

OCT 11 2005

TERENCE H. DUNN, CLERK
BY *[Signature]* DEPUTY

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:)
)
IMPLEMENTATION OF THE BANKRUPTCY)
ABUSE PREVENTION AND CONSUMER) GENERAL ORDER NO. 05-1
PROTECTION ACT OF 2005)
)

To primarily assist this Court with the efficient and effective implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the 2005 Act), now, therefore,

IT IS ORDERED that:

1. This General Order (G.O.) is effective on October 17, 2005 (10/17/05). It applies to all bankruptcy cases and adversary proceedings filed in those cases, unless limited to only certain bankruptcy cases and their related adversary proceedings herein.

2. [Only applies to cases filed on or after 10/17/05] Pursuant to 28 U.S.C. §2071, FRCP 83 and FRBP 9029, the Interim Federal Rules of Bankruptcy Procedure (IFRBP) developed by the Advisory Committee on Bankruptcy Rules as of 10/17/05 to implement the substantive and procedural changes mandated by the 2005 Act and approved by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, are adopted in their entirety.

3. LBR 1001-1.D. is further amended to add the following definitions:

A. "Debtor" refers to both debtors in a joint case unless otherwise noted.

B. "Request", when used in reference to a request for the Court or Clerk to take some action, shall be construed as a requirement to file a formal motion.

4. [Only applies to cases filed on or after 10/17/05] The first sentence of LBR 1005-1.B. shall be modified to read "Any other names used by the debtor in the last eight (8) years must be shown in brackets and "mixed" case (i.e., upper and lower) letters."

5. LBR 1007-3.A. shall be further modified to read as follows:

“A. CHAPTER 7 CASES

1. §521 Statement of Intent. An individual Chapter 7 debtor shall file a completed Statement of Intent pursuant to either §521(2) by using LBF #521 if the case was filed prior to 10/17/05, or pursuant to §521(a)(2) by using LBF #521.05 if the case was filed on or after 10/17/05. If the debtor fails to comply with the applicable subsection of §521, no action will be taken by the Court unless the affected creditor or other interested party files a motion for relief from the automatic stay or other appropriate motion.

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

3. [Only applies to cases filed prior to 10/17/05] Secured Creditor Rights When Debtor Does Not Reaffirm Debt Since Contract Current. If a Chapter 7 debtor indicates on the Statement of Intent (LBF #521) that secured property will be retained, but the underlying debt will not be reaffirmed because the contract payments are current, the debtor will be deemed to have authorized the affected creditor to continue automatic withdrawals of payments if authorized by the debtor pre-petition, and to serve on the debtor: (a) coupon books; (b) notices regarding payment changes; and (c) account statements.”

6. LBR 1007-3.C. shall be further amended to read as follows:

“C. CHAPTER 12 CASES

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

2. LBF #Ex. D-1 or D-2 (Financial Review of Debtor's Business). LBF #Ex. D-1 (Financial Review of Debtor's *Farming/Fishing* Business) and, if applicable, #Ex. D-2 (Financial Review of Debtor's *Non-Farming/Non-Fishing* Business) shall be filed with the Statement of Financial Affairs."

7. [Only applies to cases filed on or after 10/17/05 unless otherwise noted] The LBRs will be amended to add a new LBR 1007-4. which shall read as follows:

"RULE 1007-4. PAYMENT ADVICES; "MEANS TEST" SUPPORTING DOCUMENTS; INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT; PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS; DEBTOR'S TAX INFORMATION

A. PAYMENT ADVICES REQUIRED BY §521(a)(1)(B)

The debtor shall NOT file with the Court copies of any payment advices or other evidence of payment received within 60 days before the date of filing of the petition by the debtor from any employer of the debtor as required by §521(a)(1)(B) unless otherwise ordered. The debtor SHALL, however, SERVE ON the U.S. TRUSTEE COPIES of all such payment advices or other evidence of payment as required by §521(a)(1)(B) at the same time the debtor files the applicable Schedules A-J [Official Bankruptcy Forms (OBF) #B6A-#B6J] in a new case or within 15 days of conversion of a case to one under another chapter. The trustee shall make available for review by interested parties at the meeting of creditors the copies of all such documents provided to the trustee at the meeting of creditors per IFRBP 4002(b)(2).

B. SUPPORTING DOCUMENTS RE STATEMENT OF CURRENT MONTHLY INCOME (OBF #B22A & B22C)

1. General. [NOTE: Do NOT file with the Court copies of documentation required to be provided to the case trustee or U.S. Trustee supporting any item in a Statement of Current Monthly Income (OBF #B22A & #B22C).] Notwithstanding instruction to the contrary in OBF #B22A (Chapter 7 form), copies of any documentation supporting an item listed on the form shall only be provided to the U.S. Trustee and NOT to a Chapter 7 case trustee unless so requested. Copies of any required supporting documentation shall be provided to the U.S. Trustee in a Chapter 7 case, or the Chapter 13 case trustee, contemporaneously with the filing of the Statement of Current Monthly Income.

2. Family Violence Protection and Services Act Expense Details. Copies of any document filed by a debtor that provides the actual details of expenses incurred to maintain the safety of the debtor and debtor's family from family violence per the Family Violence Protection and Services Act shall be served on the U.S. Trustee, and on the case trustee if the debtor is proceeding under Chapter 12 or 13, contemporaneously with the filing of the original document.

C. COMPLETION OF INSTRUCTIONAL COURSE CONCERNING FINANCIAL MANAGEMENT

1. Certification. In order to ensure compliance with §1328(g) and IFRBP 1007(c), the debtor in a Chapter 13 case shall file the required Certification of Completion of an Instructional Course Concerning Personal Financial Management, using the prescribed OBF #23, within 45 days after the first date set for the meeting of creditors. [NOTE: This same filing deadline exists for Chapter 7 cases filed by individuals per IFRBP 1007(c).]

2. Failure to Timely File Certification. An individual debtor's case may be closed without entry of a discharge if the debtor fails to timely file the certification required by pt. C.1. above. [NOTE: If the debtor subsequently completes the requirement, the debtor may file the certification accompanied by a motion to reopen case to request entry of discharge and payment of the required reopening fee.]

D. CERTIFICATION RE PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS AND STATEMENT RE §522(q)(1) APPLICABILITY

1. Certification/Statement. Every individual debtor in a Chapter 12 or 13 case must file a Certification Regarding Payment of Domestic Support Obligations and Statement Re §522(q)(1) Applicability using LBF #525 within the time frame specified by the Court in a notice sent to the debtor upon completion of Plan payments. [NOTE: Chapter 11 debtors should see §1129(a)(14).]

2. Failure to Timely File Certification. An individual debtor's case may be closed without entry of a discharge if the debtor fails to timely file the certification required by pt. D.1. above. [NOTE: If the debtor subsequently completes the requirement, the debtor may file the certification accompanied by a motion to reopen case to request entry of discharge and payment of the required reopening fee.]

E. [Only applies to Chapter 7, 11 or 13 cases filed on or after 10/17/05]
DEBTOR'S TAX INFORMATION

The following provisions also apply with regard to debtor's tax information:

1. Copy of Debtor's Tax Information Per §521(g).

a. Motion to Obtain Copy of Debtor's Tax Information. A party filing a Motion to Obtain Copy of Debtor's Tax Information shall:

(1) conform to the requirements provided in the Director's Interim Guidance Regarding Tax Information under 11 U.S.C. §521 that is posted on the Court's free Internet web site; and

(2) contemporaneously provide the Court with a 9" x 12" envelope, self-addressed, and containing \$5.00 postage for EACH tax year requested. If the motion was electronically filed, a paper copy of the motion, clearly marked "COPY", must be included with the envelope.

b. Additional Restrictions Re Debtor's Tax Information. A party receiving copies of debtor's tax information from the Court shall:

(1) limit circulation of the information to counsel and key personnel involved in the review and decision-making process;

(2) not post or store such information in any place accessible to the public; and

(3) destroy all documents and computer files containing the information within 60 days after the case is dismissed/closed unless required for further use by the U.S. Department of Justice.

2. Taxing Authority Motion for Entry of Order to Dismiss/Convert Per §521(j)(2). If a taxing authority wishes the Court to enter an order to dismiss/convert a case pursuant to §521(j)(2), it must file a motion for entry of such an order and include all pertinent details as to why such entry is appropriate.”

8. LBR 1020-1.A. only applies to cases filed prior to 10/17/05.

9. The LBRs will be amended to add a new LBR 1020-1.C. which shall read as follows:

“C. DISCLOSURE STATEMENT AND PLAN

A small business Chapter 11 debtor who seeks a determination that no separate Disclosure Statement is required because the Plan provides adequate information, or that the Court conditionally approve the Disclosure Statement, shall:

1. At least 14 days before filing the Plan of Reorganization and, if applicable, the Disclosure Statement, the debtor shall serve a copy of said documents on the U.S. Trustee, any chairperson of the Creditors’ Committee, any involved taxing authority, major secured creditors, any entity which has requested special notice and their respective attorneys. These parties shall be given ten (10) days from the date of mailing by the debtor to inform the debtor of any objections or comments to the Disclosure Statement or the disclosure aspects of the Plan if there is no separate Disclosure Statement.

2. A debtor seeking conditional approval of a Disclosure Statement shall file an original of the Disclosure Statement and Plan using forms mutually agreed upon by the U.S. Trustee and the debtor.

3. The Plan and, if applicable, Disclosure Statement filed with the Court shall be accompanied by a certificate prepared on LBF #1165.5.

4. If there are no objections or comments made to the disclosures or if all such objections and comments have been resolved, the Court may determine that a separate Disclosure Statement is not necessary or may conditionally approve the Disclosure Statement. The Court will provide the debtor with an Order re the Disclosure Statement and Notice of Confirmation Hearing for service as provided therein.”

10. LBR 1020-1.C. will be renumbered as LBR 1020-1.D., and the reference to “§1125(f)(2)” is modified to “§1125(f)”.

11. The current LBR 1020-1.D. regarding "CASE CAPTION" is stricken.
12. LBR 2002-1.B.3. shall be modified to read as follows:

"3. Motions for Authority to Sell Property Free and Clear of Liens and Other Interests. LBF #760.5 shall be used for a Motion for Authority to Sell Estate Property Free and Clear of Liens and Other Interests pursuant to §363(f), except that it shall not be used to sell personally identifiable information about individuals as provided in §363(b). Responses to a motion filed using LBF #760.5 shall be filed as required by such LBF."
13. LBR 2002-1.B.10. is amended to read "Motion for a Chapter 11, 12 or 13 "Hardship" Discharge. LBR 4004-1. applies."
14. LBR 2002-1.C.2.b. shall be further modified to read as follows:

"b. Place of Service.

 - (1) Portland. Appropriate documents associated with, or an adversary proceeding related to, a case whose five-digit case number begins with a "3", "4" or "5" (e.g., 96-31000-elp11) shall be served on the office of the United States Trustee located in Portland, Oregon using the address provided on the Court's free Internet web site.
 - (2) Eugene. Appropriate documents associated with, or an adversary proceeding related to, a case whose five-digit case number begins with a "6", "7" or "8" (e.g., 97-63333-aer11) shall be served on the office of the United States Trustee located in Eugene, Oregon using the address provided on the Court's free Internet web site."
15. In LBR 2002-1.G. the clause "... and shall be filed within eight (8) days of either ..." shall be modified to read "... and shall be filed within ten (10) days of either ...".
16. LBR 2002-1. will be amended to add two new sections that read as follows:
 - A. "ECF PARTICIPANT

An authorized ECF Participant is required to maintain e-mail capacity and an updated e-mail address in the ECF system for service and notice(s) of electronic filing."

B. “[Only applies to cases filed on or after 10/17/05] NOTICE OF PREFERRED ADDRESSES UNDER §342(e) OR §342(f)

1. Creditor’s Case Specific Preferred Address Per §342(e). A creditor who wishes a specific address to be used solely in a particular case under §342(e) must either electronically file notice of such request using the appropriate event, or clearly mark on a paper document that it is a “**NOTICE FOR USE OF SPECIFIED ADDRESS IN THIS CASE ONLY**”. The filed notice must contain the debtor’s name; case number; the party’s name and address on file with the Court; and the party’s complete new service address for that particular case. A failure to use the proper electronic filing event, specifically note on a paper document the information required above, or provide all the other information required above will not result in the override of any nationally preferred address submitted pursuant to §342(f) and pursuant to the other subsections of this particular LBR.

2. Preferred Address Per §342(f). Notice of a preferred address pursuant to §342(f) must be filed directly with the National Creditor Registration Service (NCRS) established by the Court’s notice provider and the Administrative Office of the U.S. Courts for this purpose. Such filing will constitute the filing of that notice with the Court. The NCRS web site for registration and the filing of notices is www.ncrsuscourts.com, and its toll-free support line number is 877-837-3424.”

17. LBR 2015-1.A. shall be modified to eliminate the following text from both subsections: “. . . using LBF #752 (or a court-generated form) . . .”

18. LBRs 3007-1.A.2. and 3. are further modified to read as follows:

“2. Procedures for Objection.

a. By Parties Other than Chapter 7, 12 or 13 Case Trustees. Objections to claims shall be filed using LBF #763.2.

b. By Chapter 7, 12 and 13 Case Trustees. Objections to claims shall be filed using LBF #763.”

19. LBR 3015-1.A.1. shall be further modified to read as follows:

“1. Plan. A proponent shall file an original Plan using either LBF #1200 if the case was filed prior to 10/17/05, or LBF #1200.05 if the case was filed on or after 10/17/05.”

20. LBR 3015-1.A.3. shall be further modified to read as follows:

“3. Confirmation Hearing Notice. The debtor shall contact the case judge’s calendar clerk to obtain the date, time and location for the confirmation hearing. Thereafter the debtor shall immediately prepare an original, and serve copies, of a Notice of Confirmation Hearing, using either LBF #1250 for cases filed prior to 10/17/05 or LBF #1250.05 for cases filed on or after 10/17/05, and then promptly file the original pursuant to LBR 2002-1.G.”

21. LBR 3015-1.A.4. shall be further modified to read as follows:

“4. Confirmation Order. The debtor shall, not less than one week prior to the confirmation hearing, serve on the trustee both: (1) a copy of the Plan, and (2) a proposed confirmation order prepared using either LBF #1255 for cases filed prior to 10/17/05, or LBF #1255.05 for cases filed on or after 10/17/05. Upon docketing, a copy will be returned to the debtor who shall immediately serve the required copies, and file such copy with the Clerk pursuant to LBR 9004-2.G.”

22. LBR 3015-1.B.1. shall be further modified to read as follows:

“1. Plan. A Plan proponent shall file a signed original of the Plan using either LBF #1300 if the case was filed prior to 10/17/05, or LBF #1300.05 if the case was filed on or after 10/17/05. In the event any debtor’s text exceeds the area specified for such text on the LBF, or attachments to the Plan are necessary, the proponent shall serve copies of the Plan on the trustee and all creditors; and clearly set out in an attached notice that the debtor’s name, case number, filing date and the Notice of Meeting of Creditors will be sent separately by the Court.”

23. LBR 3015-1.B.2. shall be further amended to read as follows:

“2. Order Directing Support and/or Chapter 13 Payments; and Confirmation of Plan.

A. Payment/Support Order.

1. The debtor shall, not more than 7 days after the §341(a) Meeting of Creditors, file a proposed Order Directing Support and/or Chapter 13 Payment to Trustee using LBF #1351L, P, or R (whichever is applicable). The debtor may, however, orally request that the trustee orally waive this requirement at the Meeting of Creditors. If the debtor fails to either obtain a trustee’s waiver, or file the proposed order not more than 7 days after the Meeting of Creditors, the trustee shall object to confirmation of the debtor’s proposed Plan.

2. The court shall promptly enter the order upon filing. After confirmation of the Plan, the trustee may issue directives to the employer increasing or decreasing the payment deducted in accordance with the Plan, changing the employer from whom the deduction is made, or terminating the deduction. A copy of any such directive shall also be filed with the Court.

B. Confirmation of Plan.

1. Cases Being Administered in the PORTLAND Office. The debtor shall, not less than one week prior to the confirmation hearing, serve on the trustee the original (i.e., a facsimile copy is not acceptable) proposed Confirmation Order, using either LBF #1350 if the case was filed prior to 10/17/05 or LBF #1350.05 if the case was filed on or after 10/17/05.

2. [Only applies to cases filed on and after 10/17/05] Cases Being Administered in the EUGENE Office.

a. Any party objecting to confirmation of the debtor's proposed plan of reorganization shall take one or both of the following actions:

(1) deliver a written objection to the trustee, debtor, and debtor's counsel (but NOT the Court or interested parties), not less than five (5) days before the first date set for the meeting of creditors pursuant to 11 U.S.C. §341(a); **and/or**

(2) attend the meeting of creditors and advise the debtor and the trustee on the record of any objection.

b. If any interested party (including the trustee) still objects to confirmation after the first date set for the first meeting of creditors, then, within eight (8) days of that first meeting date, EACH objecting party must do each of the following: (1) FILE a written objection with the Court, accompanied by proof of service; **and** (2) SERVE a copy of the objection on the trustee, debtor, and any debtor's counsel. The objection shall be in the form required by applicable FRBPs.

c. (1) If there is no timely objection to the proposed plan, then, within 16 days of the first date set for the meeting of creditors, counsel for the debtor (or the debtor, if there is no debtor's counsel) shall submit to the trustee a form of order confirming the plan using LBF #1350.05. The trustee shall review and approve the proposed order and forward it to the Court within seven (7) days of receipt. The Court may review and approve the proposed order without a hearing.

(2) If the trustee recommends confirmation, but cannot approve the form of the order, the trustee shall both: (a) immediately so notify the debtor or debtor's counsel, who may then immediately make the required changes and resubmit for possible approval and entry by the Court prior to the final confirmation hearing as set forth in pt. B.(2)e. below; and (b) promptly file a written objection.

(3) If the debtor is not current on preconfirmation plan payments at the time an order confirming the plan is submitted, the trustee shall not forward the order to the Court, and shall immediately file an objection to confirmation.

d. If an objection is made because of a failure to file tax returns, the debtor shall file the required returns not less than eight (8) days prior to the date set by the Court for the confirmation hearing.

e. A final hearing on confirmation will be held, without further notice, at 9:30 a.m. on the date set by the Court for the confirmation hearing in the Notice of Commencement of Case unless the Court has entered an order confirming the plan prior to that time. Evidence may be taken at this hearing.”

24. [Only applies to Chapter 13 cases filed on or after 10/17/05] LBR 3015-1.B. is amended to add the following sections:

A. “Payment of Personal Property Leases. Payment of personal property leases governed by §1326(a)(1)(B) shall be made directly by the debtor to the lessor only

if the debtor's plan so provides or if no plan provision addresses payment of the debtor's lease obligation. If the plan provides for payment of the lease obligation by the trustee, the debtor shall make the payment as part of the total payment to the trustee, and the trustee shall pay the lessor, both before and after confirmation. The trustee will disburse the lease payment to the lessor in the normal disbursement cycle as soon as there are funds available and the lessor has filed a proper proof of claim."

B. "Pre-confirmation Adequate Protection Payments.

1. All adequate protection payments to creditors provided for in the plan shall be made through the Chapter 13 trustee. The debtor shall pay the trustee an amount sufficient to cover the payment and the trustee's percentage fee, which the trustee is authorized to deduct from funds received.
2. The trustee will disburse the adequate protection payment to the creditor in the normal disbursement cycle as soon as there are funds available and the creditor has filed a proper secured proof of claim.
3. The payment amount will be the amount proposed in pt. 2(b) of the plan unless otherwise provided in the plan.
4. The trustee will apply any disbursed payments to the allowed claim of the creditor."

25. [Only applies to cases filed on or after 10/17/05] The title to LBR 4001-1. shall be amended to read "**AUTOMATIC STAY; USE OF CASH COLLATERAL; OBTAINING CREDIT; AGREEMENTS; RENTAL "CURE" DEPOSITS.**" LBR 4001-1. shall also be amended to include provisions that read as follows:

A. "RENT DEPOSIT MADE BY DEBTOR FOR CURE PER §362(l)(1)

1. Petition Filing Format. A debtor's petition that is accompanied by a deposit of rent per §362(l)(1) shall only be filed conventionally on paper, and the deposit must be submitted pursuant to pt. 2. below.
2. Deposit of Rent. A debtor's deposit of rent submitted per §362(l)(1) shall:
 - a. ONLY BE submitted in the form of either a CASHIER'S CHECK or a MONEY ORDER which is made PAYABLE TO the LANDLORD;

b. Be accompanied by a stamped envelope addressed to the landlord using the name and address provided on the petition;

c. Not be deposited into an interest-bearing account in the Court's registry; and

d. Be promptly transmitted upon receipt via first class mail by the Clerk to the Landlord/Lessor identified in the debtor's petition at the address provided by the debtor in the petition, with such transmittal recorded on the Court's docket."

B. "MOTION/OBJECTION TO EXTEND OR IMPOSE AUTOMATIC STAY PURSUANT TO §362(c), §362(l), §362(m) OR §362(n)

1. Timing re §362(c). To be timely, a motion to extend the automatic stay pursuant to §362(c)(3) must be filed within ten (10) days after the order for relief. [NOTE: §362(c)(4) requires that a motion to impose the stay pursuant to that section be filed within 30 days after the order for relief.]

2. Filing. The party filing a motion to extend/impose the automatic stay pursuant to §362(c), §362(l), §362(m) or §362(n) shall comply with the requirements of LBF #721.3.

C. "MOTION FOR ORDER CONFIRMING THE AUTOMATIC STAY IS NOT IN EFFECT PER §362(j)

A motion for an order under §362(j) that the automatic stay has either terminated or does not apply must be filed using LBF #720.95."

D. "CH. 7 TRUSTEE'S MOTION FOR CONTINUATION OF STAY RE PERSONAL PROPERTY

In order to ensure proper handling of a trustee's motion to continue the automatic stay as to personal property under either §362(h)(2) or §521(a), the motion must both: (a) clearly identify in the title the Code section which is being relied on for the motion (i.e., either §362(h)(2) or §521(a)); AND (b) include the name and service address for any affected creditor. [NOTE: If a Chapter 7 trustee files a timely motion pursuant to §362(h)(2) regarding personal property identified as collateral for a secured debt identified on a debtor's LBF #521 Statement of Intent, the stay provided by §362(a) shall continue as to such property until the Court rules on such motion and determines whether the stay shall or shall not continue.]"

26. LBR 4004-1. shall be amended to read as follows:

**“RULE 4004-1. CHAPTER 11, 12 AND 13 MOTION FOR “HARDSHIP”
DISCHARGE AND STATEMENT RE §522(q)(1) APPLICABILITY**

A debtor moving for a “hardship” discharge pursuant to either §1141(d) (if the case was filed on or after 10/17/05), §1228(b) or §1328(b) shall file and serve a notice of such motion using LBF #1378. The original LBF shall be filed pursuant to LBR 2002-1.G.”

27. [Only applies to cases filed on or after 10/17/05] The LBRs will be amended to add LBR 4004-2., whose title will be “DETERMINATION OF APPLICABILITY OF §522(q)(1) ON ENTRY OF DISCHARGE”. The text of LBR 4004-2. shall read as follows:

“A. TIMELY FILING

In order for the Court to determine if a discharge should not be entered in the ordinary course because §522(q)(1) may be applicable to the debtor, and there is pending any proceeding in which the debtor may be found guilty of a felony or liable for a debt of the kind described in §522(q)(1), an interested party must file a motion seeking a Court determination of that issue within 60 days of the first date set for the §341(a) meeting of creditors in a Chapter 7 case, or as otherwise required by court order or notice in a Chapter 11, 12 or 13 case.”

“B. EFFECT OF ORDER GRANTING MOTION

An individual debtor’s case will be closed without entry of a discharge if the order grants a motion of the type described in pt. A. above. [NOTE: If the debtor subsequently has a change of circumstances that the debtor believes would warrant entry of a discharge, the debtor may file a motion to reopen the case to request entry of the discharge and pay the required reopening fee, and file a motion for entry of discharge that includes the specific facts as to why such entry would be appropriate.]”

28. [Only applies to cases filed on or after 10/17/05] The LBRs will be amended to add LBR 4004-3. whose title will be “CHAPTER 11 DISCHARGE FOR INDIVIDUALS”. The text of LBR 4004-3. shall read as follows:

“Upon completion of the last Plan payment a Chapter 11 individual debtor shall file AND serve on all creditors and other interested parties a Motion for Entry of Discharge and Statement Re §522(q)(1) Applicability using LBF #1191.3.”

29. LBR 4008-1.A. will be further modified to read as follows:

“A. CHAPTER 7 CASE REAFFIRMATION AGREEMENTS

1. [Only applies to cases filed on or after 10/17/05] Reaffirmation Agreement. A debtor wishing to reaffirm a debt pursuant to §524(c) shall, in lieu of a motion; file a written reaffirmation agreement using LBF #718.5 (i.e., a replica of the U.S. Court’s Administrative Office Director’s Form #B240) no later than 60 days following the first date set for the §341(a) meeting of creditors.
2. Coversheet. If the case was filed prior to 10/17/05, LBF #718 shall be attached as a coversheet to each reaffirmation agreement filed with the Court if the debtor is not represented by an attorney. If the case is filed on or after 10/17/05, LBF #718.05 shall be attached as a coversheet to each reaffirmation agreement filed with the Court. The failure to attach the appropriate coversheet when applicable, and all required documents, shall be grounds for the Court’s refusal to approve any reaffirmation agreement.
3. Court Administration. If no written reaffirmation agreement is timely filed, and accompanied by any applicable coversheet, the Court will enter the debtor’s discharge and may promptly close the case. If a reaffirmation agreement is timely filed, the Court will proceed pursuant to LBR 4008-1.B.”

30. LBR 4008-1.B. shall be modified to read as follows:

“B. DISCHARGE HEARINGS

1. Pro Se Debtors. The Court shall schedule a discharge hearing for a pro se debtor filing a timely reaffirmation agreement pursuant to LBR 4008-1.A.
2. Reaffirmation Agreements - Debtor Represented by Attorney (i.e., Not Pro Se).
 - a. Case Filed Prior to 10/17/05.
 - (1) All agreements have a signed declaration/affidavit attached. A debtor shall not be required to attend a discharge hearing if the debtor is represented by an attorney who attaches a §524(c)(3) declaration or affidavit (preferably using LBF #719) to each of the debtor’s reaffirmation agreements filed as required in LBR 4008-1.A. In that event the Court

will promptly enter the debtor's discharge upon expiration of the objection period, and provide the debtor with the information required by §524(d)(1) on the reverse side of such discharge document.

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

b. Case Filed On or After 10/17/05.

(1) Signed certificate and no presumption of undue hardship. A debtor shall not be required to attend a discharge hearing if represented by an attorney who attaches an attorney's certification that complies with §524(k) to each of the debtor's reaffirmation agreements filed as required in LBR 4008-1.A., and, in addition, no reaffirmation agreement coversheet(s) indicates a presumption of undue hardship.

(2) Debtor has attorney, but either not all agreements have a signed certificate or an agreement indicates a presumption of undue hardship. If a debtor represented by an attorney files a timely reaffirmation agreement pursuant to LBR 4008-1.A. that is either not accompanied by an attorney's certification per §524(k), or one that does have an attorney's certification but the coversheet also indicates a presumption of undue hardship, then a discharge hearing to consider such agreement will be scheduled.

31. The subsections in LBR 5001-2.A.1. are modified to eliminate the specific addresses of the Court's offices, and instead require filers to use the addresses located on the Court's free Internet website.

32. LBR 6004-1.B. shall be modified to read as follows:

“The statement required by FRBP 6004(f)(1) shall be filed within 30 days after a sale of estate property unless such information is contained in a monthly Chapter 11 Financial Report, or on LBF #740 for properly noticed Chapter 7 private sales.”

33. LBR 7001-1.B.1.b. shall be further modified to read as follows:

“b. Summons. A plaintiff filing a complaint on paper shall also submit a SASE for the Clerk to return a Summons to such plaintiff for service pursuant to FRBP 7004.”

34. In LBR 7026-1.A. the reference to LR “16.2(b) (Re “Completion of Discovery” Definition)” is modified to reference “16.2 (Re “Completion of Discovery” Definition)”.

35. LBR 9004-1.A.8. shall be modified to incorporate G.O. #03-3, point 6, and then shall be further modified to read as follows:

“8. Signatures.

A. General. Names shall be typed or legibly printed under signature lines, and signatures shall not obscure any text.

B. Electronically Filed Documents. Documents that are electronically filed and that are verified per FRBP 1008 or include an Unsworn Declaration (e.g., signed under penalty of perjury, as provided in 28 U.S.C. §1746, etc.), must be maintained in their original paper form by the filing Participant or the firm representing the party on whose behalf the document was filed for ten (10) years, except as otherwise provided for trustees by the Department of Justice. The original document must include the original signature(s). The filing Participant must provide the original document(s) for review upon receipt of a written request from the Court or an interested party.”

36. LBR 9004-1.A.9. shall be modified to read as follows:

“9. Signature Line for Judge. A signature line for the judge shall not be included on any document other than one included by the Court on an LBF.”

37. LBR 9004-1.B. shall be further modified to read as follows:

“B. DOCUMENTS FILED WITHIN THREE (3) BUSINESS DAYS OF A HEARING

A paper copy of any document filed within three (3) business days of a scheduled hearing to which the document pertains shall be clearly marked “JUDGE’S COPY”.

38. LBR 9013-1.B.13 shall be amended to read as follows:

““Hardship’ Discharge (Chapter 11, 12, 13). LBR 4004-1. applies.”

39. LBR 9021-1.A.3.a. is further modified to read as follows:

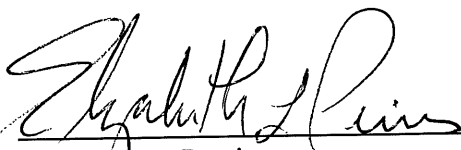
“3. Form.

a. General. The top margin on the FIRST page of any order or judgment must be 4" and devoid of all text, except for pleading numbers which may only be within 3/4" of the left edge, unless the document is an LBF with a different format. All other pages of such document must have a top margin of 1". A Participant electronically submitting a document that requires a judge’s signature must also submit the document in accordance with the Court’s Administrative Procedures for ECF. Every proposed order (e.g., including stipulations) or judgment, unless this LBR provides otherwise, shall:

- (1) contain a brief description of the subject and content in the caption if the document is an order;
- (2) state in simple and direct terms, on a document separate from any other pleading, the ruling of the Court;
- (3) identify any real property to which it pertains;
- (4) bear the signature of the party presenting it, preceded by the words “Presented by” on the left side of the last page;
- (5) not include a “Dated” line for the judge; and
- (6) not have a judge’s signature line unless one is included by the Court on an LBF.”

40. LBR 9033-1.B.1. shall be modified to read as follows:

“1. Form. The top margin on the FIRST page of any proposed findings of fact and conclusions of law, or a report and recommendation, the Court requires a party to submit must be 4" and devoid of all text, except for pleading numbers which may only be within 3/4" of the left edge, unless the document is an LBF with a different format. All other pages of such document must have a top margin of 1". A Participant electronically submitting a document that requires a judge's signature must also submit the document in accordance with the Court's Administrative Procedures for ECF. The document must not contain a judge's signature line.”



Elizabeth L. Perris
Chief Bankruptcy Judge

