6) and (7).~~ [...]
- ~~Summary Judgment—LBR 7056-1 and 9013-1(a)(8)~~ [...]

Comment. The proposed revision to subsection (d)(1) would clarify that a lawyer or party may send a hearing notice only on direction of the court (usually, this direction is given by a courtroom deputy). The removal of the cross-references is covered in the [LBR 9013-1](#) comment.

Rule 7026-1. Discovery—General.

(a) Timing.

(1) **Commencement.** Unless otherwise agreed by the parties, no discovery may occur before an initial pretrial conference or entry of a scheduling order. Parties need not meet before an initial pretrial conference. Discovery may begin when the court determines that FRCP 26(f) will not apply. If the court determines that FRCP 26(f) will apply, discovery may begin after the parties have met and conferred.

(2) **Initial pretrial conference.** At the initial pretrial conference, the parties should be prepared to address whether (1) they should be required to make the disclosures required by FRCP 26(a)(1) and conduct the discovery-planning conference and file the report required by FRCP 26(f) and (2) any other modifications should be made to the application of FRCP 26.

(23) **Completion.** The LR regarding completion of discovery (currently LR 16-2(e)) applies.

(b) **Non-filing of Discovery Documents.** “Discovery documents” must not be filed. A ~~D~~discovery document is one that is the subject of any of FRCPs 26 through 36 and is not required by any rule to be filed include required and optional disclosures described in FRCP 26, deposition notices, subpoenas, transcripts, exhibits, interrogatories, requests for production or inspection, requests for admission, answers, and objections. Not filing a discovery document does not preclude its use as an exhibit or as evidence.

(c) **Disclosures Required by FRCPs 26(a)(1)-(4).**

(1) **Application of FRCPs 26(a)(1)-(3).** The court will determine at the initial pretrial conference or in a scheduling order whether FRCPs 26(a)(1)-(3) will apply.

(2) **Application of FRCP 26(a)(4).** Disclosures must comply with the provisions of FRCP 26(a)(4), but the disclosures required by FRCPs 26(a)(1) and (2) must not be filed.

Comment.

- New LBR 7026-1(a)(2)

New LBR 7026-1(a)(2) would alert parties that they should be prepared to address FRCP 26 issues at the initial pretrial conference.

- Renumbered LBR 7026-1(a)(3)

Renumbered LBR 7026-1(a)(3) incorporates the district court local rule regarding completion of discovery. It refers to LR 16-2, but the correct current LR reference is LR 16-2(e), entitled “Completion of Discovery Defined,” which is the only part of LR 16-2 addressing completion of discovery.

- LBR 7026-1(b)

The revision would make the definition of discovery document both more comprehensive and shorter.

- LBR 7026-1(c)

FRCPS 26(a)(2)-(4) apply by default, so there is no need to determine whether they should apply in a particular adversary proceeding.

Rule 7056-1. Summary Judgment.

(a) Motion.

~~(1) **Required Supporting Documents.** A motion must be accompanied by the following two, separately filed, documents:~~

~~(A) A brief addressing applicable law and explaining why there exist no genuine issues of material fact to be tried.~~

~~(B) A concise statement articulating only the undisputed relevant material facts essential for the court to decide the motion that is prepared under (c).~~

~~(2) **Required Judge’s Copies.** Two paper copies, each certified as a true copy, of the motion and supporting documents, including tabs for the documents if there are more than two attachments or exhibits to any of the documents, must be promptly delivered to the court, and must be clearly marked “JUDGE’S COPY.”~~

~~(3) **Filing Deadline.** A motion must not be filed less than 50 days before the date set for trial. A motion to allow a filing fewer than 50 days before the trial date must include a detailed explanation why the motion could not have been filed earlier.~~

(b) Opposition and Reply Requirements.

- ~~(1) Any opposition must be accompanied by a separately filed response to the concise statement that is no longer than five pages (unless approved by the court in advance), and responds to each numbered paragraph of the movant's facts by:
 - ~~(A) Accepting or denying each fact in the movant's concise statement.~~
 - ~~(B) If applicable, articulating opposition to the movant's contention or interpretation of the undisputed material fact.~~~~
- ~~(2) After responding to the movant's numbered paragraphs, the responding party may concisely state under (c) other relevant material facts which are at issue or are otherwise necessary for the court to determine the motion.~~
- ~~(3) The movant may reply under (1) to the responding party's additional facts.~~

~~(c) **Concise Statement.**~~

- ~~(1) Each fact must be stated in a separately numbered paragraph. A party must cite to a particular affidavit, deposition, or other document supporting the party's statement, or denial of the material fact; citations should be made with particularity (e.g., to page and line numbers or paragraph numbers).~~
- ~~(2) A party must refer only to the material facts necessary for the court to determine the limited issues presented in the motion and to no others.~~
- ~~(3) Documents to which reference is made in the concise statement must not be filed in their entirety. Instead, the filing party must extract and highlight only the relevant parts of each referenced document. Photocopies of extracted pages, with appropriate identification and highlighting, will be adequate.~~
- ~~(4) Unless approved by the court in advance, neither the concise statement, nor any reply to a responding party's statement, may be longer than five pages.~~

~~(d) **Briefing Requirements. LBR 7007-1(b) applies.**~~

~~(e) **Scope of Judicial Review.** Unless otherwise required by law, when resolving a motion the court has no independent duty to search and consider any part of the court record not referenced in the concise statement.~~

~~(f) **Admission of Material Facts.** For purposes of a motion, material facts in the concise statement of the movant, or in the response to the movant's concise statement, may be deemed admitted unless specifically denied or otherwise controverted by a separate concise statement of the opposing party.~~

~~**Cross-reference:** Summary Judgment—LBR 9013-1(a)(8).~~

Comment. LBR 7056-1 would be repealed.

FRBP 7056 requires that a movant show that “there is no genuine dispute as to any material fact and the movant is entitled to judgment,” and it prescribes how a movant must support its factual position. There thus is no need to require a concise statement and supporting brief. Removing these requirements would streamline the summary-judgment process.

In many cases, use of a concise statement is not helpful and creates additional work for the judge and the parties. This is because a brief refers, as support for a factual allegation, to a paragraph of the corresponding concise statement, which in turn refers to a separate declaration with attached documents. It would be more efficient for the brief simply to refer directly to the declaration.

Reasoning for removal of the remaining sections is as follows:

- (a)(2): After suspension of this subsection by general orders during the pandemic, the judges have determined that separate judges’ copies are unnecessary.
- (a)(3): Specific deadlines are imposed by scheduling orders in APs.
- (e) & (f): These subsections are essentially practice tips and therefore unnecessary.

Rule 7065-1. Injunctions—Application for Temporary Restraining Order or Preliminary Injunction.

[...]

~~Cross-reference: Injunctions — Application for Temporary Restraining Order or Preliminary Injunction—LBR 9013-1(a)(5)~~

Comment. See comment under [LBR 9013-1](#) proposals.

Rule 9001-1. Rules of Construction & Definitions.

Titles and headings are part of the LBRs. A word or phrase not otherwise defined in an LBR or LBF has the meaning and construction assigned to it in the Code or an FRBP unless ~~the a specific~~ definitions below or the context requires otherwise. All singular words include the plural, and any reference to gender includes all gender identities. A list of items after a colon will generally be read to be joined by an “and.” ~~However, But~~ if the colon follows ~~the word~~ “either,” the list will be read to be joined by an “or.” The following definitions apply in these LBRs and to all LBFs:

[...]

- (e) ~~“BAP” means Bankruptcy Appellate Panel of the Ninth Circuit.~~
- (d) ~~“Brief” includes a memorandum of law.~~
- (e) ~~“Case” includes all matters relating to a bankruptcy case including contested matters, and, when appropriate, related adversary proceedings.~~
- (fc) “Clerk” means clerk of the court and any authorized deputy clerk.
- (gd) ~~“Court” means the United States Bankruptcy Court for the District of Oregon and not any particular judge. “Code” means title 11 of the United States Code, the Bankruptcy Code.~~
- (he) “Creditors’ committee,” when used in relation to the service of a document, and unless otherwise required by an FRBP, means **either**:
- (1) If an attorney of record represents the committee, the attorney of record;
 - (2) ~~If an attorney of record does not represent the committee, then~~ Any chairperson and any co-, alternate, or vice chairperson of any committee appointed by the UST listed in the UST’s filed notice of appointment;
 - (3) If no chairperson, co-, alternate, or vice chairperson is named in the notice of appointment, then each committee member named in the notice; or
 - (4) If no committee is appointed, ~~then~~ each creditor on the list filed under FRBP 1007(d).
- (i) ~~“Debtor” means both debtors in a joint case.~~
- (jf) “DIP” (~~debtor in possession~~) means (1) the debtor ~~in possession~~ in a nonsubchapter V chapter 11 case in which no trustee has been appointed and is serving, ~~and~~ (2) the debtor in a subchapter V chapter 11 case in which the debtor has not been removed under § 1185 without reinstatement, or (3) the debtor ~~in possession~~ in a chapter 12 case in which the debtor has not been removed under § 1204 without reinstatement.
- (k) ~~“District Court” means the United States District Court for the District of Oregon.~~
- (lg) “Document” includes a pleading and any other paper that may be filed or lodged.
- (mh) “ECF” means the court’s Electronic Case File system.

- (~~ni~~) “ECF Participant” means an individual to whom the clerk has assigned a login and password to file documents electronically by ECF. A filing agent, as such, is not an ECF Participant.
- (~~oj~~) “Electronically,” when referring to a manner of filing, lodging, or serving a document, means electronically by ECF or ePOC.
- (~~pk~~) ~~“File,” when used as a verb, means file with the clerk electronically or in writing. “ePOC” means the court’s Electronic Proof of Claim system.~~
- (~~ql~~) “Filing agent” means an individual to whom an ECF Participant has assigned a login and password to file documents electronically in the name of the ECF Participant.
- (~~rm~~) “FRBP” means a Federal Rule of Bankruptcy Procedure, ~~and any Interim Federal Rule of Bankruptcy Procedure (IFRBP) until it is superseded by an FRBP or the statute to which it relates expires by law.~~
- (~~sn~~) “FRCP” means a Federal Rule of Civil Procedure.
- (~~to~~) “GO” means a general order promulgated by the court.
- (~~tp~~) “LBF” means a form promulgated by the court, plus any pages the filing party is required to attach in order to include all essential text.
- (~~vq~~) “LBR” means a local rule of the court.
- (~~wr~~) “LR” means a local rule of the United States District Court for the District of Oregon.
- (~~xs~~) “Lodge,” when used as a verb, means lodged (e.g., an uploaded to upload, but not to file with the clerk, a proposed order or judgment), but not filed, with the clerk.
- (~~y~~) ~~“May” means has discretion to, is permitted to, or has a right to.~~
- (~~zt~~) “Mortgage creditor” ~~includes~~ means any creditor holding a claim secured by a mortgage, trust deed, or land sale contract on real property used as the debtor’s residence on the date of the order for relief.
- (~~aa~~) ~~“Must” means is required to.~~
- (~~bb~~) ~~“Must not” means is required not to or is disallowed.~~

- (~~eeu~~) “OF” means an Official form promulgated by the Judicial Conference of the United States for bankruptcy cases or adversary proceedings, or a procedural Director’s form promulgated by the Director of the Administrative Office of the United States Courts.
- (~~ddy~~) “OSB” means the Oregon State Bar.
- (~~eev~~) “Party” ~~includes means~~ an entity requesting or opposing relief in a contested matter or adversary proceeding.
- (~~ffx~~) “PDF” means ~~text-based a~~ Portable Document Format document ~~(i.e., the PDF may not be created by scanning a paper document, even if the scanning process produces it in a text-searchable format, unless the original document could not be electronically created by, or a version electronically created by a third party could not be accessed by, the party filer).~~
- (~~ggv~~) “Pro se” means a party not represented by an attorney of record.
- (~~hhz~~) “Request,” when used in reference to a request for the court to take some action, means a requirement to file a formal motion.
- (~~iaa~~) “SASE” means an adequately sized, self-addressed, envelope bearing adequate postage for return to the addressee. Submission of self-adhesive labels is not acceptable.
- (~~jj~~) ~~“Trustee” means a private trustee, standing trustee, UST acting as a case trustee, or DIP.~~
- (~~kk~~) ~~“Under” means in compliance with, or in accordance with, the provisions of the specified rule, form, or statute.~~
- (~~Hbb~~) “UST” means the United States trustee.

Comment. The bases for the above proposals are as follows:

- “BAP” isn’t used in the local rules.
- Definitions of “Brief,” “Case,” “Court,” “District Court,” “File,” “May,” “Must,” “Must Not,” “Trustee,” and “Under” are unnecessary because their meanings are obvious.
- The definition of “Debtor” as including the plural is unnecessary considering the opening language stating that each singular includes the plural.
- Only a rule that has been adopted in accordance with law can be an FRBP. An iFRBP can at most be a suggested temporary local bankruptcy rule. The proposed revision would eliminate the unnecessary and ineffective language purporting to treat iFRBPs as FRBPs.

- Other revisions are either stylistic or entail the removal of definitions of terms that, in the court’s view, needn’t be defined.

Rule 9004-1. Documents—Requirements of Form.

(d) Amendment.

~~(1) **General.**~~ An amended document not prepared on an LBF or OF must be:--

~~(A1)~~ Be entitled a “[~~(insert First, Second, etc.)~~] Amended [~~(insert Title)~~].”

~~(2)~~ Include an attachment containing either the old and new language set out separately in different forms, for example by striking through deleted language and underlining new language, or, if the document is not a plan or disclosure statement, a narrative explanation of the changes.

~~(B3)~~ Be complete, including exhibits, without reference to any part of any prior document—but under LBR 1009-1, LBR 728 applies to a list of creditors, equity security holders, or other interested entities.

~~(C4)~~ Be attached as an exhibit to any motion to amend.

~~(D)~~ Served under FRBPs 7004 and 7005, and LBRs 1009-1 and 7005-1.

~~(2)~~ **Plan and Disclosure Statement.** LBR 3015-2 applies in chapter 12 and 13. LBR 3019-1 applies in chapter 11.

Cross-references:

[...]

- Lists—LBR 1009-1.
- Plan—Chapter 11—LBR 3019-1.
- Plan—Chapter 12 and 13—LBR 3015-2
- Order or Judgment—Proposed—LBR 9021-1(b)(4)(D)
- Service & Certificate of Service – LBR 7005-1.

Comment. See comments on proposals for [LBR 3019-1](#) and [LBR 9021-1\(b\)\(1\)\(C\)\(ii\)](#).

Rule 9010-1. Attorney—Notice of Appearance; Withdrawal.

(a) **Attorney Admission District-Court Admission and Local Rules; Change of Address.**

[...]

(2) LRs **5 and 83-1 through 83-12.** LRs **5 and 83-1** through 83-12 apply to an attorney practicing before the court, ~~except as follows:~~

(A) **“This Court” Defined.** References to the court and the clerk mean the bankruptcy court and bankruptcy court clerk.

~~(B) **CM/ECF Registration.** The provisions in LR 83-1 regarding CM/ECF registration do not apply. LBR 5005-4 applies.~~

~~(BC) **Pro Hac Vice.** LR 83-3 regarding *pro hac vice* admission applies to practice before the court, but ~~no admission fee is charged, and~~ the application for admission must be submitted to the clerk on LBF 120. An attorney admitted *pro hac vice* will not be considered an attorney of record.~~

~~(CD) **Proof of Claim and Stipulation.** A creditor, acting without an attorney or through an attorney, whether or not the attorney is admitted to practice before this court generally or for a particular case, may file and amend a proof of claim and sign a stipulation allowing, modifying, or disallowing the proof of claim.~~

[...]

(e) **Limited Scope Representation by Debtor’s Attorney in an Individual Chapter 7 Case; Required Services in Fee Agreement.** An attorney who agrees to file or assist a debtor in filing a bankruptcy petition, 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:

[...]

(5) 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 by this rule to sign the attorney certification that is part of the reaffirmation agreement or appear at a hearing for court approval of a reaffirmation agreement. The attorney must advise and assist the debtor to complete any reaffirmation agreement completely, accurately, and internally consistently, including by reporting the debtor's income and expenses as of the time of the reaffirmation agreement and, where required, expenses excluding payments on the debt proposed for reaffirmation.

[...]

(f) Withdrawal of Attorney.

(1) ~~Motion and Supporting Declaration General.~~ ~~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~~ The motion ~~required by LR 83-11(a) must include or be accompanied by~~ with a supporting declaration and ~~include~~ a proposed order. Except to the extent inconsistent with the Oregon Rules of Professional Conduct (ORPC), the motion, declaration, and proposed order must:—

(A) Summarize the efforts made to communicate with the client and state whether the client has provided informed consent under ORPC 1.0(g) and

(B) State the client's last-known contact information, including mailing address, phone number, and, if authorized by the client, an e-mail address.

(2) Debtor's Attorney. In addition to the requirements in (1) above, a request by an attorney to withdraw from representation of a debtor 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~~ from representing 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~~ current status of each, including any hearing dates and upcoming deadlines 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~~
- ~~(GE) 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. In a chapter 7 case, if the attorney received a fixed fee for performance of specified services, describe the amount of the fee, the agreed services, any services not yet performed, and whether the fee is reasonable for the services performed; and~~
- ~~(F) In a chapter 13 case, if the attorney received from the debtor or was awarded by the court a fixed fee for the life of the case, describe the amount of the fee that has been paid, any amount awarded that has not yet been paid, whether the attorney requests payment of any remaining awarded-but-unpaid fee, and whether retention of the paid fee and any additional fee the attorney requests would be reasonable despite the attorney's withdrawal before case completion.~~

- (23) Debtor's Attorney Providing Limited-Scope Representation in Individual Chapter 7 eCase Upon Completion of All Services.** In addition to the requirements in (1) and (2) above, if the attorney has entered into a limited-scope representation agreement with the debtor in an individual chapter 7 case, the motion must include or be accompanied by: (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.

Comment. The subsection (a)(2) revisions would update USDC local-rule references. CM/ECF registration is now addressed in LR 5, not LR 83-1.

The revision to subsection (e)(5) would clarify, but not change, expectations for a chapter 7 debtor's advice on reaffirmation.

The subsection (f) revisions would clarify and highlight the information the court needs to evaluate the reasonableness of a debtor's lawyer's fee retention, and they would clarify requirements for the withdrawal of a lawyer representing a client other than the debtor.

Rule 9011-4. Signatures.

[...]

(c) **Electronic Signature Requirements.** The following documents must be signed--

- (1) For an electronically filed petition, ~~or~~ an other document described in FRBP 1008, or an OF 121 required by LBR 1007-5(a), by affixing the “/s/ (Name)” of another signer, which constitutes the filing ECF Participant’s certificationes that, when filing the document, the filer possesses (A) a counterpart of the document bearing an original signature for each signer, (B) both an image of the document, such as a scan, photocopy, or fax of it, and the debtor’s confirmation of the signature, either in person or by telephone or other electronic means, (C) the debtor’s written authorization for the attorney to sign the document on behalf of the debtor, or (D) the document bearing a signature that is an electronic signature under ORS chapter 84 or similar law.

[...]

Comment. See comment under [LBR 1007-5](#) proposal.

Rule 9013-1. Motion Practice—Contested Matters.

(a) **Adversary Proceeding LBRs Applicable to Contested Matters.** The following LBRs apply to contested matters.

(1) Amendments. LBR 7015 applies.

[...]

(45) Impermissible Stipulations to Change Hearing or Trial Dates or Court-Established Deadlines. LBR 7001-1(c) applies.

[...]

(8) Nonfiling of discovery documents. LBR 7026-1(b) applies.

(79) Oral Argument/Telephone Appearance. LBR 7007-1(d) applies.

(810) Prefiling Conference Certification. LBR 7007-1(a) applies to a motion within a pending contested matter, but it does not apply to one initiating a contested matter.

~~(9) Summary Judgment. LBR 7056-1 applies.~~

[...]

(b) ~~Notice and Service of Motion~~ General.

(1) ~~Service. LBR 7005-1 applies.~~ Title. Each motion that is not prepared on an LBF must include in the title on the first page of the document the names of the parties, if any, against whom the motion requests specific relief. If there is insufficient room to include the names of all those parties in the title on the first page, the first page must refer to the location in the document where their names appear.

(2) **Notice of Motion.** Each motion ~~or application~~ must ~~be accompanied by or combined with~~ include a notice of motion unless (A) the motion is filed using an LBF or OF, (B) another LBR directs otherwise, (C) the motion seeks to convert or dismiss a bankruptcy case unless filed by a chapter 13 trustee, (D) the motion is filed under FRBP 3002.1, (E) the motion is unopposed, joint, or stipulated, (F) the motion seeks relief that the court can grant without notice and a hearing (for example, a motion to extend or shorten time or for FRBP 2004 examination), or (G) the motion requests expedited consideration. The notice must precede the substantive motion and must be in substantially the following form:

Notice. If you oppose the ~~proposed course of action or~~ relief sought in this motion, you must file a written objection with the bankruptcy court no later than [insert number of days in objection period, excluding any additional time provided by FRBP 9006 (see LBR 9013-1(c)(1)(A))] days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice. Your objection must set forth the specific grounds for objection and your relation to the case. The objection must be received by the clerk of court at [insert the address for the office in Portland or Eugene, whichever is administering the case] by the deadline specified above ~~or it may not be considered.~~ [Include the following sentence only if motion is not filed by an ECF Participant] You must also serve the objection on [insert name, address, and phone number of movant] within that same time. ~~If the court sets a hearing, you will receive a separate notice listing the hearing date, time, and other relevant information.~~

(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~~.** Any objection ~~or other response~~ to a motion, other than one described in LBR 9021-1(b)(2), must be filed no later than 14 days after the filing service of the motion. But if the motion requests a type of relief for which an FRBP specifies a notice period other than 14 days before a hearing, an objection to the motion must be filed within that number of days after service of the motion. For example, an objection to relief of a type described in FRBP 2002(a)(3) or (4) must be filed within 21 days after service of the motion.

[...]

(d) **Discovery.**

- (1) **General Disclosure of Expert Testimony.** ~~The court directs that FRCP 26(a)(2) apply in contested matters, except the disclosure required by FRCP 26(a)(2) is due. A party must disclose, no later than 14 days before trial, an evidentiary hearing and only if the hearing is set more than 14 days after the petition date, the identity of any individual who may offer expert testimony at trial. An expert's written report must be served on each opposing party as soon as the report is available, but no later than one business day before trial.~~

- (2) **Timing.** ~~The presumptive stay of discovery under FRCP 26(d) does not apply to a contested matter. Discovery may begin at any time.~~

(e) **Testimony at Contested-Matter Hearings.**

- (1) A hearing on a contested matter will be an evidentiary hearing at which witnesses may testify only if the notice of hearing so states.

- (2) A notice of hearing on a contested matter must state whether the hearing will be an evidentiary hearing at which witnesses may testify. An evidentiary hearing not set by an LBF may not be held by telephone without the court's approval.

- (f) **Definition of "Motion."** In this rule, "motion" means motion or application initiating a contested matter, but not one that is made within a contested matter or adversary proceeding.

Cross-references:

[...]

~~• General Noticing Procedures—LBR 2002-1(d)(1).~~

[...]

Comment.

- Subsection (a) proposals:

New subsection (a)(1) would constitute the court's direction, under FRBP 9014(c), that FRBP 7015 regarding amendments apply to contested matters, as well as adversary proceedings. Thus, the rules applicable to amendment of an adversary proceeding complaint would also apply to amendment of a motion initiating a contested matter.

New subsection (a)(8) would clarify that the bar on filing discovery documents applies to contested matters, as well as adversary proceedings.

Current subsection (a)(9) would be deleted in conjunction with the repeal of [LBR 7056-1](#).

The other proposals for this subsection generally would clarify and add more information about the content about each referenced rule.

- Subsection (b) proposals:

Sometimes, a motion, such as for contempt, seeks specific relief against a particular entity—a target—but the notice of motion at the beginning of or attached to the front of the motion does not name the target, referring to the target only as “you.” In those cases, there is a risk that the target will mistake the motion for a notice of general relevance, such as notice of a trustee's intent to sell estate property, and not read beyond the first page of the notice. Placing the target's name in the title on the first page of the motion would alert the target that the motion is directed specifically to the target.

The (b)(2) proposal has four purposes. First, it would require that the notice be included in the motion itself, so the target receives the motion and notice as one document, eliminating possible confusion from receiving them separately. Second, the revised notice template would not call for service of an objection on an ECF participant, who will receive electronic notice of any objection. Third, the template would include a parenthetical reminder that the default objection period for contested matters is 14 days. Finally, the sentence proposed for removal at the end of the template has caused confusion; some parties have misunderstood it to mean that a hearing notice overrides the objection deadline in the motion.

- Subsection (c) proposals:

Where the rule uses “objection or other response,” “or other response” has been deleted. Use of both of those phrases incorrectly suggests that there is such a thing as a response—including an improper “conditional objection”—that is not an objection. It is not intended to bar the filing of statements of support or nonopposition, but there are no deadlines for those statements so they needn't be covered by the rule.

The subsection (c)(1)(A) proposal would clarify objection-period requirements.

- Subsection (d) proposals:

The subsection (d)(1) proposal would make explicit the interplay between FRCP 26(a)(2) and the local rule. It would also require that—for most evidentiary hearings—an expert witness report must be filed at least 14 days before the hearing.

- Subsection (e) proposal and removal of the cross-reference:

See the comment under the [LBR 2002-1](#) proposal above.

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

[...]

- (b) Preparation of Exhibits for a Hearing or Trial.** An exhibit must be marked before the commencement of any hearing or trial. A plaintiff's or movant's exhibit must be consecutively numbered beginning with a "1." A defendant's or respondent's exhibits must be consecutively lettered beginning with an "A." The page number of the exhibit, and the total number of pages in the exhibit, must follow the exhibit number or letter on each page of ~~each~~ the exhibit (~~e.g., for example,~~ "Ex. A - pg. 1 of 3" for a defendant's/respondent's first exhibit that has three pages). If there are more than two parties, contact the courtroom deputy for exhibit-label assignments. Unless ~~otherwise provided in a scheduling order~~ the court directs otherwise, each party must ~~provide the original and three copies of its exhibits, plus an additional copy for each party participating in the hearing~~ file its exhibits electronically. ~~Each set of exhibits must be~~ accompanied by an exhibit list, and not deliver any paper exhibits to the court. The court may exclude or limit the use of any exhibit not prepared or presented in compliance with this LBR.

[...]

Comment. Language in standard scheduling orders would be moved to the rule to avoid duplication, which can lead to inconsistency and ambiguity.

Other revisions incorporate the practice of electronic exhibit submission.

Rule 9019-1. Settlement & Compromise.

[...]

- (e) **Notice of Settlement.** If ~~a settlement or compromise is subject to FRBP 2002, the party requesting approval of a settlement must give notice under LBR 2002-1(b) of its intent to submit a proposed order approving the settlement, except that if~~ a trustee is a party to the settlement, the trustee must use the appropriate LBF if one is available.

Comment. FRBP 9019(a) requires that approval of a settlement or compromise be sought by motion, not a notice of intent.

Rule 9021-1. Order or Judgment—Entry of; Costs.

(a) **Circulation of Proposed Order or Judgment.**

- (1) **When Required.** The proponent of an order or judgment must circulate it to all responding parties before lodging it with the court unless the proposed order or judgment:

- (A) may be lodged concurrently with the motion or application under (b)(~~21~~)(C) below,

[...]

(b) **Lodging of Proposed Order or Judgment**

- (1) **When Permitted.** A proposed order or judgment may be lodged when it is appropriate for the court to sign it.

[...]

- (C) The proponent ~~must~~ may lodge an order concurrently with the motion or application if—

~~(i) the order is combined with the motion or application in a single LBF;~~

(ii) the proponent seeks entry of the order that may be entered without notice and a hearing ~~pursuant to LBR 9013-1(b)(2)(F)~~; or

- (iii) the motion or application contains a certification that it is stipulated, agreed, or unopposed.; or
- (ivii) the motion is for entry of default in an adversary proceeding.

[...]

Comment. The subsection (a)(1)(A) revision corrects a typographical error.

In the (b)(1)(C) proposal, “must” would become “may” in accordance with the title of (b), which contains the phrase “When Permitted”— the subsection describes what is permitted rather than what is required.

Current (b)(1)(C)(i) would be stricken. If an order is combined with an LBF motion or application, it would be physically impossible not to include the order with the motion or application.

From current (b)(1)(C)(ii), the reference to LBR 9013-1(b)(2)(F) would be stricken. The latter clause doesn’t define when a motion may be granted without notice and thus it adds nothing to current (b)(1)(C)(ii). The phrase “that may be entered” would be added to clarify that the rule doesn’t purport to determine when a motion may be granted without notice.

PROPOSED LOCAL BANKRUPTCY FORM (LBF) REVISIONS

LBF 100.3, Debtor's Motion for either (1) Extension of Time to File a Certificate ~~re: of~~ Receipt of Briefing From an Approved ~~#~~ Credit Counseling Briefing Agency or (2) Exemption from Credit Counseling Briefing and ~~or~~ Financial Management Course

In re

Case No. _____

Amended

DEBTOR'S MOTION FOR EITHER

(1) EXTENSION OF TIME TO FILE A CERTIFICATE OF RECEIPT OF BRIEFING FROM AN APPROVED CREDIT COUNSELING AGENCY; OR

(2) EXEMPTION FROM CREDIT COUNSELING BRIEFING AND FINANCIAL MANAGEMENT COURSE REQUIREMENTS

Debtor

Instruction to filer: Check the box for the type of motion being filed. Only the information for the type of motion checked need be provided.

Motion for extension of time to file a certificate of receipt of briefing from an approved credit counseling agency.

The debtor moves for an extension of time to file a certificate of receipt of credit counseling briefing services from an approved nonprofit budget and credit counseling agency and certifies that:

- (1) On _____ the briefing services referred to in 11 U.S.C. § 109(h)(1) were requested but could not be obtained during the following seven days,
- (2) An appointment to obtain those briefing services is scheduled, and
- (3) The following exigent circumstances support the extension [*describe fully*]:

Motion for exemption from credit counseling and financial management course requirements.

The debtor moves for an exemption from the requirements to receive credit counseling briefing services from an approved nonprofit budget and credit counseling agency and complete a financial management instructional course because the debtor is unable to receive the briefing or take the course and certifies that [*check the box for the applicable basis for exemption*]:

The debtor is incapacitated or disabled as defined in 11 U.S.C. § 109(h)(4) [*describe incapacity or disability*]:

The debtor is on active military duty in a military combat zone.

Signature of Debtor's Attorney, if any Date

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Debtor Date

Signature of Joint Debtor (if applicable) Date

Comment. Because the changes are extensive enough that a redline formatting will likely not be helpful for review, the proposal above presents a clean version of the form revised to include a space for attorney signature. Other proposed revisions—though extensive—are stylistic.

LBF 521.05, Chapter 7 Individual Debtor's Statement of Intention Per 11 U.S.C. § 521(a).

LBF 521.05, the local form for filing the statement of intention required by § 521(a), would be retired.

Comment. FRBP 1007(b)(2) requires use of the official form for this statement, OF 108.

LBF 541, Notice of Final Hearing on Motion For Use of Cash Collateral/To Obtain Credit.

[...]

An final evidentiary hearing on the motion, at which witnesses may testify ~~will be received if offered and admissible~~, will be held as follows:

[...]

Comment. Proposed revision is stylistic.

LBF 541.1, Notice of Preliminary Hearing on Motion For Use of Cash Collateral/To Obtain Credit

[...]

3. An preliminary evidentiary hearing on the motion, at which witnesses may testify ~~will be received if offered and admissible~~, will be held as follows:

[...]

Comment. Proposed revision is stylistic.

LBF 541.5, Procedures re: Motions for Use of Cash Collateral or To Obtain Credit

[...]

1. **Motion.** Each motion for court approval authorization to use cash collateral (11 U.S.C. § 363(c)(2)) or obtain credit (§ 364(~~eb~~)-(d)) must:

[...]

Comment. The revision would make LBF 541.5 applicable to all motions for authorization to obtain credit out of the ordinary course of business.

**LBF 717, Motion to Avoid Judicial Lien on Real Property Pursuant to
11 U.S.C. § 522(f)(1)(A)**

In re

Case No. _____

Amended

Debtor

**MOTION TO AVOID JUDICIAL LIEN ON
REAL PROPERTY PURSUANT TO 11 U.S.C.
§ 522(f)(1)(A)**

Notice to lienholder: _____ [*enter name of lienholder*]

If you oppose the proposed course of action or relief sought in this motion, you must file a written objection with the bankruptcy court no later than 14 days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice.

Your objection must set forth the specific grounds for objection and your relation to the case. The objection must be received by the clerk of court at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401 by the deadline specified above or it may not be considered.

Within that same time, you must also serve the objection on [*enter name, address, and phone number of movant or movant's attorney*]:

If the court sets a hearing, you will receive a separate notice listing the hearing date, time, and other relevant information.

Motion

Debtor moves to avoid the judicial lien on real property referenced below and alleges as follows—

1. Name and address of lienholder whose lien is to be avoided:

2. The nature of the judicial lien, the present balance owing under it, and the date when it was obtained [*include case name, number, county, state, date on which judgment was docketed, and any transcription information*]:

3. Street address and legal description [*attach exhibit if necessary*] of real property to which judicial lien attaches:

4. Date petition filed: _____
5. Fair market value of real property on the petition date: \$ _____
6. Names of and amounts due to all senior lienholders:

7. Present balance owing to senior lienholders plus junior consensual liens on petition date excluding any precomputed interest or other unearned charges:

8. The description of statutory authority for and amount of impaired exemptions:

9. Other relevant facts:

10. Debtor is therefore entitled to avoid the lien referenced in paragraph 2 above—
 - [] in full so that it no longer remains a lien against debtor's real property or
 - [] in the amount of \$ _____ so that it remains a lien against debtor's real property in the amount of \$ _____.

Debtor's or Debtor's Attorney's Signature OSB#, if attorney

Address

Phone #

Debtor's address if not provided above and last 4 digits of Taxpayer ID#

Certificate of Service

I certify that on _____, copies of this motion and all attachments thereto were served on the debtor, lienholder, and any other party named in this motion. A list of the names, addresses, and methods for service on all parties served using paper is attached.

Signature

OSB# (if attorney)

Comment. Because the changes are extensive enough that redline formatting will likely not be helpful for review, the proposal above presents a clean version of the form revised to combine the notice of motion and motion to avoid judicial lien on real property under § 522(f)(1)(A) in a single form. See the comment under the [LBR 4003-2](#) proposal for more information.

LBF 717.07, Order Avoiding Judicial Lien Pursuant to 11 U.S.C. § 522(f)(1)(A)

In re

Case No. _____

Amended

Debtor(s) _____

**ORDER AVOIDING JUDICIAL LIEN
PURSUANT TO 11 U.S.C § 522(f)(1)(A)**

This matter came before the court on debtor’s motion to avoid judicial lien on real property pursuant to ~~11 U.S.C. § 522(f)(1)(A) (Docket # _____). The court having reviewed the records and files herein, and having determined that no timely response has been filed to debtor’s motion,~~

IT IS ~~HEREBY~~ ORDERED that, under § 522(f)(1)(A), the judicial lien of _____

arising from [include case name, number, county, state, date on which judgment was docketed, and any other information identifying the judgment].

against debtor’s real property ~~located~~ at _____

a the legal description of which is _____

[~~attached~~ as exhibit, if necessary]

~~is avoided pursuant to the terms of 11 U.S.C. § 522(f)(1)(A) and~~

[] is avoided and no longer a lien against the ~~real~~ property ~~referenced herein or~~

[] is partially avoided and ~~is~~ remains a lien against the ~~real~~ property ~~in the amount of for~~
\$ _____.

~~The lien avoided is related to the judgment entered in case no. _____
in the Circuit Court of _____ County, State of _____.~~

PRESENTED BY:

Signature of Debtor/ or Debtor's Attorney OSB#, if attorney

Typed Name

~~OSB# (if applicable): _____~~

cc: Debtor; ~~Debtor's Attorney; Trustee; Lienholder,~~ any other party named in the motion [*insert address(es) if not ECF Participant; attach continuation page if needed*]:

Comment. See the comment under the [LBR 4003-2](#) proposal.

LBF 720.50, Procedures re: Motions for Relief from Stay.

[...]

5. **Failure to Respond or Serve Notice of Hearing.** If a timely response and notice of hearing, if applicable, are not filed and properly served, then:

a. ~~The~~ the court may sign an order, ~~submitted~~ lodged by the moving party, granting the relief; ~~or~~

b. ~~The automatic stay will either (1) expire 30 days after the motion was filed per 11 U.S.C. § 362(e), or (2) expire 20 days after a motion for codebtor relief is filed in chapter 12 and 13 cases per 11 U.S.C. §§ 1201(d) or 1301(d).~~

Comment. Paragraph 5.b. of the current form is an unnecessary restatement of the law.

LBF 720.90, Order re: Relief from Stay.

[...]

5. **Stay Relief with Cure Opportunity.** Upon default in the checked condition(s) in paragraphs 1 - 3, creditor must serve ~~written notice of default~~ on debtor(s) and ~~attorney for debtor(s)~~ e-mail to attorney for debtor written notice of default giving that gives debtor(s) _____ calendar days after the mailing of the notice to cure the default. If debtor(s) fails timely to cure the default ~~in accordance with this paragraph~~, then creditor ~~shall be entitled to~~ may submit a proposed order terminating the stay, which the court may grant without further notice or hearing.

[...]

8. A ~~final~~ hearing on ~~creditor's~~ the motion for relief from stay, at which witnesses may not testify, will be held as follows: on _____ at _____ in _____.

Date: _____ **Time:** _____

Location: _____

Courtroom # _____

Telephone Hearing [See LBF 888, Telephone Hearing Requirements.]

Call In Number: (888) 684-8852

Access Code: 5870400 for Judge David W. Hercher (dwh)
 1238244 for Judge Peter C. McKittrick (pcm)
 4950985 for Judge Teresa H. Pearson (thp)
 3388495 for Judge Thomas M. Renn (tmr)

Video Hearing. To connect, see www.orb.uscourts.gov/video-hearings.

[...]

Comment. Given the limited time for a debtor to cure an alleged default under the order, prompt notice of the default is important.

With the USPS's changes to its delivery standards (as of October 1, 2021), including a change from a nationwide three-day delivery standard to a five-day delivery standard for certain mail pieces,

the pre-October 1, 2021, expectation of actual delivery in three days is no longer a valid assumption. In addition, due to the pandemic, many attorneys are not physically present at their offices.

Proposed revision to paragraph 8 is stylistic.

LBF 721, Notice of Hearing on Motion for Relief from Debtor's Automatic Stay in a Chapter 7/13 Case, and/or Codebtor's Stay in a Chapter 13 Case.

[...]

NOTICE IS GIVEN that:

A ~~Telephone Hearing~~ on the motion, at which ~~no witnesses may not testify will be taken,~~ will be held as follows:

[...]

Comment. Proposed revision is stylistic.

LBF 721.5, Notice of Hearing on Motion to Extend/Impose Stay Per § 362(c) or Debtor's Motion to Impose Stay Per § 362(n).

[...]

NOTICE IS GIVEN that:

An ~~Telephone Hearing~~ evidentiary hearing on the motion by telephone, at which witnesses may testify will be taken if offered and admissible, will be held as follows:

[...]

Comment. Proposed revision is stylistic.

LBF 755, Motion for Order Requiring Debtor to Turn Over Property or Recorded Information.

In re

Case No. _____

Amended

Debtor(s)

**MOTION FOR ORDER REQUIRING
DEBTOR(S) TO TURN OVER PROPERTY
AND/OR RECORDED INFORMATION AND
ORDER THEREON**

Notice

If you oppose the relief sought in this motion, you must file a written objection with the bankruptcy court no later than 21 days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice.

The objection must set forth the specific grounds for objection and your relation to the case. The objection must be received by the clerk of court at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401 by the deadline specified above or it may not be considered.

Motion

~~It appearing that the d~~Debtor(s) ~~are~~ is accountable to the trustee, _____, for the following monies, property, and/or recorded information, including books, documents, records, and papers relating to property of the estate:

The trustee moves the court for an order requiring ~~the~~ debtor(s) to turn over the property and/or recorded information ~~as follows~~ described above in the following manner and at the following location:

Date: _____

Trustee

Certificate of Service

I certify that on _____, copies of this motion and all attachments thereto were served on the debtor. The following is a list of the names, addresses, and methods for service on all parties served using paper:

Signature

OSB#, if attorney

~~IT IS ORDERED, AND NOTICE IS GIVEN, that the debtor(s) are required to turn over to the trustee the property and/or recorded information stated above in the manner stated above, without further order of the court, unless within 23 days of the date in the "Filed" stamp above, the debtor(s):~~

~~(1) file a written objection, setting forth the specific grounds for the objection, with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401; and~~

~~(2) serve the objection on the trustee at _____.~~

~~Failure to comply with this order is a basis under 11 U.S.C. § 727 for the denial or revocation of the discharge of the debtor(s).~~

Comment. LBF 755 would be separated into separate forms for the motion (this LBF 755) and proposed order (new [LBF 755.5](#) below).

LBF 760.5, 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.

[...]

16. A hearing on the motion and any objections to the sale or fees, at which witnesses may not testify ~~monyfy will be received if offered and admissible~~, will be held as follows:

[...]

Comment. Under this proposal, the hearings noticed by this form would be nonevidentiary.

LBF 763, Claim Objection.

In re

Case No. _____

Amended

Debtor(s)

CLAIM OBJECTION

Notice to ~~C~~claimant, _____.

_____ [name of objecting party] has filed this objection to your claim number _____ in this bankruptcy case.

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, within 30 days from the service date below, you or your attorney must do one of the following:

1. Obtain a written withdrawal of the claim objection by the objector. ~~In order to~~To obtain a withdrawal, you may need to provide the objector 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 objector at the service address listed at the bottom of the claim objection. The written withdrawal of the objection must be filed with the court within 30 days of the service date below.
2. Prepare a written response to the objection, explaining your position, and file both the written response and a certificate showing a copy of the response has been served on the objector at the service address listed at the bottom of the claim objection with the clerk at 1050 SW 6th Ave #700, Portland, OR 97204 or 405 E 8th Ave #2600, Eugene, OR 97401. If you mail your response to the court for filing, you must mail it early enough so that the court will receive it within 30 days of the service date below.

If you or your attorney do not take one of these steps within 30 days of the service date below, the court may decide that you do not oppose the objection to your claim and reduce, modify, or eliminate your claim without further notice or a hearing.

Objection to Claim

1. The undersigned objects to proof of claim no. _____ (claim) in the amount of \$ _____ filed on behalf of _____ (creditor).
2. The undersigned objects to the claim for the following reasons [*check all applicable reasons*]:
 - Claim duplicates proof of claim no. ____ filed on behalf of _____ (creditor).
 - Claim fails to assert grounds for priority, or grounds asserted are not valid as described below in "Other."
 - Claim was not filed on behalf of the real party in interest.

- Claim appears to include interest or charges accrued after the petition date.
- Value of collateral exceeds debt.
- Claim arrearage asserted is incorrect.
- Claim is a secured claim, but creditor neither (a) specified that any portion of claim should be treated as unsecured nor (b) requested a hearing to determine value of collateral.
- Claim includes taxes assessed against real or personal property, but the interest of the estate in the property against which taxes were assessed has no value because estate has no equity or interest in the property.
- Claim does not include documentation required by Federal Rule of Bankruptcy Procedure 3001(c) and (d) (for example, a copy of the note or documents establishing secured status or an assignment of the claim to creditor), and another reason for disallowance is stated in this objection.
- Claim does not require future distribution because (state reason, for example, creditor obtained relief from stay or has been paid in full from another source):
- Other:

3. The undersigned moves that the claim be [*check applicable boxes*]:

- Disallowed in full.
- Disallowed for any distribution.
- Disallowed for future distribution greater than the amount already paid, \$_____.
- Allowed as [*fill in each blank, even if amount is \$0*]:
 - a secured claim for \$_____ ,
 - a priority unsecured claim for \$_____ , and
 - a nonpriority unsecured claim for \$_____ .
- Allowed with an arrearage of \$_____ (if amount of arrearage is contested).

Date: _____ Signature: _____
Name: _____
Relation to Case: _____
Service Address: _____

Phone #: _____
Email Address: _____
Last 4 digits of Taxpayer ID# (if objector is debtor): _____

Certificate of Service

I certify that on _____ (service date) this ~~notice and the~~ objection ~~were~~ was served pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 3007(a)(2) on the claimant, debtor ~~or debtor in possession, trustee,~~ and, if applicable, the entity filing the proof of claim under FRBP 3005, and that the names, addresses, and methods used for service are as follows [*attach additional page if necessary*]:

Printed Name

Signature

Comment. The claim-objection form (LBF 763.3) and notice of claim objection form (LBF 763.1) would be combined into a single form, LBF 763. Redline changes show only changes to language within each of the separate, current forms.

LBF 763.5, Order on Claim Objection.

[...]

~~This matter having come before the court on the~~ Based on the claim objection (docket # _____) ~~to proof of claim no. _____,~~ IT IS ORDERED that the claim of _____, proof of claim no. _____, be disallowed or allowed as follows:

[...]

Comment. LBF 763.5 does not contain a space for the name of the creditor. Adding such a space would likely benefit debtors and creditors alike, the latter of whom often do not have PACER access and therefore lack an easy method to verify that their claim is at issue if the claim is referred to by claim number only.

LBF 1114, *Verified Statement in Support of Employment Application.*

In re

Case No. _____

Amended

Debtor

**VERIFIED STATEMENT IN SUPPORT OF
EMPLOYMENT APPLICATION**

Instructions to filer: This statement must be completed by each person proposed to be employed under 11 U.S.C. § 327, 1103, or 1114. If the application also seeks approval of employment of my firm, this form must be completed and signed on behalf of the firm by the member, associate, or employee of the firm who is expected to be primarily responsible for the engagement. If the firm is a law firm proposed to provide services in the case or an associated adversary proceeding, this form must be completed on behalf of the firm by the attorney of record. Any amended statement must include “Amended” in the title, be complete, and clearly identify changes from the previous filed version. Italicized text below constitutes further instructions.

I, _____, make this statement in support of the application for approval of my employment by [*enter name of proposed employer, for example, name of debtor in possession, trustee, or creditors committee*]: _____ (employer). If the application also seeks approval of employment of my firm, I make this statement on behalf of myself, my firm, and each other member, associate, or employee of my firm whom I expect to perform services for the employer in or in connection with this case, and each statement below is on behalf of each of those persons. Otherwise, paragraphs 2.3 and 2.5 below do not apply to this statement.

1. Disinterestedness

- 1.1. I am not a creditor of the debtor except:
- 1.2. I am not an equity security holder of the debtor.
- 1.3. I am not and was not, within two years before the date of the filing of the petition, a director, officer, or employee of the debtor.
- 1.4. I do not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders by reason of any direct or indirect relationship to, connection with, or interest in the debtor or for any other reason.

2. Insider status

- 2.1. I am not a relative of the individual debtor [*“Relative” means an individual related by affinity or consanguinity within the third degree as determined by the common law or individual in a step or adoptive relationship within that third degree.*]

- 2.2. I am not a relative of an individual general partner of the debtor.
- 2.3. My firm is not a partnership in which the debtor is a general partner.
- 2.4. I am not a general partner of or in the debtor.
- 2.5. My firm is not a corporation of which the debtor is a director, officer, or person in control. [*“Corporation” has the meaning in 11 U.S.C. § 101(9) and includes limited liability company but not limited partnership.*]
- 2.6. I am not an officer or director of the debtor.
- 2.7. I am not a person in control of the debtor.
- 2.8. I am not a relative of a general partner, director, officer, or person in control of the debtor.
- 2.9. If the debtor is a municipality, I am not an elected official of the debtor or a relative of an elected official of the debtor.
- 2.10. I am not a managing agent of the debtor.

3. Affiliates of the debtor [*If the debtor has no affiliates, the affiliates list should say “None.” In the balance of this statement, “affiliate” means an affiliate on the affiliates list below.*]

- 3.1. If I am an attorney proposed for employment as general bankruptcy counsel for the trustee or chapter 11 debtor in possession, the trustee or debtor in possession has with my advice prepared the list below of the debtor’s affiliates, as that term is defined in 11 U.S.C. § 101(2), including each affiliate’s name and relationship to the debtor.
- 3.2. If I am not an attorney described in paragraph 3.1 above, I have obtained from the trustee, chapter 11 debtor in possession, or the general bankruptcy counsel for the trustee or debtor in possession the list below of the debtor’s affiliates, prepared in accordance with paragraph 3.1 above.
- 3.3. I am not an affiliate or an insider of an affiliate as if such affiliate were the debtor. [*“Insider” includes persons and other entities having a relation to the debtor listed in part 2 above.*]

4. Employment by chapter 11 committee

If I am proposed to be employed by a chapter 11 committee of creditors, equity-security holder, or retirees, I do not represent any other entity having an adverse interest in connection with the case.

5. Connections

I have no business, professional, personal, financial, or other connections with the debtor, affiliates, creditors, any party in interest, their respective attorneys and accountants, the United States trustee, any person employed in the office of the United States trustee except:

6. Compensation

6.1. If I am an attorney representing the debtor in or in connection with this case, the following are the details of all compensation paid or agreed to be paid to me within one year before the petition date for services rendered or to be rendered in contemplation of or in connection with this case payments made to me by either the debtor or a third party for any services rendered to the debtor within one year before filing of the petition:

6.2. If I am proposed to be employed by the trustee or, in a chapter 11 case, by the debtor in possession or a committee of creditors, equity-security holders, or retirees, I do not represent or hold an interest adverse to the interest of the estate with respect to the matter on which I am proposed to be employed.

If, during this case, any of the above statements ceases to be correct because of events occurring or information that I gain after the petition date, I agree to immediately file an amended statement on this form, include “amended” in the title, and clearly identify any changes.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on _____.

Signature of individual proposed to be employed

Printed name of signer

Address (including firm name, if applicable)

LIST OF AFFILIATES OF THE DEBTOR

See instructions in paragraph 3 above.

Name of Affiliate	Relationship of Affiliate to the Debtor

Comment. Because the changes are extensive enough that a redline formatting will likely not be helpful for review, the proposal above presents a clean version of the form.

LBF 1114 is used for the "verified statement of the person to be employed" that must accompany applications to employ per FRBP 2014(a). As currently written, the form suggests that the statement should be made by the person submitting the application to employ a professional rather than by the professional.

In addition to correcting the identity of the person making the statement, the revised form would remove statements that are not required by the rule and instruct the proposed professional how to identify the debtor's affiliates.

LBF 1124, *Notice of Motion for Relief from Automatic Stay in a Chapter 11/12 Case, and Notice of Hearing Thereon.*

[...]

5. If you file a timely response, a hearing on this motion, at which witnesses may not testify, will be held as follows:

[...]

Comment. Proposed revision is stylistic.

LBF 1220.5, Notice of Hearing on Motion for Relief from Codebtor Stay Only in a Chapter 12 Case.

[...]

~~YOU ARE NOW NOTIFIED A HEARING ON THE MOTION WILL BE HELD ON _____
AT _____ IN _____.~~

~~YOU ARE FURTHER NOTIFIED THAT NOT TESTIMONY shall be taken at the hearing set.~~

~~NOTICE IS NOW GIVEN THAT a hearing on the motion, at which witnesses may not testify, will be held as follows:~~

~~**Date:** _____ **Time:** _____~~

~~**Location:** [] Courtroom # _____~~

~~[] Telephone Hearing [See LBF 888, Telephone Hearing Requirements.]~~

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

~~**Access Code:** [] 5870400 for Judge David W. Hercher (dwh)~~

~~[] 1238244 for Judge Peter C. McKittrick (pcm)~~

~~[] 4950985 for Judge Teresa H. Pearson (thp)~~

~~[] 3388495 for Judge Thomas M. Renn (tmr)~~

~~[] Video Hearing. To connect, see www.orb.uscourts.gov/video-hearings.~~

[...]

Comment. Proposed revision is stylistic.

LBF 1300.2~~12~~, Chapter 13 Plan.

[...]

- 11. Vesting of Estate Property; Limitations on Postconfirmation Property Use.** Scheduled ~~P~~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.

[...]

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:

Comment. The revision to paragraph 11 would prevent unscheduled estate property from reverting in the debtor on confirmation. The proposed revisions to the certificate of service correspond to the proposed repeal of [LBR 6006-1](#).

LBF 1305, Chapter 13 Debtor’s Attorney’s Compensation Disclosure and Application.

[...]

4. Schedule [*select Schedule 1, 2.(a), 2.(b), or 3, and complete blanks*]

a. **Schedule 1** (life-of-the-case fixed fee):

- i. Applicant has agreed to perform all legal services to debtor that are reasonably necessary in or in connection with this case for the entire life of the case, including contested-matter litigation, but excluding adversary proceedings and appeals for the fixed fee of \$ _____ [~~\$4,750~~ 5,500 *maximum*] plus expenses of \$ _____ [*\$600 maximum*], for a total of \$ _____.
- ii. The unpaid agreed fee and expense amount is \$ _____ [*amount in paragraph 4.a.i less the amount in paragraph 3.a*].

b. **Schedule 2.(a)** (fixed fee through confirmation and initial audit of claims):

- i. Applicant has agreed to perform all legal services to debtor that are reasonably necessary in or in connection with this case through confirmation of the plan and the initial audit of claims, including prepetition services in contemplation of the case, for the fixed total amount of \$ _____ [~~\$3,450~~ 3,750 *maximum*].

- ii. The unpaid portion of the agreed amount for services described in paragraph 4.b.i is \$_____ [*amount in paragraph 4.b.i less the amount in paragraph 3.a plus the portion of the amount in paragraph 3.a that applicant received for expenses*].

[...]

- c. **Schedule 2.(b)** (hourly; estimated amount through confirmation and initial audit of claims):

- i. Applicant has agreed to perform all legal services to debtor that are reasonably necessary for this case at hourly rates. The estimated total amount of compensation and expense reimbursement for all services through confirmation of the plan and the initial audit of claims, including prepetition services in contemplation of the case, is \$_____. The earliest date of the services for which applicant seeks compensation is _____.

[...]

Instructions

[...]

If applicant selects Schedule 2.(b) and the agreed estimated total compensation, before credit for payments, exceeds \$~~3,450~~ 3,750, applicant must file a Chapter 13 Debtor’s Attorney’s Schedule 2.(b) Itemization on LBF 1306 no later than seven days before the final plan confirmation hearing (see LBR 2016-1(e)(2)(A)).

Comment. The revisions would add clarifications and reflect the increased “no-look fees” in the [LBR 2016-1](#) proposal.

LBF 1307, Chapter 13 Debtor’s Attorney’s Supplemental-Compensation Application; and Order and Notice Thereon.

[...]

- 4. Applicant has previously been allowed compensation and expense reimbursement in the plan-confirmation order and any prior LBF 1307s in the total amount of \$_____. The court has previously awarded compensation and expense reimbursement to another attorney representing the debtor in the total amount of \$_____.

5. Applicant applies for supplemental allowance of compensation and expense reimbursement totaling \$_____ for the period _____ through _____. An itemized statement of services rendered and expenses incurred ~~for the period of this application~~ is attached [see instruction below regarding the period to be covered by this statement]. If this application is granted, the total amount allowed will be \$_____. If this application is final, it includes \$_____ in anticipated additional fees to complete the case. Other information affecting the amount requested, such as discounts included, is as follows:

6. Allowance of this application will [mark all that apply]—

not affect the distribution to creditors.

delay the distribution to creditors by approximately ____ months.

reduce the estimated distribution to general unsecured creditors from ____% to ____%.

require that the debtor pay more by making additional or increased plan payments sufficient to pay the additional fees and expenses.

not change the length of the plan, which is estimated to be ____ months.

change the estimated length of the plan from ____ months to ____ months.

make no changes, because trustee currently holds sufficient funds to make the requested compensation and expense reimbursement.

other:

[...]

INSTRUCTIONS

[...]

If allowance of the compensation requested in an LBF 1307 will require a plan modification, the debtor must, within 28 days after allowance of this application, file either a Notice of Postconfirmation Amendment of Plan on LBF 1355.10 and a proposed amended plan on the appropriate LBF or a statement why none has been filed. (LBR 2016 1(e)(3)(D)).

Period to be covered by itemized statement of services required by paragraph 5:

- For the first LBF 1307 filed by an applicant who selected Schedule 2.(a) in LBF 1305, the period begins the day after the court entered the order confirming plan.
- For the first LBF 1307 filed by an applicant who selected Schedule 2.(b) in LBF 1305, the period begins the earliest date of the services for which applicant sought compensation in the LBF 1305 (paragraph 4.c.i) and the confirmed plan.
- For any second or subsequent LBF 1307, the period begins the day after the prior application period ended.

Comment. The revisions would solicit additional information the court needs to rule on supplemental compensation applications, and they would clarify the time periods to be covered by the itemized statements of services.

LBFs 1350.21, 1350.17, and 1350.05 (Orders Confirming Ch. 13 Plans)

Add the following language to paragraph 4 of LBF 1350.21 and LBF 1350.17 and change paragraph 11 of LBF 1350.05 to match:

4. Debtor has moved to amend the plan by interlineation as follows, which amendments are allowed and become part of the confirmed plan [For changes to plan language, but not added language, set out the old and new language in different forms, for example by striking through deleted language and underlining new language]:

Comment. Proposed plan changes appear in paragraph 4 of the OCP forms, LBF 1350.21 and LBF 1350.17, and paragraph 11 of the OCP form LBF 1350.05.

The proposed addition would instruct the user to set forth proposed changed language (as opposed to new language) in comparison format to help the reader more quickly understand the change. The instruction is based on proposed revised [LBR 9004-1\(d\)\(2\)](#), which would require that comparison versions be filed with each amended document.

LBF 1366, Notice of Hearing on Trustee's Motion to Dismiss/Convert Case, 10-Day Notice of Default.

NOTICE IS NOW GIVEN THAT a hearing on the motion or notice, at which witnesses may not testify ~~monfy will not be received~~, will be held as follows:

Comment. Proposed revision is stylistic.

PROPOSED NEW LOCAL BANKRUPTCY FORMS

Note on formatting. These proposed new forms are presented without the redline formatting of the proposed LBR and LBF revisions above; as the entire forms consist of proposed new text, differentiation via double-underlining and red font is unnecessary.

LBF 755.5, Order Requiring Debtor to Turn Over Property or Recorded Information.

In re	Case No. _____ <input type="checkbox"/> Amended
Debtor	ORDER REQUIRING DEBTOR TO TURN OVER PROPERTY OR RECORDED INFORMATION

In the Motion for Order Requiring Debtor to Turn Over Property or Recorded Information, (Docket # ___), the trustee moved for turnover of the following property or recorded information:

And the trustee moved that the turnover be in the following manner and at the following location:

The court **ORDERS** that debtor turn over to the trustee the property or recorded information described above in the manner and at the location described above.

Failure to comply with this order is a basis for the denial or revocation of debtor’s discharge or other sanctions.

PRESENTED BY:

Signature of Trustee or Trustee's Attorney OSB#, if attorney

cc: Debtor, any other party named in the motion [*insert addresses*]:

Comment. See comment under the [LBF 755](#) proposal.

LBF 1301, Notice of Motion and Chapter 13 Debtor's Motion to Buy, Sell, or Encumber Interest in Property.

In re

Case No. _____

Amended

Debtor

**NOTICE OF MOTION AND CHAPTER 13
DEBTOR'S MOTION TO BUY, SELL, OR
ENCUMBER INTEREST IN PROPERTY**

NOTICE

1. YOU ARE NOTIFIED that a motion was filed by the Debtor _____, to
[check all that apply]:

 Buy property
 Sell property
 Encumber property (including refinance of property and loan modifications)
2. If you wish to object to the motion, you must, within 21 days after the service date in paragraph 5 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401 both:
 - a. a written objection stating the specific facts upon which the objection is based, and
 - b. a certificate of service of the objection on the movant.
3. **Failure to Object.** If you fail to file a timely objection, then the court may sign an order without further notice, submitted by the moving party on LBF 1301.5, granting the relief requested in this motion.
4. This document constitutes the notice required by Local Bankruptcy Rule (LBR) 2002-1.
5. I certify that on _____ this document was:
 - a. served under FRBP 7004, on the debtor, Chapter 13 trustee, U.S. Trustee, each holder of liens or encumbrances on the property, and their attorneys; and
 - b. was sent, pursuant to FRBP 2002(a), to all creditors and all parties as listed in the court's records that were obtained on _____, a copy of which is attached to the document filed with the court.
6. For further information, contact: _____.

Date

Signature & Relation to Movant

Debtor's Address & Last 4 Digits of Taxpayer ID#

MOTION

Information About the Property

[All movants must complete this section]

1. Description of the property (e.g., real property address, car model, year, and VIN, or manufacturer and serial number):

Is the property the debtor's primary residence? Yes No

Additional property description on attachment *[optional]*.

2. Description of existing liens and encumbrances on the property, listed in priority order:

Name of Holder	Approximate Amount	Interest Rate	Maturity Date	Treatment if Motion is Granted (fully paid, partially paid, or not paid)

Additional information on existing liens and encumbrances on attachment (if applicable).

[For property the Debtor is purchasing, do not include liens and encumbrances of the existing owner that will be satisfied at the closing of the purchase.]

Relief Requested

[Movants should complete each applicable section below; leave other sections blank.]

3. **Motion to approve purchase of property.** Debtor hereby moves for the authority to purchase the property described in paragraph 1. In support of this motion, debtor provides the following information:

Name of seller: _____

Relationship of seller to debtor: _____

Purchase price: \$ _____

Anticipated closing date: _____

Other relevant terms of purchase: _____

Source of funds for purchase: _____

4. **Motion to approve sale of property.** Debtor hereby moves for the authority to sell the property described in paragraph 1. In support of this motion, debtor provides the following information:

Name of buyer: _____

Relationship of buyer to debtor: _____

Sale price: \$ _____

Anticipated closing date: _____

Other relevant terms of sale: _____

Disposition of funds from sale (other than payment of liens and encumbrances described in paragraph 2): _____

5. **Motion to approve encumbrance of property (including refinance of property and loan modification).** Debtor hereby moves for the authority to encumber the property described in paragraph 1. In support of this motion, debtor provides the following information:

New Loan Refinance Loan Modification

Name of lender: _____

Relationship of lender to debtor: _____

Principal amount of loan: _____

Interest rate: _____

Loan term/maturity date: _____

Payment terms [*for example, monthly, interest only with balloon or fully amortizing, payable only after prior debt*] and payment amount: _____

Closing costs: _____

Lien position: _____

If this is a refinance or loan modification, explain how the new terms compare with the prior terms:

Points and Authorities

[All movants must complete this section.]

6. **Basis for relief.** Debtor asserts that the court should grant the relief requested because:

7. **Chapter 13 Trustee Position on the motion.** Debtor or debtor's counsel has conferred with the Chapter 13 trustee, and the trustee:

- Consents to the motion
- Opposes the motion
- Takes no position on the motion
- Other _____

8. **Plan.**

- a. Does the chapter 13 plan contemplate the relief requested herein? Yes No
- b. Does the relief requested affect the plan or plan payments? Yes No

If yes, describe the effect: _____

9. **Declarations.** In support of the motion, Debtor hereby attaches the following declarations:

- None
- Declarant Name _____
- Declarant Name _____
- Declarant Name _____
- Additional Declarations _____

10. **Exhibits.** In support of the motion, Debtor hereby attaches the following Exhibits [*for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement*]:

- None
- Exhibit A _____
- Exhibit B _____
- Exhibit C _____
- Additional Exhibits _____

Date

Signature & Relation to Movant

Debtor's Address & Last 4 Digits of Taxpayer ID#

Comment. See comment under the [LBR 3015-1](#) proposal.

LBF 1301.5, Order on Chapter 13 Debtor's Motion to Buy, Sell, or Encumber Interest in Property.

In re

Case No. _____

Amended

Debtor

**ORDER ON CHAPTER 13 DEBTOR'S
MOTION TO BUY, SELL, OR ENCUMBER
INTEREST IN PROPERTY**

This matter having come before the court on the Notice of Motion and Motion by Chapter 13 Debtor to Buy, Sell, or Encumber Interest in Property (Docket # ____), and the court finding good cause therefore,

IT IS ORDERED that the motion is:

Granted. The debtor is authorized to buy, sell, or encumber (including refinance of property and loan modifications) its interest in the following property, including street address and legal description if real property:

in accordance with the terms set forth in the motion.

Granted. The debtor is authorized to buy, sell, or encumber (including refinance of property and loan modifications) its interest in the following property, including street address and legal description if real property:

in accordance with the terms set forth in the motion, but with the following modifications:

Denied

###

Comment. See comment under the [LBR 3015-1](#) proposal.

LBF 1302, Notice of Motion and Chapter 13 Debtor's Motion to Use, Lease, or Dispose of Interest in Property.

In re

Case No. _____

Amended

Debtor

**NOTICE OF MOTION AND CHAPTER 13
DEBTOR'S MOTION TO USE, LEASE, OR
DISPOSE OF INTEREST IN PROPERTY**

NOTICE

1. YOU ARE NOTIFIED that a motion was filed by the Debtor _____, to (check all that apply):

 Use property
 Lease property
 Dispose of interest in property
2. If you wish to object to the motion, you must, within 21 days after the service date in paragraph 5 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401 both:
 - a. a written objection stating the specific facts upon which the objection is based, and
 - b. a certificate of service of the objection on the movant.
3. **Failure to Object.** If you fail to file a timely objection, then the court may sign an order without further notice, submitted by the moving party on LBF 1302.5, granting the relief requested in this motion.
4. This document constitutes the notice required by Local Bankruptcy Rule (LBR) 2002-1.
5. I certify that on _____ this document was:
 - a. served under FRBP 7004, on the debtor, Chapter 13 trustee, U.S. Trustee, each holder of liens or encumbrances on the property, and their attorneys; and
 - b. was sent, pursuant to FRBP 2002(a), to all creditors and all parties as listed in the court's records that were obtained on _____, a copy of which is attached to the document filed with the court.
6. For further information, contact: _____.

Date

Signature & Relation to Movant

Debtor's Address & Last 4 Digits of Taxpayer ID#

MOTION

Information About the Property

[All movants must complete this section]

1. Description of the property (*e.g., real property address, car model, year, and VIN, or manufacturer and serial number*):

Is the property the debtor's primary residence? Yes No

Additional property description on attachment [*optional*].

2. Description of existing liens and encumbrances on the property, listed in priority order:

Name of Holder	Approximate Amount	Interest Rate	Maturity Date	Treatment if Motion is Granted (fully paid, partially paid, or not paid)

Additional information on existing liens and encumbrances on attachment [*if applicable*].

[For property where debtor will be the lessee, do not list liens and encumbrances that are the responsibility of the lessor].

Relief Requested

[Movants should complete each applicable section below; leave other sections blank.]

3. **Motion to approve use of property.** Debtor hereby moves for the authority to use the property described in paragraph 1 outside of the ordinary course of business. In support of this motion, debtor provides the following information:

Proposed use of the property: _____

Name of other parties to the use (if any): _____

Relationship of those parties to debtor: _____

Consideration for proposed use: _____

Other relevant terms of use: _____

4. **Motion to approve lease of property.** Debtor hereby moves for the authority to lease the property described in paragraph 1. In support of this motion, debtor provides the following information:

Debtor will be the: Lessor Lessee

Name of other parties to the lease: _____

Relationship of those parties to debtor: _____

Rent: _____

Anticipated lease commencement date: _____

Term of lease [*for example, month to month, annual*]: _____

Other relevant lease terms: _____

5. **Motion to approve disposition of interest in property.** Debtor hereby moves for the authority to dispose of the property described in paragraph 1. In support of this motion, debtor provides the following information:

Reason for disposition: _____

Method of disposition: _____

Other parties involved in disposition: _____

Relationship of those parties to debtor: _____

Cost of disposition (if any) and source of funds to pay for disposition: _____

Points and Authorities

[All movants must complete this section]

6. **Basis for relief.** Debtor asserts that the court should grant the relief requested because:

7. **Chapter 13 Trustee Position on the motion.** Debtor or debtor's counsel has conferred with the Chapter 13 trustee, and the trustee:

- Consents to the motion
- Opposes the motion
- Takes no position on the motion
- Other: _____

8. **Plan.**

a. Does the chapter 13 plan contemplate the relief requested herein? Yes No

b. Does the relief requested affect the plan or plan payments? Yes No

If yes, describe the effect: _____

9. **Declarations.** In support of the motion, Debtor hereby attaches the following Declarations:

- None
- Declarant Name _____
- Declarant Name _____
- Declarant Name _____
- Additional Declarations _____

10. **Exhibits.** In support of the motion, Debtor hereby attaches the following Exhibits [*for example, use agreement, lease, quote for disposal*]:

- None
- Exhibit A _____
- Exhibit B _____
- Exhibit C _____
- Additional Exhibits _____

Date

Signature & Relation to Movant

Debtor's Address & Last 4 Digits of Taxpayer ID#

Comment. See comment under the [LBR 3015-1](#) proposal.

LBF 1302.5, Order on Chapter 13 Debtor's Motion to Use, Lease, or Dispose of Interest in Property.

In re

Case No. _____

Amended

Debtor

**ORDER ON CHAPTER 13 DEBTOR'S
MOTION TO USE, LEASE, OR DISPOSE OF
INTEREST IN PROPERTY**

This matter having come before the court on the Notice of Motion and Chapter 13 Debtor's Motion to Use, Lease, or Dispose of Interest in Property (Docket # __), and the court finding good cause therefore,

IT IS ORDERED that the motion is:

Granted. The debtor is authorized to use, lease, or dispose of its interest in the following property, including street address and legal description if real property:

in accordance with the terms set forth in the motion.

Granted. The debtor is authorized to use, lease, or dispose of its interest in the following property, including street address and legal description if real property:

in accordance with the terms set forth in the motion, but with the following modifications:

Denied

###

Comment. See comment under the [LBR 3015-1](#) proposal.