

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re

LOCAL BANKRUPTCY RULES AND  
FORMS AMENDMENT

GENERAL ORDER NO. 22-2

Pursuant to 28 U.S.C. § 2071, Federal Rule of Bankruptcy Procedure 9029(a), and Federal Rule of Civil Procedure 83(a), and as authorized by United States District Court for the District of Oregon by LR 2100-2(b), I certify that the judges of this court have, effective December 1, 2022—

ADOPTED the attached amendments to the local bankruptcy rules and local bankruptcy forms of this district, and

RESCINDED General Order Nos. 20-1, 20-2, and 20-3.

Dated: November 28, 2022.



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Thomas M. Renn  
Chief Bankruptcy Judge

## 2022 Local Rule Changes

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### Rule 1001-1. Local Rules—Title, Numbering Sequence, Scope, & Effective Date.

- (d) **Effective Date.** These LBRs supersede all prior LBRs and general orders of the court, and govern all matters pertaining to bankruptcy cases pending in this court under any chapter of the Code on and after December 1, 202~~2~~<sup>1</sup>, and all related adversary proceedings.
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### Rule 1004.1-1. Petition—Infant or Incompetent Person.

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

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

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

[...]

- (3) The motion and declaration must be served under [FRBP 7004](#) on the debtor, and notice thereof must be provided to the trustee, all creditors, the UST, ~~any governmental entity from which the debtor is receiving funds, the debtor's closest relative, if known,~~ and all persons ~~to whom~~ who would be entitled to notice must be given under ORS 125.060(2) ~~of the filing of a petition in Oregon for the appointment of the movant as a fiduciary for the debtor as respondent.~~
- (4) The court will hear the motion before the meeting of creditors under § 341(a), if possible. The movant must appear to testify at the hearing, either in person, by video or by telephone.
- (5) The movant must inform the court of events of which ORS 125.210 would require reporting if the movant were nominated or appointed in Oregon as a fiduciary for the debtor.

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### Rule 1007-3. Statement of Intention.

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

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

The following provisions apply to a Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN):

- (a) **Electronically Filed Petition.** An [OF 121](#) must be prepared, signed by the debtor, obtained and retained by the debtor's attorney under [LBRs 5005-4\(e\) and 9011-4\(c\)\(1\)](#), and filed separately with an electronically filed voluntary petition.
- (b) **Amendment.** To amend a debtor's SSN or ITIN, the debtor must file an amended [OF 121](#) with an attached certificate of service stating that a copy of the amended [OF 121](#) (including all nine digits of the number) was served on all interested parties.

**Rule 1010-1. Petition—Involuntary.**

(a) **Summons.** [LBR 7001-1\(bc\)\(3\)](#) applies.

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**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 ) NOTICE OF INTENT TO [DESCRIPTION  
required, except on notices under [FRBP 2002\(n\)](#)] ) 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 [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) 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]

\*\*The case number consists of a seven digit number: the first two digits represent the year the case was filed, followed by a hyphen, then five digits (~~the first digit being either a “3,” “4” or “5” for a case being administered by the Portland office, or a “6,” “7” or “8” for a case being administered by the Eugene office~~), followed by another hyphen, the three initials of the judge handling the case (in lower case letters), and then the number of the Code chapter under which the case is currently being administered (e.g., ~~2217~~-60000-tmr13 for a 20~~2217~~ chapter 13 case ~~administered in Eugene by assigned to~~ Judge Renn).

[...]

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

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re ) Case No.\*\* [Insert case number]  
[NOTE: Insertion of “other names used” included )  
on the petition under [LBR 1005-1](#) is not required ) Adv. Proc. No. \*\*\*[Insert case number]  
except on notices under [FRBP 2002\(n\)](#) )  
Debtor(s) ) NOTICE OF HEARING [DESCRIPTION  
 ) OF MATTER TO BE HEARD]  
[If applicable] )  
[Insert plaintiff names] )  
Plaintiff(s) )  
 )  
v )  
[Insert defendant names] )  
Defendant(s) )

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

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

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

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

On (insert date) 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]

\*\*The case number consists of a seven digit number: the first two digits represent the year the case was filed, followed by a hyphen, then five digits (~~the first digit being either a “3,” “4” or “5” for a case being administered by the Portland office, or a “6,” “7” or “8” for a case being administered by the Eugene office~~), followed by another hyphen, the three initials of the judge handling the case (in lower case letters), and then the number of the Code chapter under which the case is currently being administered (e.g., 21-30000-tmr7 for a 2021 chapter 7 case ~~administered in Portland by assigned to~~ Judge Renn).

\*\*\*The adversary proceeding number consists of a six digit number: the first two digits represent the year the adversary proceeding was filed, followed by a hyphen, then four digits (~~the first digit being either a “3,” “4” or “5” for an adversary being administered by the Portland office, or a “6,” “7” or “8” for an adversary being administered by the Eugene office~~), followed by another hyphen, and the three initials (in lower case letters) of the judge handling the case (e.g., ~~2217~~-3000-pcm for a 20~~22~~17 adversary proceeding ~~administered in Portland by assigned to~~ Judge McKittrick).

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

~~(1) — Notice of Motion or Application. A party required to serve a notice of a motion or application must serve the notice, with the motion or application, on the debtor and any creditors’ committee.~~

~~(2) — Testimony Presentation at Contested Matter Hearings.~~

~~(A) — Testimony may be offered, and received if admissible, at a hearing, except that no testimony may be offered or received at a hearing conducted by telephone, or designated as a preliminary hearing or a status conference, unless all parties and the judge agree or a court prepared notice of hearing so states.~~

~~(B) — A notice of hearing on a contested matter must state whether or not testimony may be offered and received if admissible.~~

[...]

**Cross-references:**

- ~~— Agreement for Relief From the Automatic Stay, Adequate Protection, Use of Cash Collateral, or Obtaining Credit — [LBR 4001-1\(e\)](#).~~

[...]

- LBFs – LBRs [9001-1\(up\)](#) and [9009-1](#).

[...]

- ~~• Motion to Assume, Reject, or Assign an Executory Contract or Unexpired Lease LBR 6006-1.~~

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

### (a) General.

- (1) Nonprofessional Administrative Expenses.** If a trustee fails to promptly pay an administrative expense, the claimant may request reimbursement of the expense by filing a proof of administrative expense. LBF B10A is an optional form of proof of administrative expense. An administrative expense, proof of which is filed, is deemed allowed, unless a party in interest objects. A claimant may ~~serve a notice under LBR 2002-1(b) of its intent to submit~~ move the court for an order allowing immediate payment of the administrative expense, ~~which~~ The motion must have a copy of the proof of claim attached; and be served on the debtor and any creditors' committee.
- (2) Custodian.** A custodian superseded under § 543, or an attorney or an accountant for the custodian, may request payment of compensation or reimbursement of expenses using a proof of claim under (1). A custodian not superseded under § 543, or an attorney or accountant for the custodian, may request compensation or reimbursement of expenses by application made in the manner required in this LBR for an applicant filing under the applicable chapter.

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

[...]

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

[...]

### (e) Chapter 13 Debtor's Attorney.

- (1)** If the attorney selects LBF 1305 Schedule 2.(b) and (i) the LBF 1305 estimate, before credit for payments, exceeds \$3,~~450~~750 or (ii) the actual value of services rendered and reimbursable expenses incurred by the attorney through 14 days before the final confirmation hearing exceeds \$3,~~450~~750, the attorney must complete and file a Chapter 13 Debtor's Attorney's Schedule 2.(b) Itemization on LBF 1306 no later than seven days before the final confirmation hearing. [...]

## Rule 3001-1. Claims—General.

### (a) Asset Chapter 7.

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

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## Rule 3007-1. Claim—Objection.

### (a) Objection to Allowance or Classification of Claim.

- (1) **Scope of Audit.** A trustee must audit, and serve any appropriate objection to, only those claims with sufficient priority to have a reasonable possibility of receiving a dividend. The trustee does not waive the right to later object to claims of a lower priority.
- (2) **LBF for Objection.** Except for an omnibus claim objection, an objection ~~and accompanying notice~~ must be filed on LBFs ~~763-763.3 and 763.1~~. Any proposed order arising from an objection must be lodged on [LBF 763.5](#).
- (3) **Notice of omnibus claim objection.** An omnibus claim objection under [FRBP 3007\(d\)-\(e\)](#) must ~~be accompanied by include~~ a notice that substantially conforms to ~~the notice portion of LBF 763-LBF 763.1~~.

[...]

#### Cross-reference:

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

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

(a) **Chapter 12.** A plan must be filed on [LBF 1200.05](#).

### (b) Chapter 13.

- (1) **Plan.** In any case commenced on or after December 1, 2017, a single local plan form is adopted for this district, and, pursuant to [FRBP 3015.1](#), the court opts out of the national chapter 13 plan form. A plan must be filed ~~on the version of LBF 1300 prescribed by the court's website at www.orb.uscourts.gov on LBF 1300.17 for cases commenced or converted to chapter 13 on or after December 1, 2017 and LBF 1300.14 for cases commenced or converted to chapter 13 from December~~



~~1, 2014 through November 30, 2017.~~ A plan must be signed and dated with the date signed by the debtor.

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

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

(B) The court will enter a wage order promptly after it is lodged. After confirmation of the plan, the trustee may issue directives to the debtor’s employer increasing or decreasing the payment deducted under the plan, changing the employer to which the wage order applies, or terminating the deduction. The trustee must file, and serve on the debtor, any directive.

[...]

**(8) Postconfirmation Motions to Buy, Sell, Encumber Interests, Use, Lease, or Dispose of Interest in Property.** After confirmation, any motions by chapter 13 debtors to buy, sell, or encumber interests in property (including by refinancing a lien) must be filed on [LBF 1301](#), and any motions by chapter 13 debtors to use, lease, or dispose of an interest in property must be filed on [LBF 1302](#). Proposed orders on these motions must be lodged on [LBF 1301.5](#) and [LBF 1302.5](#) respectively.

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

**(c) Chapter 13.**

(1) Except as set forth in (4) or in [LBF 1355.05](#), a confirmation objection must be filed and served on the debtor within 14 days after the meeting of creditors concludes.

(2) The debtor must submit to the trustee a proposed confirmation order on the version of [LBF 1350](#) prescribed by the court’s website at [www.orb.uscourts.gov](http://www.orb.uscourts.gov). If no objection to the proposed plan is timely filed, the debtor must submit ~~to the trustee a proposed confirmation order on [LBF 1350.17](#) for cases commenced or converted to chapter 13 on or after December 1, 2017, or [LBF 1350.05](#) for cases commenced or converted to chapter 13 before December 1, 2017,~~ the proposed order no later than 21 days after the meeting of creditors concludes. The trustee must review, approve if appropriate, and lodge the proposed order no later than seven days before the date set for the confirmation hearing. The court will review and consider entering an approved proposed order without a hearing.

(3) If the trustee has filed an objection, the trustee’s subsequent lodging of a proposed order constitutes a withdrawal of the objection.

(4) The court will not consider an untimely filed confirmation objection unless the objector files with the objection a motion to treat the objection as timely, stating with particularity the facts constituting cause to do so.

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

~~(a) A proposed amended plan or disclosure statement must be:~~

~~(1) Entitled a “(insert First, Second, etc.) Amended Plan or Disclosure Statement.”~~

~~(2) Preceded by a separate document containing the old and new language set out separately in different forms (e.g., by striking through deleted language and highlighting new language, or bracketing deleted language and underlining new language).~~

~~(3) Complete, including each proposed amendment.~~

~~(4) Signed and dated.~~

~~(b)~~ [LBR 2002-1\(a\)\(1\)](#) applies to a request under FRBP 3019(b) to modify a confirmed plan in an individual chapter 11 case.

~~Cross-reference: Documents—Requirements of Form – LBR 9004-1(d).~~

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

~~(e) Agreement Relating to Relief From the Automatic Stay, Providing Adequate Protection, Use of Cash Collateral, or Obtaining Credit. A notice under [LBR 2002-1\(b\)](#) of intent to submit a proposed order approving an agreement must be given, but the time for filing an objection shall be as specified in [FRBP 4001\(d\)](#).~~

~~(dc)~~ **Debtor’s Consent to Relief From Stay re Property to be Surrendered.** ~~Marking Checking the “Property Will be Surrendered” box on a debtor’s chapter 7 statement of intention form ([LBF 521-05OF 108](#)) as to any property constitutes the debtor’s consent to relief from the automatic stay with regard to that property. Relief from stay will be effective at the earliest of the following: (1) the granting of relief from stay, (2) physical surrender of the property by the debtor, or (3) expiration of the time deadlines in § 521.~~

~~(ed)~~ **Rent Deposit by Debtor for Cure Under § 362(l)(1).**

(1) **Petition Filing Method.** Notwithstanding [LBR 5005-4](#), a debtor’s petition accompanied by a deposit of rent under § 362(l)(1) must not be filed electronically. The deposit must be submitted under (2). However, documents that are not required to be filed with the petition (e.g., schedules or statements) must be filed electronically if the filer is an ECF Participant.

(2) **Deposit Requirements.** The deposit must:

(A) Be submitted only in the form of a cashier’s check or money order made payable to the landlord.

(B) Not be deposited or otherwise negotiated by the clerk.

(C) Be sent, promptly after receipt, by the clerk using first-class mail to the landlord identified in the petition at the address in the petition, with the transmittal recorded on the docket.

**(fe) Motion to Extend or Impose Stay Under § 362(c) or § 362(n).**

(1) **General.** A motion under § 362(c) or § 362(n) must be filed under [LBF 721.3](#).

(2) **Timing re § 362(c)(3).** A motion to extend the stay under § 362(c)(3) must be filed no later than seven days after the order for relief.

**(gf) Chapter 7 Trustee’s Motion for Continuation of Stay re Personal Property.**

(1) A motion under either § 362(h)(2) or § 521(a)(6) must: (A1) clearly identify in the title the Code section relied on for the motion (~~i.e.~~, either § 362(h)(2) or § 521(a)(6)), and (B2) include the name and service address for any affected creditor.

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

**Cross-references:**

- Motion Practice—Contested Matters – [LBR 9013-1](#).
- Postconfirmation Motions to Buy, Sell, Encumber Interests, Use, Lease, or Dispose of Interest in Property – [LBR 3015-1\(b\)\(8\)](#).
- Proposed Order if No Objection Filed Timely – [LBR 2002-1\(h\)](#).
- Proposed Order or Judgment – [LBR 9021-1\(b\)](#).
- Voluntary Modification of Debt Secured by Debtor’s Residence in Chapter 13 Cases – [LBR 4008-2](#).

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

(a) **Lien Avoidance under §§ 506(d) and 1322.** A motion to value property and avoid a wholly unsecured lien under §§ 506(d) and 1322 in a chapter 13 case must be filed under LBFs [1317](#) and [1317.3](#). Any default order arising from such a motion must be lodged under [LBF 1317.5](#).

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

(1) **Judicial Liens on Real Property.** If not made as part of a chapter 12 or 13 plan, a motion to avoid under § 522(f)(1)(A) a judicial lien on real property under § 522(f), and any objection, must be filed

~~on under-LBFs 717, and 717.05. and Any default-proposed order arising from such a motion~~ must be lodged ~~on under-LBF 717.07.~~

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

~~(A) The name and address of the lienholder whose lien is to be avoided,~~

~~(B) The subsection of § 522(f) under which relief is requested,~~

~~(C) The nature of the lien to be avoided,~~

~~(D) The date upon which the lien was perfected,~~

~~(E) A description of the property sufficient for identification,~~

~~(F) The fair-market value of the property,~~

~~(G) A description of and the amounts due upon any security interests or other liens on the property,~~

~~(H) A description of the nature and amount of exemptions impaired by the lien to be avoided,~~

~~(I) The present balance owing on all security interests or liens on the property excluding any precomputed interest or other unearned charges,~~

~~(J) The extent to which the lien should be avoided, and~~

~~(K) Any other facts relevant to determining whether the motion should be granted.~~

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

~~(a) **Chapter 7-Cases.** A mortgage creditor may negotiate a modification of its secured claim with the debtor and the debtor's attorney at any time during the pendency of a chapter 7 case. A modification is voluntary on the part of the secured creditor and the debtor and is subject to procedures set forth in [LBF 751.7](#). The court will not consider a mortgage creditor's contact with the debtor or the debtor's attorney and any negotiation or implementation of a modification, by themselves, to violate the automatic stay of § 362 or the discharge injunction of § 524. ~~No-A~~ modification ~~can-becomes~~ effective ~~until/when~~ the trustee abandons the encumbered real property.~~

~~(b) **Chapter 13-Cases.** A mortgage creditor may negotiate a modification of its secured claim with the debtor and the debtor's attorney at any time during the pendency of a ~~C~~chapter 13 case. A modification is voluntary on the part of the secured creditor and the debtor. The court will not consider a mortgage creditor's contact with the debtor and the debtor's attorney and any negotiation to effect a modification, by themselves, to violate the automatic stay of ~~11-U.S.C.~~ § 362. ~~No-A~~ modification ~~can-becomes~~ effective ~~until/when~~ the trustee consents in writing or the court approves the modification.~~

(c) Approval of modification. If a modification agreement becomes effective under this rule, no separate motion or order for approval of it is necessary.

**Cross-references:**

- Trustee’s Abandonment of Debtor’s Residence in Chapter 7 Cases – [LBR 6007-1\(b\)](#).
- Definition of “Mortgage Creditor” – [LBR 9001-1\(zt\)](#).
- Agreement Relating to Relief From the Automatic Stay – [LBR 4001-1](#).

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

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

(a) A party without an attorney must file a petition and other documents via the court’s Public Document Upload system at <https://www.orb.uscourts.gov/webform/public-document-upload> or by fax, mail, or delivery.

(b) A document filed by fax must be accompanied by a cover page including the filer’s telephone number and email address, and the fax must be sent to 1-213-401-1577.

(c) A debtor who files a petition by mail or delivery may provide an email address and request that the case number be emailed to the debtor, or the debtor may telephone the clerk at (503) 326-1500 or (541) 431-4000 to request the case number.

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**Rule 5005-4. Electronic Filing.**

**(b) Mandatory Electronic Filing.**

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

[...]

- (e) Retention of Original Document.** An electronically filed document described in [FRBP 1008](#) or a properly completed, signed, and filed [LBF 5005](#) with respect to the document and a scanned electronic replica of the signed document must be obtained and maintained~~retained~~ by the filing ECF Participant or the firm

representing the party on whose behalf the document was filed ~~in its original paper form in accordance with LBR 9011-4(c)(1)~~ until the later of the closing of the case or the fifth anniversary of the filing of the document, except as otherwise provided for trustees by the U.S. Department of Justice. The filing ECF Participant or firm retaining the ~~original document or LBF 5005 and scanned electronic replica of the document~~ must produce it for review upon receipt of a written request.

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

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

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

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

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### **Rule 6007-1. Abandonment.**

**Cross-references:** [...]

- Definition of “Mortgage Creditor” – LBR 9001-1(zt).

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### **Rule 7001-1. Adversary Proceedings—General.**

- ~~(a) **Application of LBRs to adversary proceedings.** LBRs 7001-1 through 7069-1 apply to adversary proceedings.~~
- ~~(ab) **Filing Fee.** The applicable complaint filing fee must accompany an adversary complaint, except one filed by an exempt plaintiff, such as a debtor ~~that who~~ is not a DIP, the UST, a ~~child-child~~ support creditor or its representative ~~that who~~ files an OF 2810, or a trustee ~~that who~~ files a certification that estate funds are insufficient to pay the filing fee.~~

**(bc) Documents.**

- (1) **General Form Requirements.** [LBR 9004-1](#) applies.
- (2) **Cover Sheet.** To file an adversary proceeding, or ~~file~~ a stipulated judgment if no complaint has been filed, a party filing on paper must file an adversary proceeding cover sheet (on [OF 1040](#)) with the complaint or proposed judgment.
- (3) **Summons For Complaint Filed Electronically.** The clerk may sign, seal, and issue a summons electronically, although a plaintiff must not serve a summons electronically. The clerk may use ECF to notify the plaintiff when an electronic summons has been issued for service.

**(ed) Impermissible Stipulations.** The following deadlines and dates cannot be changed without an order obtained no later than three business days before the scheduled deadline or date:

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**Rule 7004-2. Summons.**

[LBR 7001-1\(bc\)](#) applies.

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**Rule 7005-1. Service & Certificate of Service.**

**~~Cross-references:~~**

~~Certificate of Service—[LBR 9013-1\(a\)\(2\)](#).~~

~~Oral Argument/Telephone Appearance—[LBR 9013-1\(a\)\(6\)](#).~~

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

~~[LBR 7026-1](#) applies. Cross-reference: Nonfiling of discovery documents – LBR 7026-1(b).~~

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

**(c) Oral Argument/Telephone Appearance.**

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

[...]

**Cross-references:** [...]

- ~~Motion Practice—Contested Matters—LBR 9013-1(a)(3), (6) and (7).~~
- Objection to Cost Bill – [LBR 9021-1\(d\)\(3\)\(A\)](#).
- ~~Summary Judgment—LBRs 7056-1 and 9013-1(a)(8).~~
- Claim—Objection – [LBR 3007-1](#).

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

#### **(a) Timing.**

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

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

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

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

(c) ~~**Application of FRCP 26(a)(1) Disclosures Required by FRCPs 26(a)(1)-(4).**~~

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

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



## **Rule 7056-1. Summary Judgment.**

### **~~(a) Motion.~~**

- ~~(1) Required Supporting Documents.~~ A motion must be accompanied by the following two, separately filed, documents:
  - ~~(A)~~ A brief addressing applicable law and explaining why there exist no genuine issues of material fact to be tried.
  - ~~(B)~~ A concise statement articulating only the undisputed relevant material facts essential for the court to decide the motion that is prepared under (c).
- ~~(2) Required Judge's Copies.~~ Two paper copies, each certified as a true copy, of the motion and supporting documents, including tabs for the documents if there are more than two attachments or exhibits to any of the documents, must be promptly delivered to the court, and must be clearly marked "JUDGE'S COPY."
- ~~(3) Filing Deadline.~~ A motion must not be filed less than 50 days before the date set for trial. A motion to allow a filing fewer than 50 days before the trial date must include a detailed explanation why the motion could not have been filed earlier.

### **~~(b) Opposition and Reply Requirements.~~**

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

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

- ~~(1)~~ Each fact must be stated in a separately numbered paragraph. A party must cite to a particular affidavit, deposition, or other document supporting the party's statement, or denial of the material fact; citations should be made with particularity (e.g., to page and line numbers or paragraph numbers).
- ~~(2)~~ A party must refer only to the material facts necessary for the court to determine the limited issues presented in the motion and to no others.

~~(3) Documents to which reference is made in the concise statement must not be filed in their entirety. Instead, the filing party must extract and highlight only the relevant parts of each referenced document. Photocopies of extracted pages, with appropriate identification and highlighting, will be adequate.~~

~~(4) Unless approved by the court in advance, neither the concise statement, nor any reply to a responding party's statement, may be longer than five pages.~~

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

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

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

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

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

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

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### **Rule 9001-1. Rules of Construction & Definitions.**

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

(a) “§” means section of the Code.

(b) “Attorney of record” and “lead attorney” have the meanings given in LBR 9010-1(b).

~~(c) “BAP” means Bankruptcy Appellate Panel of the Ninth Circuit.~~

~~(d) “Brief” includes a memorandum of law.~~

~~(e) “Case” includes all matters relating to a bankruptcy case including contested matters, and, when appropriate, related adversary proceedings.~~

(f) “Clerk” means clerk of the court and any authorized deputy clerk.

- ~~(gd) “Court” means the United States Bankruptcy Court for the District of Oregon and not any particular judge. “Code” means title 11 of the United States Code, the Bankruptcy Code.~~
- ~~(he) “Creditors’ committee,” when used in relation to the service of a document, and unless otherwise required by an FRBP, means either:~~
- ~~(1) If an attorney of record represents the committee, the attorney of record;~~
  - ~~(2) If an attorney of record does not represent the committee, then Any chairperson and any co-, alternate, or vice chairperson of any committee appointed by the UST listed in the UST’s filed notice of appointment;~~
  - ~~(3) If no chairperson, co-, alternate, or vice chairperson is named in the notice of appointment, then each committee member named in the notice; or~~
  - ~~(4) If no committee is appointed, then each creditor on the list filed under [FRBP 1007\(d\)](#).~~
- ~~(i) “Debtor” means both debtors in a joint case.~~
- ~~(jf) “DIP” (debtor in possession) means (1) the debtor ~~in possession~~ in a nonsubchapter V chapter 11 case in which no trustee has been appointed and is serving, ~~and~~ (2) the debtor in a subchapter V chapter 11 case in which the debtor has not been removed under § 1185 without reinstatement, or (3) the debtor ~~in possession~~ in a chapter 12 case in which the debtor has not been removed under § 1204 without reinstatement.~~
- ~~(k) “District Court” means the United States District Court for the District of Oregon.~~
- ~~(lg) “Document” includes a pleading and any other paper that may be filed or lodged.~~
- ~~(mh) “ECF” means the court’s Electronic Case File system.~~
- ~~(nj) “ECF Participant” means an individual to whom the clerk has assigned a login and password to file documents electronically by ECF. A filing agent, as such, is not an ECF Participant.~~
- ~~(oj) “Electronically,” when referring to a manner of filing, lodging, or serving a document, means electronically by ECF or ePOC.~~
- ~~(pk) “File,” when used as a verb, means file with the clerk electronically or in writing. “ePOC” means the court’s Electronic Proof of Claim system.~~
- ~~(ql) “Filing agent” means an individual to whom an ECF Participant has assigned a login and password to file documents electronically in the name of the ECF Participant.~~
- ~~(rm) “FRBP” means a Federal Rule of Bankruptcy Procedure, ~~and any Interim Federal Rule of Bankruptcy Procedure (IFRBP) until it is superseded by an FRBP or the statute to which it relates expires by law.~~~~
- ~~(sn) “FRCP” means a Federal Rule of Civil Procedure.~~
- ~~(to) “GO” means a general order promulgated by the court.~~

- (up)** “LBF” means a form promulgated by the court, plus any pages the filing party is required to attach in order to include all essential text.
- (vq)** “LBR” means a local rule of the court.
- (wr)** “LR” means a local rule of the United States District Court for the District of Oregon.
- (xs)** “Lodge,” when used as a verb, means lodged (e.g., an uploaded to upload, but not to file with the clerk, a proposed order or judgment), but not filed, with the clerk.
- (y)** ~~“May” means has discretion to, is permitted to, or has a right to.~~
- (zt)** “Mortgage creditor” includes means any creditor holding a claim secured by a mortgage, trust deed, or land sale contract on real property used as the debtor’s residence on the date of the order for relief.
- (aa)** ~~“Must” means is required to.~~
- (bb)** ~~“Must not” means is required not to or is disallowed.~~
- (eeu)** “OF” means an Official form promulgated by the Judicial Conference of the United States for bankruptcy cases or adversary proceedings, or a procedural Director’s form promulgated by the Director of the Administrative Office of the United States Courts.
- (ddy)** “OSB” means the Oregon State Bar.
- (eey)** “Party” includes means an entity requesting or opposing relief in a contested matter or adversary proceeding.
- (ffx)** “PDF” means text-based-a Portable Document Format document (i.e., the PDF may not be created by scanning a paper document, even if the scanning process produces it in a text-searchable format, unless the original document could not be electronically created by, or a version electronically created by a third party could not be accessed by, the party filer).
- (ggy)** “Pro se” means a party not represented by an attorney of record.
- (hhz)** “Request,” when used in reference to a request for the court to take some action, means a requirement to file a formal motion.
- (iiaa)** “SASE” means an adequately sized, self-addressed, envelope bearing adequate postage for return to the addressee. Submission of self-adhesive labels is not acceptable.
- (jj)** ~~“Trustee” means a private trustee, standing trustee, UST acting as a case trustee, or DIP.~~
- (kk)** ~~“Under” means in compliance with, or in accordance with, the provisions of the specified rule, form, or statute.~~
- (Hbb)** “UST” means the United States trustee.
-

## Rule 9004-1. Documents—Requirements of Form.

### (a) General Requirements.

[...]

#### (7) Exhibits.

[...]

(B) **Pagination.** An exhibit to a document must be consecutively marked in the lower-left margin using the exhibit letter or number, page number of the exhibit, and total number of pages in the exhibit (e.g. for example, Ex. A - pg. 1 of 3). ~~LBR 9017-1(b) applies to an exhibit for use in a hearing or trial.~~

(C) Exhibits for Use in a Hearing or Trial. LBR 9017-1(b) applies.

[...]

### (d) Amendment.

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

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

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

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

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

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

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

**Cross-references:** [...]

Forms—LBF & OF – LBRs 9001-1(up) and (eeu) and 9009-1.

Order or Judgment—Proposed – LBR 9021-1(b)(4)(D).

Plan—Chapter 11 – LBR 3019-1.

Plan—Chapter 12 and 13 – LBR 3015-2.

- Service & Certificate of Service – [LBR 7005-1](#).

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**Rule 9004-2. Document—Captions.**

- (b) **Case Template.** The caption of a document filed in a case, but not in an adversary proceeding, 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 the “other names used” included on the petition under <a href="#">LBR 1005-1</a> is not required, except on notices under <a href="#">FRBP 2002(n)</a>	)	TITLE [Insert description of the document]
	)	[NOTE: Add the following if filed in response to a noticed hearing:]
Debtor(s).	)	DATE OF HEARING: _____
	)	TIME OF HEARING: _____
	)	[NOTE: Add the following if the proceeding or matter is on appeal:]
	)	ON APPEAL
	)	[NOTE: Add the following to first pleading if demanding jury trial:]
	)	DEMAND FOR JURY TRIAL
	)	

\*\*The case number consists of a seven digit number: the first two digits represent the year the case was filed, followed by a hyphen, then five digits (~~the first digit being either a “3,” “4” or “5” for a case being administered by the Portland office, or a “6,” “7” or “8” for a case being administered by the Eugene office~~), followed by another hyphen, the three initials of the judge handling the case (in lower case letters), and then the number of the Code chapter under which the case is currently being administered (e.g., ~~1722~~-31000-pcm7 for a 20~~22~~~~17~~ chapter 7 case ~~administered in Portland by assigned to~~ Judge McKittrick).

(c) **Adversary Proceeding Template.** The caption 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 the “other names used” ) Adv. Proc. No.\*\*\* [Insert Adv. Proc. No.]  
included on the petition under [LBR 1005-1](#) )  
is not required, except on notices under [FRBP](#) ) TITLE [Insert description of the document]  
[2002\(n\)](#)] )  
) [NOTE: Add the following if filed in  
Debtor(s). ) response to a noticed hearing:]  
)  
[Insert plaintiff names] ) DATE OF HEARING: \_\_\_\_\_  
Plaintiff(s). ) TIME OF HEARING: \_\_\_\_\_  
v. )  
[Insert defendant names] ) [NOTE: Add the following if the  
Defendant(s). ) proceeding or matter is on appeal:]  
)  
) ON APPEAL  
)  
) [NOTE: Add the following to first pleading  
if demanding jury trial:]  
)  
) DEMAND FOR JURY TRIAL  
)  
)  
)  
)  
)  
)  
)

\*\*\*The adversary proceeding number consists of a six digit number: the first two digits represent the year the adversary proceeding was filed, followed by a hyphen, then four digits (~~the first digit being either a “3,” “4” or “5” for an adversary being administered by the Portland office, or a “6,” “7” or “8” for an adversary being administered by the Eugene office~~), followed by another hyphen, and the three initials (in lower case letters) of the judge handling the proceeding (e.g., ~~1722~~-6000-tmr for a 20~~22~~17 adversary proceeding ~~administered in Eugene by~~assigned to Judge Renn).

**Cross-reference:** Petition—Caption – [LBR 1005-1](#).

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

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

- (1) **General.** To appear before the court, an attorney must be admitted to practice before the district court.
- (2) **LRs 5 and 83-1 through 83-12.** ~~LRs 83-1 through 83-12~~LRs 5 and 83-1 through 83-12 apply to an attorney practicing before the court, ~~except as follows:~~
  - (A) **“This Court” Defined.** References to the court and the clerk mean the bankruptcy court and bankruptcy court clerk.
  - ~~(B) **CM/ECF Registration.** The provisions in LR 83-1 regarding CM/ECF registration do not apply. LBR 5005-4 applies.~~
  - ~~(B) **Pro Hac Vice.** LR 83-3 regarding *pro hac vice* admission applies to practice before the court, but ~~no admission fee is charged, and~~ the application for admission must be submitted to the clerk on LBF 120. An attorney admitted *pro hac vice* will not be considered an attorney of record.~~
  - ~~(C) **Proof of Claim and Stipulation.** A creditor, acting without an attorney or through an attorney, whether or not the attorney is admitted to practice before this court generally or for a particular case, may file and amend a proof of claim and sign a stipulation allowing, modifying, or disallowing the proof of claim.~~

[...]

(e) **Limited Scope Representation by Debtor’s Attorney in an Individual Chapter 7 Case; Required Services in Fee Agreement.** An attorney who agrees to file or assist a debtor in filing a bankruptcy petition, but not to represent the debtor in all matters relating to a case, must enter into a written fee agreement with the debtor that includes a detailed description of all services that the attorney will perform on behalf of the debtor. Before the debtor signs the fee agreement, the attorney must provide written disclosures that clearly explain to the debtor additional duties that the debtor may be required to perform without the attorney’s assistance and the associated risks. The debtor must sign and date an acknowledgment of receipt of the disclosures. At a minimum, the agreement must provide that the attorney will perform the following services:

[...]

- (5) Represent and counsel the debtor with respect to the reaffirmation, redemption, surrender, or retention of consumer goods securing obligations to creditors. The attorney is not required by this rule to sign the attorney certification that is part of the reaffirmation agreement or appear at a hearing for court approval of a reaffirmation agreement. The attorney must advise and assist the debtor to complete any reaffirmation agreement completely, accurately, and internally consistently, including by reporting the debtor’s income and expenses as of the time of the reaffirmation agreement and, where required, expenses excluding payments on the debt proposed for reaffirmation.
- (6) Assist and respond to requests for information and documents from the Chapter 7 case trustee, including responding to motions for turnover.



(f) **Withdrawal of Attorney.**

(1) ~~**Motion and Supporting Declaration General.**~~ In addition to the requirements of ~~LR 83-11~~ and the Oregon Rules of Professional Conduct (ORPC), a request by an attorney to withdraw as attorney of record for a debtor must be made by The motion required by LR 83-11(a) must include or be accompanied by with a supporting declaration and ~~include~~ a proposed order. Except to the extent inconsistent with the Oregon Rules of Professional Conduct (ORPC), the motion, declaration, and proposed order must: ==

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

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

(2) ~~**Debtor's Attorney.**~~ In addition to the requirements in (1) above, a request by an attorney to withdraw from representation of a debtor must ==

(A) State the relief sought, including proposed handling of unearned or earned and unpaid fees;

(B) In a joint-representation case, state whether the attorney seeks to withdraw ~~as to~~ from representing one or both of the debtors and identify any debtor whom the attorney will continue to represent;

(C) Identify all pending matters and proceedings in the case and the ~~current~~ status of each, including any hearing dates and upcoming deadlines in any jointly administered or any related case, matter, or proceeding;

(D) State the reasons withdrawal is sought;

~~(E) Summarize the efforts made to communicate with the debtor and, if a response was received, whether the debtor consents to the withdrawal;~~

~~(F) State the debtor's last known contact information, including physical address, phone number, and, if authorized by the debtor, an e-mail address; and~~

~~(GE) If withdrawal is sought before completion of services under a fee agreement, set forth any facts in support of retention of fees received or payment of additional fees. In a chapter 7 case, if the attorney received a fixed fee for performance of specified services, describe the amount of the fee, the agreed services, any services not yet performed, and whether the fee is reasonable for the services performed; and~~

~~(F) In a chapter 13 case, if the attorney received from the debtor or was awarded by the court a fixed fee for the life of the case, describe the amount of the fee that has been paid, any amount awarded that has not yet been paid, whether the attorney requests payment of any remaining awarded-but-unpaid fee, and whether retention of the paid fee and any additional fee the attorney requests would be reasonable despite the attorney's withdrawal before case completion.~~

- (23) **Motions to Withdraw by a Debtor’s Attorney Providing Limited-Scope Representation in Individual Chapter 7 eCase Upon Completion of All Services.** In addition to the requirements in (1) and (2) above, if the attorney has entered into a limited-scope representation agreement with the debtor in an individual chapter 7 case, the motion must include or be accompanied by: (A) a certification that the attorney has performed all services required by the fee agreement, and (B) copies of the fee agreement and the written disclosures that were provided to the debtor before the debtor signed the fee agreement.

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#### Rule 9011-4. Signatures.

##### (c) Electronic Signature Requirements.

- (1) ~~For a~~An electronically filed petition, ~~or an~~another document described in [FRBP 1008](#), or an OF 121 required by LBR 1007-5(a) must be signed by affixing the “/s/ (Name)” of another signer, which constitutes the filing ECF Participant’s certificationes that, when filing the document, the filer possesses (A) a counterpart of the document bearing an original signature for each signer, (B) both an image of the document, such as a scan, photocopy, or fax of it, and the debtor’s confirmation of the signature, either in person or by telephone or other electronic means, (C) the debtor’s written authorization for the attorney to sign the document on behalf of the debtor, or (D) the document bearing a signature that is an electronic signature under ORS chapter 84 or similar law.
- (2) ~~For a~~An affidavit, a sworn verification, or unsworn declaration (other than with respect to a document described in [FRBP 1008](#)); must be signed by affixing the “/s/ (Name)” of another signer, which constitutes the filing ECF Participant’s certificationes that the filer possesses the ink signature of the signer, an image of the ink signature (such as a photocopy, fax, or scanned image), or an electronic signature.
- (3) ~~For a~~All documents not described above; must be signed by affixing the “/s/ (Name)” of another signer, which constitutes the filing ECF Participant’s certificationes that, when filing the document, the filer possesses the ink signature of the signer, an image of the ink signature, an electronic signature, or a writing (including electronic communication) from the other signer authorizing the filer to affix the “/s/ (Name)” of the other signer.

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

- (a) **Adversary Proceeding LBRs Applicable to Contested Matters.** The following LBRs apply to contested matters.
- (1) Amendments. LBR 7015-1 applies.
- ~~(12)~~ **Briefs.** Except as provided in [LBR 9013-1\(d\)](#), LBRs [7007-1\(b\)\(1\)](#) and [\(2\)](#) apply.
- ~~(23)~~ **Certificate of Service.** [LBR 7005-1](#) applies.

- (34) Expedited Hearing. [LBR 7007-1\(c\)](#) applies.
- (45) ~~Impermissible Stipulations to Change Hearing or Trial Dates or Court-Established Deadlines.~~ [LBR 7001-1\(ed\)](#) applies.
- (56) Injunctions—Application for Temporary Restraining Order or Preliminary Injunction. [LBR 7065-1](#) applies.
- (67) Jurisdiction. [LBR 7008-1](#) and [7012-1](#) apply to a motion not prepared on an LBF.
- (8) ~~Nonfiling of discovery documents.~~ [LBR 7026-1\(b\)](#) applies.
- (79) Oral Argument/Telephone Appearance. [LBR 7007-1\(d\)](#) applies.
- (810) Prefiling Conference Certification. [LBR 7007-1\(a\)](#) applies to a motion within a pending contested matter, but it does not apply to one initiating a contested matter.

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

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

- (1) ~~Service Title. [LBR 7005-1](#) applies.~~ Each motion that is not prepared on an LBF must include in the title on the first page of the document the names of the parties, if any, against whom the motion requests specific relief. If there is insufficient room to include the names of all those parties in the title on the first page, the first page must refer to the location in the document where their names appear.
- (2) **Notice of Motion.** Each motion must ~~be accompanied by or combined with~~ include a notice of motion unless (A) the motion is filed using an LBF or OF, (B) another LBR directs otherwise, (C) the motion seeks to convert or dismiss a bankruptcy case unless filed by a chapter 13 trustee, (D) the motion is filed under [FRBP 3002.1](#), (E) the motion is unopposed, joint, or stipulated, (F) the motion seeks relief that the court can grant without notice and a hearing (for example, a motion to extend or shorten time or for [FRBP 2004](#) examination), or (G) the motion requests expedited consideration. The notice must precede the substantive motion and must be in substantially the following form:

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

- (3) Shortened Notice Period. [LBR 2002-1\(b\)\(2\)](#) applies.

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

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

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

[...]

(d) **Discovery/Disclosure of Expert Testimony.** The court directs that FRCP 26(a)(2) apply in contested matters, except the disclosure required by FRCP 26(a)(2) is due 14 days before an evidentiary hearing and only if the hearing is set more than 14 days after the petition date.

~~(1) **General.** A party must disclose, no later than 14 days before trial, the identity of any individual who may offer expert testimony at trial. An expert's written report must be served on each opposing party as soon as the report is available, but no later than one business day before trial.~~

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

(f) Testimony at Contested Matter Hearings.

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

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

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

**Cross-references:** [...]

- Cash Collateral Use – LBRs 4001-1(b) and ~~(e)~~.

[...]

- ~~Executory Contracts & Unexpired Leases (Assume, Reject or Abandon) – LBR 6006-1.~~

[...]

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

[...]

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

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

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### Rule 9019-1. Settlement & Compromise.

- (c) **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 9021-1. Order or Judgment—Entry of; Costs.

- (a) **Circulation of Proposed Order or Judgment.**
- (1) **When Required.** The proponent of an order or judgment must circulate it to all responding parties before lodging it with the court unless the proposed order or judgment:
- (A) may be lodged concurrently with the motion or application under (b)(~~21~~)(C) below,
- [...]

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

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

[...]

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

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

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

~~(iii) the motion or application contains a certification that it is stipulated, agreed, or unopposed; or~~

~~(iv) the motion is for entry of default in an adversary proceeding.~~

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

[...]

**(4) Form.**

[...]

(D) A lodged order or judgment that differs from the version attached to the motion, application, or complaint must comply with LBR 9004-1(d), except that the separate version showing the old and new language must be filed as correspondence and not attached to the lodged version.

## PROCEDURES RE: FILING AN INDIVIDUAL BANKRUPTCY CASE

### Where to Obtain the Forms

You may obtain forms from the U.S. Courts website and Oregon Bankruptcy Court website as follows:

- <https://www.uscourts.gov/forms/bankruptcy-forms> - Official Forms (OF)
- <https://www.orb.uscourts.gov/forms/all-local-forms> - Local Bankruptcy Forms (LBF)

The required forms for each chapter are listed on the pages 3-6 of this document.

### Filling Out the Forms

After you obtain the forms, you must complete and sign each required document before submitting them to the court for filing. You may need to enter “zero” or “none” in a blank to fully complete the form.

If you need to file a bankruptcy petition on an emergency basis (for example, to stop an imminent foreclosure), please contact the clerk's office at 503-326-1500 or 541-431-4000 for instructions.

### Legal Advice

Federal law prohibits the bankruptcy court from giving any type of legal advice or instruction. If you have a question about how to fill out a form, it is recommended that you contact an attorney.

### Where to File Your Documents\*

<b>If you reside in this county:</b>	<b>Mail or deliver your documents to:</b>
Benton, Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion, Polk	U.S. Bankruptcy Court 405 E 8th Ave. #2600 Eugene, OR 97401
Any other county	U.S. Bankruptcy Court 1050 SW 6th Ave. #700 Portland, OR 97204

\*During the COVID-19 outbreak, all documents should be mailed to the Portland office; see the “Court Operations During Coronavirus (COVID-19) Outbreak” page of the court’s website for more information (<https://www.orb.uscourts.gov/court-operations-during-coronavirus-covid-19-outbreak>).

## **After You File**

Read everything very closely that is sent to you regarding your bankruptcy case.

A “Notice of Bankruptcy Case” will be mailed to you and the creditors on the mailing list you prepared. This document will list important information such as deadlines and the date, time and location of a hearing called the “Meeting of Creditors.”

A “Letter to Debtor” will also be mailed to you. This document will have important information about items such as the financial management education requirement, reaffirmation of debts, and where to send pay stubs and tax returns.

## **Meeting of Creditors**

**You are required to attend this hearing.** The date and location of the meeting will be provided to you with the “Notice of Bankruptcy Case” described in the previous section. At the hearing, the trustee will question you about your assets and the documents you filed.



## Chapter 7 Case

A combination of [Official Forms](#) (OF) and [Local Bankruptcy Forms](#) (LBF) must be used. You can find links to access both types of forms on page 1 of this document and under the “Forms” heading on the court’s website at <https://www.orb.uscourts.gov/forms>. Please be sure to use the correct form.

You must complete and sign each required document (even if “none” or “zero” must be inserted in a blank). File the following documents in the order listed. You may put them together with a clip or rubber band, but do not staple or hole punch them.

- \$338 Filing Fee or Individual Debtor’s Application to Pay Fees in Installments (LBF 110) or Application to Have the Chapter 7 Filing Fee Waived (OF B 103B)
- A mailing list prepared following LBF 104 instructions. The mailing list does not require a signature.
- Statement of Social Security Number (OF B 121)
- Petition (OF B 101)
- Attorney’s Disclosure Statement [if represented by an attorney]
- Individual Debtor’s Statement of Intention (OF B 108)
- Summary of Your Assets & Liabilities (OF B 106Sum)
- Schedules A/B, C, D, E/F, G, H, I, J, and possibly J-2 (OF B 106A-J)
- Declaration About an Individual Debtor’s Schedules (OF B 106Dec)
- Statement of Financial Affairs for Individuals (OF B 107)
- Statement of Your Current Monthly Income (OF B 122A-1) [When filing this form, an additional form may be required. Please follow the instructions on the form.]
- Certificate of Credit Counseling or Motion for Extension of Time/Exemption (LBF 100.3)

**Note to CM/ECF Participants:** [Click here](#) for case filing procedures.

## Chapter 11 Case

A combination of [Official Forms](#) (OF) and [Local Bankruptcy Forms](#) (LBF) must be used. You can find links to access both types of forms on page 1 of this document and under the “Forms” heading on the court’s website at <https://www.orb.uscourts.gov/forms>. Please be sure to use the correct form.

You must complete and sign each required document (even if “none” or “zero” must be inserted in a blank). File the following documents in the order listed. You may put them together with a clip or rubber band, but do not staple or hole punch them.

- \$1,738 Filing Fee or Individual Debtor’s Application to Pay Fees in Installments (LBF 110)
- A mailing list prepared following LBF 104 instructions. The mailing list does not require a signature.
- Statement of Social Security Number (OF B 121)
- Petition (OF B 101)
- Attorney’s Disclosure Statement [if debtor is represented by an attorney]
- Summary of Your Assets & Liabilities (OF B 106Sum)
- Schedules A/B, C, D, E/F, G, H, I, J, and possibly J-2 (OF B 106A-J)
- Declaration About an Individual Debtor’s Schedules (OF B 106Dec)
- Statement of Financial Affairs for Individuals (OF B 107)
- Statement of Your Current Monthly Income (OF B 122B) [not required for small business debtors filing under subchapter V]
- Certificate of Credit Counseling or Motion for Extension of Time/Exemption (LBF 100.3)
- Documents required by 11 U.S.C. § 1116(1) [only if debtor is proceeding under subchapter V or is a small business]
- List of Creditors Who Have the 20 Largest Unsecured Claims (OF B 104), and an attached certificate of service that you served on the U.S. Trustee a copy of the list and the mailing labels described below
- Mail to the U.S. Trustee’s office: (1) a copy of the List of Creditors Who Have the 20 Largest Unsecured Claims and (2) self-adhesive mailing labels with the name and service address for the debtor (or party designated to perform the debtor’s duties), any joint debtor, any debtor’s attorney, and each creditor on the list.

**Note to CM/ECF Participants:** [Click here](#) for case filing procedures.

## Chapter 12 Case

A combination of [Official Forms](#) (OF) and [Local Bankruptcy Forms](#) (LBF) must be used. You can find links to access both types of forms on page 1 of this document and under the “Forms” heading on the court’s website at <https://www.orb.uscourts.gov/forms>. Please be sure to use the correct form.

You must complete and sign each required document (even if “none” or “zero” must be inserted in a blank). File the following documents in the order listed. You may put them together with a clip or rubber band, but do not staple or hole punch them.

- \$278 Filing Fee or Individual Debtor’s Application to Pay Fees in Installments (LBF 110)
- A mailing list prepared following LBF 104 instructions. The mailing list does not require a signature.
- Statement of Social Security Number (OF B 121)
- Petition (OF B 101)
- Attorney’s Disclosure Statement [if debtor is represented by an attorney]
- Financial Review of Debtor’s Farming/Fishing Business (LBF Exhibit D-1)
- Financial Review of Debtor’s Non-Farming/Non-Fishing Business (LBF Exhibit D-2) [if applicable]
- Summary of Your Assets & Liabilities (OF B 106Sum)
- Schedules A/B, C, D, E/F, G, H, I, J, and possibly J-2 (OF B 106A-J)
- Declaration About an Individual Debtor’s Schedules (OF B 106Dec)
- Statement of Financial Affairs for Individuals (OF B 107)
- Certificate of Credit Counseling or Motion for Extension of Time/Exemption (LBF 100.3)
- Chapter 12 Plan (LBF 1200.05)

**Note to CM/ECF Participants:** [Click here](#) for case filing procedures.

## Chapter 13 Case

A combination of [Official Forms](#) (OF) and [Local Bankruptcy Forms](#) (LBF) must be used. You can find links to access both types of forms on page 1 of this document and under the “Forms” heading on the court’s website at <https://www.orb.uscourts.gov/forms>. Please be sure to use the correct form.

You must complete and sign each required document (even if “none” or “zero” must be inserted in a blank). File the following documents in the order listed. You may put them together with a clip or rubber band, but do not staple or hole punch them.

- \$313 Filing Fee or Individual Debtor’s Application to Pay Fees in Installments (LBF 110)
- A mailing list prepared following LBF 104 instructions. The mailing list does not require a signature.
- Statement of Social Security Number (OF B 121)
- Petition (OF B 101)
- Financial Review of Debtor’s Non-Farming/Non-Fishing Business (LBF Exhibit D-2) [if applicable]
- Financial Review of Debtor’s Farming/Fishing Business (LBF Exhibit D-1) [if applicable]
- Summary of Your Assets & Liabilities (OF B 106Sum)
- Schedules A/B, C, D, E/F, G, H, I, J, and possibly J-2 (OF B 106A-J)
- Declaration About an Individual Debtor’s Schedules (OF B 106Dec)
- Statement of Financial Affairs for Individuals (OF B 107)
- Attorney’s Disclosure Statement (LBF 1305) [if debtor is represented by an attorney]
- Statement of Your Current Monthly Income (OF B 122C-1) [When filing this form, an additional form may be required. Please follow the instructions on the form.]
- Certificate of Credit Counseling or Motion for Extension of Time/Exemption (LBF 100.3)
- Chapter 13 Plan (LBF 1300.21)

**Note to CM/ECF Participants:** [Click here](#) for case filing procedures.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

**DEBTOR'S MOTION FOR EITHER  
(1) EXTENSION OF TIME TO FILE A  
CERTIFICATE OF RECEIPT OF BRIEFING  
FROM AN APPROVED CREDIT  
COUNSELING AGENCY; OR  
(2) EXEMPTION FROM CREDIT  
COUNSELING BRIEFING AND FINANCIAL  
MANAGEMENT COURSE REQUIREMENTS**

Debtor

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Debtor's Attorney, if any

---

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Joint Debtor (if applicable)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**Notice of Final Hearing on Motion [Check One]  
For Use of Cash Collateral  
To Obtain Credit**

YOU ARE NOTIFIED THAT:

1. The undersigned moving party, \_\_\_\_\_, filed a Motion For Use of Cash Collateral To Obtain Credit (check one). The motion is attached and includes the statement required by [Local Bankruptcy Form \(LBF\) 541.5, Procedures re: Motions for Use of Cash Collateral or to Obtain Credit](#).
2. The name and service address of the moving party's attorney (or moving party, if no attorney) are: \_\_\_\_\_
3. An evidentiary hearing on the motion, at which witnesses may testify, will be held as follows:

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Location:**

Courtroom # \_\_\_\_\_, \_\_\_\_\_

Telephone Hearing [See [LBF 888](#), *Telephone Hearing Requirements*.]

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

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

Video Hearing. To connect, see [www.orb.uscourts.gov/video-hearings](http://www.orb.uscourts.gov/video-hearings).

4. If you wish to object to the motion, you must, within 14 days of the service date shown in paragraph 5 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401: (1) a written response which states the facts upon which you will rely, and (2) a certificate showing the response has been served on the U.S. trustee and the attorney or party named in paragraph 2 above.
  
5. I certify that on \_\_\_\_\_ this notice and the motion were served pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 7004 on the debtor(s), any debtor's attorney, any trustee, any trustee's attorney, members of any committee appointed under 11 U.S.C. § 1102 or elected pursuant to 11 U.S.C. § 705 or its authorized agent (or, if no committee in a chapter 11 case, on all creditors listed on the list filed pursuant to FRBP 1007(d)), any creditors' committee attorney, the U.S. trustee, and all entities with any interest in the cash collateral subject to this motion, whose names and addresses used for service are as follows:

---

Signature of Moving Party or Attorney

OSB#

---

(If debtor is movant) Debtor's Address & Last 4 Digits of Taxpayer ID#

---





**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Location:** Courtroom # \_\_\_\_\_, \_\_\_\_\_

Telephone Hearing [See [LBF 888](#), *Telephone Hearing Requirements*.]

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

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

Video Hearing. To connect, see [www.orb.uscourts.gov/video-hearings](http://www.orb.uscourts.gov/video-hearings).

4. If you wish to object to the motion, you must attend the preliminary hearing, file a written response, which states the facts upon which you will rely, with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401, or both attend the hearing and file a written response.

If the response is filed within three business days before the hearing, notify the judge's chambers by telephone immediately after filing the document, as required by Local Bankruptcy Rule 9004-1(b).

5. I certify that on \_\_\_\_\_ this notice and the motion were served pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 7004 on the debtor(s), any debtor's attorney, any trustee, any trustee's attorney, members of any committee appointed under 11 U.S.C. § 1102 or elected pursuant to 11 U.S.C. § 705 or its authorized agent (or, if no committee in a chapter 11 case, on all creditors listed on the list filed pursuant to FRBP 1007(d)), any creditors' committee attorney, the U.S. trustee, and all entities with any interest in the cash collateral subject to this motion, whose names and addresses used for service are as follows:

\_\_\_\_\_  
Signature of Moving Party or Attorney

\_\_\_\_\_  
OSB #

\_\_\_\_\_  
(If debtor is movant) Debtor's Address & Last 4 Digits of Taxpayer ID#(s)

## PROCEDURES RE: MOTIONS FOR USE OF CASH COLLATERAL OR TO OBTAIN CREDIT

1. **Motion.** Each motion for court approval to use cash collateral (11 U.S.C. § 363(c)(2)) or obtain credit (§ 364(b)-(d)) must:
  - a. state that it does not contain any of the provisions set forth in paragraph 5 below; or
  - b. identify which of the provisions in paragraph 5 are contained in the motion, and the justification for the provisions.

2. **Notice of Hearing on Motion.** The moving party is required to use the appropriate notice of hearing ([Local Bankruptcy Form \(LBF\) 541.1](#) for a preliminary hearing and [LBF 541](#) for a final hearing). The moving party must obtain the hearing date, time and location from the [courtroom deputy](#) before service.

**Note:** A preliminary hearing is required only when use of cash collateral or credit is sought within the time frame set forth in Federal Rules of Bankruptcy Procedure (FRBP) 4001(b)(2) or (c)(2), and only to the extent necessary to avoid immediate and irreparable harm to the estate pending a final hearing.

3. **Service of Motion and Notice.** The moving party must serve the motion and notice on all parties listed in paragraph 5 of the notice.

**Note:** Service for a preliminary hearing must be made within a reasonable time prior to the hearing by giving telephonic or other actual notice of the hearing date, time and location to all parties requiring notice (including the U.S. Trustee). Service for a final hearing must be made within 2 business days after receiving the hearing date. A moving party who cannot serve the motion and notice within these time frames must notify the court and obtain a new date. Sanctions may be imposed for failure to comply.

4. **Filing of Motion and Notice with Clerk's Office.** The motion and notice must be filed with, or mailed to, the clerk on the date of service.

### 5. Discouraged Provisions.

- a. The court will not normally approve the following types of provisions in motions either to use cash collateral or to obtain credit.

(1) Cross-collateralizing prepetition debt with postpetition assets.

(2) Findings of fact on matters extraneous to the approval process. (For example, in connection with an application to borrow on a secured basis, a finding that the debtor cannot obtain unsecured credit would be acceptable, whereas a finding that the lender acted in good faith in declaring the prepetition loan in default would not be acceptable.)

- (3) Provisions or findings of fact that bind the debtor, the estate and/or all parties in interest with respect to the validity, perfection, relative priority or amount of the secured party's lien or debt. This would include an order approving a provision that the secured party's lien is a "first priority" lien on the collateral.
  - (4) Any language that characterizes any postpetition payments as payments of interest, fees or costs on a prepetition loan.
  - (5) Waiver of § 506(c) right to seek to charge collateral of secured party for the trustee's expenses in preserving or disposing of assets for the benefit of the secured party.
  - (6) Granting a security interest in bankruptcy avoiding power causes of action or avoiding power recoveries.
  - (7) Waiver or release by debtor or the estate of any or all claims the debtor/estate may have against the lender/secured party, including waiver of avoiding power causes of action against the lender/secured party or against insiders of the lender/secured party.
  - (8) Waiver by debtor or the estate of the right to seek to prime the secured position of the lender/secured party under § 364(d).
  - (9) Priming any other party's lien, without that party's consent or without providing adequate protection.
  - (10) Automatic relief from the stay of § 362(a) upon the occurrence of a default, upon conversion to chapter 7 or upon appointment of a trustee, without further application to and order of the court.
  - (11) Waiver, effective on default or expiration of a prior court order, of the debtor's right to move for a court order under § 363(c)(2)(B) authorizing the use of cash collateral in the absence of the secured party's consent.
- b. Each motion must state that it does not contain any of these provisions or identify which of these provisions are contained in the motion, and the justification for the provisions.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

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

**Notice to lienholder:** \_\_\_\_\_ [*enter name of lienholder*]

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

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

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

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

**Motion**

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

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

2. The nature of the judicial lien, the present balance owing under it, and the date when it was obtained [*include case name, number, county, state, date on which judgment was docketed, and any transcription information*]:
  
3. Street address and legal description [*attach exhibit if necessary*] of real property to which judicial lien attaches:
  
4. Date petition filed: \_\_\_\_\_
5. Fair market value of real property on the petition date: \$\_\_\_\_\_
6. Names of and amounts due to all senior lienholders:
  
7. Present balance owing to senior lienholders plus junior consensual liens on petition date excluding any precomputed interest or other unearned charges:
  
8. The description of statutory authority for and amount of impaired exemptions:
  
9. Other relevant facts:

10. Debtor is therefore entitled to avoid the lien referenced in paragraph 2 above—

[ ] in full so that it no longer remains a lien against debtor's real property or

[ ] in the amount of \$\_\_\_\_\_ so that it remains a lien against debtor's real property in the amount of \$\_\_\_\_\_.

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

\_\_\_\_\_  
OSB#, if attorney

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone #

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

### **Certificate of Service**

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
OSB# (if attorney)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

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

This matter came before the court on debtor's motion to avoid judicial lien on real property pursuant to § 522(f)(1)(A) (Docket #\_\_\_\_).

**IT IS ORDERED** that, under § 522(f)(1)(A), the judicial lien of \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

against debtor's real property at \_\_\_\_\_

\_\_\_\_\_

the legal description of which is \_\_\_\_\_

\_\_\_\_\_ [*attach as exhibit, if necessary*]



[ ] is avoided and no longer a lien against the property or

[ ] is partially avoided and remains a lien against the property for \$\_\_\_\_\_.

PRESENTED BY:

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

\_\_\_\_\_  
Typed Name

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

## PROCEDURES RE: MOTIONS FOR RELIEF FROM STAY

1. **Filing Fee and Motion.** The moving party must pay the filing fee if the motion is for relief from the stay of 11 U.S.C. § 362(a), and file a written motion as follows:
  - a. If the motion relates to debtor relief in a chapter 7 or 13 case, use [Local Bankruptcy Form \(LBF\) 720.80](#).
  - b. Otherwise, prepare a unique motion which states:
    - (1) The present balance owing to the moving party excluding any precomputed interest or other unearned charges;
    - (2) The date upon which the debt was incurred;
    - (3) Whether the moving party holds a security interest or lien upon the debtor's property;
    - (4) The nature of the security interest or lien, the date upon which the security interest or lien was obtained, and if applicable, the date upon which the security interest or lien was perfected;
    - (5) A description of the collateral sufficient for identification (e.g., street address);
    - (6) The fair market value of the collateral;
    - (7) A description of, and the amounts due upon, any other security interest or liens which have priority over that of the moving party;
    - (8) Whether the debtor is in default and, if so, the number of defaulted installments and the total sums in default;
    - (9) The subsection of § 362(d) under which relief is requested; and
    - (10) Any other facts which are relevant in determining whether relief should be granted.
2. **Notice of Motion.** The moving party must use the applicable notice form:
  - a. Chapter 7 & 13 cases, including chapter 13 codebtor stay: Use [LBF 720](#).
  - b. Chapter 11 & 12 cases: Use [LBF 1124](#). You must obtain the date, time and location of hearing from the [courtroom deputy](#) before service.
  - c. Chapter 12 codebtor relief. Use [LBF 1220](#).
3. **Filing and Service of Motion and Notice of Motion.** The moving party must serve the motion and notice of motion on all parties named in the certificate of service on the form and file them with the clerk. In chapter 11 & 12 cases, service must be made within 2 business days of obtaining a hearing date, except if chapter 12 codebtor relief is sought.

4. **Response.** To object to the motion, a party must file a written response stating the specific grounds for the objection within 14 days of the notice of motion's service date. The response must be filed as follows:
  - a. Chapter 7 & 13 cases, including chapter 13 codebtor relief. The response must be completed in the "Response" portions of the original motion and filed with a Notice of Hearing on [LBF 721](#). Hearing dates are available at [www.orb.uscourts.gov](http://www.orb.uscourts.gov).
  - b. Chapter 11 & 12 cases. The response must be filed with a certificate of service.
  - c. Chapter 12 codebtor relief. The response must be filed with a notice of hearing on [LBF 1220.5](#). The notice must be served within 2 business days of obtaining the hearing date from the [courtroom deputy](#).
5. **Failure to Respond or Serve Notice of Hearing.** If a timely response and notice of hearing, if applicable, are not filed and properly served, then the court may sign an order, lodged by the moving party, granting the relief.
6. **Orders/Stipulations.** Any proposed order for relief from debtor stay in chapter 7 and 12 cases, and from debtor and codebtor stay in chapter 13 cases, must be submitted using [LBF 720.90](#) (Order Re: Relief from Stay).

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

**[Check all applicable boxes]**  
**CHAPTER 7/13 MOTION FOR RELIEF FROM**  
**Debtor Chapter 13 Codebtor Stay**  
**Filed by Movant:**

Debtor

\_\_\_\_\_  
**Objection to Stay Motion filed by Respondent:**  
\_\_\_\_\_

*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 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:

c. Description, amount, and priority of other encumbrances on collateral. If not known, include applicable information from debtor's schedules if available on PACER:

Total debt secured by collateral [1.b. + 1.c.]: \$ \_\_\_\_\_.

d. Value of collateral: \$ \_\_\_\_\_.

Equity in collateral: \$ \_\_\_\_\_, after deducting \$ \_\_\_\_\_ of liquidation costs.

e. Current monthly payment: \$ \_\_\_\_\_.

f. If Chapter 13:

(1) \$ \_\_\_\_\_ postpetition default consisting of [e.g., \$ \_\_\_\_\_ payments, \$ \_\_\_\_\_ late charges, \$ \_\_\_\_\_ fees]:

(2) \$ \_\_\_\_\_ prepetition default consisting of \_\_\_\_\_ amounts specified in proof of claim, or, \_\_\_\_\_ consisting of:

g. If Chapter 7, total amount of default: \$ \_\_\_\_\_.

**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 movant*]:

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 required by Chapter 13 plan.

Other [*describe*]:

**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 [LBF 720.90](https://www.orb.uscourts.gov) available at <https://www.orb.uscourts.gov> under Forms/Local Forms; to be completed by respondent*]:

**3. Background** [*To be completed by movant*]

a. Date petition filed: \_\_\_\_\_ Current Chapter: \_\_\_\_\_ (7 or 13)

If 13, current plan date \_\_\_\_\_ Confirmed: Yes No

If 13, treatment of movant's prepetition claim(s) in plan:

If 7, debtor \_\_\_\_\_ has \_\_\_\_\_ has not stated on Official Form B 108 that debtor intends to surrender the collateral.

b. Movant has a lien on the collateral by virtue of [*check all applicable sections, see also paragraph 6 below*]:

Security agreement, trust deed, or land sale contract dated \_\_\_\_\_ and any assignment of that interest to movant. The security interest was perfected as required by applicable law on \_\_\_\_\_.

Retail installment contract dated \_\_\_\_\_ and any assignment of that interest to movant. The security interest was perfected on the certificate of title on \_\_\_\_\_.

Other [*describe*]:

**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. \_\_\_\_\_, whose address is \_\_\_\_\_  
\_\_\_\_\_, is a codebtor on the obligation described above, but is not a debtor in this bankruptcy.
- b. Movant should be granted relief from the codebtor stay because [*check all that apply*]:  
codebtor received the consideration for the claim held by movant    debtor's plan does not propose to pay movant's claim in full    movant's interest would be irreparably harmed by continuation of the codebtor stay as a result of the default(s) described above    because:

**OBJECTION** [*Identify any disputed items and specify the pertinent facts; to be completed by respondent*]:

**5. Other Pertinent Information** [*To be completed by movant, if applicable*]:

**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 movant*]:

Movant requests relief from the automatic stay to allow it to foreclose its lien on the collateral and to take any necessary action to obtain possession of the collateral.

Movant has a security interest in real property and requests relief from stay of an act against the collateral and that the relief be binding in any other bankruptcy case purporting to affect 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.*]

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*]:

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

7. **Documents:**

**If movant claims to be secured in paragraph 3.b. above**, 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 is real property**, 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 movant applied the payment.

**RESPONDENT requests movant provide** respondent with the following document(s), if any are marked below, which are pertinent to this objection:

Postpetition payment history, if not required above.

Documents establishing that movant owns the debt described in paragraph 1 or is otherwise a proper party to bring this motion.

Other document(s) [*describe*]:

Movant/Attorney

Respondent /Attorney

(By signing, the respondent also certifies that the respondent has not altered the information completed by movant.)

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Email: \_\_\_\_\_

\_\_\_\_\_  
Email: \_\_\_\_\_

Phone #: \_\_\_\_\_

Phone #: \_\_\_\_\_

OSB#: \_\_\_\_\_

OSB#: \_\_\_\_\_

*You are hereby notified that the creditor is attempting to collect a debt and any information obtained will be used for that purpose.*



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

**ORDER, DRAFTED ON:** \_\_\_\_\_,

**RE: RELIEF FROM** *[check all that apply]*

**DEBTOR STAY      CODEBTOR STAY**

**CREDITOR:** \_\_\_\_\_

**CODEBTOR:** \_\_\_\_\_

Debtor

The undersigned, \_\_\_\_\_, whose address, email address, phone number, and OSB#, if any, are:

presents this order based upon *[check all that apply]*:

The complete stipulation of the parties listed at the end of this document.

The oral stipulation of the parties at the hearing held on \_\_\_\_\_.

The ruling of the court at the hearing held on \_\_\_\_\_.

Creditor certification that any default notice required by paragraph 5 of the order re: relief from stay entered on \_\_\_\_\_ was mailed, and that debtor failed to comply with the conditions of that order. The dates and amounts of missed cure payments and the date of creditor's notice of default are as follows:

Creditor certification that no response to the motion for relief from stay filed on \_\_\_\_\_ and served on \_\_\_\_\_ was filed within the response period plus 3 days.

**IT IS ORDERED** that, except as provided in paragraph 4 below, the stay existing pursuant to 11 U.S.C. § 362(a) remains in effect as to the property described below (hereinafter "the property"):

Personal property described as [*for example, "2001 Ford Taurus"*]:

Real property located at [*enter street address*]:

Exhibit A attached hereto is the legal description of the property [*attaching a legal description is optional unless in rem relief is granted*].

**IT IS FURTHER ORDERED** that the stay is subject to the conditions marked below:

**1. Regular Payment Requirements.**

- a. Debtor must deliver regular monthly payments in the amount of \$\_\_\_\_\_ commencing \_\_\_\_\_ to creditor at the following address:

- b. The chapter 13 trustee must immediately pay and disburse to creditor the amount of \$\_\_\_\_\_ per month from funds paid to the trustee by debtor, and continue each month until the plan is confirmed, at which time the plan payment terms will control. Payments made by the trustee under this order are deemed to be payments under the plan for purposes of the trustee's collection of percentage fees.
  - c. Debtor must pay to the trustee any and all payments required to be paid under the terms of the chapter 13 plan.
2. **Cure Payment Requirements.** Debtor must cure the post-petition default of \$\_\_\_\_\_ consisting of [*for example, \$\_\_\_\_\_ in payments and \$\_\_\_\_\_ in late charges for April - June 2022*]:

as follows:

- a. In equal monthly installments of \$\_\_\_\_\_ each, commencing \_\_\_\_\_ and continuing thereafter through and including \_\_\_\_\_.
  - b. By paying the sum of \$\_\_\_\_\_ on or before \_\_\_\_\_, and the sum of \$\_\_\_\_\_ on or before \_\_\_\_\_.
  - c. Other [*describe*]:
3. **Insurance Requirements.** Debtor must maintain insurance on the property at all times as required by the security agreement, naming \_\_\_\_\_ as the loss payee.
- On or before \_\_\_\_\_ debtor must provide counsel for creditor with proof of insurance.
4. **Stay Relief and Codebtor Stay Relief without Cure Opportunity.**
- a. Upon default in the conditions in paragraphs \_\_\_\_\_ creditor may file and serve a certificate of non-compliance specifying the default, together with a proposed order terminating the stay to allow creditor to foreclose on, and obtain possession of, the property to the extent permitted by applicable nonbankruptcy law, which the court may grant without further notice or hearing.

- b. The stay is terminated to allow creditor to foreclose on, and obtain possession of, the property to the extent permitted by applicable nonbankruptcy law, provided that a foreclosure sale shall not occur prior to \_\_\_\_\_.
- c. Creditor is granted relief from stay effective \_\_\_\_\_ to foreclose on, and obtain possession of, the property, to the extent permitted by applicable nonbankruptcy law.
- d. Creditor is granted relief from stay to foreclose on, and obtain possession of, the property, to the extent permitted by applicable nonbankruptcy law.
- e. If a creditor with a senior lien on the property is granted relief from stay, creditor may file and serve a certificate identifying the senior lienholder and a proposed order terminating the stay, which the court may grant without further notice or hearing.
- f. Creditor is granted relief from stay to:
- g. Creditor is granted in rem relief from stay with respect to the real property described above and in Exhibit A. This order shall be binding in any other case filed under 11 U.S.C. purporting to affect such real property filed not later than two (2) years after the date of the entry of this order unless the bankruptcy court in the subsequent case grants relief from this order. Any governmental unit that accepts notices of interests or liens in real property must accept a certified copy of this order for indexing and recording.
- h. Creditor is granted relief from the codebtor stay, as it applies to the codebtor named in the caption above, to enforce the terms of the contract and collect the deficiency balance.
- i. [*Check for chapters 12 and 13 only*] All disbursements by the trustee to the creditor pursuant to the plan on account of creditor's secured claim (claim no. \_\_\_\_\_) against the property must cease. Debtor and creditor have agreed to this modification of the plan, and formal notice of this plan modification is not required because there is no negative effect on any nonconsenting creditor; the undersigned certifies receipt of written confirmation that debtor has no objection to this paragraph.

5. **Stay Relief with Cure Opportunity.** Upon default in the checked conditions in paragraphs 1 - 3, creditor must serve on debtor and e-mail to attorney for debtor written notice of default giving debtor \_\_\_\_\_ calendar days after the mailing of the notice to cure the default. If debtor fails to timely cure the default, then creditor may submit a proposed order terminating the stay, which the court may grant without further notice or hearing.
- a. The notice of default may require that debtor make any payment that becomes due between the date the notice of default is mailed and before the cure deadline.
  - b. The notice of default may require debtor to pay \$ \_\_\_\_\_ for the fees and costs of sending the notice.
  - c. Only \_\_\_\_\_ notices of default and opportunity to cure are required per year [*calculated from date of entry of this order*], \_\_\_\_\_ during the remainder of this case, or \_\_\_\_\_ [*describe*]:
6. **Amended Proof of Claim.** Creditor must file an amended proof of claim to recover all accrued post-petition attorney fees and costs and [*describe*]:

7. **Miscellaneous Provisions.**

- a. If creditor is granted relief from stay, the 14-day stay provided by FRBP 4001(a) is waived.
  - b. Any notice that creditor's counsel must give to debtor or codebtor, or attorney for debtor or codebtor, pursuant to this order will not be construed as a communication under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692.
8. A hearing on the motion for relief from stay, at which witnesses may not testify, will be held as follows:

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Location:**

Courtroom # \_\_\_\_\_, \_\_\_\_\_

Video Hearing. To connect, see [www.orb.uscourts.gov/video-hearings](http://www.orb.uscourts.gov/video-hearings).

Telephone Hearing [See [LBF 888](#), *Telephone Hearing Requirements*.]

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

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

9. Other:

###

Presented and certified by:

\_\_\_\_\_

It is so stipulated.

Creditor's Attorney:

Debtor's Attorney:

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

OSB#: \_\_\_\_\_

OSB#: \_\_\_\_\_

No objection to order by case trustee.

Codebtor's Attorney:

By: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

OSB#: \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

**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**

Debtor

The attached objection, filed by completing the "objection" portions of the original motion, filed for the respondent, \_\_\_\_\_, who is the (for example, debtor, codebtor, or trustee) \_\_\_\_\_, is in response to the motion for relief from stay filed on behalf of movant \_\_\_\_\_.

The name and service address of the respondent's attorney (or respondent, if no attorney) are:

(If debtor is respondent) The debtor's address and Taxpayer ID#(s) (last 4 digits) are:

**NOTICE IS GIVEN that:**

A telephone hearing on the motion, at which witnesses may not testify, will be held as follows:

**Date:**

**Time:**

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

**Access Code:** 3702597

(Note: If you have problems connecting, call the court at (503) 326-1500 or (541) 431-4000.)

**TELEPHONE HEARING REQUIREMENTS**

1. You must call in and connect to the telephone hearing line or personally appear in the judge's courtroom no later than your scheduled hearing time. The court will not call you.

2. You may be asked to call again from another phone if your connection is weak or creates static or disruptive noise.
3. Please mute your phone when you are not speaking. If you do not have a mute function on your phone, press \*6 to mute and \*6 again to unmute if you need to speak. Do not put the court on hold if it will result in music or other noise. If available, set the phone to "Do Not Disturb" so it will not ring during the hearing.
4. When it is time for you to speak, take your phone off the "speaker" option or headset to minimize background noise and improve sound quality. Position the telephone to minimize paper rustling. Do not use a keyboard or talk with others in the room. Be aware that telephone hearings may be amplified throughout the courtroom.
5. Do not announce your presence until the court calls your case. Simply stay on the line, even if there is only silence, until the judge starts the hearings, and then continue to listen quietly until your case is called.
6. Whenever speaking, first identify yourself.
7. Be on time. The judge may handle late calls the same as a late appearance in the courtroom.

---

Signature

I certify that: (1) the objection was prepared on a copy of the original motion; (2) if the objection was electronically filed, it was prepared using the fillable PDF version of the motion unless the motion was filed on paper and could not be otherwise electronically obtained from the movant; and (3) that on \_\_\_\_\_ this notice and the objection were served on the movant's attorney (or movant, if no attorney) at the address shown in the notice of motion.

---

Signature

---

Relation to Respondent



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

**NOTICE OF HEARING ON (Check One)  
MOTION TO EXTEND/IMPOSE  
STAY PER § 362(C)  
DEBTOR'S MOTION TO IMPOSE  
STAY PER § 362(N)**

Debtor

*Instructions to Filer: See [Local Bankruptcy Form \(LBF\) 721.3](#), Procedures re: Motions to Extend or Impose Stay Under 11 U.S.C. § 362(c) or § 362(n).*

YOU ARE NOTIFIED that the attached motion was filed by \_\_\_\_\_.

The name and service address of the movant's attorney (or movant, if no attorney) are:

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

**NOTICE IS GIVEN that:**

An evidentiary hearing by telephone on the motion, at which witnesses may testify, will be held as follows:

**Date:**

**Time:**

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

**Access Code:** 3702597

The movant must be present at the hearing.

**TELEPHONE HEARING REQUIREMENTS**

1. You must call in and connect to the telephone hearing line or personally appear in the judge's courtroom no later than your scheduled hearing time. The court will not call you. If you have problems connecting, call the court at (503) 326-1500 or (541) 431-4000.

2. You may be asked to call again from another phone if your connection is weak or creates static or disruptive noise.
3. Please mute your phone when you are not speaking. If you do not have a mute function on your phone, press \*6 to mute and \*6 again to unmute if you need to speak. Do not put the court on hold if it will result in music or other noise. If available, set the phone to "Do Not Disturb" so it will not ring during the hearing.
4. When it is time for you to speak, take your phone off the "speaker" option or headset to minimize background noise and improve sound quality. Position the telephone to minimize paper rustling. Do not use a keyboard or talk with others in the room. Be aware that telephone hearings may be amplified throughout the courtroom.
5. Do not announce your presence until the court calls your case. Simply stay on the line, even if there is only silence, until the judge starts the hearings, and then continue to listen quietly until your case is called.
6. Whenever speaking, first identify yourself.
7. Be on time. The judge may handle late calls the same as a late appearance in the courtroom.

---

Signature

I certify that on \_\_\_\_\_ this notice and the motion were served on the debtor(s), all creditors, any creditors' committee chairperson, and their respective attorneys.

---

Signature

---

Relation to Moving Party

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**MOTION FOR ORDER REQUIRING  
DEBTOR TO TURN OVER PROPERTY OR  
RECORDED INFORMATION**

**Notice**

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

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

**Motion**

Debtor is accountable to the trustee for the following monies, property, or recorded information, including books, documents, records, and papers relating to property of the estate:

The trustee moves the court for an order requiring debtor to turn over to the trustee the property or recorded information described above in the following manner and at the following location:

\_\_\_\_\_  
Trustee's or Trustee's Attorney's Signature OSB#, if attorney

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone #

**Certificate of Service**

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

\_\_\_\_\_  
Signature OSB#, if attorney

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**ORDER REQUIRING DEBTOR TO TURN  
OVER PROPERTY OR RECORDED  
INFORMATION**

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

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

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

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

PRESENTED BY:

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

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

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

**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**

Debtor

[Do not use to sell personally identifiable  
information about individuals]

**NOTICE IS GIVEN** that \_\_\_\_\_, the \_\_\_\_\_  
(debtor, trustee, etc.), intends to sell the property described below and moves for authority  
to sell the property free and clear of liens under 11 U.S.C. § 363(f) and the guidelines set  
forth in [Local Bankruptcy Form \(LBF\) 363](#), *Procedures re: Motions for Sale of All or  
Substantially All Assets*. The movant's name, address, and phone number are:

---

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

1. Attend the hearing set in paragraph 16 below; and
2. Within 21 days 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 objection stating the specific facts upon which the objection is based, and
  - b. a certificate of service of the objection on the movant.

This document 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 on for authority to sell the  
property free and clear of liens are:

2. Buyer's name & relation to debtor:
  
3. General description of the property (if real property, state street address here. Also attach legal description as an exhibit to the notice filed with the court):
  
4. A copy of the full property description or inventory may be examined or obtained at:
  
5. The property may be previewed at (include time and place):
  
6. Other parties to the transaction and their relationship to the debtor are:

7. The gross sale price is: \$ \_\_\_\_\_.

All liens on the property total \$ \_\_\_\_\_, of which movant believes a total of \$ \_\_\_\_\_ need not be paid as secured claims (because the lien is invalid, avoidable, etc., the lienholder consents to less than full payment, or part or all of the underlying debt is not allowable).

Secured creditor(s) also seek(s) reimbursement of \$ \_\_\_\_\_ for fees and costs.

Total sales costs will be: \$ \_\_\_\_\_.

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: \$ \_\_\_\_\_.

8. The sale is  is not (mark one) of substantially all of the debtor's assets. Terms and conditions of sale:



9. Competing bids must be submitted to the movant no later than \_\_\_\_\_ and must exceed the above offer by at least \_\_\_\_\_ and be on the same or more favorable terms to the estate.

10. Summary of all available information regarding valuation, including any independent appraisals:

11. If paragraph 7 indicates little or no equity for the estate, the reason for the sale is:

and expenses and taxes resulting from the sale will be paid as follows:

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

13. The following information relates to lienholders (who are listed in priority order):

Name	Service Address [See Federal Rule of Bankruptcy Procedure (FRBP) 7004]	Approx. Lien Amount	Indicate Treatment at Closing (Fully Paid, Partially Paid, or Not Paid.)

14. Any liens not fully paid at closing 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, must be held in trust until the court orders payment.

15. (If real property) The court appointed real estate broker, \_\_\_\_\_ will be paid \_\_\_\_\_.

16. A hearing on the motion and any objections to the sale or fees, at which witnesses may not testify, is scheduled as follows:

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Location:** Courtroom # \_\_\_\_\_, \_\_\_\_\_

Telephone Hearing [See [LBF 888](#), *Telephone Hearing Requirements*.]

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

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

Video Hearing. To connect, see [www.orb.uscourts.gov/video-hearings](http://www.orb.uscourts.gov/video-hearings).

If no timely objection is filed, the hearing may be canceled 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, 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.

18. For further information, contact:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature & Relation to Movant

\_\_\_\_\_  
(If debtor is movant) Debtor's Address & Last 4 Digits of Taxpayer ID#

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Case No.  
Amended

Debtor

**CLAIM OBJECTION**

**Notice to claimant,** \_\_\_\_\_.

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

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

If you do not want the court to eliminate or change your claim, then, within 30 days from the service date below, you or your attorney must do one of the following:

1. Obtain a written withdrawal of the claim objection by the objector. To obtain a withdrawal, you may need to provide the objector with any documentation supporting your claim that was not included when you filed your claim with the court. You should send this documentation to the objector at the service address listed at the bottom of the claim objection. The written withdrawal of the objection must be filed with the court within 30 days of the service date below.
2. Prepare a written response to the objection, explaining your position, and file both the written response and a certificate showing a copy of the response has been served on the objector at the service address listed at the bottom of the claim objection with the clerk at 1050 SW 6th Ave #700, Portland, OR 97204 or 405 E 8th Ave #2600, Eugene, OR 97401. If you mail your response to the court for filing, you must mail it early enough so that the court will receive it within 30 days of the service date below.

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

**Objection to Claim**

1. The undersigned objects to proof of claim no. \_\_\_\_\_ (claim) in the amount of \$ \_\_\_\_\_ filed on behalf of \_\_\_\_\_ (creditor).

2. The undersigned objects to the claim for the following reasons [*check all applicable reasons*]:

Claim duplicates proof of claim no. \_\_\_\_ filed on behalf of \_\_\_\_\_  
\_\_\_\_\_ (creditor).

Claim fails to assert grounds for priority, or grounds asserted are not valid as described below in "Other."

Claim was not filed on behalf of the real party in interest.

Claim appears to include interest or charges accrued after the petition date.

Value of collateral exceeds debt.

Claim arrearage asserted is incorrect.

Claim is a secured claim, but creditor neither (a) specified that any portion of claim should be treated as unsecured nor (b) requested a hearing to determine value of collateral.

Claim includes taxes assessed against real or personal property, but the interest of the estate in the property against which taxes were assessed has no value because estate has no equity or interest in the property.

Claim does not include documentation required by Federal Rule of Bankruptcy Procedure 3001(c) and (d) (for example, a copy of the note or documents establishing secured status or an assignment of the claim to creditor), and another reason for disallowance is stated in this objection.

Claim does not require future distribution because (state reason, for example, creditor obtained relief from stay or has been paid in full from another source):

Other:

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

Disallowed in full.

Disallowed for any distribution.

Allowed as filed, but not entitled to further distributions from the trustee greater than the amount already paid, \$\_\_\_\_\_.

Allowed as [*fill in each blank, even if amount is \$0*]:

- a secured claim for \$\_\_\_\_\_ ,
- a priority unsecured claim for \$\_\_\_\_\_ , and
- a nonpriority unsecured claim for \$\_\_\_\_\_ .

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Relation to Case: \_\_\_\_\_

Service Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

### Certificate of Service

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

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**ORDER ON CLAIM OBJECTION**

Based on the claim objection (docket #\_\_\_\_), IT IS ORDERED that the claim of \_\_\_\_\_, proof of claim no.\_\_\_\_\_, be disallowed or allowed as follows:

Disallowed in full.

Disallowed for any distribution.

Disallowed for future distribution greater than the amount already paid (\$\_\_\_\_\_).

Allowed as (*fill in each blank even if amount is \$0*)

a secured claim for \$ \_\_\_\_\_,

a priority unsecured claim for \$ \_\_\_\_\_, and

a nonpriority unsecured claim for \$ \_\_\_\_\_.

The amount of the arrearage is \$ \_\_\_\_\_.

###

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**VERIFIED STATEMENT IN SUPPORT OF  
EMPLOYMENT APPLICATION**

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

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

**1. Disinterestedness**

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

## 2. Insider status

- 2.1. I am not a relative of the individual debtor [*“Relative” means an individual related by affinity or consanguinity within the third degree as determined by the common law or individual in a step or adoptive relationship within that third degree.*]
- 2.2. I am not a relative of an individual general partner of the debtor.
- 2.3. My firm is not a partnership in which the debtor is a general partner.
- 2.4. I am not a general partner of or in the debtor.
- 2.5. My firm is not a corporation of which the debtor is a director, officer, or person in control. [*“Corporation” has the meaning in 11 U.S.C. § 101(9) and includes limited liability company but not limited partnership.*]
- 2.6. I am not an officer or director of the debtor.
- 2.7. I am not a person in control of the debtor.
- 2.8. I am not a relative of a general partner, director, officer, or person in control of the debtor.
- 2.9. If the debtor is a municipality, I am not an elected official of the debtor or a relative of an elected official of the debtor.
- 2.10. I am not a managing agent of the debtor.

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

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



#### **4. Employment by chapter 11 committee**

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

#### **5. Connections**

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

#### **6. Compensation**

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

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

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

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

Executed on \_\_\_\_\_.

\_\_\_\_\_  
Signature of individual proposed to be employed

\_\_\_\_\_  
Printed name of signer

\_\_\_\_\_  
Address (including firm name, if applicable)

\_\_\_\_\_

\_\_\_\_\_

---

**LIST OF AFFILIATES OF THE DEBTOR**

*See instructions in paragraph 3 above.*

Name of Affiliate	Relationship of Affiliate to the Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**NOTICE OF MOTION FOR RELIEF FROM  
AUTOMATIC STAY IN A CHAPTER 11/12  
CASE AND NOTICE OF HEARING  
THEREON**

**YOU ARE NOTIFIED THAT:**

1. A motion was filed by \_\_\_\_\_ for relief from the automatic stay protecting the debtor(s) and debtor's property, as provided by 11 U.S.C. § 362.
2. The name and address of the moving party's attorney or, if not attorney, the moving party are:
3. If you wish to resist the motion you must, within 14 days of the service date shown below, file a written response with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401. If the response is served in paper, you must also file a certificate showing the response has been served on the moving party's attorney.
4. A response must state the facts upon which relief from the automatic stay is resisted. See [Local Bankruptcy Form \(LBF\) 720.50, Procedures re: Relief from Stay](#), for details.
5. If you file a timely response, a hearing on the motion, at which witnesses may not testify, will be held as follows:

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Location:** Courtroom # \_\_\_\_\_, \_\_\_\_\_

Video Hearing. To connect, see [www.orb.uscourts.gov/video-hearings](http://www.orb.uscourts.gov/video-hearings).

Telephone Hearing [See [LBF 888](#), *Telephone Hearing Requirements*.]

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

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

1238244 for Judge Peter C. McKittrick (pcm)

4950985 for Judge Teresa H. Pearson (thp)

3388495 for Judge Thomas M. Renn (tmr)

Other \_\_\_\_\_

If no timely response is filed, the hearing may be cancelled. Parties are encouraged to check the hearing calendar at <https://www.orb.uscourts.gov> after the response deadline has passed.

6. If a timely response is not filed, then either:

- a. The court may sign an order without further notice, submitted by the moving party, granting relief from the stay; or
- b. The stay will expire under the terms of 11 U.S.C. § 362(e).

I certify that on \_\_\_\_\_ (1) this notice, (2) [LBF 720.50](#) if this notice was served on paper, (3) [LBF 888](#) if this notice was served on paper and a telephone hearing will be held, and (4) the motion, were served pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 4001 and FRBP 7004 on the debtor(s), U.S. trustee, trustee, members of any committee appointed pursuant to 11 U.S.C. § 1102 or its authorized agent [or, if no committee, on all creditors included on the list filed pursuant to FRBP 1007(d)], and their respective attorneys.

\_\_\_\_\_  
Signature of Moving Party or Attorney

\_\_\_\_\_  
OSB #

\_\_\_\_\_  
(If debtor is movant) Debtor's Address & Last 4 Digits of Taxpayer ID#(s)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**NOTICE OF ORDER CONFIRMING  
CHAPTER 11 PLAN AND  
COMPENSATION APPLICATIONS**

1. The court entered an order on \_\_\_\_\_ as ECF No. \_\_\_\_\_ confirming a chapter 11 plan of reorganization. The order is enclosed.

If the plan was proposed by debtor, the debtor's address and taxpayer ID# (last 4 digits) are: \_\_\_\_\_

2. Unless a written objection, setting forth specific grounds for objections, is filed with the clerk at 1050 SW 6th Ave. #700, Portland, OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401, within 21 days of this notice's service date in paragraph 3, the court will consider the following applications for compensation or administrative expenses, if any, without further notice:

Applicant	Total Amount of Final Request	Total Amount Paid to Date Including Retainers	Balance Due	Estimate of Case Related Post-Confirmation Compensation <i>(Indicate if Included in Total Amount of Final Request)</i>

3. On \_\_\_\_\_ this notice was served by mail on the debtor, all creditors, any trustee, equity security holders, other parties in interest, and, if known, any identified entity subject to an injunction provided for in the plan against conduct not otherwise enjoined under the Bankruptcy Code. A list of the names, addresses, and methods for service of all parties served on paper is attached.

---

Signature

Date

---

Name

---

Relationship to Case

---

Service Address

---

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**NOTICE OF HEARING ON MOTION FOR  
RELIEF FROM CODEBTOR STAY ONLY IN  
A CHAPTER 12 CASE**

The attached written response was filed on behalf of the objector \_\_\_\_\_

who is the [enter role in case (codebtor, debtor, trustee, etc.)] \_\_\_\_\_  
in response to the motion for relief from the automatic stay as to the codebtor in this  
chapter 12 case filed on behalf of the moving party, \_\_\_\_\_.

The name and address of the objector's attorney—or, if no attorney, the objector—are:

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

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Location:** Courtroom # \_\_\_\_\_, \_\_\_\_\_

Video Hearing. To connect, see [www.orb.uscourts.gov/video-hearings](http://www.orb.uscourts.gov/video-hearings).

Telephone Hearing [See [LBF 888](#), *Telephone Hearing Requirements*.]

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

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1238244 for Judge Peter C. McKittrick (pcm)

4950985 for Judge Teresa H. Pearson (thp)

3388495 for Judge Thomas M. Renn (tmr)

Other \_\_\_\_\_

I certify that, on \_\_\_\_\_, copies of this notice and the objection were served on the moving party's attorney (or moving party, if no attorney) at the address shown in the notice of motion.

---

Signature

OSB# (if attorney)



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**CHAPTER 13 PLAN DATED** \_\_\_\_\_

**NOTICE: Your rights may be affected: all parties (including debtor and creditors) are bound to the terms of a confirmed plan. Creditors' claims may be modified or eliminated. The plan imposes obligations and duties on the debtor and other parties. You should read these papers carefully and discuss them with your attorney. If you do not have one, you may wish to consult one.**

If you oppose the plan treatment of your claim or any provision of this chapter 13 plan, you must file an objection. **Failure of a creditor to file a written objection to this plan will constitute acceptance of the plan, and the bankruptcy court may confirm the plan without further notice.** Objections must be filed within 14 days after the conclusion of the meeting of creditors, unless otherwise ordered by the court; for an amended plan, the deadline is in the attached notice of amendment. If there are any additional plan provisions or provisions that alter the language of paragraphs 1–14, they must be in paragraphs 15+ below.

1. **Plan Motions.** This plan includes the following items (and does not include items not selected):

Includes	
	<b>Motion to Value Collateral:</b> A limit on the amount of a secured claim, set out in paragraphs 4(b)(1) and (2), which may result in a partial payment or no payment at all to the secured creditor.
	<b>Motion for Relief:</b> Termination of the automatic stay with respect to surrendered property, set out in paragraph 4(b)(4), or property subject to a rejected contract or lease, set out in paragraph 5.
	<b>Motion to Avoid Liens:</b> Avoidance of a judicial lien or nonpossessory, non-purchase-money security interest, set out in paragraph 6.
	<b>Nonstandard Provisions:</b> Nonstandard provisions, set out starting in paragraph 15.

2. **Applicable Commitment Period.** The applicable commitment period of this plan is 36 or 60 months. Debtor must make plan payments for that period unless debtor first pays 100% of all allowed claims with appropriate interest. If that period is 36 months, the plan payments may continue for a longer period, not to exceed 60 months, as necessary to complete required payments to creditors. The approximate length of the plan is \_\_\_\_\_ months; cause to extend longer than 36 months is as follows: \_\_\_\_\_

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

(a) a monthly payment of \$ \_\_\_\_\_ ;

- (b) all non-exempt proceeds from avoided transfers, including those from transfers avoided by the trustee;
- (c) with respect to the following tax years \_\_\_\_\_; (*mark only one*): upon receipt, net tax refunds attributable to those tax years. no portion of net tax refunds attributable to those tax years. Net tax refunds are those tax refunds not otherwise provided for in the plan, less (1) tax paid by debtor for a deficiency shown on any tax return for that same tax year or tax paid by setoff by a tax agency for a postpetition tax year; (2) any earned income tax credit; (3) if checked, child tax credits; and (4) if checked, \_\_\_\_\_.
- (d) a lump sum payment of \$ \_\_\_\_\_ on or before \_\_\_\_\_ (date); and
- (e) \_\_\_\_\_.

4. **Trustee Disbursements and Treatment of Claims.** The trustee must commence prepetition disbursements required by paragraph 4(b)(3); upon confirmation of this plan, the trustee must commence disbursements in accordance with this plan. The trustee must not make any disbursement under this paragraph except on account of an allowed claim or allowed administrative expense. Should the trustee not have sufficient funds in trust to pay fully the disbursements listed below, disbursements of available funds must be made pro rata. The trustee must disburse all funds in the following amounts and order:

- (a) **Trustee’s Fee and Expenses.** First, to the trustee's percentage fee and expenses.
- (b) **Treatment of Secured Claims.** Second, to secured creditors as provided in (1) and (2) below. The terms of debtor’s prepetition agreement with each secured creditor will continue to apply, except as otherwise provided in this plan or in the confirmation order.

The value of collateral for secured claims is fixed at the values stated in (1) and (2) only if there is a check in the box “Includes” in paragraph 1 for “Motion to Value Collateral” and the plan is served on the secured creditor as required under FRBP 7004 or the allowed amount of the secured claim is fixed by consent of the secured creditor. Secured creditors’ liens shall be treated in accordance with § 1325(a)(5)(B)(i) and must be released when retention ends under that section.

- (1) **Cure of Default and Claim Modification.** Debtor must cure the default and maintain the contractual installment payments (as provided in paragraph 7) on a secured claim listed below in the “Estimated Arrearage if Curing” column. The amount listed in that column is an estimate; the creditor’s allowed claim will control. A claim listed in the “Collateral Value if Not Paying in Full” column is an allowed secured claim only to the extent of the value listed, and pursuant to § 506(a), debtor MOVES the court for an order fixing the value of the collateral in the listed amount.

The value of the creditor’s interest in the collateral is limited to the amount listed below, and that amount will be paid under the plan with postconfirmation interest at the rate stated below. The holder of a claim listed in the "Estimated Secured Claim if Paying in Full" column will receive the total amount of the claim as set forth in the creditor's proof of claim.

For all creditors provided for under this subparagraph (1), if the creditor’s claim will not be paid in full, the portion of the creditor’s claim that exceeds the amount of the allowed secured claim will be treated as an unsecured claim under paragraph 4(f) (if the claim identifies the priority position of the claim) and 4(g) below.

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

Use only one of these columns for each creditor

(2) **Secured Claim Modification Not Expressly Authorized by the Code.** Treatment of secured claims under this subparagraph (2) may include modification of a claim secured by a purchase-money security interest in either (a) a motor vehicle acquired for personal use by the debtor within 910 days before the petition date or (b) any other personal property collateral acquired within 1 year before the petition date. A secured claim treated in this subparagraph is limited to the amount listed in the “Amount of Claim as Modified (Value of Collateral)” column. Debtor MOVES the court for an order fixing the value of the collateral in the amount listed below. **Debtor proposes that the creditors listed accept, either expressly or impliedly, the following treatment, which might not be able to be approved absent consent of creditor. Failure of a creditor to file a written objection to confirmation of this plan before confirmation will constitute acceptance of the plan.**

Creditor	Collateral	Amount of Claim as Modified (Value of Collateral)	Post-confirmation Interest Rate	Monthly Payment

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

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

- (c) **Debtor's attorney compensation and expense reimbursement.** *[If this plan is filed as a postconfirmation amendment of plan, leave this part 4.(c) entirely blank; any postconfirmation compensation and expense reimbursement will be addressed by application under LBF 1307]* Third, to debtor's attorney fees of \$ \_\_\_\_\_ and expenses of \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ had been paid as of the date the attorney's Chapter 13 Debtor's Attorney's Compensation Disclosure and Application on LBF 1305 was filed, leaving \$ \_\_\_\_\_ unpaid.

The attorney [*check one*]  may  may not apply for supplemental compensation and expense reimbursement.

Debtor moves for modification of the automatic stay of § 362(a) to permit the attorney to offset the amount allowed to the attorney, to the extent it accrued before the petition date, against the amount that had been paid before the petition date.

The attorney will be paid as follows [*check only one*]:

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

Other: \_\_\_\_\_.

- (d) **Domestic Support.** Fourth, to allowed unsecured domestic support obligations under § 507(a)(1), and these claims must be paid in full.
- (e) **Administrative Expenses.** Fifth, to allowed administrative expenses under § 507(a)(2), and these claims must be paid in full.
- (f) **Priority Claims.** Sixth, to allowed priority claims in the order stated in § 507(a)(3)-(10), and these claims must be paid in full.

- (g) **Unsecured Claims.** Seventh, to allowed nonpriority unsecured claims, the amounts required by § 1325(b)(1) [*check only one*].
  - (1) Creditors will receive approximately \_\_\_\_\_ % of their claims. Payment of any dividend will depend on the amounts of allowed secured, priority (including costs of administration and the debtor's attorney fees), and nonpriority unsecured claims.
  - (2) Creditors will receive full payment of their claims.
- (h) **Best Interest of Creditors.** The "best interest of creditors" number is \$\_\_\_\_\_, and not less than that amount must be distributed to unsecured priority and nonpriority creditors. The amount of allowed priority claims will reduce the amount distributed to allowed unsecured nonpriority creditors.
- (i) **Unsecured Claim Interest.** All allowed unsecured claims will receive interest of \_\_\_\_\_ % from the time of confirmation.
- (j) **Untimely Claims Disallowed.** Subject to the provisions of § 502(b)(9), untimely claims, other than those secured claims for which the treatment is specified in paragraph 4(b) above, are disallowed without the need for objection.

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

Creditor	Amount of Default ( <i>State if None</i> )	Cure Provisions

Executory contracts or leases not specifically listed above are rejected. Any allowed claim arising from rejection will be treated under paragraph 4(g). Debtor will pay all assumed executory contracts and leases directly, including amounts required to cure. Debtor must surrender any property covered by rejected executory contracts or leases to the affected creditor no later than confirmation. Debtor MOVES that the stay of § 362(a) be terminated as to all property covered by rejected executory contracts and leases and that the stay of § 1301 be terminated.

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

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

7. **Direct Payments.** Debtor must pay directly to each of the following creditors the regular payment that comes due after the petition date (state creditor name followed by collateral description):
  
8. **Use of Credit.** Debtor may not obtain credit or incur debt obligations during the life of the plan and out of the ordinary course of operating debtor's business unless the trustee gives written consent, the obtaining of the credit or incurring of the debt is made necessary by emergency, or debtor gives notice to all creditors and the trustee and an opportunity for hearing as if the credit or debt were to be incurred by the trustee.
9. **Debtor Reporting Requirements.** Unless waived by the trustee in writing, debtor must report immediately, upon receipt of notice of the change, to the trustee if actual or projected gross annual income exceeds by more than 10% the gross income projected by debtor in the most recently filed Schedule I. Unless listed in the schedules, debtor must report immediately to the trustee any right of debtor to a distribution or right to distribution of funds or other property, including bonuses and inheritances, worth more than \$2,500.
10. **Postpetition Tax Reporting.** For tax years listed in paragraph 3(c), debtor must timely file all required tax returns and provide copies to the trustee each year immediately upon filing with the taxing authority.
11. **Vesting of Estate Property; Limitations on Postconfirmation Property Use.** Scheduled property of the estate will vest in debtor upon confirmation, subject to the terms of this paragraph. Except for regular monthly income, any right of debtor to a distribution of funds or other property exceeding a value of \$2,500 must be held by debtor and not used without the trustee's permission or a court order. Debtor must not buy, sell, use, lease (other than a lease of real property in which the debtor will reside), encumber, or otherwise dispose of any interest in: (a) real property; or (b) personal property worth more than \$10,000 out of the ordinary course of business without notice (given per FRBP 2002 as if the interest were property of the estate) to all creditors and the trustee, with an opportunity for hearing, unless the property is acquired through the use of credit with the trustee's written consent.
12. **Treatment of Trustee Funds on Hand Upon Dismissal or Conversion.** If this case is converted to chapter 7 and the chapter 13 trustee has more than \$2,500 at the time of conversion, the chapter 13 trustee must forward all funds to debtor, in care of debtor's attorney, if any, 10 days after the first scheduled § 341(a) meeting in the chapter 7 case unless the chapter 7 trustee files and serves a written objection pursuant to § 348(f)(2). If the funds in the chapter 13 trustee's possession at conversion are \$2,500 or less, or if this case is dismissed, the chapter 13 trustee must forward all funds to debtor in care of debtor's attorney, if any. This paragraph does not determine the rights of the parties to these funds.
13. **Reservation of Rights and Powers.** Except as expressly set forth in this plan or the confirmation order, neither this plan nor the confirmation order affects any right or power of debtor or the trustee, including debtor's rights under § 1302 and rights of the trustee or any trustee's assignee under 11 U.S.C. chapter 5.

14. **Additional Nonstandard Provisions.** Any nonstandard provisions are set forth below or on attachments; each provision is numbered, beginning with 15. Debtor and, if applicable, debtor's counsel certify that the plan contains no nonstandard provision other than those set out consistent with this paragraph. Nonstandard provisions set out elsewhere in this plan are ineffective; nonstandard provisions will be effective only if there is a check in the box "Includes" in paragraph 1.

Debtor	Date	Debtor	Date
--------	------	--------	------

**CERTIFICATE OF SERVICE on Creditors/Parties Treated in Paragraphs 4(b)(1)** (under the "Collateral Value if Not Paying in Full" column), **4(b)(2)** (under the "Amount of Claim as Modified" column) and **6** (see FRBP 3012, 4003(d), and 9014). I certify that copies of this plan and the notice of hearing to confirm this plan were served as follows:

a) For creditors/parties who are not Insured Depository Institutions (served by court) (see FRBP 7004(b)), I either listed the creditors/parties in the mailing list filed with the court exactly as follows, OR, on \_\_\_\_\_, I served the above-documents by first-class mail to the creditors/parties at the names and addresses exactly as follows (list each creditor/party, the person or entity the creditor/party was served through, and the address):

b) For Insured Depository Institutions (see FRBP 7004(h)), on \_\_\_\_\_, I served the above-documents by certified mail, or by other authorized means (specify), at the name and address exactly as follows (list each insured depository institution, the person or entity the institution was served through, and the address):

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

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

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

**NOTICE**

1. YOU ARE NOTIFIED that the motion below was filed by the debtor to [*check all that apply*]:
  - Buy property
  - Sell property
  - Encumber property (including refinance of property and loan modification)
2. If you wish to object to the motion, you must, within 21 days after the service date in paragraph 5 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401 a written objection stating the specific facts upon which the objection is based, and include a certificate of service of the objection on the movant.
3. **Failure to Object.** If you fail to file a timely objection, then the court may sign an order without further notice, submitted by the moving party on Local Bankruptcy Form 1301.5, granting the relief requested in the motion.
4. This document constitutes the notice required by Local Bankruptcy Rule 2002-1.
5. I certify that on \_\_\_\_\_ this document was:
  - a. served under Federal Rule of Bankruptcy Procedures (FRBP) 7004, on the debtor, chapter 13 trustee, U.S. trustee, each holder of liens or encumbrances on the property, and their attorneys; and
  - b. was sent, pursuant to FRBP 2002(a), to all creditors and all parties as listed in the court's records that were obtained on \_\_\_\_\_, a copy of which is attached to the document filed with the court.
6. For further information, contact [*enter name and contact information of debtor's attorney, or, if no debtor's attorney, debtor*]:



\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature & Relation to Movant

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

**MOTION**

**Information About the Property**

*[Movant must complete this entire section]*

1. **Description of the Property** *[for example, real property address; car model, year, and VIN; or manufacturer and serial number]:*

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

Additional property description attached?    Yes    No

2. **Description of Existing Liens and Encumbrances on the Property, Listed in Priority Order** *[for property debtor is purchasing, do not include liens and encumbrances of the existing owner that will be satisfied at the closing of the purchase]:*

Name of Holder	Approximate Amount	Interest Rate	Maturity Date	Proposed Treatment (fully paid, partially paid, or not paid)

Additional information on existing liens and encumbrances attached?    Yes    No

**Relief Requested**

*[Movant must complete each applicable part of this section; inapplicable parts of this section may be left blank.]*

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

Name of seller:

Relationship of seller to debtor:

Purchase price: \$

Anticipated closing date:

Other relevant terms of purchase:

Source of funds for purchase:

4. **Motion to Approve Sale of Property.** Debtor hereby moves for the authority to sell the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information--

Name of buyer:

Relationship of buyer to debtor:

Sale price: \$

Anticipated closing date:

Other relevant terms of sale:

Anticipated net proceeds:

Disposition of anticipated net proceeds (other than payment of liens and encumbrances described in paragraph 2 of this motion):

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

Encumbrance type:    New Loan    Refinance    Loan Modification

Name of lender:

Relationship of lender to debtor:

Principal amount of loan: \$

Interest rate:

Loan term/maturity date:

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

Closing costs:

Lien position [*senior lien, second position lien, etc.*]:

Amount of cash debtor will receive from refinance:    \$0    \$

Use of any cash debtor receives:

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

**Points and Authorities**

*[Movant must complete this entire section]*

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

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

Consents to this motion

Opposes this motion

Takes no position on this motion

Other:

8. **Plan**

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

b. Effect on Plan or Plan Payments. Check all that apply:

Satisfies an arrearage or other secured debt being paid in the plan. Debtor anticipates \_\_\_\_\_ an increased or \_\_\_\_\_ a reduced housing expense of \$ \_\_\_\_\_ compared to the amount listed in the most recently filed Schedule J. Net proceeds will be used to complete debtor's obligations under the plan.

Net proceeds will be used to pay all creditors in full.

Other:

**9. Exhibits**

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

None

Exhibits:

<b>Exhibit Number</b> <i>[for example, Exhibit B]</i>	<b>Exhibit Description</b> <i>[for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement]</i>

**10. Declarations**

In support of this motion, debtor hereby attaches the following declarations:

None

Declarant names:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature & Relation to Movant

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

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

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

This matter having come before the court on the *Notice of Motion and Motion by Chapter 13 Debtor to Buy, Sell, or Encumber Interest in Property* (ECF No. \_\_\_\_\_), and the court finding good cause therefore,

IT IS ORDERED that the motion is:

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

in accordance with the terms set forth in the motion.

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

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

Denied

###

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

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

**NOTICE**

1. YOU ARE NOTIFIED that the motion below was filed by the debtor to [*check all that apply*]:
  - Use property
  - Lease property
  - Dispose of interest in property
2. If you wish to object to the motion, you must, within 21 days after the service date in paragraph 5 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401 a written objection stating the specific facts upon which the objection is based, and include a certificate of service of the objection on the movant.
3. **Failure to Object.** If you fail to file a timely objection, then the court may sign an order without further notice, submitted by the moving party on Local Bankruptcy Form 1302.5, granting the relief requested in the motion
4. This document constitutes the notice required by Local Bankruptcy Rule 2002-1.
5. I certify that on \_\_\_\_\_ this document was:
  - a. served under Federal Rule of Bankruptcy Procedure (FRBP) 7004, on the debtor, Chapter 13 trustee, U.S. trustee, each holder of liens or encumbrances on the property, and their attorneys; and
  - b. was sent, pursuant to FRBP 2002(a), to all creditors and all parties as listed in the court's records that were obtained on \_\_\_\_\_, a copy of which is attached to the document filed with the court.
6. For further information, contact [*enter name and contact information of debtor's attorney, or, if no debtor's attorney, debtor*]:



\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature & Relation to Movant

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

**MOTION**

*[In this motion, to "use" or "dispose of" property means to use or dispose of it other than by selling or encumbering it.]*

**Information About the Property**

*[Movant must complete this entire section]*

1. **Description of the Property** *[for example, real property address; car model, year, and VIN; or manufacturer and serial number]:*

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

Additional property description attached?    Yes    No

2. **Description of Existing Liens and Encumbrances on the Property, Listed in Priority Order** *[for property where debtor will be the lessee, do not list liens and encumbrances that are the responsibility of the lessor]:*

Name of Holder	Approximate Amount	Interest Rate	Maturity Date	Proposed Treatment (fully paid, partially paid, or not paid)

Additional information on existing liens and encumbrances attached?    Yes    No

**Relief Requested**

*[Movant must complete each applicable part of this section; inapplicable parts of this section may be left blank.]*

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

Proposed use of the property:

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

Relationship of those parties to debtor:

Consideration for proposed use:

Other relevant terms of use:

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

Debtor will be the    lessor    lessee

Name of other parties to the lease:

Relationship of those parties to debtor:

Rent:

Anticipated lease commencement date:

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

Other relevant lease terms:

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

Reason for disposition:

Method of disposition:

Other parties involved in disposition:

Relationship of those parties to debtor:

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

**Points and Authorities**

*[Movant must complete this entire section]*

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

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

Consents to this motion

Opposes this motion

Takes no position on this motion

Other:

8. **Plan**

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

b. Effect on Plan or Plan Payments. Check all that apply:

Satisfies an arrearage or other secured debt being paid in the plan. Debtor anticipates an increased a reduced housing expense of \$\_\_\_\_\_ compared to the amount listed in the most recently filed Schedule J. Net proceeds will be used to complete debtor's obligations under the plan.

Net proceeds will be used to pay all creditors in full.

Other:

**9. Exhibits**

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

None

Exhibits:

<b>Exhibit Number</b> <i>[for example, Exhibit B]</i>	<b>Exhibit Description</b> <i>[for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement]</i>

**10. Declarations**

In support of this motion, debtor hereby attaches the following declarations:

None

Declarant names:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature & Relation to Movant

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

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

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

This matter having come before the court on the *Notice of Motion and Motion by Chapter 13 Debtor to Use, Lease, or Dispose of Interest in Property* (ECF No. \_\_\_\_\_), and the court finding good cause therefore,

IT IS ORDERED that the motion is:

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

in accordance with the terms set forth in the motion.

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

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

Denied.

###

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**CHAPTER 13 DEBTOR'S ATTORNEY'S  
COMPENSATION DISCLOSURE AND  
APPLICATION**

1. This compensation disclosure and application is made by debtor's attorney (applicant). Applicant applies for allowance of the compensation and expense reimbursement described herein.

2. Agreement [*check one*]

A copy of the written agreement between debtor and applicant required by 11 U.S.C. § 528(a)(1) is attached.

No agreement is attached because:

3. Payments

a. As of the date of this Local Bankruptcy Form (LBF) 1305, the amount that applicant has received as compensation for services rendered or to be rendered or expenses incurred or to be incurred in contemplation of or in connection with the case, including the petition filing fee, whether or not held in trust, is \$\_\_\_\_\_.

b. Any amount received after the petition date is \$\_\_\_\_\_.

c. Any source of payment to applicant other than debtor is:\_\_\_\_\_.

d. As of the date of this LBF 1305, the amount of expenses incurred in contemplation of or in connection with the case, including the petition filing fee, that applicant has paid, whether from applicant's funds or funds held in trust, is: \$\_\_\_\_\_.

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

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



- i. Applicant has agreed to perform all legal services to debtor that are reasonably necessary in or in connection with this case for the entire life of the case, including contested matter litigation, but excluding adversary proceedings and appeals for the fixed fee of \$\_\_\_\_\_ [\$5,500 maximum] plus expenses of \$\_\_\_\_\_ [\$600 maximum], for a total of \$\_\_\_\_\_.
  - ii. The unpaid agreed fee and expense amount is \$\_\_\_\_\_ [*amount in paragraph 4.a.i. less the amount in paragraph 3.a.*].
- b. **Schedule 2.(a)** (fixed fee through confirmation and initial audit of claims):
- i. Applicant has agreed to perform all legal services to debtor that are reasonably necessary in or in connection with this case through confirmation of the plan and the initial audit of claims, including prepetition services in contemplation of the case, for the fixed total amount of \$\_\_\_\_\_ [\$3,750 maximum].
  - ii. The unpaid portion of the agreed amount for services described in paragraph 4.b.i is \$\_\_\_\_\_ [*amount in paragraph 4.b.i less the amount in paragraph 3.a. plus the portion of the amount in paragraph 3.a that applicant received for expenses*].
  - iii. Applicant has also agreed to perform all other legal services to debtor that are reasonably necessary in or in connection with this case on the terms set forth in the attached agreement or, if there is no written agreement, as follows:
- c. **Schedule 2.(b)** (hourly; estimated amount through confirmation and initial audit of claims):
- i. Applicant has agreed to perform all legal services to debtor that are reasonably necessary for this case at hourly rates. The estimated total amount of compensation and expense reimbursement for all services through confirmation of the plan and the initial audit of claims, including prepetition services in contemplation of the case, is \$\_\_\_\_\_. The earliest date of the services for which applicant seeks compensation is \_\_\_\_\_.
  - ii. The unpaid estimated compensation and expenses is \$\_\_\_\_\_ [*amount in paragraph 4.c.i less the amount in paragraph 3.a.*].

- iii. The agreement for compensation and expense reimbursement for all services and expenses in and in connection with this case is set forth in the attached agreement or, if there is no agreement, as follows:
  
  
  
  
  
  
  
  
  
  
- d. **Schedule 3** (other):
  - i. Applicant has agreed to provide debtor with services in or in connection with this case on the terms set forth in the attached agreement or, if there is no written agreement, as follows:
  
  
  
  
  
  
  
  
  
  
  - ii. If another attorney previously filed an LBF 1305 in this case selecting Schedule 1 or, if the other attorney did not complete services through plan confirmation and the initial audit of claims, Schedule 2(a), the following is a description of incomplete services, compensation paid by the trustee to the other attorney, and any agreement among the other attorney and the debtor regarding the other attorney's fees:
  
  
  
  
  
  
  
  
  
  
- 5. If applicant has previously shared any compensation or there exists any agreement or understanding between applicant and any other entity for the sharing of compensation received or to be received for services rendered in or in connection with this case, other than as a member or regular associate of a firm of attorneys, the details of the sharing or sharing agreement are as follows:

6. On \_\_\_\_\_, applicant served this document on debtor.

---

Applicant's Signature

---

Type or Print Applicant's Name

OSB#

---

Applicant's Telephone Number

---

Applicant's Service Address

---

### **Instructions**

See Local Bankruptcy Rule (LBR) 2016-1(e) regarding who must file LBF 1305 and when it and any amendment must be filed.

See instructions in LBF 1307, *Chapter 13 Debtor's Attorney's Supplemental-Compensation Application*, regarding required contemporaneous time records.

Paragraph 4.(c) of the chapter 13 plan on LBF 1300.22 must be completed consistently with this LBF 1305.

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

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**CHAPTER 13 DEBTOR'S ATTORNEY'S  
SUPPLEMENTAL-COMPENSATION  
APPLICATION; AND ORDER AND NOTICE  
THEREON**

1. This application is made by debtor's attorney (applicant).
2. In applicant's Chapter 13 Debtor's Attorney's Compensation Disclosure and Application on Local Bankruptcy Form (LBF) 1305, applicant selected [*check one*]:
  - Schedule 2.(a)
  - Schedule 2.(b)
  - Schedule 3.

3. This application [*check one*] is is not applicant's final application in this case.
4. Applicant has previously been allowed compensation and expense reimbursement in the plan-confirmation order and any prior LBF 1307s in the total amount of \$\_\_\_\_\_. The court has previously awarded compensation and expense reimbursement to another attorney representing the debtor in the total amount of \$\_\_\_\_\_.
5. Applicant applies for supplemental allowance of compensation and expense reimbursement totaling \$\_\_\_\_\_ for the period \_\_\_\_\_ through \_\_\_\_\_. An itemized statement of services rendered and expenses incurred is attached [*see instruction below regarding the period to be covered by this statement*]. If this application is granted, the total amount allowed will be \$\_\_\_\_\_. If this application is final, it includes \$\_\_\_\_\_ in anticipated additional fees to complete the case. Other information affecting the amount requested, such as discounts included, is as follows:

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

not affect the distribution to creditors.

delay the distribution to creditors by approximately \_\_\_\_ months.

reduce the estimated distribution to general unsecured creditors from \_\_\_\_\_% to \_\_\_\_\_%.

increase the total amount that the debtor will pay into the plan.

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

change the estimated length of the plan from \_\_\_\_ months to \_\_\_\_ months.

not require the payment of additional funds, because the trustee currently holds sufficient funds to pay the requested fees and expenses.

other:

7. If applicant has previously shared any compensation or there exists any agreement or understanding between applicant and any other entity for the sharing of compensation received or to be received for services rendered in or in connection with this case, other than as a member or regular associate of a firm of attorneys, the details of the sharing or sharing agreement, other than those disclosed in LBF 1305 or a prior LBF 1307, are as follows:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Type or Print Applicant's Name OSB#

\_\_\_\_\_  
Applicant's Telephone Number

\_\_\_\_\_  
Applicant's Service Address

### **CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ a copy of this application and order thereon (without attachments) and any Notice of Hearing prepared by the court per the judge's order were served on the debtor and, if the total amount requested exceeds \$1,000, on all creditors (or if FRBP 2002(h) applies, only on each entity that is listed in FRBP 2002(h)). I have attached a clearly identified list of the names, addresses, and methods for service on all parties served using paper. The application served on creditors did not include the attachment, but any creditor may obtain a copy of the attachment upon request to applicant.

\_\_\_\_\_  
Signature & Relation to Applicant

## INSTRUCTIONS

Do not serve this application until the judge has signed it at the top of the first page.

No application may be filed (a) if Schedule 1 was selected on LBF 1305, (b) to request fees and expenses less than \$500 on a nonfinal LBF 1307, (c) sooner than six months after the last to be filed of the LBF 1305 or the most recent prior LBF 1307, if any, (d) after filing a final LBF 1307, or (e) after 28 days after service of the trustee's notice of plan completion (Local Bankruptcy Rule (LBR) 2016-1(e)(3)(A)).

If Schedule 2.(b) was selected—and even if an LBF 1306 was filed—the first LBF 1307 must include an itemized statement of all services rendered and expenses incurred in contemplation of or in connection with the case, both before and after the petition date, and it must reflect the paid amounts listed in the LBF 1305 and amounts allowed in the confirmation order (LBR 2016-1(e)(3)(B)).

The presumptively reasonable compensation for preparation of each LBF 1307 is \$100 (LBR 2016-1(e)(3)(C)).

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

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

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

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re )  
 ) Case No. \_\_\_\_\_  
 )  
 ) CONFIRMATION HEARING DATE \_\_\_\_\_  
 )  
 ) **ORDER CONFIRMING PLAN**  
Debtor ) **AND RESOLVING MOTIONS**

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

1. The debtor's plan dated \_\_\_\_\_, as modified by any amendment shown in ¶11, is confirmed.

2. The debtor shall incur no credit or debt obligations during the life of the plan without the trustee's written consent unless made necessary by emergency or incurred in the ordinary course of operating the debtor's business. Unless waived by the trustee in writing, the debtor shall report immediately, upon receipt of notice of the change, to the trustee if actual or projected gross annual income exceeds by more than 10% the gross income projected by the debtor in the most recently filed Schedule I. Except for those amounts listed in the schedules, the debtor shall report immediately to the trustee any right of the debtor or debtor's spouse to a distribution of funds (other than regular monthly income) or other property which exceeds a value of \$2,500.00. This includes the right to disbursements from any source, including, but not limited to, bonuses and inheritances. Any such funds to which the debtor becomes entitled shall be held by the debtor and not used without the trustee's permission, or, if such permission is not obtained, a court order. The debtor shall not buy, sell, use, lease (other than a lease of real property in which the debtor will reside), encumber or otherwise dispose of any interest in: (a) real property; or (b) personal property with a value exceeding \$10,000.00 outside the ordinary course of business without notice to all creditors and the trustee, with an opportunity for hearing unless such property is acquired through the use of credit and the trustee's permission is obtained pursuant to the first sentence of this paragraph.

3. During the life of the plan, the debtor(s) shall timely file all required tax returns and provide copies of all tax returns to the trustee each year immediately upon filing with the taxing authority. The debtor's failure to pay postpetition tax and/or domestic support obligations may constitute cause for dismissal of the debtor's Chapter 13 case under 11 USC §1307(c).

[Note: Printed text may not be stricken]



4.  (a) Per the filed *Application for Compensation* (LBF #1305), compensation to debtor's counsel of \$\_\_\_\_\_ is approved.
- (b) If Schedule 2(b) was selected, and the fees and expenses as certified at the end of this document are less than those estimated on the filed *Application for Compensation* (LBF #1305), fees and expenses in the amount of \$\_\_\_\_\_ are approved.
- A total of \$\_\_\_\_\_ has been paid, leaving \$\_\_\_\_\_ to be paid as funds become available per ¶2(b)(4) of the plan.

5. The value of collateral securing debts due holders of secured claims is fixed at the values stated in the plan or the modifications in ¶11 below, only if a valuation motion(s) was included in the plan and served as required under FRBP 7004, or the allowed amount of the secured claim was fixed by consent of the concerned secured creditor. In all other circumstances, the value of such collateral, if contested, shall be established through the claims process or otherwise, as provided in title 11 or the FRBP. Executory contracts and unexpired leases are assumed or rejected as provided in the plan or the modifications in ¶11 below. The name and service address for each creditor affected by this paragraph are [**Note:** List alphabetically and only one creditor per line]:

6. Nothing in the proposed plan or in this order shall be construed to prohibit the trustee from prevailing in any adversary proceedings filed under 11 USC §§544, 545, 547, 548 or 549.

7. (a) Pursuant to 11 USC §522(f)(1)(A) the court hereby avoids the following judicial liens [**Note:** Listed alphabetically, and only one per line, include each creditor's name and service address]:

(b) Pursuant to 11 USC §522(f)(1)(B) the court hereby avoids the following non-purchase money liens [**Note:** Listed alphabetically, and only one per line, include each creditor's name and service address]:

8. The debtor, if operating a business without a tax account, shall open a separate bank account and promptly deposit all sums withheld from employees' wages and all employer payroll taxes, and shall make no disbursements from such account except to pay tax liabilities arising from payment of wages.

9. All payments under the confirmed plan shall be paid no later than 5 years after the date the first payment was due under 11 USC §1326(a)(1). If all payments are not completed by that date, the case may be dismissed.

10. All creditors to which the debtor is surrendering property pursuant to the plan are granted relief from the automatic stay to effect possession and to foreclose.

[**Note:** Printed text may not be stricken]

11. The debtor moves to amend the plan by interlineation as follows, which amendments are allowed and become part of the confirmed plan [**Note:** Listed alphabetically, and only one per line, include the name and a service address for any creditor whose address is not listed in ¶5. For changes to plan language, but not added language, set out the old and new language in different forms, for example by striking through deleted language and underlining new language.]:

12. Creditors with prepetition claims excepted from the debtor(s)' discharge are enjoined from initiating any collection actions against the debtor(s) until this case is closed, dismissed, or converted to another chapter under title 11, unless they obtain relief from this order.

13. The terms of this order are subject to any objection filed within 15 days by [**Note:** Listed alphabetically, and only one per line, include the name and a service address for any creditor whose address is not listed in ¶¶ 5, 7 or 11]:

14. The trustee is authorized to commence disbursements in accordance with the plan.

15. In the event this case is converted to Chapter 7, and the Chapter 13 trustee possesses funds aggregating more than \$2,500.00 at the time of conversion, the Chapter 13 trustee shall forward all such funds to the debtor, in care of the debtor's attorney, if any, 10 days after the first scheduled §341(a) meeting in the Chapter 7 case unless, prior to that date, the Chapter 7 trustee files and serves a written objection pursuant to 11 USC §348(f)(2). In the event the funds in the trustee's possession at such time aggregate \$2,500.00 or less, or in the event this case is dismissed, the Chapter 13 trustee shall forward all funds in the trustee's possession to the debtor in care of the debtor's attorney, if any. Nothing in this paragraph is to be construed as a determination of the rights of the parties to such funds.

16. All mortgage creditors are granted relief from the automatic stay and co-debtor stay to negotiate with the debtor and co-debtor regarding modification of the underlying loan agreements, providing that any modification must receive the written consent of the trustee or be approved by order of the Court in order to become effective. Negotiations with represented debtors must be with debtor's counsel who may consent to the creditor communicating directly with the debtor. ###

***I certify that on \_\_\_\_\_ I served this Order on the trustee for submission to the court.***

***[To be completed if debtor's attorney elected to be paid per Schedule 2(b) on LBF #1305.] I further certify under penalty of perjury that, through \_\_\_\_\_ [date], I have incurred hourly fees of \$ \_\_\_\_\_, and expenses of \$ \_\_\_\_\_, for a total of \$ \_\_\_\_\_. A total of \$ \_\_\_\_\_ has been paid to me for the fees and expenses, leaving \$ \_\_\_\_\_ to be paid through the plan. I have contemporaneous time and expense records and will provide an itemization of my fees and expenses to the Court or any party in interest in this case upon request.***

Approved: \_\_\_\_\_  
Trustee

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

[**Note:** Printed text may not be stricken.]

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

CONFIRMATION HEARING DATE: \_\_\_\_\_

**ORDER CONFIRMING PLAN  
AND RESOLVING MOTIONS**

Debtor \_\_\_\_\_

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

1. Debtor's plan (Docket # \_\_\_\_\_) is confirmed, and all relief requested in the plan is granted. All references to the plan are to the plan as modified by any amendment shown in Paragraph 4 below.

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

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

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

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

Additional Provisions, if any:

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

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

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

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Confirmation Hearing Date: \_\_\_\_\_

Debtor

**ORDER CONFIRMING PLAN AND  
RESOLVING MOTIONS**

The debtor's plan having been provided to creditors and the court having found that it complies with 11 U.S.C. § 1325, now, therefore **IT IS ORDERED**:

1. Debtor's plan (Docket # \_\_\_\_\_) is confirmed, and all relief requested in the plan is granted. All references to the plan are to the plan as modified by any amendment shown in paragraph 4 below.
2. Pursuant to 11 U.S.C. § 522(f)(1), the following liens are avoided [*list alphabetically, and only one per line, including each creditor's name, service address, and lien type (for example, judicial lien or non-purchase money security interest)*]:

3. Per the filed *Chapter 13 Debtor's Attorney's Compensation Disclosure and Application* ([Local Bankruptcy Form \(LBF\) 1305](#)) and, if applicable, the *Chapter 13 Debtor's Attorney's Schedule 2.(b) Itemization* ([LBF 1306](#)), compensation to debtor's counsel of attorney fees of \$\_\_\_\_\_ and expenses of \$\_\_\_\_\_, of which \$\_\_\_\_\_ has been paid, leaving \$ \_\_\_\_\_ to be paid as funds become available per plan paragraph 4(c).
  
4. Debtor has moved to amend the plan by interlineation as follows, which amendments are allowed and become part of the confirmed plan [*for changes to plan language, but not added language, set out the old and new language in different forms, for example by striking through deleted language and underlining new language*]:
  
  
  
  
  
  
  
  
  
  
5. The terms of this order are subject to any objection filed within 21 days by [*list alphabetically, and only one per line, including each creditor's name, service address*]:
  
  
  
  
  
  
  
  
  
  
6. Additional provisions, if any:

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I certify that on \_\_\_\_\_ I provided this order to the trustee for submission to the court.

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

Approved: \_\_\_\_\_  
Trustee

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

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

Debtor

**NOTICE OF HEARING ON TRUSTEE'S  
[CHECK ONE]**

**MOTION TO DISMISS CASE**

**MOTION TO CONVERT CASE**

**10-DAY NOTICE OF DEFAULT**

*Instructions to filer:* Obtain a hearing date from <https://www.orb.uscourts.gov> under the "Hearings" heading. If a telephone hearing is scheduled, mark the Access Code box for the hearing judge.

The attached objection is hereby filed by the debtor(s) in response to the Trustee's Motion/Notice dated \_\_\_\_\_.

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

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Location:** Courtroom # \_\_\_\_\_, \_\_\_\_\_

Telephone Hearing [See [LBF 888](#), *Telephone Hearing Requirements*.]

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

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

Video Hearing. To connect, see [www.orb.uscourts.gov/video-hearings](http://www.orb.uscourts.gov/video-hearings).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Debtor's Phone #

\_\_\_\_\_  
Debtor's Attorney's Phone #

\_\_\_\_\_  
Debtor's Address & Taxpayer ID#(s) (last 4 digits)