Objections to Chapter 13 Trustee's Motion to Dismiss, Motion to Convert, or 10-Day Notice of Default & LBF 1366 Notice of Hearing Thereon
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Objections to Chapter 13 Trustee's Motion to Dismiss, Motion to Convert, or 10-Day Notice of Default & LBF 1366 Notice of Hearing Thereon

Introduction

This document contains information and filing procedures for e-filing objections to trustees' motions to dismiss, motions to convert, and 10-day notices of default.

When & How to File LBF 1366 Notice of Hearing with Objection

Depending on a whether a hearing has been set and the content of the trustee's motion or notice, either file an objection along with a hearing notice on LBF 1366 or file the objection only. To determine which method to use:

- Check the docket to see if a hearing has already been set on the motion or notice of default (if unsure whether a hearing has been set, check with the Courtroom Deputy—also referred to as the Calendar Clerk—before proceeding[1]) and

- Examine the motion to see if it directs objecting parties to use LBF 1366 or whether it asks the court to set a hearing.

Then, proceed as follows:

Circumstance	Objection Filing
• Motion directs objecting parties to use LBF 1366 and • No hearing has been set on the motion or notice	Use LBF 1366 and file it along with the objection using the *Notice of Hearing on Ch 13 Trustee Motion to Dismiss/Convert* event See the LBF 1366 & objection section below for more information (including where to obtain hearing dates
• Motion does not direct use of LBF 1366 (for example, it asks the court to set a hearing) and/or • A hearing has been set on the motion or notice	Prepare a standard objection and filed it using the *Objection* event See the Objection only section below for more information

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[1] Click here for contact information.

LBF 1366 & objection

First, click here[2] for a list of hearing dates with the judge assigned to your case and identify an available hearing date, time, and location (these hearings will usually be held via telephone).

Then, use the information to complete a notice of hearing on LBF 1366 and file it along with your objection via the E-filing objection if a hearing has not yet been set section below. The objection and LBF 1366 notice should be filed as a single PDF with the LBF 1366 as the first page.

Objection only

If a hearing has already been set on the trustee's motion or 10-day notice of default,[3] prepare an objection and file it per the E-filing objection only section below.

Filing Procedures[4]

E-filing objection and LBF 1366

If appropriate (see the When & How to File LBF 1366 Notice of Hearing with Objection section above), use the following steps to file a notice of hearing on LBF 1366 along with your objection:

Step	Action
1	Click on **Bankruptcy** on the ECF main menu bar
2	• Select **Notices** or **Answer/Response** • If **Answer/Response** is selected, select also **Reference an Existing motion/ application**
3	Enter case number in format YY-XXXXX
4	Select the **Notice of Hearing on Ch 13 Trustee Motion to Dismiss/Convert [Requires LBF 1366 – 12/1/20]** event
5	Select or add[5] represented party
6	• Use the link to view available hearing dates and times • Review hearing requirements

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[2] The list is on the court's website. Go the "Hearings" tab, select "Ch. 13 Trustee's Motion to Dismiss (LBF 1366 Only)," and then click on the judge for the case to see available hearing slots.
[3] For instance, hearings are often set on trustees' motions to convert from chapter 13 to chapter 7 regardless of whether objections are filed.
[4] See below for procedures with screenshots.
[5] See separate ECF Filing Basics procedures for instructions on adding parties.

7	• Select the hearing from the **Please select from the following hearings** drop-down list[6] (the "Chamber Presets" link will bring up a list of hearings for each judge) • When selecting the hearing from the dropdown, be sure to select the **Ch 13 Misc Hearings/Trustee Motion to Dismiss (LBF 1366)** hearing for the correct date and time • Check boxes for associated docket entries
8	Click **Browse…** to attach all required documentation as a single document in PDF format[7]
9	Modify docket text with drop-down box as appropriate
10	Review docket text and submit

E-filing objection only

If a hearing has been set on the motion or notice of default or if the motion or notice asks the court to set a hearing (see the [When & How to File LBF 1366 Notice of Hearing with Objection](#) section above), use the following steps to file your objection:

Step	Action
1	Click on **Bankruptcy** on the ECF main menu bar
2	Select **Answer/Response**
3	Select **Reference an Existing motion/ application**
4	Enter case number in format YY-XXXXX
5	Select the **Objection** event
6	Select or add[8] represented party
7	Select **No** to answer "Are you objection to the Trustee abandoning the debtors residence/real property as set forth in the Notice of Meeting of Creditors?" question
8	Check the box to refer to existing event
9	Select "motion" from the picklist options (alternatively, use the on-screen instructions to select all categories for a complete list of filings to which to object)
10	Check the box for the trustee's motion or notice of default
11	Click **Browse…** to attach the objection in PDF format[9]
12	Modify docket text with drop-down box as appropriate
13	Review docket text and submit

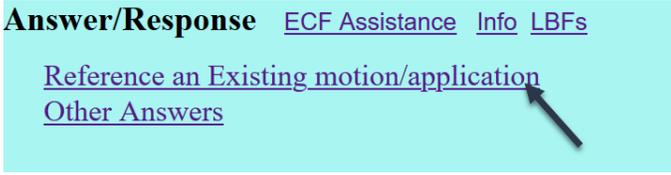[6] This will auto-fill the "Date," "Hearing Time," and "Location" fields below.
[7] See [Required forms](#) above.
[8] See separate [ECF Filing Basics](#) procedures for instructions on adding parties.
[9] See [Required forms](#) above.

Filing Procedures with Screenshots

E-filing objection and LBF 1366 – with screenshots

Step	Action
1	Click on **Bankruptcy** on the ECF main menu bar
2	● Select **Notices** or **Answer/Response**
	● If **Answer/Response** is selected, select **Reference an Existing motion/ application**

3	Enter case number in format YY-XXXXX
	Case Number
	18-30001 Find This Case
	Next Clear
4	Select the **Notice of Hearing on Ch 13 Trustee Motion to Dismiss/Convert [Requires LBF 1366 – 12/1/20]** event
	Start typing to find another event. Hold down Ctrl to add additional items.
	Available Events (click to select events) **Selected Events** (click to remove events)
	Notice of Court's Intention to Communicate Notice of Death Notice of Hearing Notice of Hearing on Ch 13 Trustee Motion to Dismiss/Convert [Requires LBF 1366 - 12/1/20] Notice of Hearing on Petition of Chapter 15 Case Notice of Intent [LBF #753.40 - 12/1/18 may apply] Notice of Intent to Abandon [Requires LBF #751 - 12/1/18] Notice of Intent to Request Redaction in Transcript Notice of Intent to Sell Property (Private Sale) [Requires LBF #760 - 12/1/18] Notice of Intent to Sell/Refinance/Encumber Notice of Law Student Appearance Notice of Mortgage Forbearance Notice of Motion for Hardship Discharge [LBF 1378 - 12/1/12] Notice of Offer to Sell/Alternative Abandon [Requires LBF Notice of Hearing on Ch 13 Trustee Motion to Dismiss/Convert [Requires LBF 1366 - 12/1/20]
	Next Clear
5	Select or add[10] represented party
	Select the Party:
	Godare, Wayne [Trustee] Mitchell, Amy E [Trustee] (T) Sparagus, Abe [Debtor] US Trustee, Portland, [U.S. Trustee] [Add/Create New Party](#)
	(T) indicates a terminated party
	Next Clear
6	• Use the [link](#) to view available hearing dates and times • Review hearing requirements • Hearing Date and Time must be obtained from the court's website. [Click here](#) to see available dates. • You must select a hearing date and time from the list on the following screen. Be sure to review the final docket text to verify all hearing information.
	Next Clear

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[10] See separate [ECF Filing Basics](#) procedures for instructions on adding parties.

7	• Select the hearing from the **Please select from the following hearings** drop-down list[11] (the "Chambers Preset" link will bring up a list of hearings for each judge) • When selecting the hearing from the dropdown, be sure to select the **Ch 13 Misc Hearings/Trustee Motion to Dismiss (LBF 1366)** hearing for the correct date and time • Check boxes for associated docket entries Please select from the following hearings **Chamber Presets** **Ch 13 Hearing** Date: [ ] Hearing Time: [ ] Location: [ ] *Select docket entries which are to be associated with the above schedule(s).* **Filing Date #** **Docket Text** ☑ 12/28/2020 5 Trustee's Motion to Dismiss and Notice Thereon. Court Review 02/4/2021. (ThompsonTest, Jeff) [Next] [Clear] Please select from the following hearings **Please select from the following hearings** 06/02/2021 - 09:00 AM - Ch 13 Misc Hearings/Trustee Motion to Dismiss (LBF 1366) [Slots: 15] 06/16/2021 - 09:00 AM - Ch 13 Misc Hearings/Trustee Motion to Dismiss (LBF 1366) [Slots: 17] 07/01/2021 - 09:00 AM - Ch 13 Confirmation Hearings [Slots: 92]
8	Click **Browse…** to attach all required documentation as a single document in PDF format[12] File all documents (LBF's, motions, affidavits, certificates, etc.) in a single pdf, beginning with any LBF(s), unless otherwise instructed. Select the **pdf** document (for example: C:\199cv501-21.pdf). **Filename** [Browse...] No file selected. **Attachments to Document:** If the document(s) must be broken into multiple pdfs because a single pdf will exceed 50MB, click Yes and attach the remaining pdf(s). ◉ No ○ Yes [Next] [Clear]

[11] This will auto-fill the "Date," "Hearing Time," and "Location" fields below.

02/03/2021 - 09:00 AM - Ch.13 Misc Hearings [Slots: 30]   **Chamber Presets**
Ch 13 Hearing Date: 02/03/2021   Hearing Time: 09:00 AM

Location: Telephone Hearing

Select docket entries which are to be associated with the above schedule(s).
Filing Date #   **Docket Text**
☑ 12/28/2020 5 Trustee's Motion to Dismiss and Notice Thereon. Court Review 02/4/2021. (ThompsonTest, Jeff)
[Next] [Clear]

[12] See the Hearing not yet set – Use LBF 1366 section above.

Step	Action
9	Modify docket text with drop-down box as appropriate **Docket Text: Modify as Appropriate.** ☐ **Notice of Hearing/Request for Hearing (LBF 1366) Filed by Debtor Abe Sparagus Re: [5] Trustee's Motion to Dismiss and Notice Thereon. Court Review 02/4/2021. (ThompsonTest, Jeff) Hearing Scheduled for 2/3/2021 at 09:00 AM in/by Telephone Hearing. (Attorney, Jeff)** [Next] [Clear]
10	Review docket text and submit **Docket Text: Final Text** **Notice of Hearing/Request for Hearing (LBF 1366) Filed by Debtor Abe Sparagus Re: [5] Trustee's Motion to Dismiss and Notice Thereon. Court Review 02/4/2021. (ThompsonTest, Jeff) Hearing Scheduled for 2/3/2021 at 09:00 AM in/by Telephone Hearing. (Attorney, Jeff)** **Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.** **Have you redacted?** [Next] [Clear]

E-filing objection only

Step	Action
1	Click on **Bankruptcy** on the ECF main menu bar CM/ECF Bankruptcy ▾ Adversary ▾ Query Reports ▾ Utilities ▾ Search Events Help Log Out **U.S. Bankruptcy Court** **District of Oregon** **Official Court Electronic Document Filing System** This system is running NextGen version 1.2 (01/29/2018) of the ECF application.

2	Select **Answer/Response**
	Bankruptcy Events ECF Assistance Info LBFs
	Answer/Response... Appeals CaseUpload Claim Actions Creditor Maintenance... File Claims Judge/Trustee Assignment Miscellaneous Motions/Applications Notices
3	Select **Reference an Existing motion/ application**
	Answer/Response ECF Assistance Info LBFs
	Reference an Existing motion/application Other Answers
4	Enter case number in format YY-XXXXX
	File an answer to a motion ECF Assistance Info LBFs
	Case Number 23-60015 [Find This Case] [Next] [Clear]
5	Select the **Objection** event
	File an answer to a motion ECF Assistance Info LBFs
	23-60015-tmr13 Callie Fleur
	Assets: y Case Flag: DBFINMGMT
	Available Events (click to select an event) **Selected Event**
	Debtor's Objection to Lessor's Certification re: Eviction Lessor's Objection to Certification re: Intent to Cure Residential Judgment Notice of Hearing on Ch 13 Trustee Motion to Dismiss/Convert [Requires LBF 1366 - 12/1/22] **Objection** Objection and Ntc of Hearing Re: Relief from Stay [LBF 721-12/1/22, 720.80-12/1/22, 1220.5-12/1/22] Objection to Statement that Debtor is a Small Business Reply Response Objection
	[Next] [Clear]
6	Select or add[13] represented party
	When adding parties represented by counsel, select or add a record without the party address. Remember to change the role type.
	Select the Party: Add/Create New Party
	Fleur, Callie [Debtor] Markel, Naliko [Trustee] US Trustee, Eugene, [U.S. Trustee]
	[Next] [Clear]

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[13] See separate ECF Filing Basics procedures for instructions on adding parties.

7	Select **No** to answer "Are you objection to the Trustee abandoning the debtors residence/real property as set forth in the Notice of Meeting of Creditors?" question *Are you objecting to the Trustee abandoning the debtors residence/real property as set forth in the Notice of Meeting of Creditors?* ◯ Yes ◉ No ⬅ Next Clear
8	Check the box to refer to existing event ☑ **Refer to existing event(s)?** Next Clear
9	Select "motion" from the picklist options (alternatively, use the on-screen instructions to select all categories for a complete list of filings to which to object) *Select the category to which your event relates. If the related document does not appear after selecting the most logical category, please use the following steps to view all docket entries in the case: Click the first item on the list below. Press and hold the Shift key, and click the last item. Searching all categories in a large case may be slow to return the list of entries.* court crcl crditcrd misc **motion** ⬅ notice order plan trustee utility **Filed** [ ] to [ ] **Documents** [ ] to [ ] Next Clear
10	Check the box for the trustee's motion or notice of default *Select the appropriate event(s) to which your event relates:* ☑ 01/13/2023 1 Motion to Dismiss Case. Filed by Trustee Naliko Markel (jat) Next Clear

11	Click **Browse…** to attach the objection in PDF format[14] File all documents (LBF's, motions, affidavits, certificates, etc.) in a single pdf, beginning with any LBF(s), unless otherwise instructed. Select the **pdf** document (for example: C:\199cv501-21.pdf). **Filename** [Browse…] No file selected. **Attachments to Document:** If the document(s) must be broken into multiple pdfs because a single pdf will exceed 50MB, click Yes and attach the remaining pdf(s). ⦿ No ○ Yes [Next] [Clear]
12	Modify docket text with drop-down box as appropriate **Docket Text: Modify as Appropriate.** [▼] **Objection Filed by Debtor Callie Fleur Re: [1] Motion to Dismiss Case. Filed by Trustee Naliko Markel (jat) (Attorney, Jeff)** [Next] [Clear]
13	Review docket text and submit **Docket Text: Final Text** **Objection Filed by Debtor Callie Fleur Re: [1] Motion to Dismiss Case. Filed by Trustee Naliko Markel (jat) (Attorney, Jeff)** **Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.** **Have you redacted?** [Next] [Clear]

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[14] See Required forms above.