

PROPOSED REVISIONS TO LOCAL BANKRUPTCY RULES AND FORMS

October 1, 2019

This document contains proposed revisions to the December 1, 2018, version of the Local Bankruptcy Rules for the District of Oregon and proposed revisions to various Local Bankruptcy Forms. Most 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](#) 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 31, 2019** to be considered. After reviewing any comments, the Court will post the final revised rules and forms which will take effect on December 1, 2019, unless otherwise noted.

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PROPOSED LOCAL BANKRUPTCY RULES REVISIONS

Rule 1007-1. Lists, Schedules, Statements, & Other Documents.

[...]

Cross-reference: Temporary Exclusion from Means Testing - ~~LBR 9001-1(r)~~. [Interim Rule 1007-I](#).

Comment. Proposal replaces superfluous cross-reference to the LBR definition of “FRBP” with a reference and link to a page on the United State Courts website on which Interim Bankruptcy Rule 1007-I—the temporary means test exclusion implemented pursuant to the National Guard and Reservists Debt Relief Act, recently extended to 12/13/2023—can be accessed.

Rule 1017-1. Conversion—Request for/Notice of.

[...]

Cross-references:

- Final Report/Account - [LBR 2015-1](#).
- ~~Motion Practice—Contested Matters - LBR 9013-1.~~

Comment. Cross-reference added in conjunction with proposed revisions to LBR 9013-1(b)(2) exempting motions to convert. See that proposal below for more information.

Rule 1017-2. Dismissal—Case.

[...]

Cross-references:

- Final Report/Account - [LBR 2015-1](#).
- ~~Motion Practice—Contested Matters - LBR 9013-1.~~
- Reopening Case - [LBR 5010-1](#).

Comment. Cross-reference added in conjunction with proposed revisions to LBR 9013-1(b)(2) generally exempting motions to dismiss. See that proposal below for more information.

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

In re)	Case No.** [Insert case number]
)	
[NOTE: Insertion of "other names used")	
included on the petition under LBR 1005-1)	
is not required, except on notices under)	NOTICE OF INTENT TO
FRBP 2002(n))	[DESCRIPTION OF PROPOSED
)	ACTION]
Debtor(s))	

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 ~~21~~ [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.

(Signature) (OSB# if atty)
[PRINT OR TYPE NAME if filed on paper]
[ATTORNEY FOR _____, TRUSTEE, ETC.]

On (insert date) I ~~served~~ copies of the above notice were served on: (list the entities served using the format required by [LBR 7005-1](#)).

(Signature)
[PRINT OR TYPE NAME if filed on paper]

(2) Shortened Notice Period. To request a shortening of the notice period for any notice of intent or motion, a filer must:

(A) before filing the notice of intent or motion, submit a separate motion to shorten time and attach the notice of intent or motion containing the proposed notice period as an exhibit;

(B) immediately submit a proposed order granting the motion to shorten time; and

(C) if the motion to shorten time is granted, reference the order shortening time in the notice period of the notice of intent or motion.

(23) Proposed Use, Sale, Lease, or Abandonment of Property.

[...]

(34) Proposed Sale of Property Free and Clear of Liens and Other Interests.

[...]

Comment. LBR 2002-1(b)(1), as currently written, has been misinterpreted by some practitioners as imposing substantive changes to the national rules' notice and objection periods. The addition of "substantially" and replacement of "21" with the language in brackets directing parties to enter the appropriate number of days are intended to make it clear that no such changes to the national rules' notice and objection periods are intended. The addition of the bracketed language regarding orders shortening notice periods has been added in conjunction with the proposed new subsection (2).

Subsection (2) sets forth procedures for requests to shorten notice periods to provide direction and promote consistency and efficiency. If adopted, applicable LBFs will be updated.

Rule 2003-1. Meeting of Creditors.

- (a) **General.** The clerk will give notice of the meeting using the mailing list filed with the petition under FRBP 1007(a)(1) and, for In a converted case, the clerk will also give notice to all entities added before entry of the conversion order. ~~or In an~~ involuntary case, the clerk will give notice using also any list timely filed under FRBP 1007(a)(2) amendments, or other lists (e.g., listing involuntary gap creditors) or matrices filed no later than 14 days after entry of the conversion or relief order. For all other entities entitled to notice of the meeting of creditors, ~~The~~ debtor must give notice under LBF 728 of the meeting of creditors to all other creditors and entities entitled to that notice on LBF 728.

[...]

- (c) **Location.** The UST will designate the location of the meeting. Generally, the meeting will be held in the meeting location assigned for the county of the debtor's residence. Upon ~~written request submitted~~ motion filed concurrently with a voluntary petition, ~~or with the creditor information filed no later than 14 days after entry of a conversion or relief order~~ motion to convert, or list timely filed under FRBP 1007(a)(2), the meeting may be relocated if the proposed new ~~to the~~ location is the closest available to the following (listed in order of descending priority): majority of in-state creditors, debtor's business, debtor's real property, debtor's residence, and debtor's attorney's office.

[...]

Cross-reference: ~~Use of Electronically Recorded Testimony - LBR 9017-1.~~ Transcript - Meeting of Creditors - LBR 5077-1(d).

Comment. The changes to (a) reflect a 2018 procedure change for converted cases in which the 341(a) notice is now issued immediately upon entry of the conversion order to ensure compliance with FRBP 2002(a)(1) noticing requirements. It also rewords the rule for clarity.

The changes to (c) are intended to: adjust the rule per the above-mentioned change to conversion procedures, make it clear that a request must be made via separate motion, and further clarify the criteria on which the motion will be decided. If adopted, a CM/ECF event will be added for the motion.

The cross-reference revision reflects the 2017 move of the procedures for obtaining audio of a 341(a) meeting from LBR 9017-1 to LBR 5077-1(d).

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

[...]

Cross-references:

[...]

- Chapter 12 or 13—Amended Proof of Claim - LBR 3001-1~~(a)(3)~~(c)(1).

[...]

Comment. Cross-reference revised in conjunction with proposed revisions to LBR 3001-1. See that proposal below for more information.

Rule 3001-1. Claims—General.

~~(a)~~—**General.**

~~(1)~~(a) **Asset Chapter 7.**

~~(A)~~(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 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.

~~(B)~~(2) **Amended Proof of Claim.** A claimant filing an amended claim after the claim deadline must mark the claim “Amended,” and file the claim no later than the deadline in ~~(E)~~(3).

~~(C)~~(3) **Deadline to File.** For a tardily filed nonpriority unsecured claim to share in the distribution under § 726(a)(2) or (3), the claim must be filed, and any order authorizing § 726(a)(2)(C) status for the claim must be entered, by the later of the date the trustee files a final report or any last date set for requesting a hearing on the final report.

~~(D)~~(4) **Surplus Assets.** If a trustee determines that estate assets might exceed all timely allowed claims, the trustee may file a request that a notice of surplus assets be given to creditors. If a notice of surplus assets is sent after expiration of the filing deadline for tardy claims in ~~(E)~~(3), the deadline for filing tardy claims will be extended as set forth in the notice.

~~(2)~~(b) **Chapter 11.**

~~(A)~~(1) **General.** A proof of claim is timely if it is filed within the deadline set forth in FRBP 3002(c) for a similar claim in a case filed under chapter 7.

~~(B)~~(2) **Creditor Information Amendment.** A debtor must file LBF 728 to amend any creditor information, and the pertinent provisions in that form apply to the deadline for filing a proof of claim.

~~(3)~~(c) **Chapter 12 or 13.**

~~(A)~~(1) **Amended Proof of Claim.**

~~(i)~~(A) **Notice Required Only if Debtor not Represented by an Attorney.** A creditor must serve the notice on LBF 302.

~~(ii)~~(B) **Objection.** To prevent distribution, an objection to an amended claim must be filed no later than 14 days after the date the amended claim was filed.

~~(iii)~~(C) **Distribution.** The trustee must not make any distribution on an amended claim filed after the initial deadline for filing the claim until the later of either: ~~(H)~~ 21 days after it was filed; or ~~(Hii)~~ the ~~timely filing of an objection under (ii)~~ resolution of an objection filed under (B).

~~(B)~~(2) **Motion by Debtor for Payment of Untimely Filed Claim.** A debtor seeking to have a claim treated as timely must file a motion on LBF 1365.

~~(b)~~ **Transfer of Claim for Security Before Proof of Claim Filed.**

~~(1)~~ **Filing Requirements.** If a transferee files proof of the transferred claim, the proof of claim must state on its face: ~~(A)~~ that the claim was transferred for security before filing, and ~~(B)~~ the name and service address of the transferor.

~~(2)~~ **Transferee's Rights.** If a transferor does not file proof of the transferred claim, or a timely objection to the clerk's notice of its filing, and no agreement to the contrary is filed within the objection period, the transferee will be considered the sole owner of the claim without further order.

~~(c)~~ **Transfer of Claim After Proof of Claim Filed.**

~~(1)~~ **Filing Requirements for Evidence of Transfer.** If the transferor does not file the evidence of transfer, or a timely objection to the clerk's notice of its filing, the evidence of transfer must clearly state on its first page the full name and service address of the transferor.

~~(2)~~ **Claim Transferred for Security.** If the transferor does not file the evidence of transfer, or a timely objection to the clerk's notice of its filing, and no agreement to the contrary is filed within the objection period, the clerk must substitute the transferee for the transferor, and the transferee will be deemed the sole owner of the claim without further order.

[...]

Comment. Revisions remove subsections (b) and (c) which address transfers of claims because the national rules adequately cover this subject. Moreover, subpart (c)(1) asks the transferee to provide the transferor's address which is unnecessary given the court's practice of using the transferor's address from the claims register. The address provided by the transferee could be incorrect, and its use would increase the potential for mistake or fraud.

Rule 3007-1. Claim—Objection.

[...]

(a)(2) LBF for Objection. An objection and accompanying notice must be filed on LBFs 763.3 and 763.1. Any proposed order arising from an objection must be lodged on LBF 763.5. Parties intending to file omnibus objections under FRBP 3007(d)-(e) should contact the Clerk's Office for instructions.

Comment. See also proposed new forms LBF 763.1, LBF 763.3, and LBF 763.5.

The current procedure is the entry of an order on the claim objection prior to service. The committee recommended transition to a notice and objection filed and served by the movant followed by an order. This change would harmonize claim objection practice with the initiation of other matters, which are generally started by motion rather by an entered order. If this proposal is adopted, LBF 763 will be retired as will the trustee form currently numbered 763.5 (Withdrawal of Objection to Claim).

Rule 3011-1. Unclaimed Funds.

An ~~petition~~ application for payment of unclaimed funds must be on LBF ~~394~~ B1340. Instructions for submitting unclaimed funds applications are available on the court's website (www.orb.uscourts.gov).

Comment. Courts have a variety of procedures and processes for applying for unclaimed funds. The Judicial Conference of the United States established an unclaimed funds task force to explore options for improving the judiciary's management of unclaimed funds. The task force recommended that courts adopt the new national director's form for unclaimed funds applications effective December 1, 2019 to ease the burden of claimants with funds in multiple courts.

The court will customize the form to provide claimants with the local service address of the U.S. Attorney. This proposal revises the rule accordingly and adds a link to the website where applicants can receive further instructions.

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

[...]

- (b) 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) ~~and describing on the first page of the document the method of notation.~~

[...]

Comment. The common nature of redline documents and the familiarity of the bench and bar with the same make the inclusion of a separate document containing a legend on amendments superfluous.

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 assignments of claims ~~claims~~ mortgage notices, ~~special notice requests, etc.~~) in any calendar year, must thereafter do so file or lodge documents electronically using ECF or another program provided by the clerk for this purpose, ~~except as provided under an LBR or the Administrative Procedures.~~

[...]

Comment. In addition to adding clarity, this proposed revision removes the reference to special notice requests pursuant to the court's decision to discontinue the practice of accepting such requests earlier this year.

Rule 7001-1. Adversary Proceedings—General.

[...]

Cross-references:

- ~~Alternative Dispute Resolution—Mediation—LBR 9019-2.~~ Settlement & Compromise – LBR 9019-1.

[...]

Comment. Cross-reference revised in conjunction with proposed revisions to LBR 9019-1. See that proposal below for more information.

Rule 9011-3. Sanctions, Remedies, & Suspension/Disbarment.

[...]

Cross-reference:

- ~~Sanctions—Mediation—LBR 9019-2(e)(2).~~ Sanctions – Settlement & Compromise – LBR 9019-1(d)(6)(D).

Comment. Cross-reference revised in conjunction with proposed revisions to LBR 9019-1. See that proposal below for more information.

Rule 9013-1. Motion Practice—Contested Matters.

(a) Adversary Proceeding LBRs Applicable to Contested Matters.

[...]

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

[...]

(b) Notice and Service of Motion.

- (1) Service.** LBR 7005-1 applies.
- (2) Notice of Motion.** Each motion must be accompanied by or combined with a notice of motion unless (A) the motion is filed using an LBF or OE, (B) another LBR directs otherwise, or (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 ex parte relief that the court can grant without notice and a hearing (e.g., a motion for to extension

or shorten of 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 response period, excluding any additional time provided by FRBP 9006] 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 ~~or hearing~~. 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. 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.

(3) Shortened Notice Period. LBR 2002-1(b)(2) applies.

Cross-references:

[...]

- Extend or Impose Automatic Stay - [LBR 4001-1\(g\)](#).
- General Noticing Procedures - LBR 2002-1(d)(1).
- Hardship Discharge - [LBR 4004-1](#).

[...]

Comment. The proposed revision to subsection (a)(8) is intended to add precision; the phrase “relating to” is overly broad.

The proposed revisions to subsection (b) are intended to address confusion regarding the application of the notice of motion rule promulgated last year. This proposal seeks to add clarification, exempt situations in which providing an objection period defeats the purpose of the motion, and eliminate possible inconsistencies stemming from differing objection periods provided by the court and the movant.

Following are notes regarding the specific subsections imbedded in the body of the rule:

LBR 9013-1(b)(2)(A): Added to exclude motions and applications filed on Official Bankruptcy Forms (*e.g.*, the application to waive the chapter 7 filing fee) from the notice of motion requirement.

LBR 9013-1(b)(2)(C): The court issues a notice of proposed dismissal or conversion or a hearing notice on most motions to dismiss or convert except where the debtor has a statutory right to dismiss or convert. The proposal is to exempt those motions from the notice of motion requirement, set an objection period in the hearing notice when a hearing is set, and add a cross-reference to this rule to the [LBRs 1017-1](#) and [1017-2](#) regarding dismissal and conversion (see above). The notices of proposed dismissal and proposed conversion already set objection periods. Chapter 13 trustees are excluded from this exception because their motions to dismiss or convert are processed differently than motions filed by other parties.

LBR 9013-1(b)(2)(D): FRBP 3002.1 motions are filed to object to a mortgage creditor's notice or representation and are immediately set for hearing by the court.

LBR 9013-1(b)(2)(F): This revision is intended to explain the concept of ex parte motions without using the term or enumerating every possible motion that might fit the definition.

The addition of the cross-reference indicated above is also proposed. With the addition of this notice of motion rule, LBR 2002-1(d)(1) has a greater impact on motion practice.

Finally, proposed new subsection LBR 9013-1(b)(3) has been added in conjunction with the proposed addition of LBR 2002-1(b)(2) (see above).

Rule 9018-1. Sealed or *In-Camera* Documents Filed Under Seal or Submitted Unfiled for Review in Chambers.

(a) Filing.

~~(1)~~ **General.** The court will seal only an entire document; it will not seal parts of a document. Documents permitted to be filed on paper will be scanned, entered into ECF, and then promptly destroyed unless filed with a SASE for return to the filer after entry.

(b) ~~(2)~~ Order Allowing Sealed Documents. A document must not be filed under seal or submitted to the clerk for filing under sealing, ~~or lodged for in-camera review,~~ until an order has been entered allowing the sealing filing ~~or lodging~~. The form of A proposed order must state:

~~(A)~~ ~~The~~ names of all individuals authorized to view review, copy, photograph ~~or inspect~~ the document without prior written approval.

~~(B)~~ ~~If filed,~~ the length of time the document will be sealed.

(c) Proposed Orders. To avoid unauthorized access, a proposed order approved for sealing upon entry must be submitted by filing it as a sealed document.

~~(d) Unfiled Documents for Review in Chambers. A party may not submit an unfiled document to a judge unless the judge specifically authorizes the submission.~~

~~(b) Review or Reproduction. An individual may not review or reproduce any sealed document, or document lodged for in camera review, unless authorized by order.~~

~~(c) Large Document. A large document ordered to be sealed, or filed for in camera review, that the clerk is unable to store must be returned to the filing party for retention until the matter with respect to which the document was considered is finally determined by the court and no longer subject to appellate review. A party receiving the document must produce it if required under an order or for an appellate review.~~

Comment. This proposal recognizes that ECF Participants might attempt to directly file sealed documents using the Sealed Documents event and prohibits them from doing so without first obtaining an order. Because proposed orders lodged via the ECF order upload program are accessible for viewing, it proposes to use the Sealed Documents event as a secure way to submit orders proposed for sealing without exposing them to public view. The clerk is not concerned about storing large documents and therefore the former section (c) is stricken. Finally, the phrase “*in camera* review” is replaced with “for review in chambers” to minimize the use of Latin in the rules.

This proposal also addresses inconsistent verbiage regarding the verb for submitting a document to the court for review in chambers—“lodged” is used in current subsections (a)(2) and (b) whereas “filed” is used in current subsection (c). Because neither “filed” nor “lodged” is entirely appropriate in this context, both terms are replaced with “submitted.”

Rule 9019-1. Settlement & Compromise.
Rule 9019-2. Alternative Dispute Resolution (ADR)—Mediation.

Rule 9019-1. Settlement & Compromise

~~(a) Settlement Conference.~~

~~(1) A judge may order or a party may request a conference at any time.~~

~~(2) LR 16-4(e)(2), (f)(3)-(5), (g), (i), and (k) apply to cases or proceedings. References in LR 16-4(f) to a “mediator” include a judge conducting a settlement conference.~~

~~(b) Notice. The party requesting approval of a compromise or settlement must give notice under LBR 2002-1(b) of its intent to submit a proposed order to that effect, except that a chapter 7, 12, or 13 trustee must use the appropriate LBF (e.g., 761 or 761.2).~~

- (a) **Mediation Options.** This LBR applies to any court-ordered or voluntary mediation among parties to a contested matter or adversary proceeding. “Mediation” means judicial settlement conference, court-sponsored mediation, or private mediation.
- (b) **Judicial Settlement Conference.** The assigned judge may, at the request of a party or on the court’s motion, order parties to participate in a settlement conference with another sitting or retired federal judicial officer at any time. Under this LBR, a judicial officer serving in that capacity is a mediator.
- (c) **Private Mediation.** The parties may agree to mediation with a private mediator. The parties may seek an order from the court permitting private mediation and must select and compensate the mediator and, in conjunction with the mediator, agree to the time, place, and duration of the mediation.
- (d) **Procedure Applicable to All Forms of Mediation.** This subsection applies to all mediation proceedings and to each person serving as a mediator.
- (1) **No Stay of Action.** Unless ordered by the assigned judge, mediation will neither stay nor change any deadlines or event dates, including trial, in a matter or proceeding.
- (2) **Judicial Immunity.** From entry of the order appointing the mediator through conclusion of the mediation, the mediator acts as an officer of this court and has derived judicial immunity.
- (3) **Orders.** The mediator has no authority to enter any order regarding the mediation. If the mediator desires entry of an order with respect to the mediation, the mediator must apply to the assigned judge with notice to the parties.
- (4) **Disqualification.** No person may serve as a mediator if the person would be disqualified (a) under 28 U.S.C. § 144 if the person were a district judge presiding over the matter or proceeding or (b) under 28 U.S.C. § 455 if the person were a justice, judge, or other judicial officer presiding over the matter or proceeding, unless the parties consent in writing after disclosure.
- (5) **Information; Scheduling.** After entry of an order referring a case to mediation, the parties must provide any information requested by the mediator. The mediator may schedule a preliminary conference before the mediation and may also require the parties to participate in the preliminary conference along with their attorneys.
- (6) **Participation by Counsel and Parties**

(A) Unless otherwise approved by the court, the responsible attorney for each party must attend any mediation proceeding in person, including any additional sessions, and must be prepared to discuss in good faith—

(i) all liability issues,

(ii) all damage issues, and

(iii) the position and interests of the attorney's client regarding settlement.

(B) Unless excused by the mediator, a person with complete settlement authority for each party must attend the mediation proceeding in person. But the United States may be represented by the trial attorney.

(C) Where a party's defense is provided by a liability insurer, a representative of the insurer, unless excused by the mediator, must attend the mediation proceeding and have full authority to bind the insurer to a settlement.

(D) Unless excused from attendance by the mediator, an attorney's or party's willful failure to attend the mediation when required must be reported to the court by the mediator and may result in the imposition of sanctions.

(7) **Privilege.** Unless otherwise agreed by all parties and the mediator in writing—

(A) Mediation proceedings (including all statements made by a party, attorney, or other participant, and any memorandum or written submission provided to the mediator) are privileged and, unless otherwise authorized by the Federal Rules of Evidence, will not be reported, recorded, or otherwise placed in evidence, made known to the assigned judge, or construed for any purpose as an admission against interest.

(B) No party will be bound by anything done or said in any mediation proceeding unless a settlement is reached, in which event the agreement will be recited orally and recorded or reduced to writing and will be binding on all parties. In any dispute regarding the terms of the settlement, the terms of the settlement as communicated by the mediator and accepted by the parties are not privileged.

(8) **Postmediation Notification to Court by Mediator.** As soon as reasonably practicable, and in no event later than the earlier of 14 days after the mediation has concluded or 7 days before any hearing or trial date, the mediator must notify the court in writing (which notice must not be filed, but must be mailed or e-mailed as

requested by the assigned judge) whether the mediation proceeding was held and whether the matter has been settled or additional time is needed to reach or implement a settlement. The mediator must also disclose any willful failure to attend or participate in the mediation proceeding by any party or their counsel. The mediator shall provide copies of the communication to the court to all participants or, if represented, to their counsel.

(9) **Termination of Mediation or Withdrawal of Mediator.** A court may withdraw any matter from mediation on its own order or upon request of any party, the United States trustee, or the mediator. Unless the parties and mediator agree otherwise in writing, any and all duties and responsibilities of the mediator terminate upon the filing of the report by the mediator required in (8) above.

(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.

Rule 9019-2. ~~Alternative Dispute Resolution (ADR)—Mediation.~~

(a) ~~Assignment of Matter to Mediation.~~

(1) ~~Order.~~

(A) ~~General.~~ The court may assign a matter to mediation on its own motion or on motion of a party or the UST on LBF 202 or LBF 202.5, whichever applies. ~~Notwithstanding assignment of a matter to mediation, the matter will be set on the court's next available hearing date.~~

(B) ~~Stipulation.~~ The court may refer any matter to mediation by entering a stipulated order lodged on LBF 204 or LBF 204.5, whichever applies.

(2) ~~Mediation Procedure.~~ ~~Upon assignment of a matter to mediation, this LBR becomes binding on all parties to the mediation.~~

(b) ~~Appointment of Mediator.~~

(1) ~~If the parties cannot agree on a mediator within seven days after assignment to mediation, each party must submit to the judge—but not file—and serve on the other mediation parties a list of four acceptable mediators. The judge must appoint a mediator and an alternate mediator from the parties' lists.~~

(2) ~~If the selected mediator is unable to serve, the selected mediator must file a notice of inability to accept appointment within seven days after receiving the notice of appointment and immediately serve it on the alternate mediator. The alternate~~

~~mediator becomes the mediator if the alternate mediator fails to file a notice of inability to accept appointment within seven days after the original mediator's inability notice was filed. If neither mediator can serve, the judge will appoint another mediator and alternate mediator from the parties' lists.~~

~~(3) A mediator may be disqualified for bias or prejudice under 28 U.S.C. § 144, or if not disinterested under § 101. A mediator must be disqualified in any matter to which 28 U.S.C. § 455 would apply if the mediator were a justice, judge, or magistrate unless disqualification is waived by the parties in writing following disclosure.~~

~~(4) Any judicial officer may be appointed mediator under these LBRs. A judicial officer appointed as a mediator is subject to each LBR, FRCP, FRBP, and Federal Rule of Evidence (FRE) pertaining to alternative dispute resolution and mediation.~~

~~(c) **Mediation.**~~

~~(1) **Time and Place.** After consulting with all parties, the mediator must set a reasonable time and place for the mediation conference and promptly give the parties notice of the conference. The conference must be set as soon after entry of the mediation order and as far in advance of the court's final evidentiary hearing on the matter as is practicable. To ensure prompt dispute resolution, the mediator must establish the time for all mediation activities, including a deadline for the parties to act on a settlement or recommendation.~~

~~(2) **Mediation Conference.** Each mediation party, or an individual representing a nonindividual mediation party, must attend the conference and must have full authority to negotiate all disputed amounts and issues. The mediator may determine when the parties must be present in the conference room. The mediator must report to the judge a willful failure to attend or participate in the mediation process or conference in good faith, and that failure may result in the imposition of sanctions.~~

~~(3) **Orders.** The mediator has no authority to enter any order regarding the mediation. If the mediator desires entry of an order with respect to the mediation, the mediator must apply to the judge with notice to the parties.~~

~~(4) **Recommendations of the Mediator.** The mediator need not make any written comments or recommendations, but the mediator may furnish the parties with a written settlement recommendation, which must not be filed.~~

~~(5) **Postmediation Procedures.** Promptly after conclusion of the mediation conference, and in any event no later than 3:00 p.m. two business days before the date set for trial or hearing on the mediation matter, the mediator must file a final~~

~~report on LBF 210 or LBF 210.5, whichever applies, showing compliance or noncompliance by the parties and the mediation results. If in the mediation the parties settle the matter, they must determine who must prepare and submit to the court a stipulated order or judgment under LBR 9021-1(b), or joint motion for approval of compromise of controversy, within 21 days after the conference concludes. Failure to timely file a stipulated order or judgment, or motion, will be a basis for the court to impose appropriate sanctions. Absent a stipulated order or judgment, or joint motion, no party will be bound by any statement made or action taken at the mediation conference. If the conference ends in an impasse, the matter will be heard or tried as scheduled.~~

~~(6) — **Termination of Mediation.** When the mediator’s final report on LBF 210 or LBF 210.5 is filed, the mediation will be complete and the mediator excused and relieved from further responsibilities in the matter without further order.~~

~~(7) — **Withdrawal from Mediation.** A matter referred under this LBR may be withdrawn from mediation by the judge assigned to the matter. A party in interest, the UST, or the mediator may file a motion to withdraw a matter from mediation for cause.~~

~~(d) — **Mediator Compensation.** The mediator’s compensation will be on terms satisfactory to the mediator and the parties, and subject to court approval if the estate is to be charged with the expense. A request for compensation or reimbursement payments from the estate must be made in the form of a proof of claim under LBR 2016-1(a)(1). The claim must include separate itemizations of all time spent on premediation activity, mediation activity, and postmediation activity.~~

~~(e) — **Confidentiality.**~~

~~(1) — **Mediator.** Confidential information disclosed by a party or by a witness in the course of the mediation must not be disclosed by the mediator. Except for the mediator’s final report, all records, reports, or other documents received or made by a mediator while serving in that capacity are confidential.~~

~~(2) — **Mediation Effort.** FRE 408 applies to mediation. Except as permitted under FRE 408, no party may rely on or introduce as evidence in connection with any arbitration, judicial, or other proceeding the existence of or any aspect of the mediation effort, including, but not limited to:~~

~~(A) — Views expressed or suggestions made by another party regarding settlement of the dispute.~~

~~(B) — Admissions made by another party in the course of the mediation.~~

~~(C) Proposals made or views expressed by the mediator.~~

~~(f) **Compliance with Orders, FRBPs, LBRs, and the Code.** Nothing in this LBR relieves any party from complying with any order, FRBP, LBR, or the Code, including times set for discovery or preparation for a hearing pending on a mediation matter.~~

Comment. This proposal is included in an effort to address the practical reality that parties rarely use court-sponsored mediation, established in the early 1990s and governed by LBR 9019-2. The court does not maintain an updated register of approved mediators, and parties more often use judicial settlement conferences with other bankruptcy judges. The proposed new rule 9019-1 uses language from existing LBRs 9019-1 and 9019-2 as well as some language from [District Court Local Rule 16-4](#).

There are currently eight LBFs regarding the court's mediation program. They are as follows:

LBF 201	Application for Inclusion on Court's Register of Qualified Mediators
LBF 202	Motion for Mediation (Contested Matter)
LBF 202.5	Motion for Mediation (Adv. Proc.)
LBF 203	Order Directing Mediation & Appointing Mediator (Contested Matter)
LBF 203.5	Order Directing Mediation & Appointing Mediator (Adv. Proc.)
LBF 204	Stipulated Motion/Order Directing Mediation/ Appt. Mediator (Contested Matter)
LBF 204.5	Stipulated Motion/Order Directing Mediation/ Appt. Mediator (Adv. Proc.)
LBF 210	Mediator's Final Report and Notice of Completion of Mediation (Contested Matter)
LBF 210.5	Mediator's Final Report and Notice of Completion of Mediation (Adv. Proc.)

Deletion of all the above-listed LBFs is proposed as they are rarely used. Upon adoption of this rule, applicable cross-references will be deleted.

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

[...]

(b) Lodging of Proposed Order or Judgment.

(1) When Permitted. A proposed order or judgment ~~that must be circulated~~ may not be lodged ~~until~~ **when** it is appropriate for the court to sign it, ~~i.e., the proponent has complied with (a) above.~~

(A) An order or judgment that must be circulated may not be lodged until the proponent has complied with (a) above.

(B) Except as provided in (C) and (D) below, no order may be lodged unless—

(i) the court has announced a decision and requested that an order or judgment be lodged; or

(ii) the time for filing an objection has expired and no objection has been filed.

(C) The proponent must 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 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.

(D) An order or judgment that is stipulated, agreed, or unopposed may be lodged at any time.

~~(2) Orders to be Lodged with Motion or Application:~~

~~(A) When requested by motion, substitution of attorney.~~

~~(B) FRBP 2004 examination.~~

~~(C) Requiring an interim report be filed to allow the filing of an interim compensation application.~~

~~(D) If the motion is accompanied by a certificate of consent by all parties, then the following:~~

~~(i) Extension or shortening of time.~~

~~(ii) Extension of § 523/§ 727 deadline.~~

~~(iii) Amendment of pleading.~~

~~(iv) Expedited hearing.~~

~~(3)~~**(2) Orders Not to be Lodged.** No party need lodge a proposed order of the types listed in LBF 9021.

~~(4)~~(3) **Separate Document.** Except for an order or judgment which is stipulated or submitted on an LBF, a proposed order or judgment must be lodged as a document separate from any other document.

~~(5)~~(4) **Form.**

[...]

~~(6)~~(5) **Service.** The court may delegate to the party lodging a proposed order or judgment, or such other party specifically designated by the court, the clerk's obligation under FRBP 9022(a) to serve an order or judgment to the contesting parties immediately after entry of the order or judgment.

[...]

Comment. Aside from subsection (b)(1)(C)(ii) which was added for the sake of expediency and in concert with the proposed addition of subsection (F) to the notice of motion rule ([LBR 9013-1\(b\)\(2\)](#) – see above), no substantive change is intended by this proposal. Rather, it is intended to replace the list of specific examples from former subsection (b)(2) with broader situations in which it is appropriate to lodge orders concurrently with motions or applications.

PROPOSED LOCAL BANKRUPTCY FORM (LBF) REVISIONS

LBF 305. Certificate of Service.

[...]

In re)
) Case No. _____
)
Debtor(s)) Adv. Proc. No. _____
)
)
Plaintiff(s))
v.) **Certificate of Service**
)
Defendant(s))

I, _____
(name)
of _____
(mailing address)

certify under penalty of perjury:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on _____, I served a copy of the within summons, together with the complaint filed in this proceeding, on:

the defendant in this proceeding, by (describe here the mode of service):

on the said defendant at:

Executed on _____
(Date) (Signature)

Instruction to Filer: See Local Bankruptcy Form ADV, Procedures re: Filing an Adversary Proceeding Complaint, for more information about service of a summons.

I, _____ (name), certify that service of this summons and a copy of the complaint was made on _____ (date) by:

Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:

- Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:
- Residence Service: By leaving the process with the following adult at:
- Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:
- Publication: the defendant was served as follows (describe briefly):
- State Law: The defendant was served pursuant to the laws of the State of _____ as follows (describe briefly):

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

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

Date: _____

Signature

Print Name

Address

Comment. In addition to adding a reference and link to the relevant instructional form (LBF ADV), the proposed revisions are intended to match the form more closely with certificates of service included with national summons forms (*e.g.*, OF 2500A). LBF ADV will be retitled as shown above.

**LBF 717.05. Motion to Avoid Judicial Lien on Real Property
Pursuant to 11 U.S.C. § 522(f)(1)(A).**

[...]

Instruction to Filer: See [Local Bankruptcy Form 717.15](#), Procedures re: Motions to Avoid Lien.

Pursuant to 11 U.S.C. § 522(f)(1)(A), Debtor moves to avoid a judicial lien on real property referenced below, and alleges as follows:

[...]

2. The nature of the judicial lien and the date when ~~upon which the lien~~ it was obtained (include case name, number, county, state, date on which judgment was docketed, and any transcription information, ~~if appropriate~~):

3. Street address and legal ~~D~~description ~~and address~~ (attach exhibit if necessary) of real property to which judicial lien attaches:

[...]

5. Fair market value of real property as of on the petition date: \$_____

6. Name(s) of and amount(s) due to ~~of~~ all senior lienholder(s):

7. Present balance owing to senior lienholder(s) plus junior consensual liens on petition date, excluding any precomputed interest or other unearned charges: \$_____.

8. The description of ~~the nature~~ statutory authority for, and amount of impaired exemptions ~~impaired~~:

9. Other relevant facts ~~relevant in determining whether Motion should be granted~~:

10. In light of the foregoing, and ~~pursuant to~~ under 11 U.S.C. § 522(f)(1)(A), debtor is entitled to avoid the lien referenced in paragraph 2 above:

[...]

Debtor's or Debtor's Attorney's Signature ~~OSB #~~

Address

Phone #

Comment. In addition to minor technical changes proposed for clarity, a reference and link to the relevant instructional form (LBF 717.15) has been added. LBF 717.15 will be retitled as shown above.

LBF 717.20. Notice of Motion to Redeem Personal Property.

[...]

In re) Case No. _____
)
) **Notice of Motion to Redeem**
) **for Redemption of Personal Property**
Debtor(s)) **Personal Property**

Notice is given that:

1. The attached motion under 11 U.S.C. § 722, prepared according to Local Bankruptcy Form (LBF) 717.10, Procedures re: Motions to Redeem Personal Property, was filed by the debtor(s) for redemption of to redeem personal property held as collateral by the secured creditor as provided by 11 U.S.C. § 722. The secured creditor's name and address for service by mailing (see Federal Rule of Bankruptcy Procedure Rule 7004) are:

[...]

3. If you wish to resist object to the motion, you must, within 14 days of after the service date shown below, file the following with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401:
 - a) a written response objection, stating the facts upon which the redemption objection is resisted based; and
 - b) a certificate of service showing that the response objection has been served upon the person named in paragraph 2 above.

If you fail to file a timely response objection, the court may sign an order ~~submitted by the debtor~~ granting the redemption as requested motion.

[...]

I certify that on _____ this notice and the motion were served on the secured creditor at the address listed above and the trustee, ~~and the secured creditor at the address listed above.~~

[...]

Comment. In addition to minor technical changes proposed for clarity, a reference and link to the relevant instructional form (LBF 717.10) has been added. LBF 717.10 will be retitled as shown above.

LBF 720.80. Chapter 7/13 Motion for Relief from Debtor or Chapter 13 Codebtor Stay.

[...]

In re) Case No. _____
)
) (Check all applicable boxes)
) **Chapter 7/13 Motion for Relief from**
) Debtor Chapter 13 Codebtor Stay
) Filed by ~~Creditor~~ Movant:
) _____
) ~~Response~~ Objection to Stay Motion filed by
) Respondent:
Debtor(s)) _____

Instructions to movant: You must file this motion with a notice of motion on Local Bankruptcy Form (LBF) 720. See LBF 720.50, Procedures re: Motions for Relief from Stay, for more information.

1. Debt, Default, Other Encumbrances, Description and Value of Collateral (To be completed by ~~creditor~~ movant)

a. Description of collateral (e.g., car model, year, and VIN, or property address):

b. Amount of debt: \$ _____, consisting of principal of \$ _____, interest of \$ _____, and other: \$ _____

[...]

RESPONSE OBJECTION (Identify specific items disputed and specify what you contend are the pertinent facts, including why there is a postpetition default, if applicable) (to be completed by respondent):

2. Relief from stay should be granted because (check all that apply): (To be completed by ~~creditor~~ movant)

Lack of adequate protection because of failure to make sufficient adequate protection payments and lack of a sufficient equity cushion.

- Lack of insurance on collateral.
- No equity in the collateral and the property is not necessary for an effective reorganization.
- Failure of debtor to make Chapter 13 plan payments to the trustee.
- Failure of debtor to make direct payments to secured ~~creditor~~ required by Chapter 13 plan.
- Other (describe):

RESPONSE OBJECTION (Specify why relief from stay should be denied. If respondent proposes to cure a postpetition default, detail the cure by attaching a proposed order using ~~Local Form (LBF)~~ 720.90 available at <https://www.orb.uscourts.gov> under Forms/Local Forms) (to be completed by respondent):

3. **Background** (To be completed by ~~creditor~~ movant)

- a. Date petition filed: _____ Current Chapter: _____ (7 or 13)
If 13, current plan date _____ Confirmed: [] Yes [] No
If 13, treatment of ~~creditor~~ movant's prepetition claim(s) in plan:

If 7, debtor _____ has _____ has not stated on ~~Local Form (LBF)~~ 521 or 521.05 that debtor intends to surrender the collateral.

- b. ~~Creditor~~ Movant has a lien on the collateral by virtue of (check all applicable sections, and also see paragraph 6 below):

[] Security agreement, trust deed, or land sale contract dated _____; and, if applicable, an any assignment of said that interest to ~~creditor~~ movant. The security interest was perfected as required by applicable law on _____.

[] Retail installment contract dated _____; and, if applicable, an any assignment of said that interest to ~~creditor~~ movant. The security interest was perfected on the certificate of title on _____.

[] Other (describe):

RESPONSE OBJECTION (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

4. **Request for Relief from Codebtor Stay** (Chapter 13 only)

a. [...]

- b. ~~Creditor~~ Movant should be granted relief from the codebtor stay because (check all applicable boxes):

[] codebtor received the consideration for the claim held by ~~creditor~~ movant [] debtor's plan does not propose to pay ~~creditor~~ movant's claim in full [] ~~creditor~~ movant's interest would be irreparably harmed by continuation of the codebtor stay as a result of the default(s) described above ~~and/or~~ because:

RESPONSE OBJECTION (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

5. **Other Pertinent Information** (To be completed by ~~creditor~~ movant, if applicable):

RESPONSE OBJECTION (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

6. **Relief Requested (check all applicable sections):** *(To be completed by creditor movant)*

- ~~Creditor~~ Movant requests relief from the automatic stay to allow it to foreclose its lien on the ~~above identified collateral~~; and, ~~if necessary~~, to take appropriate any necessary action to obtain possession of the collateral.
- ~~Creditor~~ Movant has a security interest in real property and requests relief from stay ~~with respect to~~ of an act against ~~such property~~ the collateral and that the relief be binding in any other bankruptcy case purporting to affect ~~such real property~~ the collateral filed not later than 2 years after the date of the entry of an order granting this motion. *(If you check this box, you must complete paragraph 5 above to support this request. If you do not do so, the Court will not grant relief binding in any other bankruptcy case.)*
- ~~Creditor~~ Movant requests that the 14-day stay provided by FRBP 4001(a)(3) be waived based on the following cause:
- Other (describe and explain cause):

RESPONSE OBJECTION *(Identify any disputed items and specify the pertinent facts. If respondent agrees to some relief, attach a proposed order using ~~Local Bankruptcy Form (LBF)~~ 720.90 available at <https://www.orb.uscourts.gov> under Forms/Local Forms) (to be completed by respondent):*

7. **Documents:**

If ~~creditor~~ movant claims to be secured in paragraph 3.b. above, ~~creditor~~ movant has attached to and filed with this motion a copy of the documents creating and perfecting the security interest, if not previously attached to a proof of claim.

If this case is a Chapter 13 case and the collateral as to which creditor seeks stay relief is real property, ~~creditor~~ movant has attached to and filed with this motion a postpetition payment history current to a date not more than 30 days before this motion is filed, showing for each payment the amount due, the date the payment was received, the amount of the payment, and how ~~creditor~~ movant applied the payment.

RESPONDENT requests ~~creditor~~ movant provide Respondent with the following document(s), if any are marked below, which are pertinent to this objection response:

- Postpetition payment history, if not required above.
- Documents establishing that ~~creditor~~ movant owns the debt described in paragraph 1 or is otherwise a proper party to bring this motion.
- Other document(s) (specific description):

Creditor Movant/Attorney

Respondent Debtor/Attorney *(by signing, the respondent also certifies that ~~the~~ the respondent has not altered the information completed by creditor movant)*

Signature: _____
Name: _____
Address: _____

Email Address: _____
Phone Number #: _____
OSB#: _____

Signature: _____
Name: _____
Address: _____

Email Address: _____
Phone No #: _____
OSB#: _____

Respondent Codebtor/Attorney (by signing, the respondent also certifies that [s]he has not altered the information completed by creditor)

Signature: _____
Name: _____
Address: _____

Email Address: _____
PhoneNo: _____
OSB#: _____

[...]

Comment. In addition to minor technical changes proposed for clarity, a reference and link to the relevant instructional form (LBF 720.50) has been added. LBF 720.50 will be retitled as shown above.

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

[...]

The attached ~~Response~~ objection, filed by completing the “objection” portions of the original motion, filed for the respondent, _____, who is the (*e.g.*, debtor, codebtor, or trustee, etc.) _____, is in response objection to the ~~M~~motion for ~~R~~relief from ~~S~~stay filed on behalf of (~~moving party~~ movant) _____.

[...]

NOTICE IS GIVEN THAT:

A **Telephone Hearing** on the **M**otion, at which no testimony will be taken, will be held as follows:

[...]

I certify that: (1) the response **objection** was prepared using on a copy of the ~~ORIGINAL~~ original motion; (2) if the ~~Response~~ **objection** was electronically filed, ~~the response~~ it was prepared using the "FILLABLE" fillable PDF version of the **M**otion unless the **M**otion was filed on paper and ~~it~~ could not be otherwise electronically obtained from the movant; and (3) that on _____ copies of this **N**otice and the **Response objection** were served on the movant's attorney (or ~~creditor~~ **movant**, if no attorney) at the address shown in the **N**otice of **M**otion.

~~Signature & Relation to Respondent~~

Relation to Respondent

Comment. These changes are proposed to add clarity.

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

[...]

In re) Case No. _____
)
) **Notice of Hearing on (Check ~~ONE~~ one)**
) [] **Motion to Extend/Impose Stay Per**
) **§_362(c)**
) [] **Debtor's Motion to Impose Stay Per**
) **§_362(n)**
Debtor(s))

Instruction to Filer: See Local Bankruptcy Form 721.3, Procedures re: Motions to Extend or Impose Stay Pursuant to 11 U.S.C. § 362(c) or § 362(n).

YOU ARE NOTIFIED that the attached **M**otion was filed by: _____.

The name and service address of the ~~moving party~~ **movant**'s attorney (or ~~moving party~~ **movant**, if no attorney) are: _____

_____ .

(If debtor is the ~~moving party~~movant) The debtor's address and Taxpayer ID#(s) (last 4 digits) are:

_____ .

Notice is given that:

A **Telephone Hearing** on the ~~M~~motion, at which testimony will be taken if offered and admissible, will be held as follows:

[...]

The ~~moving party~~movant must be present at the hearing.

[...]

I certify that on _____ I ~~served copies of this N~~notice and the ~~Motion~~ motion were served on the debtor(s), all creditors, ~~all parties requesting special notice,~~ any ~~C~~creditors' ~~C~~committee Chairperson, and their respective attorneys.

Signature & Relation to Moving Party

Relation to Moving Party

Comment. In addition to minor technical changes proposed for clarity, a reference and link to the relevant instructional form (LBF 721.3) has been added. LBF 721.3 will be retitled as shown above.

LBF 750. Nonjudicial Relief from the Automatic Stay of 11 U.S.C § 362(a).

[...]

In re) Case No. _____
)
) ~~Non-Judicial~~ Nonjudicial Relief from the
) Automatic Stay of 11 U.S.C § 362(a)
Debtor(s))

See Local Bankruptcy Form 715, Procedures re: Nonjudicial Relief from the Stay Imposed Pursuant to 11 U.S.C. § 362(a).

The following creditor has a ~~purchase money security interest or a perfected security interest in the following property;~~; ~~there appears to be no equity in the property for the estate, and the debtor(s) do not object to relief from the stay as to the property; therefore,~~

~~The trustee hereby authorizes non-judicial relief from the automatic stay as to the specific property named below and the creditor may foreclose the security interest as provided in the security agreement or applicable law provided, however, the creditor shall account to the trustee for any surplus over the balance due which may be realized upon foreclosure.~~

[...]

There appears to be no equity in the property collateral for the estate, and the debtor(s) do not object to relief from the stay as to the property; therefore,

The trustee hereby authorizes nonjudicial relief from the automatic stay as to the specific property collateral named below above, and the creditor shall must account to the trustee for any surplus over the balance due which may be that is realized upon foreclosure.

DATE Date: _____ [...]

Comment. In addition to minor technical changes proposed for clarity, a reference and link to the relevant instructional form (LBF 715) has been added. LBF 715 will be retitled as shown above.

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.

[...]

NOTICE IS GIVEN THAT _____, the _____ (i.e. e.g., debtor, or trustee, etc.), intends to sell the property described below and moves for authority to sell the property free and clear of liens pursuant to under 11 U.S.C. § 363(f) and the guidelines set forth in Local Bankruptcy Form 363, Procedures re: Motions for Sale of All or Substantially All Assets. The movant's name, address, and telephone # number are:

If you wish to object to any aspect of the sale or fees disclosed in paragraph 7 or ~~paragraph~~ 15, you must:

- (1) Attend the hearing set in paragraph 16 below; and

(2) Within 21 days of after the later of the date next to the signature below or the service date in paragraph 17 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401:

(a) a written ~~response~~ objection stating the specific facts upon which the objection is based, and

(b) a certificate of service of the ~~response~~ objection on the movant.

This document ~~shall~~ constitutes the notice required by Local Bankruptcy Rule (LBR) 2002-1. All sections must be completed.

1. The specific subsections of 11 U.S.C. § 363(f) movant relies ~~upon~~ for authority to sell the property free and clear of liens are:

[...]

7. [...]

All tax consequences have been considered, and it presently appears that the sale will result in net proceeds to the estate after payment of valid liens, fees, costs, and taxes of approximately: \$_____.

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

[...]

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

[...]

16. A hearing on this motion and any objections to the sale or fees is scheduled as follows:

Date: _____ **Time:** _____ **Location:** _____

Testimony will be received if offered and admissible. If no timely objection is filed, the hearing may be cancelled, and an order submitted. Parties are encouraged to check the hearing calendar at <https://www.orb.uscourts.gov> after the objection deadline has passed.

17. I certify that on _____ this document was served, ~~pursuant to~~ under FRBP 7004, on the debtor(s), trustee (if any), U.S. Trustee, each named lienholder at the address listed above, the creditors' committee chairperson (if any), and their attorneys; and [unless movant is a

chapter 7 trustee] that it was also sent on that date, 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.

[...]

Comment. In addition to minor technical changes proposed for clarity, a reference and link to the relevant instructional form (LBF 363) has been added. LBF 363 will be retitled as shown above.

LBF 1181. Summary of Acceptances and Rejections.

[...]

Instruction to Filer: See [Local Bankruptcy Form \(LBF\) 1181.2, Procedures re: Summary of Acceptances and Rejections.](#)

[...]

This Ssummary consists of ___ pages. I certify under penalty of perjury that this Ssummary completely and accurately reflects all ballots received; the tabulations are correct to the best of my knowledge; all ballots received are separated and assembled by acceptances and rejections by class; I have retained the originals; I will provide copies to an interested party upon written request, and upon objection to the accuracy of this Ssummary, I will introduce the originals at the hearing ~~of on such~~ the objection for possible admission to the official court record; and ~~a copy of it~~ this summary was served on any Creditors' Committee ~~AND~~ and the U.S. Trustee on the date below.

Date: _____

Signature (OSB# if attorney)

Type ~~O~~r Print Signer's Name

[...]

Comment. In addition to minor technical changes proposed for clarity, a reference and link to the relevant instructional form (LBF 1181.2) has been added. LBF 1181.2 will be retitled as shown above.

LBF 1220. Notice of Motion for Relief from Codebtor Stay Only in a Chapter 12 Case.

[...]

You are notified that a motion, prepared according to Local Bankruptcy Form 720.50, Procedure re: Relief from Stay, was filed on behalf of the moving party, _____, for relief from the stay in this chapter 12 case protecting the codebtor, _____, whose service address is: _____, as provided by 11 U.S.C. § 1201. The motion is attached.

[...]

If you wish to ~~resist~~ object to the motion, you must, within 14 days ~~of~~ after the service date shown below, file the following with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401:

- a. A written objection stating the facts upon which ~~relief from the codebtor stay is resisted~~ the objection is based; and

[...]

Failure to Object or Serve Proper Notice of Hearing. If neither the debtor nor the codebtor ~~fails to file~~ files both a timely objection and the proper notice of hearing, then the stay protecting the codebtor may expire pursuant to § 1201(d), or the court may sign an order, submitted by the moving party, without further notice.

[...]

LBF#1220.5 is attached if this notice is served on paper.

Comment. In addition to minor technical changes proposed for clarity, a reference and link to the relevant instructional form (LBF 720.50) has been added. LBF 720.50 will be retitled as shown above.

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 763.1. Notice of Claim Objection.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re	Case No. _____ [] Amended
Debtor(s)	NOTICE OF CLAIM OBJECTION

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

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

If you do not want the court to eliminate or change your claim, then 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 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 address or addresses 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 address or addresses 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 reduce, modify, or eliminate your claim without further notice or a hearing.

I certify that on _____ (service date) this notice and the objection were 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 name(s), address(es), and method(s) used for service on the claimant are as follows (*attach additional page if necessary*):

Printed Name

Signature

Comment. Form created in conjunction with proposed amendments to LBR 3007-1 (Claim—Objection). See comments under rule proposal above for more information.

LBF 763.3. Claim Objection.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____

Amended

Debtor(s)

CLAIM OBJECTION

1. The undersigned objects to Claim No. ____ (“Claim”) filed in the amount of \$ _____ by _____.
2. The undersigned objects to the Claim for the following reasons (*check all applicable reasons*):
 - Claim duplicates Claim No. _____ filed by _____.
 - Claim fails to assert grounds for priority.
 - Claim was not filed on behalf of a real party in interest (e.g., does not include a copy of the assignment upon which it is based).
 - Claim appears to include interest or charges accrued after the filing.
 - The value of collateral exceeds debt.
 - Claim arrearage asserted is incorrect.
 - The creditor filed a secured claim, but neither (a) specified that any portion of the claim should be treated as unsecured nor (b) requested a hearing to determine the value of its collateral, and therefore the undersigned objects to any portion of the claim being treated as unsecured.
 - The creditor filed a claim for taxes assessed against real or personal property, but the interest of the estate in the property against which the taxes were assessed has no value because the estate has no equity or interest in the property; the Claim may not be allowed under 11 U.S.C. § 502(b)(3).
 - Claim does not include documentation required by Federal Rules of Bankruptcy Procedures 3001(c) and (d) (e.g., a copy of the note or documents establishing secured status) and another reason for disallowance is stated in this objection.

Other:

3. The undersigned moves that the Claim be (*check applicable boxes*):

Disallowed in full.

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 \$ _____.

Disallowed for distribution (if objection is based on failure to provide documentation).

Allowed with an arrearage of \$ _____ (if amount of arrearage is contested).

4. If this objection is filed in a chapter 11 case, the undersigned certifies compliance with Local Bankruptcy Rule 3007-1(b)(2) (requiring pre-filing conferral).

A copy of any withdrawal of this objection will be served on all parties that were served a copy of this objection.

Date: _____

Signature: _____

Name: _____

Relation to Case: _____

Service Address: _____

Phone #: _____

Email Address: _____

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

Comment. Form created in conjunction with proposed amendments to LBR 3007-1 (Claim—Objection). See comments under rule proposal above for more information.

LBF 763.5. Order on Claim Objection.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____

Amended

Debtor(s)

ORDER ON CLAIM OBJECTION

This matter having come before the court on the Claim Objection (docket #_____) regarding Claim No. _____ (“Claim”), IT IS HEREBY ORDERED that the Claim be disallowed or allowed as follows:

Disallowed in full.

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 \$ _____.

IT IS FURTHER ORDERED that *(check if applicable)*:

the Claim is disallowed for distribution, and the trustee and/or debtor, as applicable, are authorized to make no further distribution(s) on account of the Claim. The trustee and/or debtor, as applicable, may resume distributions if an amended claim is filed. The filing of an amended claim will be considered cause for reconsideration under 11 U.S.C. § 502(j).

the amount of the arrearage is \$ _____.

###

Comment. Form created in conjunction with proposed amendments to LBR 3007-1 (Claim—Objection). See comments under rule proposal above for more information.