UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

LOCAL BANKRUPTCY RULES,
INTERIM BANKRUPTCY RULES,
ADMINISTRATIVE ORDERS
AND
LOCAL BANKRUPTCY FORMS

~~December 1, 2015~~
November 1, 2016
www.nhb.uscourts.gov

PREFACE

These Local Bankruptcy Rules shall be cited as "LBR." The Local Rules of the United States District Court for the District of New Hampshire shall be cited as "LR." The Bankruptcy Rules promulgated by the Supreme Court of the United States shall be cited as "Bankruptcy Rule." Title 11 of the United States Code shall be cited as "Bankruptcy Code." The Administrative Orders promulgated by the United States Bankruptcy Court for the District of New Hampshire shall be cited as "AO." The Local Bankruptcy Forms promulgated by the United States Bankruptcy Court for the District of New Hampshire shall be cited as "LBF." Interim Bankruptcy Rules ~~1017-1~~1007-1 and 5012, as amended, shall be cited as "IBR."

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LOCAL BANKRUPTCY RULES
of the
United States Bankruptcy Court for the District of New Hampshire

PART I
COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

~~AO~~LBR 1002-1 Petition — General

(a) Filing. A petition commencing a case under the Bankruptcy Code shall be filed in the clerk's office or by electronic means as established by the court.

(b) Format. A petition commencing a case shall conform substantially to the applicable Official Bankruptcy Form and shall be completed legibly in all respects. All information requested or provided for in the applicable Official Bankruptcy Form or by Bankruptcy Rule 1005 shall be completed by the petitioner. All petitions must be formatted to 8½" x 11" and will be accepted for filing if the information requested in the applicable Official Bankruptcy Form, Bankruptcy Rule 1005 and the following are included:

(1) Filing fee.

(2) List of creditors in matrix format.

(3) In chapter 11 cases, in addition to the list required by Bankruptcy Rule 1007(d), a list of the twenty (20) largest unsecured creditors (excluding insiders) prepared in matrix format.

Cross-References:

- *28 U.S.C. § 1930 (Bankruptcy Fees)*
- *LBR 1004-1 (Petition — Partnership)*
- *LBR 1004-2 (Petition — Corporation)*
- *LBR 1004-3 (Petition — Trust, Limited Liability Company)*
- *LBR 1006-1 (Fees — Installment Payments)*
- *LBR 1007-2 (Mailing — List or Matrix)*
- *LBR 2016-1 (~~Hearings on~~ Compensation ~~and Employment~~ of Professionals ~~Persons~~)*
- *LBR 5005-4 (Electronic Filing)*
- *LBR 5080-1 (Fees — General)*
- *LBR 5081-1 (Fees — Form of Payment)*
- *AO 5005-4 (Electronic Filing)*
- *LBF 1007-2 (Verification of Creditor Mailing List)*

LBR 1004-1 Petition — Partnership

(a) Separate Entity Requirement. ~~The clerk shall not accept for~~No case shall be commenced by filing a petition ~~filing a single petition in bankruptcy~~ referring to both the individual partner and the partnership. ~~and or partners.~~ If separate filings are intended by an individual partner or partners as well as the partnership, separate petitions are required by each entity.

(b) Necessity of Retaining Counsel. ~~The clerk shall not accept for filing a voluntary petition to commence a case~~No case shall be commenced by filing a petition if the debtor is a partnership unless the debtor is represented by an attorney who has signed the petition. ~~The clerk shall not accept for filing an involuntary petition to commence a case if a petitioner~~An involuntary case may not be commenced if a

petitioning creditor is a partnership unless the petitioner is represented by an attorney who has signed the petition.

Cross-References:

- *LR 83.6 (Appearances)*
- *LBR 1004-2 (Petition — Corporation)*
- *LBR 1004-3 (Petition — Trust, Limited Liability Company)*
- *~~AO~~LBR 1007-1 (Lists, Schedules and Statements)*
- *LBR 9011-2 (Pro Se Parties)*
- *AO 5005-4(d) (Electronic Filing/Signatures and Declarations Regarding Electronic Filing)*

LBR 1004-2 Petition — Corporation

(a) Separate Entity Requirement. ~~The clerk shall not accept for filing any petition in bankruptcy~~No case shall be commenced by filing a petition by an individual or other entity doing business as a corporation. A separate petition must be filed by each entity.

(b) Necessity of Retaining Counsel. ~~The clerk shall not accept for filing a voluntary petition to commence a case~~No case shall be commenced by filing a petition if the debtor is a corporation unless the debtor is represented by an attorney who has signed the petition. ~~The clerk will not accept for filing an involuntary petition to commence a case if a petitioner~~An involuntary case may not be commenced if a petitioning creditor is a corporation unless the petitioner is represented by an attorney who has signed the petition.

(c) Corporate Resolution. ~~The clerk shall not accept for filing a voluntary petition to commence a case~~ No case shall be commenced by filing a petition if the debtor is a corporation unless the petition is accompanied by a corporate resolution or certificate of corporate vote that authorizes the filing of the bankruptcy petition.

Cross-References:

- *LR 83.6 (Appearances)*
- *LBR 1004-1 (Petition — Partnership)*
- *LBR 1004-3 (Petition — Trust, Limited Liability Company)*
- *~~AO~~LBR 1007-1 (Lists, Schedules and Statements)*
- *LBR 9011-2 (Pro Se Parties)*
- *AO 5005-4(d) (Electronic Filing/Signatures and Declarations Regarding Electronic Filing)*

LBR 1004-3 Petition — Trust, Limited Liability Company

(a) Separate Entity Requirement. ~~The clerk shall not accept for filing a single petition in bankruptcy~~ No case shall be commenced by filing a petition referring to both a trust and the individual trustee or referring to both a limited liability company and its principal. If separate filings are intended by an individual trustee as well as the trust or by a limited liability company as well as its principal, separate petitions are required by each entity.

(b) Necessity of Retaining Counsel. ~~The clerk shall not accept for filing a voluntary petition to commence a case~~No case shall be commenced by filing a petition if the debtor is a trust or limited

liability company unless the debtor is represented by an attorney who has signed the petition. ~~The clerk shall not accept for filing an involuntary petition to commence a case if a petitioner~~An involuntary case may not be commenced if a petitioning creditor is a trust or limited liability company unless the petitioner is represented by an attorney who has signed the petition.

Cross-References:

- *LR 83.6 (Appearances)*
- *LBR 1004-1 (Petition — Partnership)*
- *LBR 1004-2 (Petition — Corporation)*
- *~~AO~~LBR 1007-1 (Lists, Schedules and Statements)*
- *LBR 9011-2 (Pro Se Parties)*
- *AO 5005-4(d) (Electronic Filing/Signatures and Declarations Regarding Electronic Filing)*

LBR 1006-1 Fees — Installment Payments

No debtor seeking approval for payment of the bankruptcy filing fee in installments shall pay less than one-fourth (1/4) of the total fee required with the filing of the petition. Unless otherwise ordered by the court, the balance of the total fee shall be paid in no more than three (3) additional installments payable every thirty (30) days thereafter until paid in full.

Cross-References:

- *LBR 5080-1 (Fees — General)*
- *LBR 5081-1 (Fees — Form of Payment)*

~~AO~~LBR 1007-1 Lists, Schedules and Statements

(a) Form. All schedules and statements shall conform substantially to the Official Bankruptcy Forms included in the Bankruptcy Rules and shall be completed legibly in all respects. If the appropriate entry is "none," then that should be indicated. In each of Schedules D, E/F and H, creditors shall be listed in alphabetical order by name, with complete address including the ZIP code, except that secured creditors on Schedule D may be grouped according to the collateral involved if multiple liens on particular assets are involved. Where required by the form, include the last four digits of the account number. In individual cases, Schedules A/B through J must be filed. In all other cases, Schedules A/B and D through H must be filed.

(b) Filing of Schedules and Statements. Collate in the following sequence:

(1) Petition.

(2) Statement of Financial Affairs.

(3) Schedules A/B through J.

(4) Applicable version(s) of Official Bankruptcy Forms 122A, B, or C, including the Means Test Calculation and Calculation of Your Disposable Income, if appropriate.

(5) Summary of Assets and Liabilities.

(6) Declaration About Schedules.

(7) Disclosure of Compensation of Attorney for Debtor Pursuant to Bankruptcy Rule 2016(b).

(8) Statement of Intention for Individuals Filing Under Chapter 7, if appropriate.

(9) List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders in Chapter 9 or 11 Cases, if appropriate.

(10) Any other documents required by paragraphs *(f)* through *(h)* of this rule.

(11) Verification of Creditor Mailing List with list of creditors in matrix format attached.

(c) Paper Copies. The debtor must bring a paper copy of the signed petition, schedules, statements and lists to the ~~first~~ meeting of creditors so that the trustee may use the paper copy to examine the debtor.

(d) Certificate of Credit Counseling. An individual debtor under chapter 7, 11, 12 or 13, in addition to indicating on the petition that credit counseling has been obtained, shall file a separate certification from an approved credit counseling agency indicating that said credit counseling has been completed.

(e) Statement About Social Security Number. An individual debtor shall submit, at the time of filing the voluntary petition, a verified statement that sets out the debtor's Social Security number. If the petition is not filed electronically, then the debtor shall submit the statement on Official Bankruptcy Form 121. If the petition is filed electronically, then the debtor shall make the statement on *LBF 5005-4*, the Declaration Regarding Electronic Filing, which must be submitted to the court within seven (7) days. If the debtor does not have a Social Security number, then the debtor shall file Official Bankruptcy Form 121 and so indicate.

(f) Filing Copy of Debtor's Organization Documents. Whenever a debtor is organized as a trust or as a limited liability company, the debtor shall file with its bankruptcy schedules a copy of its organizational documents together with all amendments, with a copy served upon any trustee and counsel to any official committee in the case.

~~*(g) Filing of Leases.* Whenever a lease of nonresidential real property constitutes an interest of a bankruptcy estate, the debtor shall file, along with the statement of executory contracts, a separate statement that such a lease exists, the name and address of the lessor and a copy of the lease instrument, with a copy served upon any trustee and counsel to any official committee in the case.~~

~~*(h)*~~*(g) Filing of List of Inventories and Equipment.* Whenever inventory or business equipment is scheduled in a chapter 7 case, the debtor shall comply with the requirements of *LBR 4002-1(c)* and *(d)*.

~~*(i)*~~*(h) Failure to Timely File Schedules.* If the debtor fails to file all schedules and statements required by Bankruptcy Rule 1007, and no extension of time has been requested or granted, then the court may issue an order to show cause or a notice why the case should not be dismissed for failure to timely file the required schedules and statements, unless the provisions of 11 U.S.C. § 521(i) apply, in which event the case may be dismissed in accordance with *LBR 1007-8*.

~~*(j)*~~*(i) Motions to Extend Time to File Schedules.* The following procedures shall govern the filing of motions to extend the time to file schedules and statements:

(1) Timeliness. A motion for extension of time shall be filed before the expiration of the period originally prescribed by the Bankruptcy Rules or as extended by a previous order. A copy of the motion should be served by the debtor upon the United States Trustee, any trustee and all members of any official committee appointed by the United States Trustee.

(2) Content of Motion. All motions for extension of time shall state:

(A) The specific date requested.

(B) Whether previous applications for extensions of time on the matter have been requested, including the number and length of previous extensions.

(C) Whether the opposing party or parties in interest agree or object to the requested extension.

(3) Proposed Order. A proposed order shall accompany the motion.

~~*(k)*~~*(j)Extension Granted for Filing Schedules.* Generally debtors are not granted an extension of the time for filing schedules and statements to a date after the first date scheduled for the § 341 meeting of creditors. If the debtor is granted an extension of the time for the filing of schedules and statements, and the time for filing occurs after the first date scheduled for the § 341 meeting of creditors, then the debtor shall appear at said meeting on the scheduled date, unless the debtor has previously reached an agreement with the case trustee not to appear, and obtain the agreement of the United States Trustee or the case trustee for a continued meeting to a date after the required papers are to be filed.

Cross-References:

- ~~*AO*~~*LBR 1002-1 (Petition — General)*
- *LBR 1007-2 (Mailing — List or Matrix)*
- *LBR 4002-1 (Debtor — Duties)*
- *LBR 5005-4 (Electronic Filing)*
- *AO 5005-4 (Electronic Filing)*
- *LBF 5005-4 (Declaration Regarding Electronic Filing)*

LBR 1007-2 Mailing — List or Matrix

(a) List and Verification. The debtor or the debtor's attorney shall prepare and submit, at the time the petition is filed, a master address list in the matrix form specified herein which contains the names, addresses and ZIP codes of all creditors and parties in interest in alphabetical order, accompanied by a statement in the form of *LBF 1007-2*. The list of creditors shall be filed in PDF format as an attachment to the petition, schedules and statements. In addition, the list of creditors shall also be saved in .txt format for uploading into the court's CM/ECF system.

(b) Format. The list of creditors shall be formatted as follows:

(1) Lists must be left justified and typed in a single column with no stray marks, page numbers or debtor names.

(2) Use legible font.

(3) Lists must be no closer than one inch from any edge of the paper.

(4) Each name/address must consist of no more than five (5) total lines, with at least one blank line between each of the name/address blocks.

(5) Each line must be no more than forty-five (45) characters in length.

(6) Do not include the following parties on the list of creditors: debtor, joint debtor, debtor's attorney and United States Trustee.

(7) Do not include account numbers.

(8) Name and address lines should contain upper and lower case letters.

(9) Attention lines must appear on the second line of the address block.

(10) ZIP codes should appear normally at the end of the last line.

An example of the approved list of creditors in matrix format is set forth below:

ABC Corporation
ATTN: Comptroller
1234 Main Street
Boston, MA 02109-1782

First City Nat'l Bank
of Beaumont
PO Box 3391
Beaumont, TX 77704-0965

Flex Northwest
1540 NW 46th Street
Seattle, WA 98372-6578

Cross-Reference:

- *LBF 1007-2 (Verification of Creditor Mailing List)*

LBR 1007-6 Filing of Educational Individual Retirement Accounts Pursuant to 11 U.S.C. § 521(c)

A record of any interest that a debtor has in an education individual retirement account or under a qualified state tuition program: *(1)* shall not be filed with the court unless otherwise ordered, and *(2)* shall be provided to the trustee in accordance with 11 U.S.C. § 521(c).

LBR 1007-7 Filing of Payment Advices Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv)

Copies of all payment advices or other evidence of payment received within sixty (60) days before the date of the filing of the petition by the debtor from any employer of the debtor: *(1)* shall not be filed with the court unless otherwise ordered, and *(2)* shall be provided to the trustee in accordance with 11 U.S.C. § 521(a)(1)(B)(iv).

LBR 1007-8 Automatic Dismissal Under 11 U.S.C. § 521(i)(1)

(a) Required Documents. If a debtor fails to file all documents required to be filed with the court in accordance with 11 U.S.C. § 521(a)(1), and any extension of the deadline for filing such documents within the meaning of 11 U.S.C. § 521(i)(3) has passed, the debtor's case shall be dismissed pursuant to 11 U.S.C. § 521(i)(1), and the clerk shall issue a notice of dismissal indicating the same.

(b) Payment Advices. If a debtor fails to submit payment advices required to be submitted to the trustee in accordance with 11 U.S.C. § 521(a)(1)(B)(iv) and *LBR 1007-7*, and any extension of the deadline for filing such documents within the meaning of 11 U.S.C. § 521(i)(3) has passed, the debtor's case shall be dismissed pursuant to 11 U.S.C. § 521(i)(1) upon the trustee filing a notice of noncompliance with 11 U.S.C. § 521(a)(1)(B)(iv) and *LBR 1007-7*, and the clerk shall issue a notice of dismissal indicating the same.

~~AO~~LBR 1009-1 Amendments to ~~Petitions,~~ Lists~~,~~ and Schedules ~~and Statements~~

(a) Generally. No petition may be amended to add an additional entity as a debtor after the petition has been filed with the clerk.

(b) Form. An amendment must be filed as a separate document titled Notice of Amendment. The Notice of Amendment must contain the following:

(1) A caption including the case name, case number, judge's initials and chapter.

(2) A statement identifying the schedule, statement or other document being amended.

(3) The purpose of the amendment, which shall specifically state the change being made to the document being amended.

(4) The date of the amendment.

(5) The debtor's signature (if electronically filed, a Declaration Regarding Electronic Filing in the form of *LBF 5005-4* must be forwarded to the clerk's office within seven (7) days of the filing of the amendment).

(c) Additional Documents. The Notice of Amendment must be accompanied by the following documents:

(1) An amendment cover sheet in the form of *LBF 1009-1A.*

(2) In case of an amendment to schedules or statements, a complete copy of the schedule or statement as amended. In the case of an amendment to any schedule of liabilities, each debt newly listed must also state when such debt was incurred and contain the last four digits of the account number. Additionally,

(A) In the case of an amendment to Schedule I, a complete copy of the schedule, as amended, as well as a complete copy of Schedule J that conforms to the amended Schedule I must be filed.

(B) In the case of an amendment to Schedule J, a complete copy of the schedule, as amended, as well as a complete copy of Schedule I must be filed.

(3) The Summary of Assets and Liabilities in the case of an amendment to Schedules A/B, D, E/F, I, J, or Official Bankruptcy Form 122A, B, or C.

(4) A supplement to the list of creditors that shall include the names and the addresses of the creditors added, or whose names and addresses have been changed by the amendment, which supplement shall conform to the requirements of *LBR 1007-2*.

(5) A certificate of service by the debtor or the debtor's attorney stating that notice has been given as required by Bankruptcy Rule 1009 and paragraph *(f)* of this rule.

(d) Filing of Amendment. When filing an amendment, the documents should be collated in the following sequence:

(1) Amendment Cover Sheet on *LBF 1009-1A*.

(2) Notice of Amendment.

(3) List of Newly Added Creditors substantially in the form of *LBF 1007-2*, if applicable.

(4) Complete copy of schedule or statement as amended.

(5) Summary of Assets and Liabilities, if applicable.

(6) Notice to Additional Creditors on *LBF 1009-1B*, if applicable.

(7) Certificate of service.

(e) Filing Fee. When filing an amendment, the debtor shall pay the required filing fee, if any.

(f) Notice to Affected Parties. Any amendments to the debtor's schedules must be served on all affected creditors, any trustee, counsel to any creditors' committee and the United States Trustee by the debtor or the debtor's attorney at the same time as they are filed with the clerk, and shall comply further with this rule regarding form and notice. Where the debtor adds creditors to the case by supplementing either the schedules or the list of creditors previously filed, the debtor shall serve upon each newly-listed creditor a copy of the following:

(1) The Notice of Amendment.

(2) The Notice of Bankruptcy Case (commonly referred to as the § 341 notice) ~~or~~and ~~if the meeting has been held,~~ a ~~notice~~Notice to Added Creditors in the form of *LBF 1009-1B* extending deadlines ~~which provides bar dates equivalent to that~~ granted by the original § 341 notice. ~~(see *LBF 1009-1B*)~~

(3) The order granting discharge, if any.

(4) Any other filed document affecting the rights of said creditor.

Cross-References:

- *28 U.S.C. § 1930 (Bankruptcy Fees)*
- *LBR 1007-2 (Mailing — List or Matrix)*
- *LBR 5005-4 (Electronic Filing)*
- *LBR 5080-1 (Fees — General)*
- *LBR 5081-1 (Fees — Form of Payment)*
- *AO 5005-4 (Electronic Filing)*
- *LBF 1009-1A (Amendment Cover Sheet)*
- *LBF 1009-1B (Notice to Added Creditors)*
- *LBF 5005-4 (Declaration Regarding Electronic Filing)*

LBR 1015-1 Joint Administration/Consolidation

(a) Related Cases. Whenever related cases are filed, but not consolidated or jointly administered by order of the court, any pleading or other document intended to be filed in both cases must be filed in each case as a separate original document. Failure to comply with this rule may result in the pleading being denied without prejudice.

(b) Jointly Administered or Consolidated Cases. Whenever, upon motion of a debtor or other party in interest, the court orders that related cases be jointly administered or consolidated pursuant to Bankruptcy Rule 1015, subsequent to the entry of such order, all further papers shall be filed in the chief case with which a related case or cases have been consolidated or in which joint administration has been directed, and only the docket for that case shall be maintained.

(c) Proofs of Claim. Notwithstanding the provisions in paragraph *(b)* above, proofs of claim or any associated transfers of claim in jointly administered cases shall be filed in the cases to which they pertain unless otherwise ordered by the court.

Cross-Reference:

- *LBR 9004-2 (Caption — ~~Pleadings/Documents~~Papers, General)*

LBR 1016-1 Death of Debtor

(a) Statement of Death. If a debtor dies while the debtor's case is pending, debtor's counsel or the joint debtor shall file a statement advising the court of the debtor's death. If the debtor's case is pending under chapter 11, chapter 12, or chapter 13, the statement must indicate whether the debtor's case should proceed as permitted by Bankruptcy Rule 1016.

(b) Motions Waiving Certain Requirements. If a debtor's case is to proceed after the debtor's death, debtor's counsel or the joint debtor shall file any and all motions that are necessary to ensure that the case may proceed and be concluded, so far as possible, as though the death had not occurred.

(c) Waiver of Financial Management Course. A motion seeking waiver of the requirement to take a financial management course is not required as long as a statement of death has been filed pursuant to subsection *(a)*.

LBR 1017-2 Dismissal or Suspension — Case or Proceeding~~s~~

The court may at any time issue an order to show cause why a case, adversary proceeding or motion should not be dismissed or denied for lack of prosecution. If good cause is not shown within the time prescribed by the show cause order, then the court may enter an order of dismissal or denial, with or without prejudice, as the court may deem appropriate.

LBR 1019-1 Conversion — Procedure Following

(a) Effect on Scheduled Hearings Other Than Motions for Relief from the Automatic Stay. Except with regard to motions for relief from the automatic stay, whenever an order or a notice issues converting a case from another chapter to chapter 7, the effect of such order or notice shall be to cancel any and all scheduled hearings on pending motions, unless otherwise ordered by the court. A notice ~~and order~~shall routinely issue by the clerk to this effect upon conversion to chapter 7. It shall be the burden of the movant in such matters to act affirmatively to reschedule such hearings, if appropriate, in the chapter 7 case at a time subsequent to such time as the interim trustee in chapter 7 has had an opportunity to examine the debtor at a meeting pursuant to § 341 of the Bankruptcy Code. If the motion is not so rescheduled by the movant or the plaintiff within thirty (30) days after conversion, then it will be deemed denied without prejudice without further action of the court.

(b) Effect on Scheduled Hearings on Motions for Relief from the Automatic Stay. In the event a motion for relief from the automatic stay is pending as of the time an order or notice issues converting a case from another chapter to chapter 7, the motion for relief from stay shall be heard at the date and time scheduled by the court prior to conversion.

(c) Notice of Unpaid Claims. In the event that the debtor files a notice of unpaid claims pursuant to Bankruptcy Rule 1019, the trustee may request that the court set a deadline for the filing of administrative claims, notice of said deadline to be provided to identified claim holders by the trustee, unless otherwise ordered by the court.

LBR 1050-1 Citation Format for Opinions Issued By This Court

(a) Reported Opinions. Opinions that are reported in the *Bankruptcy Reporter*, *Bankruptcy Court Decisions* or other reporter shall be cited using the citation format for such reporter suggested in *The Bluebook*, e.g., In re Grant, 242 B.R. 800, 801 (Bankr. D.N.H. 2000).

(b) Unreported Opinions. Unreported opinions are opinions that have not been released for publication in printed reports. An opinion is issued in unreported form where, in the view of the judge issuing the opinion, the opinion does not articulate a new rule of law, modify an established rule, apply an established rule to novel facts, or otherwise serve as a significant guide to future parties and litigants. While unreported opinions may be cited by parties and litigants in unrelated cases in the form described in paragraphs *(c)* or *(d)*, their precedential value may be limited.

(c) Unreported Opinions Published on the Court's Web Site and Issued After January 1, 1999. Unreported opinions that are issued after January 1, 1999, shall be cited using the four-digit year in which the opinion was issued, the letters "BNH," the three-digit opinion number located on the top of the opinion and, where reference is made to specific material within the opinion, the page number, e.g., In re Hellesen, 1999 BNH 002, 3.

(d) Unreported Opinions Not Published on the Court's Web Site. Unreported opinions that are not published on the court's web site shall be cited using the citation form for unreported decisions suggested in *The Bluebook*, e.g., Galloway v. True (In re True), Bk. No. 96-11447-MWV, Adv. No. 96-1093-MWV, slip. op. at 3 (Bankr. D.N.H. Aug. 22, 1997).

LBR 1070-1 Jurisdiction

All initiating motions and complaints shall include, at the outset, a statement of the jurisdiction of the bankruptcy court pursuant to the applicable provisions of 28 U.S.C. §§ 157 and 1334. The jurisdictional statement shall include an allegation as to whether the matter is a "core" or "noncore" matter pursuant to 28 U.S.C. § 157. The motion or complaint shall also include a statement that the pleader does or does not consent to entry of final orders or judgments by the bankruptcy court.

Cross-Reference:

- *LBR 9004-1 (~~Pleadings and Documents~~Papers — Requirements of Form)*

LBR 1074-1 Corporations — Identification of Parent Companies and Public Companies

(a) Purpose. The purpose of this rule is to assist the judges in making a determination as to whether they have any relationship with or interest in any company related to a debtor or party in interest that would disqualify the judge from participating in any proceeding in this court.

(b) Definition of Company. For the purposes of this rule, "company" means any entity as defined in 11 U.S.C. § 101 which is not an individual, governmental unit or United States Trustee, and includes, but is not limited to, corporations, partnerships, limited liability companies, limited liability partnerships, estates and trusts.

(c) Debtors. Consistent with any requirement under Bankruptcy Rule 1007(a)(1), any company that is a debtor in this court shall file a statement identifying all of its parent companies and listing any publicly held company that owns ten percent (10%) or more of the interests in the debtor or the debtor's equity securities. The debtor shall file the statement with its petition at the commencement of the case and shall supplement such statement within a reasonable time following any change of the information.

(d) Adversary Proceedings. Consistent with any requirement under Bankruptcy Rule 7007.1, any company, other than a debtor, that is a party to an adversary proceeding in this court shall file a statement identifying all of its parent companies and listing any publicly held company that owns ten percent (10%) or more of the interests in the party or the party's equity securities. A party shall file the statement with its initial pleading filed in the court and shall supplement such statement within a reasonable time following any change of the information.

(e) Contested Matters. Any company, other than a debtor, that is involved in a contested matter in this court, either as a movant, an objecting party or a respondent, shall file a statement identifying all of its parent companies and listing any publicly held company that owns ten percent (10%) or more of the interests in the company or the company's equity securities. The movant or objecting party shall file the statement with its initial pleading filed in the court and shall supplement such statement within a reasonable time following any change of the information. The respondent shall file the statement with its responsive pleading filed in the court and shall supplement such statement within a reasonable time following any change of the information. Contested matters, for purposes of this rule, include but are not limited to: *(1)* applications to employ professionals; *(2)* objections to exemptions; *(3)* objections to use of cash collateral; *(4)* objections to proposed sale, use or lease of property; *(5)* motions for relief; *(6)* objections to motions to avoid liens; *(7)* objections to claims; *(8)* objections to disclosure statements; *(9)* objections to confirmation; and *(10)* applications for compensation.

(f) Exception. Notwithstanding the provisions of sections *(c)* through *(e)* of this rule, a company shall file only one statement in each proceeding in this court (i.e., bankruptcy case, adversary proceeding and contested matter) unless there is any change of the information, in which case the company shall supplement its statement within a reasonable time following such change.

PART II
OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

LBR 2002-1 Notice to Creditors and Other Interested Parties

(a) Generally. If notice is required by the Bankruptcy Rules to be served on all creditors and parties in interest, the clerk, upon advance request, shall provide the moving party with a copy of the list of creditors for the case. The list of creditors is also available via the CM/ECF system.

(b) Parties to Receive Notice. In all cases, notice shall be sent pursuant to *LBR 5075-1* and, in addition, to any other parties as may be required by the Bankruptcy Code, the Bankruptcy Rules, the ~~Local Bankruptcy Rules~~*LBRs* and the ~~Administrative Orders~~*AOs* of this court.

(c) Service in Adversary Proceedings and Contested Matters. Service in all adversary proceedings shall be made in accordance Bankruptcy Rule 7004, and service in all contested matters shall be made as required by Bankruptcy Rule 9014(b).

(d) Method of Service. Service of all pleadings and orders shall be by first class mail or electronic means unless otherwise provided by the Bankruptcy Rules, the ~~Local Bankruptcy Rules~~*LBRs* or ordered by the court.

Cross-References:

- *LBR 1007-2 (Mailing — List or Matrix)*
- *LBR ~~5003-1~~5002-1 (Register of Mailing Addresses)*
- *LBR 5075-1 (Clerk — Delegated Functions; Designation of Parties to Provide Notice)*

LBR 2002-2 Notice to United States or Federal Agency

(a) Generally. Bankruptcy Rule 2002 governs notice to the United States of America or a subdivision thereof.

(b) Adversary Proceedings and Contested Matters. Bankruptcy Rule 7004 governs service of process upon the United States of America in adversary proceedings and contested matters.

Cross-Reference:

- *LBR ~~5003-1~~5002-1 (Register of Mailing Addresses)*

LBR 2014-1 Employment of Professionals

(a) Ex Parte Applications. The court will ordinarily approve the employment of a professional person on an *ex parte* basis, if employment is on a general retainer basis.

(b) Contingent Hearing Necessary. Applications for employment that disclose a fee arrangement where the fee is payable on a flat, fixed percentage, or contingent basis must be noticed for a contingent hearing. The court may grant such applications without a hearing, provided that the following conditions are met:

(1) No objections have been filed.

(2) The application meets all of the requirements of the Bankruptcy Code and Rules and complies with all provisions of the *LBRs*.

Exception: An application to employ an accountant to prepare a tax return for a fee of no more than $600 requires no hearing and may be approved *ex parte*.

(c) Alternative Fee Provisions. The court has discretion to authorize retention with alternative provisions for fees, subject to the proviso in § 328 of the Bankruptcy Code where such terms and conditions subsequently prove to be "improvident" as therein defined. If such alternative provisions are requested, a hearing shall be held to establish the need for the alternative method of retention.

(d) Timing. Pursuant to Bankruptcy Rule 6003(a) and *LBR 6003-1*, the court will not approve any application to employ a professional person within twenty-one (21) days after the filing of the petition except to the extent that relief is necessary to avoid immediate and irreparable harm.

Cross-References:

- *LBR 2016-1 (~~Hearings on~~ Compensation ~~and Employment~~ of Professionals ~~Persons~~)*
- *LBR 6003-1 (Applications to Employ Filed Within Twenty-One (21) Days of Petition)*
- *AO 2016-1 (Fee and Expense Guidelines)*

LBR 2014-2 Chapter 13 — Representation by Attorneys

~~Subject to the provisions of *LBR 2091-1,*~~ An attorney, who represents a debtor at the time a petition under chapter 13 is filed or when a case under another chapter of the Bankruptcy Code is converted to chapter 13, has a continuing duty to represent the debtor in all matters until the occurrence of the earliest of:

(a) Dismissal of the case.

(b) Entry of an order allowing the attorney to withdraw from further representation of the debtor.

~~*(c)* The order allowing claimsOrder Sustaining Trustee's Objections to Claims and Authorizing Trustee to DiscloseDisburse Payments Under Chapter 13 Plan is final.~~

*(~~d~~c)*Closing of the case.

Cross-References:

- *LBR 2016-1 (~~Hearings on~~ Compensation ~~and Employment~~ of Professionals ~~Persons~~)*
- *LBR 2091-1 (Attorneys — Withdrawals)*

LBR 2015-2 ~~Chapter 11 — Monthly Operating Reports~~Debtor-in-Possession Duties

(a) Filing of Monthly Reports. Except as otherwise provided in a chapter 11 case, the debtor, or if a chapter 11 trustee has been appointed, the chapter 11 trustee, shall file with the clerk monthly operating reports completed in accordance with the United States Trustee's Operating Guidelines and Reporting Requirements for Chapter 11 Cases. The monthly operating reports shall be filed until the earlier of *(1)* the entry of a final decree in the chapter 11 case, or *(2)* the conversion or dismissal of the case pursuant to 11 U.S.C. § 1112.

(b) Relief from Filing Requirement. After notice and a hearing, the court may excuse compliance with the filing requirement imposed by *(a)* above or may authorize the debtor or the chapter 11 trustee, as applicable, to file monthly operating reports that do not contain all of the data or information otherwise required by the United States Trustee's Operating Guidelines and Reporting Requirements for Chapter 11 Cases.

LBR 2015-5 Trustees — Chapter 13 ~~— Trustee's Final Account~~

(a) Dismissed or Converted Cases. When a case has been dismissed or converted to another chapter, the trustee shall follow United States Trustee guidelines by filing a Final Report and Account with the court.

(b) Completed Cases. When the trustee determines that the plan has been completed, the trustee may file an Interim Report and Account with the court. A Final Report and Account shall be filed with the court in accordance with United States Trustee guidelines, which indicates that the case is ready to be closed.

(c)Closing Cases. In accordance with the provisions of 11 U.S.C. § 350(a) and Bankruptcy Rule 5009(a), a debtor's bankruptcy case will not be closed until at least thirty (30) days after the Final Report and Account is filed with the court.

LBR 2016-1 ~~Hearings on~~ Compensation ~~and Employment~~ of Professionals ~~Persons~~

(a) Scope of Rule. This rule shall apply to all applications for compensation filed by any professional person including, but not necessarily limited to, attorneys, accountants, appraisers, financial consultants and brokers.

(1) Exceptions to this rule's requirements concerning submission of detailed statements, timekeeping, billing summaries or other matters may be sought when the application for retention is filed. For example, a professional whose compensation is subject to application and review may indicate an inability to comply with the requirements of this rule or request an exception based upon the terms of employment or common practice (e.g., percent commission or compensation measured other than by time) and may, therefore, seek an exception to one or more provisions of this rule. Such exceptions will be considered prospectively only and will be granted only to the extent not inconsistent with the policies underlying the monitoring and review of professional compensation.

(2) If the total fee for the debtor's attorney in a case under chapter 13 is less than or equal to the guidelines prescribed in *AO 2016-1*, the statement required by *LBR 2016-1(b)* is sufficient, and it is unnecessary for such attorney to file any itemized application for compensation unless ordered to do so by the court.

(b) Rule 2016 Statement and Supplement. At the same time the bankruptcy petition is filed, the debtor's attorney shall file a statement disclosing compensation paid or promised to the debtor's attorney as required by Bankruptcy Rule 2016. The amount of any retainer received by the debtor's attorney shall be included in the attorney compensation statement, and the statement shall provide the scope of services to be rendered. If, subsequent to the time the Rule 2016 statement is filed, the debtor's attorney has provided or agreed to provide additional services to the debtor, the debtor's attorney shall file a supplement to the Rule 2016 statement in the form of *LBF 2016-1C* disclosing such additional services and compensation.

(c) Retainers. All retainers, whether received from the debtor or from any other source for the benefit of the debtor or for the benefit of an appointed trustee or committee, shall be held in a segregated account or attorney's client trust account if the retainer is received by a professional person whose retention is subject to approval by the court on account of services rendered or to be rendered. Retainers held pursuant to this rule are to be held for the benefit of the bankruptcy estate, as opposed to the benefit of any other person, entity or program, until such time as an order for their disposition issues. None of the retainer held pursuant to this rule shall be withdrawn except upon an order by the court.

(d) Preparation of Application. All professional persons whose compensation is subject to approval by the court must file an application for compensation unless excepted from such requirement by the provisions of this rule or by an order of the court.

(1) It is the responsibility of a trustee or debtor in possession to prepare and file the application for compensation and expenses of a non-attorney professional employed by the trustee or the debtor in possession after receiving and reviewing the statement or invoice of the professional involved.

(2) Any attorney who proposes to charge a debtor more than the amount specified in *AO 2016-1* shall file an application for compensation in accordance with this rule.

(e) Application Form. All applications for allowances to attorneys, accountants and other professionals retained by order of the court for reasonable services rendered or reimbursement of necessary expenses incurred shall:

(1) Include Annex 1 — Request for Final Fee and Expense Award (see *LBF 2016-1A*) or Annex 2 — Request for Interim Fee and Expense Allowance (see *LBF 2016-1B*) giving a recap of pertinent data.

(2) In addition to the requirements set forth in the Bankruptcy Code and Bankruptcy Rule 2016(a), the application proper shall contain the following other information:

(A) The date of the order approving employment or appointment.

(B) In concise form, a general narrative statement of the nature of the services provided, including the results obtained, total amount of compensation sought and any other matters which will assist the court in determining the reasonable value of such services.

(C) A time sheet based upon records prepared contemporaneously with the services rendered setting forth:

(i) The dates the services were rendered.

(ii) A description of services in sufficient detail to enable the court to find that such services were actual and necessary.

(iii) The total billable hours spent rendering such services and the total billable hours expended in rendering such services broken down among timekeepers.

(iv) The identity of the person or persons rendering such services.

(v) The billing rate for each of said persons providing services and a total of the amount of time spent by each person.

(vi) The total compensation sought by each person providing the services.

(vii) Any maximum compensation fixed in the order of appointment.

(D) In a chapter 11 case, the debtor in possession (or any chapter 11 trustee) shall prepare, file and serve a form of notice summarizing all pending applications for compensation to be used in giving notice of any hearing on fee and expense requests before the same may be heard and acted upon. The notice shall be a single notice covering all pending fee applications and shall include a cumulative total of all interim compensation allowances and expense reimbursements in the case prior to the pending applications.

(f) Expenses.

(1) Every application for professional compensation shall set forth with specificity all disbursements for which reimbursement is sought.

(2) Applications may seek only reimbursement for actual, necessary expenses.

(3) Reimbursement of expenses is not intended to provide a "profit" to the applicant. Where the professional is seeking compensation based upon the customary compensation charged by comparably skilled practitioners in cases other than cases under the Bankruptcy Code, reimbursement of expenses is not intended to cover overhead expenses normally included within the amount of such compensation.

(4) Every applicant seeking compensation must be prepared to demonstrate that all expenses for which reimbursement is sought are actual and necessary. However, absent an objection by a party in interest or unless ordered to do so by the court, any applicant may seek reimbursement of expenses up to the amounts specified in the guidelines adopted by the court in *AO 2016-1* without demonstrating the actual unit costs of such expenses.

Cross-References:

- *~~AO~~LBR 1007-1 (Lists, Schedules and Statements)*
- *LBR 2014-1 (Employment of Professionals)*
- *AO 2016-1 (Fee and Expense Guidelines)*
- *LBF 2016-1A (Annex 1 — Request for Final Fee and Expense Award)*
- *LBF 2016-1B (Annex 2 — Request for Interim Fee and Expense Award)*
- *LBF 2016-1C (Supplement to Bankruptcy Rule 2016(b) Statement)*

LBR 2016-2 Hearings on Compensation of Professionals in Non-Chapter 11 Cases

All applications for compensation of professional persons in non-chapter 11 cases must be noticed for a contingent hearing. The court may grant such applications without a hearing, provided that the following conditions are met:

(a) No objections have been filed.

(b) The application meets all of the requirements of the Bankruptcy Code and Rules and complies with all provisions of the *LBRs*.

Cross-References:

- *LBR 7102 (Motion Content)*
- *LBF 2016-2 (Notice of Contingent Hearing on Application(s) for Compensation)*

LBR ~~2016-2~~2016-3 ~~Contingent~~ Hearings on Compensation of Professionals~~Persons~~ in Chapter 11 Cases

~~Applications for compensation filed by a professional person including, but not necessarily limited to, attorneys, accountants, appraisers, financial consultants and brokers, may be noticed for a contingent hearing using *LBF 2016-2* if:~~

~~*(1)* the professional person seeks compensation based on a flat fee;~~

~~*(2)* the professional person seeks compensation based on a fixed percentage basis; or~~

~~*(3)* the professional person seeks compensation based on a contingent fee basis.~~

~~Applications to employ a professional person that also seek approval of the terms of compensation on a basis described above may also be noticed for a contingent hearing. The court may enter an order approving such applications without a hearing if:~~

~~*(1)* the application meets all of the requirements of the Bankruptcy Code and Rules and complies with all provisions of the *LBRs*, and~~

~~*(2)* no objection to the application has been filed.~~

(a) Contingent Hearings. Applications for compensation of professional persons in chapter 11 cases requesting a fee on a flat, fixed percentage, or contingent basis must be noticed for a contingent hearing. The court may grant such applications without a hearing, provided that the following conditions are met:

(1) No objections have been filed.

(2) The application meets all of the requirements of the Bankruptcy Code and Rules and complies with all provisions of the *LBRs*.

(b) Non-Contingent Hearings. Applications for compensation of professional persons that do not meet the criteria set forth in *(b)* above must be noticed for a hearing following the procedure described in *LBR 7101(b).*

Cross-References:

- *LBR 7102 (Motion Content)*
- *LBF 2016-2 (Notice of Contingent Hearing on Application(s) for Compensation)*

LBR 2016-4 Compensation of Petition Preparers

(a) Required Documents. Any petition preparer who receives compensation from a debtor for preparing a bankruptcy petition or other document must complete and file Official Bankruptcy Form B119 and Director's Form B2800.

(b) Hearing Required. Should a bankruptcy petition preparer in any individual case seek a determination that the value of services rendered exceeds $150, the bankruptcy petition preparer shall file a motion with the court requesting a hearing. The motion shall be filed within fourteen (14) days after the date of the filing of a petition. See In re Moran, 256 B.R. 842 (Bankr. D.N.H. 2000).

LBR 2070-1 Estate Administration

Without application or notice to the court, a chapter 7 trustee is authorized to pay routine expenses, other than the fees of professionals employed under § 327 of the Bankruptcy Code, arising out of administration of a chapter 7 estate that do not exceed in the aggregate the sum of $1,000.00. All disbursements made in payment of such routine administrative expenses shall be subject to review by the court at the conclusion of the case and shall be itemized and described in the final report and accounting filed by the trustee.

LBR 2083-2 Chapter 13 — Proof of Value of Real Estate; Proof of Insurance

Whenever improved real estate is scheduled in a chapter 13 case, the debtor shall provide, at least seven (7) days prior to the § 341 meeting, proof of value, proof of insurance and such other insurance information as the chapter 13 trustee may require. Whenever a debtor in a chapter 13 case operates a business, the debtor shall provide, at least seven (7) days prior to the § 341 meeting, proof of appropriate business insurance.

LBR 2083-3 Chapter 13 — Requirements for Business Debtor

~~If a chapter 13 debtor is a debtor engaged in business, the debtor shall also file:~~

~~*(a)* Statement of Financial Affairs for Debtor Engaged in Business.~~

~~*(b)* A monthly operating statement substantially in the form of *LBF 2083-3*. Such operating statement shall be provided to the chapter 13 trustee on a monthly basis by the debtor engaged in business until the time the trustee files a final motion to allow claims. Should the chapter 13 trustee require further reporting prior to the filing of the final motion to allow claims, the trustee shall submit the request in writing. The chapter 13 trustee shall insert language in the proposed order allowing claims, and this matter shall be taken up at the claims hearing. The chapter 13 trustee shall file a motion to require monthly reports after the order is entered allowing claims when the trustee believes it is appropriate to do so.~~

If a chapter 13 debtor is a debtor engaged in business, the debtor shall provide to the chapter 13 trustee a monthly operating report substantially in the form of *LBF 2083-3*. The debtor shall provide such report on a monthly basis until the time the trustee files a motion for authorization to pay claims. A copy of the monthly operating report shall be provided upon request to any party in interest by the chapter 13 trustee.

If the chapter 13 trustee would like monthly reporting to continue after he commences paying claims, the trustee shall make such a request in writing. Such request may be contained in the motion for authorization to pay claims.

Cross-Reference:

- *LBF 2083-3 (Monthly Operating Report)*

LBR 2090-1 Attorneys — Admission to Practice

(a) Admission of Member of the Bar of the District Court. Any attorney admitted to the bar of the United States District Court for the District of New Hampshire is admitted to practice before the United States Bankruptcy Court for the District of New Hampshire. The provisions of LR 83.2(a) shall govern the admittance of an attorney appearing for the United States, for an agency of the United States or for an officer of the United States in an official capacity.

(b) Admission Pro Hac Vice. Any attorney not admitted to the bar of the United States District Court for the District of New Hampshire may appear and practice before the United States Bankruptcy Court in a particular action at the court's discretion and on motion by a member of the bar of the United States

District Court for the District of New Hampshire who is actively associated with him or her in a particular action. All such motions shall have attached a supporting affidavit meeting the requirements of LR 83.2(b)(1) and containing a statement that:

(1) The attorney is familiar with the requirements of *LBR 2090-2* regarding disciplinary jurisdiction and rules.

(2) The attorney is familiar with or is associated with local counsel who is familiar with the substantive and the procedural requirements of the ~~local bankruptcy rules~~*LBRs* and ~~administrative orders~~*AOs* of the bankruptcy court.

(3) The attorney is familiar with the requirements of *LBR 5005-4* and *AO 5005-4* regarding electronic filing and that the attorney has been issued a log-in and password by the court or will secure a log-in and password from the court no later than fourteen (14) days after admission *pro hac vice*.

However, in accordance with § 304(g) of the Bankruptcy Reform Act of 1994, child support creditors or their representatives shall be permitted to appear and intervene without meeting the requirements of this rule if said creditors or representatives file a form with the court that contains information detailing the child support debt, its status and other characteristics.

Cross-References:

- *LR 83.2 (Practice by Persons Not Members of the Bar of this Court)*
- *LBR 2090-2 (Attorneys — ~~Disciplinary Rules and Procedures~~Discipline and Disbarment)*
- *LBR 5005-4 (Electronic Filing)*
- *LBR 9010-1 (Attorneys — Notice of Appearance)*
- *AO 5005-4 (Electronic Filing)*

LBR 2090-2 ~~Disciplinary Rules and Procedures~~Attorneys —Discipline and Disbarment

The following disciplinary rules and procedures shall apply in all matters before this court.

(a) Conferred Disciplinary Jurisdiction. Any attorney admitted or permitted to practice before this court shall be deemed to have conferred disciplinary jurisdiction upon this court for any alleged attorney misconduct arising during the course of a case pending before this court in which that attorney has participated in any way.

(b) Promulgation of Disciplinary Rules. The court, in furtherance of its inherent authority and responsibility to supervise the conduct of attorneys who are admitted or permitted to practice before it, and the authority granted by the ~~district court~~District Court for the District of New Hampshire under LR 77.4(b), adopts LR 83.5, as amended from time to time.

LBR 2091-1 Attorneys — Withdrawals

(a) Generally. An attorney may withdraw from a case by serving notice of withdrawal on the client and on all other parties and by filing the notice with the clerk provided that: *(1)* there are no motions affecting

the attorney's client pending before the court, *(2)* a pretrial scheduling order has not been entered in an adversary proceeding involving the client, and *(3)* no trial date on any such adversary proceeding has been set. If these conditions are not met, an attorney may only withdraw from a case by leave of the court after the filing of a motion. When an attorney withdraws from a case and no other appearance is entered, the clerk shall notify the party by mail of such withdrawal and, unless the party appears *pro se* or through counsel within the time specified in the clerk's notice, the court may terminate the case by dismissal or default judgment. As a condition of withdrawal, the debtor's attorney shall notify the clerk, in writing, of the client's last known address.

(b) Appointed Professionals. Notwithstanding paragraph *(a)* of this rule, professionals appointed by court order under § 327 of the Bankruptcy Code may withdraw from representation of an entity as counsel of record only upon order of the court.

Cross-Reference:

- *LBR 2014-2 (Chapter 13 — Representation by Attorneys)*

PART III
CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

LBR 3001-1 Claims and Equity Security Interests — General; Electronic Filing of Claims

(a) Standard Bar Date. Upon the filing of a chapter 11 reorganization petition, the court will routinely enter an order establishing a claims bar deadline date for the case 120 days after the filing. The deadline date will be included in the notice of the ~~first~~ meeting of creditors issued by the clerk unless debtor's attorney, at the time of the filing of the chapter 11 petition, indicates a desire for a claims deadline date earlier or later than the 120-day date.

(b) Non-Standard Bar Date. In those instances in which a 120-day claims deadline date is not appropriate, debtor's attorney should submit a motion and proposed order providing for a different date at the time that the chapter 11 petition is filed. The motion should include a brief statement of the reason for the date suggested and should request *ex parte* consideration.

(c) Claims Agent. All proofs of claim or interest shall be filed with the clerk; however, the debtor may, at the time of filing the petition or as soon as practicable thereafter, file an application to employ a claims agent who will assist the clerk with this function. If said application is approved by the court, then all claims in that case will be filed with the claims agent. The court may, at any time, order the debtor to employ a claims agent.

LBR 3007-1 Claims — Objections

All objections to claims shall be noticed for a contingent hearing using *LBF 3007-1*. The court may sustain such objections without a hearing, provided the following conditions are met:

(a) No responses have been filed.

(b) The objection meets all of the requirements of the Bankruptcy Code and Rules and complies with all provisions of the *LBRs*.

Cross-Reference:

- *LBF 3007-1 (Notice of Contingent Hearing on Objection to Claim)*

LBR 3012-1 Valuation of Collateral — Motions to Determine Secured Status and Void Wholly Unsecured Liens

(a) Motions. All pleadings requesting that the court determine the secured status of a claim under 11 U.S.C. § 506(a) and modify the rights of a holder of a residential real property lien by voiding the lien as wholly unsecured under 11 U.S.C. § 1322(b)(2) or 11 U.S.C. § 1123(b)(5) shall be filed as a motion, and not as an objection to claim, and shall be titled "Motion to Determine Secured Status and Void Wholly Unsecured Lien." Motions to determine secured status and void wholly unsecured liens shall contain a specific allegation ~~provision~~ stating the basis for the value of the residential real property asserted in the motion and shall have attached to it a copy of any document that supports that value. Before filing the motion, the movant shall ensure that the lien being avoided is listed on Schedule D as filed with the petition or as subsequently amended.

(b) Service. The movant shall ensure that the motion is served in accordance with Bankruptcy Rule 7004, made applicable by Bankruptcy Rule 9014(b), particularly Bankruptcy Rule 7004(h), which requires service on an insured depository institution be made by certified mail addressed to an officer of the institution.

(c) Filing Motion in CM/ECF. Such motions shall be filed in CM/ECF under the motion to avoid lien event and shall follow the prompts related to motions filed under 11 U.S.C. §§ 506(a) and 1322(b)(2) or 1123(b)(5) and not those for motions filed under 11 U.S.C. § 522(f).

(d) Contingent Hearings. Such motions shall be scheduled for hearing by contacting the courtroom deputy of the judge assigned to the case in chief pursuant to the requirements of *LBR 7101(b)* and not by using the hearing date for a motion to avoid lien under 11 U.S.C. § 522(f) posted on the court's web site. Hearings on motions to determine secured status and void wholly unsecured liens shall be noticed as contingent hearings using *LBF 3012-1B*, and the court may enter an order granting such motions without a hearing if:

(1) a motion to determine secured status and void wholly unsecured lien is filed that meets all of the requirements of the Bankruptcy Code and complies with all provisions of the *LBRs*, and

(2) no objection to the motion to determine secured status and void wholly unsecured lien has been filed.

(e) Proposed Orders. Such motions shall be accompanied by a proposed order in the form of *LBF 3012-1A* that makes clear that the residential real property lien is voided only upon completion of the debtor's plan of reorganization and the court's issuance of a discharge under 11 U.S.C. § 1328(a) or 11 U.S.C. § 1141(d)(5).

Cross-References:

- *LBF 3012-1A (Order Granting Motion to Determine Secured Status and Void Wholly Unsecured Lien)*
- *LBF 3012-1B (Notice of Contingent Hearing on Motion to Determine Secured Status and Void Wholly Unsecured Lien)*

LBR 3015-1 Chapter 13 — Plan

(a) Form of Plan. A chapter 13 plan shall be in the form specified in LBF 3015-1A. Failure to use the required form may result in denial of confirmation of that plan without prejudice to the debtor refiling it in the proper form.

(b) Service of Plan and Notice of Hearing. Upon scheduling of a confirmation hearing or the filing of an amended plan, the debtor shall serve a copy of the plan, or a summary thereof, along with the notice of confirmation hearing in the form of *LBF 3015-1B* upon the chapter 13 trustee, all creditors and other parties in interest who do not receive copies by electronic filing. The debtor shall file with the plan or amended plan a certificate of service certifying that a copy of the plan or summary and the notice of confirmation hearing have been served upon the trustee, all creditors and parties in interest, in accordance with Bankruptcy Rule 2002(b).

(c) Plan Payments. All arrearage payments on priority and secured claims shall be payable through the plan.

(d) Caption. Each plan and any amended plan shall include the date of the plan or the date of the amendment in its caption, e.g., "Amended Plan Dated _____."

Cross-References:

- *LBF 3015-1A (Chapter 13 Plan)*
- *LBF 3015-1B (Notice of Contingent Hearing on Confirmation)*

LBR 3015-3 Chapter 13 — Confirmation

(a) Objection Deadline. Any objection to confirmation of a chapter 13 plan shall be filed no later than fourteen (14) days before the date set for the confirmation hearing. The objection shall be heard at the confirmation hearing.

(b) Service of Objection. The objecting party shall file the ~~original~~objection to confirmation with the court and serve copies on the United States Trustee, the chapter 13 trustee, the debtor, the debtor's attorney and any other party who has requested notice. The objection shall be accompanied by a certificate of service evidencing compliance with this requirement.

(c) Contingent Hearings. Hearings on confirmation shall be contingent. The movant shall provide notice of the contingent hearing in the form of *LBF 3015-1B.* The court may enter an order confirming the debtor's plan without a hearing if:

(1) the debtor proposes and serves a plan in the form of *LBF 3015-1A* that meets all of the requirements of chapter 13 and complies with all provisions of the *LBRs*;

(2) no objections to confirmation have been filed or, if any objections to confirmation have been filed, such objections have been withdrawn or resolved; and

(3) the chapter 13 trustee files a written recommendation that the plan should be confirmed.

Cross-References:

- *LBR 3015-1 (Chapter 13 — Plan)*
- *LBF 3015-1A (Chapter 13 Plan)*
- *LBF 3015-1B (Notice of Contingent Hearing on Confirmation)*

LBR ~~3015-4~~3015-5 Chapter 13 — Modification of Plan After Confirmation

(a) Post-Confirmation Modification. A party who seeks to modify a chapter 13 plan after confirmation shall do so by filing a motion to modify with a copy of the proposed modified plan, in the form of *LBF 3015-1A*, attached. Failure to use the required form may result in denial of the motion to modify without prejudice to the movant refiling it in the proper form. The motion shall include a statement of the reason for the modification. In conjunction with a motion to modify filed by the debtor, the debtor shall file amended schedules of income and expenses, if applicable.

(b) Service. The motion, modified plan and a notice of hearing shall be served on the debtor, the chapter 13 trustee and on all creditors and parties who have requested notice. Each modified plan shall be titled "Modified Plan Dated _____."

(c) Prohibition. No modifications to a plan may be made by interlineation, supplements or deletions.

(d) Contingent Hearings. Hearings on motions to modify plans after confirmation are contingent. They shall be scheduled by the movant with the courtroom deputy of the judge assigned to the case and noticed consistently with *LBF 3015-1C* as a contingent hearing. The court may enter an order granting the motion to modify the confirmed plan without a hearing if:

(1) the movant proposes and serves a modified plan in the form of *LBF 3015-1A* that meets all of the requirements of chapter 13 and complies with all provisions of the *LBRs;*

(2) no objections to the motion to modify have been filed or, if any objections to the motion to modify have been filed, such objections have been withdrawn or resolved; and

(3) the chapter 13 trustee files a written recommendation that the plan should be modified.

Cross-References:

- *LBR 3015-1 (Chapter 13 — Plan)*
- *LBF 3015-1A (Chapter 13 Plan)*
- *LBF 3015-1C (Notice of Contingent Hearing on Modification of Confirmed Plan)*

LBR 3016-1 Chapter 11 — Plan ~~and Disclosure Statement~~

(a) Caption of Plans and Disclosure Statements. Every plan of reorganization and disclosure statement filed in a chapter 11 case and any amended plan and amended disclosure statement shall include the date of the document and the identity of the plan proponent in the caption. The only change to the caption of an amended plan or an amended disclosure statement shall be the date of such amendment.

(1) Example of original captions: "Debtor's Plan Dated _____" or "Debtor's Disclosure Statement Dated _____"

(2) Example of amended captions: "Debtor's Amended Plan Dated _____" or "Debtor's Amended Disclosure Statement Dated _____"

(b) Red-Lined Copies. The plan proponent shall submit to the courtroom deputy, via email or paper copy—for the personal use of the judge—a separate red-lined copy of any amended plan or amended disclosure statement that underlines all changes to such document.

(c) Non-Attachment. The plan shall not be attached as an exhibit to the disclosure statement but shall be filed as a separate document.

LBR 3017-1 Disclosure Statement — Approval

(a) Filing. When a disclosure statement is filed with the court, such disclosure statement must be accompanied by: *(1)* a separate copy of the plan of reorganization, and *(2)* a notice setting the hearing date and the deadline for objections to the disclosure statement. Said notice shall be in the form of *LBF 3017-1A*. The objection date shall be seven (7) days prior to the hearing scheduled on the disclosure statement unless otherwise ordered by the court.

(b) Proposed Order. Unless otherwise ordered by the court, within seven (7) days after a hearing approving the disclosure statement, counsel for the plan proponent shall submit a proposed order in the form of *LBF 3017-1B,* which sets forth the following:

(1) The last day for filing ballots.

(2) The last day for filing objections to the plan.

(3) The date scheduled for the confirmation hearing, to be obtained from the courtroom deputy prior to submitting the order.

(4) A paragraph stating the following: "The debtor shall, within seven (7) days after serving the plan and disclosure statement as required by this order, file a certificate of such service with this court accompanied by an attached copy of the order approving the disclosure statement, plan, disclosure statement and ballot as served."

(5) In the case of an individual debtor, a stock paragraph stating the following: "Complaints objecting to the debtor's discharge under § 727(a) of the Bankruptcy Code shall be filed not later than _____ [the date set for the confirmation hearing]."

Cross-References:

- *LBR 3016-1 (Chapter 11 — Plan~~and Disclosure Statement~~)*
- *LBR 7101 (Motion Procedure)*
- *LBR 9073-1 (Hearings)*
- *LBF 3017-1A (Notice of Hearing on Adequacy of Amended Disclosure Statement)*
- *LBF 3017-1B (Order Approving Disclosure Statement and Fixing the Time for Voting on the Plan and for Filing Objections to Confirmation of the Plan)*

LBR 3018-2 Acceptance/Rejection of Plans

When a chapter 11 plan of reorganization is scheduled for a hearing upon confirmation, the plan proponent, by its attorney of record, shall prepare and present to the court, at least two (2) business days prior to the hearing, a "Certificate of Vote" in the form of *LBF 3018-2*, appropriately modified as required by circumstances. Unless otherwise ordered by the court, original voting ballots must be available for inspection by any interested party at the confirmation hearing.

Cross-Reference:

- *LBF 3018-2 (Certificate of Vote)*

LBR 3020-1 Chapter 11 — Confirmation

(a) Retention of Jurisdiction. Unless specific grounds for additional retained jurisdiction are shown by the plan proponent at the confirmation hearing, the court will retain jurisdiction following the confirmation of a plan of reorganization only on the following limited basis:

(1) To hear and determine objections to claims.

(2) To hear and determine any dispute arising under the plan, its implementation and execution of any necessary documents thereunder and any requests to amend, modify or correct the plan, provided such matters are brought before the court prior to the point of substantial consummation.

(3) To grant extensions of any deadlines set forth in the confirming order as may be appropriate.

(4) To enforce all discharge provisions under the plan.

(5) To consider and rule upon requests for final compensation.

(b) Additional Retained Jurisdiction. If, at the confirmation hearing, the plan proponent is not in a position to request specific retention of additional jurisdiction, then the court may conditionally reserve in the confirming order the question of additional retained jurisdiction under a procedure by which the plan proponent at a fixed date following entry of the confirmation order (usually sixty (60) days) will file a motion on notice requesting additional retention of jurisdiction for specific matters which will be embodied in a supplementary order to be entered by the court.

(c) Proposed Confirmation Order. Unless otherwise ordered by the court, within seven (7) days after the hearing approving a plan of reorganization, counsel for the plan proponent shall submit a proposed

confirmation order which includes the following provisions and is substantially in the form of *LBF 3020-1*:

(1) A paragraph that states that all fees due and all quarterly fees payable to the United States Trustee have been paid as of the confirmation date.

(2) The last day for filing objections to claims.

(3) The last day for filing applications for attorneys' fees or other professional fees and expenses.

(4) The deadline for filing the application for final decree.

(d) Deadline for Filing Application for Final Decree. When proposing the deadline for filing the application for final decree, consideration must be given to any matters that need to be resolved by the court (e.g., fee hearings or objections to claims) and the amount of time needed to hear these matters.

Cross-References:

- *11 U.S.C. § 1101(2) (Definition of Substantial Consummation)*
- *11 U.S.C. § 1127 (Modification of Plan)*
- *28 U.S.C. § 1930 (Bankruptcy Fees)*
- *LBF 3020-1 (Order Confirming Plan of Reorganization)*

LBR 3022-1 Final Report/Decree (Chapter 11)

(a) Filing of Application for Final Decree. Preparation and prosecution of the application for a final decree closing a chapter 11 case shall be a continuing post-confirmation duty of the attorney for the plan proponent and said application shall be prepared and filed not later than 120 days following the date of confirmation of the plan of reorganization, unless specifically stated otherwise in the confirmation order. The case shall be deemed fully administered at the point of substantial consummation of the plan. Compensation allowed such attorney at the time of confirmation includes compensation for time estimated to be required for performance of those duties. Failure to perform said duties in a timely manner may accordingly result in the entry of an order to refund a portion of the fees so allowed.

(b) Form of Application for Final Decree. The application for a final decree closing a chapter 11 case shall contain, at a minimum, the following representations:

(1) A statement that the plan of reorganization or liquidation confirmed by the court has been substantially consummated in accordance with the provisions of the plan, the confirming order and any orders of the court subsequent to confirmation.

(2) A statement that the debtor, trustee or plan proponent has disbursed to all persons so entitled, all sums allowed by the court as compensation for services rendered and reimbursement of costs incurred and, in support of said statement, an attached exhibit, designated "Exhibit A," containing the names, addresses and amounts paid to persons to whom allowances were made.

(3) A statement that the debtor, trustee or plan proponent has commenced the distribution to creditors of the sums due them under the plan and, in support of said statement, an attached exhibit, designated "Exhibit B," containing the names, addresses and amounts paid to each such creditor.

(4) A statement of all remaining distributions to be made to creditors following entry of the final decree, the date or dates involved and, in support of said statement, an attached exhibit, designated "Exhibit C," containing the names, addresses and amounts to be paid to each such creditor.

(5) If applicable, a statement that the debtor, trustee or plan proponent has not been able to make distribution to creditors, together with a list of such creditors setting forth their names, addresses and the amounts of any dividends owing. Representation must be made that checks were mailed to said creditors but were returned and that the debtor, trustee or plan proponent has been unable to determine an adequate address despite reasonable attempts to do so.

(6) A statement of requested additional provisions by way of injunction or otherwise as may be equitable.

(7) A statement that all fees due to the court and all quarterly fees due to the United States Trustee have been paid in full.

(8) A statement of the percentage dividend to be paid to the general class of unsecured creditors under the confirmed plan. If the plan contemplates no payment to unsecured creditors, the statement shall indicate "$0" to be paid.

~~*(c) Statistical Report.* Along with the application for a final decree, the debtor, trustee or plan proponent shall file a completed Bankruptcy Closing Report (*LBF 3022-1*) as an exhibit to the application for final decree. The figures set forth in this report shall correspond to the figures set forth in the application.~~

(~~d~~c)Proposed Order. The application for a final decree shall be filed with a proposed form of final decree for the court's use, which proposed order shall incorporate by reference the representations set forth in the application, to support a determination that the estate has been fully administered and that the case may be closed.

Cross-Reference~~s~~:

- *Bankruptcy Rule 3022 (Final Decree in Chapter 11 Reorganization Case)*
- ~~*LBF 3022-1 (Statistical Bankruptcy Closing Report for Confirmed Chapter 11 Cases)*~~

PART IV
THE DEBTOR: DUTIES AND BENEFITS

LBR 4001-1 Automatic Stay — Relief From

(a) Content Required. Any motion seeking relief from the automatic stay pursuant to § 362(d) of the Bankruptcy Code involving encumbered real or personal property shall include: *(1)* the claimed value of the property with respect to which relief is requested, *(2)* the amount of movant's debt alleged to be secured by such property, *(3)* evidence of movant's security interest in such property, and *(4)* the total of all lien claims attaching to such property.

(b) Relief Limited. A motion for relief from stay or co-debtor stay shall include no other requested relief, except that the movant may request adequate protection as alternative relief.

(c) Denial if Insufficient Data. Any motion for relief from stay involving encumbered real or personal property that fails to include the items recited in paragraph *(a)* of this rule may be denied without prejudice by the court without further consideration.

(d) Hearing Scheduled. Movant shall obtain a hearing date prior to filing a motion for relief from stay from the court's web site at www.nhb.uscourts.gov.

(e) Uncontested Motions. In the absence of a timely response, the motion shall be treated as uncontested, the scheduled hearing shall be canceled without further notice, and the motion shall be granted. Notwithstanding the above, the motion shall be heard as scheduled if *(1)* the debtor is *pro se*, *(2)* the first scheduled date for the § 341 meeting has not passed, or *(3)* the case is a chapter 11 case.

(f) Contested Motions. Any response filed in opposition to a motion for relief from stay involving encumbered real or personal property shall: *(1)* identify the interest of the opposing party in the property, *(2)* state with particularity the grounds for the opposition, and *(3)* state the claimed value of the property specified in the motion and the amount of equity which exists in the property after deduction of all encumbrances.

(g) Settlement Agreements. Any settlement agreement regarding a motion for relief from stay shall comply with *LBR 9071-1* and the mandatory notice and service requirements of Bankruptcy Rule 4001(d).

(h) Worksheets. Any motion seeking relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to permit a foreclosure of encumbered residential real property, consisting of one to four living units, owned by an individual debtor shall be accompanied by *LBF 4001-1A*, Worksheet Completed by the Mortgagee/Servicer in Support of Motion for Relief from Stay Involving Residential Real Property, unless:

(1) the movant has obtained the debtor's assent to the motion prior to the motion being filed with the court, and the motion so indicates; or

(2) the debtor has indicated an intent to surrender the real property that is the subject of the motion in either *(A)* the debtor's statement of intent filed with the court pursuant to 11 U.S.C. § 521(a)(2), or *(B)* the debtor's plan of reorganization, and the motion so indicates.

Notwithstanding subsections *(h)(1)* and *(h)(2)* above, if *LBF 4001-1A* is not required to be filed, the movant instead shall attach to the motion *LBF 4001-1B*, Statement — Motion for Relief Worksheet Not Required. Failure to attach *LBF 4001-1A* or *LBF 4001-1B* to the motion may result in the motion being denied without prejudice by the court without further consideration.

Cross-References:

- *LBR 5075-1 (Clerk — Delegated Functions; Designation of Parties to Receive Notice)*
- *LBR 9071-1 (Stipulations; Affidavits of Noncompliance)*
- *AO 9012-1 (Compliance with the Servicemembers Civil Relief Act)*
- *LBF 4001-1A (Worksheet Completed by the Mortgagee/Servicer in Support of Motion for Relief from Stay Involving Residential Real Property)*
- *LBF 4001-1B (Statement — Motion for Relief Worksheet is Not Required)*

LBR 4001-2 Cash Collateral

(a) Motions. All motions for use of cash collateral and any stipulations pertaining to the same, shall be served by the debtor upon all parties claiming an interest in such cash collateral as the debtor proposes to use, the creditors' committee, or if a committee has not been appointed by the time the debtor files and serves such application, then on the twenty (20) largest unsecured creditors and the United States Trustee in accordance with the notice provisions of Bankruptcy Rule 4001(b) and *LBRs 2002-1* and *2002-2*. A hearing on a motion for use of cash collateral will be held only after compliance with the mandatory notice and service requirements of Bankruptcy Rule 4001(b) and *LBRs 2002-1* and *2002-2*.

(b) Interim Use. If a motion for use of cash collateral is filed with the court on or shortly after entry of the order for relief, the court may grant interim use of cash collateral pending review of the terms of such use by the interested parties. Such interim relief should be granted only to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the court shall not approve interim cash collateral orders that include any of the provisions identified below in subparagraphs *(c)(1)* through *(c)(9)* of this rule. A debtor that seeks an order approving interim use of cash collateral pending a final hearing shall present the following information by affidavit: *(1)* the names and addresses of all creditors holding a secured interest in the cash collateral and their attorneys, if known; *(2)* the efforts made to contact such secured creditors or their attorneys and any appointed committee or, if no committee has been appointed, the twenty (20) largest unsecured creditors; and *(3)* the nature of the emergency requiring an order approving interim use of cash collateral.

(c) Provisions to be Highlighted and Justified. All cash collateral motions must: *(1)* recite whether the proposed form of order or underlying cash collateral stipulation contains any provision of the type indicated below, *(2)* identify the location of any such provision in the proposed order or cash collateral stipulation, and *(3)* state the justification for the inclusion of such provision. The provisions to be highlighted and justified are:

(1) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors (e.g., clauses that secure prepetition debt by postpetition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law).

(2) Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured creditor's prepetition lien or debt or the waiver of claims against the secured creditor without first giving parties in interest at least seventy-five (75) days from the entry of the order and the creditors' committee, if formed, at least sixty (60) days from the date of its formation to investigate such matters.

(3) Provisions that seek to waive any rights that the estate may have under § 506(c) of the Bankruptcy Code.

(4) Provisions that immediately grant to the prepetition secured creditor liens on the debtor's claims and causes of action arising under §§ 544, 545, 547, 548 and 549 of the Bankruptcy Code.

(5) Provisions that deem prepetition secured debt to be postpetition debt or that use postpetition loans from a prepetition secured creditor to pay part or all of that secured creditor's prepetition debt, other than as provided in § 552(b) of the Bankruptcy Code.

(6) Provisions that provide treatment for the professionals retained by a committee appointed by the United States Trustee different from that provided for the professionals retained by the debtor

with respect to a professional fee carve-out, and provisions that limit the committee counsel's use of the carve-out.

(7) Provisions that prime any secured lien, without the consent of that lienor.

(8) A declaration that the order does not impose lender liability on any secured creditor.

(9) Provisions that grant the lender expedited relief from the automatic stay in § 362 of the Bankruptcy Code or relief from the automatic stay without further order of the court.

The court may deem unenforceable any provision not highlighted as required.

(d) Other Requirements. All motions for use of cash collateral shall also provide a summary of the essential terms of the proposed use of cash collateral, including the maximum amount available on a final basis, the amount available on an interim basis, any conditions on use, any events of default, use of funds limitations and a description of the adequate protection to be provided to the secured creditors. The cash collateral motion shall also have attached to it a budget covering the time period in which the cash collateral order shall remain in effect. The budget shall state, in as much detail as is reasonably practical, the amount of projected receipts and disbursements during the period covered by the budget.

(e) Proposed Orders. Proposed orders granting the use of cash collateral on either an interim or a continuing basis shall contain a limit in amount and shall state a date of termination. If necessary, proposed orders shall also provide space for the court to fill in a deadline within which a further application for continued use of cash collateral shall be filed and a space for a hearing date on the application for continued use. In no event will an interim order granting use of cash collateral be entered covering a period in excess of thirty (30) days from the commencement of the case. Proposed orders shall also include a paragraph which states that the provisions of the order are subject to a "winding down" proviso under which the court reserves the right to enter such further orders as may be necessary regarding the use of cash collateral to provide for payment of any administrative claims for wage and trade creditors who have supplied goods or services to the debtor during the period of operation under this order (and any stipulation) which remain unpaid at the time of termination of authorized cash collateral usage, and which goods or services have created additional collateral for the secured claimant.

(f) Hearings. The court shall hold a hearing on the debtor's first request for use of cash collateral even if interim use has initially been granted on an *ex parte* basis. All subsequent hearings on motions seeking continued use of cash collateral shall be noticed as contingent hearings using *LBF 4001-2*, and the court may enter an order granting such motions without a hearing if:

(1) a motion for continued use of cash collateral is filed that meets all of the requirements of the Bankruptcy Code and Rules and complies with all provisions of the *LBRs*, and

(2) no objection to the motion for continued use of cash collateral has been filed.

Cross-Reference:

- *LBF 4001-2 (Notice of Contingent Hearing on Motion for Continued Use of Cash Collateral)*

LBR 4001-4 Motion to Incur Additional Debt to Acquire Motor Vehicle in Chapter 13

If, while a debtor is in chapter 13, the debtor seeks to incur additional debt to acquire a vehicle, the debtor shall file with the court an *ex parte* motion and proposed order substantially in the forms of *LBF 4001-4A* and *LBF 4001-4B*, respectively.

Cross-References:

- *LBF 4001-4A (Ex Parte Motion to Incur Additional Debt)*
- *LBF 4001-4B (Order Granting Ex Parte Motion to Incur Additional Debt)*

LBR ~~4001-3~~4001-5 Motions to Extend the Stay

The deadline to file and serve a motion to extend the stay under 11 U.S.C. § 362(c)(3)(B) is seven (7) days after the petition is filed. Prior to filing and serving such motion to extend the stay, the debtor shall contact the courtroom deputy of the judge assigned to the case in accordance with *LBR 7101(b)* to obtain a hearing date for the motion.

LBR 4002-1 Debtor — Duties

(a) Safekeeping of Books and Records. Unless a trustee appointed by the United States Trustee takes possession of books and records of a bankruptcy estate, it shall be the duty of the debtor to maintain, preserve and keep in safe storage all of the debtor's books and records during the time the case is pending.

(b) Turnover of Books and Records. Upon request, the debtor shall make the debtor's books and records immediately available to the trustee or the trustee's designated agent.

(c) Copies. The debtor must bring a paper copy of the signed petition, schedules, statements and lists to the ~~first~~meeting of creditors so that the trustee may use the paper copy to examine the debtor.

(d) List of Inventory or Equipment. When inventory or business equipment is scheduled in a chapter 7 case, the debtor shall, immediately after the general description thereof or in an annexed document, furnish a detailed list of the inventory and business equipment with a brief explanation of its exact location, the name and address of the custodian thereof, the protection being given such property and the amount of fire and theft insurance, if any. If the list of inventory and business equipment required by this rule cannot feasibly be included with the original schedules, it shall be filed not later than fourteen (14) days after the filing of the bankruptcy petition.

(e) Preservation of Property. If a debtor's inventory includes perishables or if property or the business premises otherwise needs immediate attention or protection, the debtor, the debtor's attorney or the trustee shall notify the clerk, the United States Trustee and the trustee of the need for immediate action. Notification shall be by personal communication or by telephone.

Cross-References:

- *~~AO~~LBR 1007-1 (Lists, Schedules and Statements)*
- *LBR 4002-2 (Address of Debtor)*

LBR 4002-2 Address of Debtor

The debtor shall notice the court, any trustee appointed in the case and the debtor's attorney of record, in writing, whenever the debtor's mailing address changes while the case is pending. Failure to comply with this rule may result in dismissal of the case, granting of relief against the debtor based upon notice to the last address of record in the case or such other sanctions as the court may deem appropriate.

LBR 4003-2 Lien Avoidance

(a) Motion. Any motion seeking to avoid a lien pursuant to § 522(f) of the Bankruptcy Code shall be substantially in the form of *LBF 4003-2A* and shall include: *(1)* the claimed value of the property with respect to which relief is requested; *(2)* the name~~and address~~ of ~~each~~all lienholders (and, if known, ~~the~~each lienholder's counsel) listed in their order of priority; and *(3)* the amount of each lienholder's lien. Before filing the motion, the movant shall ensure that the lien being avoided is listed on Schedule D as filed with the petition or as subsequently amended.

(b) Notice. Prior to filing a motion to avoid lien under § 522(f), the movant shall obtain a hearing date from the court's web site at www.nhb.uscourts.gov. Service must be made by mail or by electronic means, as permitted by *LBR 5005-4*, upon the parties against whom relief is requested and their attorneys, if known, along with a copy of said motion.

(c) Service. The movant shall ensure that the motion is served in accordance with Bankruptcy Rule 7004, made applicable by Bankruptcy Rule 9014(b). In order to be valid, service must be made at least twenty-one (21) days prior to the hearing.

(d) Hearings Contingent. Hearings on motions to avoid lien shall be noticed as contingent hearings using *LBF 4003-2B*, and the court may enter an order granting the motion to avoid lien without a hearing if:

(1) a motion to avoid lien in the form of *LBF 4003-2A* is filed that meets all of the requirements of the Bankruptcy Code and complies with all provisions of the *LBRs*, and

(2) no objection to the motion to avoid lien has been filed.

Cross-References:

- *LBF 4003-2A (Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)(2))*
- *LBF 4003-2B (Notice of Contingent Hearing on Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)(2))*
- *LBF 4003-2C (Order Granting Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)(2))*

PART V
COURT AND CLERK

LBR 5001-2 Clerk — Office Location/Hours

(a) Office Hours. The business hours of the office of the clerk are from 8:30 a.m. to 4:30 p.m. daily except Saturday, Sunday and legal holidays, or as otherwise ~~directed~~notified. If exigent circumstances require the filing of documents outside these business hours, arrangements for such filing may be made with the clerk in advance.

(b) Access to Electronic Filing System. Except during specified system maintenance periods, filing users may file documents at any time through the court's CM/ECF filing system.

Cross-References:

- *LBR 5005-4 (Electronic Filing)*
- *AO 5001-2 (Location and Mailing Address of Clerk's Office)*
- *AO 5005-4 (Electronic Filing)*

LBR ~~5003-1~~5002-1 Register of Mailing Addresses

The clerk shall maintain a register of mailing addresses of federal and state governmental units and certain other taxing authorities, as required by Bankruptcy Rule 5003(e), on the court's web site at www.nhb.uscourts.gov.

LBR ~~5003-2~~5003-4 Court Documents

(a) Review of Court Records. All records filed with the court, not under seal, are subject to examination by the public without charge at the clerk's office. All records submitted to (not filed with) the court may be reviewed only after issuance of a court order, and no such order shall issue except for good cause.

(b) Access to Electronic Filing System. Any user with a log-in and password to the United States Courts PACER system may view documents at any time and will be charged the appropriate fee. To obtain a log-in and password to the PACER system, contact the PACER Service Center at www.pacer.psc.uscourts.gov.

Cross-References:

- *LBR 5005-4 (Electronic Filing)*
- *AO 5005-4 (Electronic Filing)*
- *PACER Service Center web site www.pacer.psc.uscourts.gov*

LBR 5005-4 Electronic Filing

(a) Acceptance of Electronically Filed Pleadings. The court will accept for filing documents submitted, signed or verified by electronic means that comply with procedures established by the court in *AO 5005-4* for its Case Management/Electronic Case Files ("CM/ECF") system. This system receives documents filed in electronic form.

(b) Terms. The term "Filing User" is used to refer to those who have a court-issued log-in and password to file documents electronically. The term "Notice of Electronic Filing" is used to refer to the notice automatically generated by the CM/ECF system each time a document is filed.

(c) Scope of Electronic Filing. All cases and pleadings filed after April 1, 2002, are part of the court's CM/ECF system. All attorneys admitted to the bar of this court (including those admitted *pro hac vice*), United States trustees and their assistants, trustees and others as the court deems appropriate, must register as Filing Users of the court's CM/ECF system. All petitions, motions, memoranda of law or other pleadings and documents required to be filed must be filed electronically, except as expressly provided and in circumstances where the Filing User is prevented from filing electronically, e.g., the CM/ECF system is down.

(d) Public Access. Any person or organization, other than one registered as a Filing User under paragraph *(b)* of this rule, may access the CM/ECF system at www.nhb.uscourts.gov by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

In connection with the filing of any document in the CM/ECF system, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

Information posted on the CM/ECF system must not be downloaded for uses inconsistent with the privacy rights of any person.

Cross-References:

- *LBR 5005-5 (Sealed Documents)*
- *AO 5005-4 (Electronic Filing)*
- *LBF 5005-4 (Declaration Regarding Electronic Filing)*
- *LBF 9072-1 (Order (Proposed))*

LBR 5005-5 Sealed Documents

A motion to file documents under seal, accompanied by a proposed order, must be filed electronically. As soon as practicable after the motion to seal is filed, the documents sought to be filed under seal are to be delivered to the clerk in a sealed envelope with a copy of the motion to seal and the notice of electronic filing affixed to the outside of the envelope. The court will issue an order on the motion to seal and, if granted, an informational entry will be made on the case docket indicating that sealed documents have been filed with the court.

LBR 5010-1 Reopening Cases

A motion to reopen a case shall be in writing, on a separate document, and shall have attached a proposed order of the court authorizing the reopening. A motion to reopen to add additional creditors shall be verified or accompanied by an affidavit providing enough factual detail to justify the reopening as required by In re Corbett, 425 B.R. 51 (Bankr. D.N.H. 2010). The court will consider whether to act *ex parte* on the reopening or whether a hearing will be required. Any additional relief requested, if the case is reopened, shall be set forth by separate pleadings.

Unless otherwise ordered, any case reopened will be closed 120 days after the order granting the motion to reopen.

LBR 5011-1 Withdrawal of Reference

As provided in the advisory committee note to Bankruptcy Rule 5011 and LR 77.4, a motion to withdraw the reference shall be filed with the bankruptcy clerk. Movants shall file, as an attachment to the motion, a properly completed United States District Court Civil Cover Sheet, and the filing fee as prescribed from time to time by 28 U.S.C. § 1930 shall be paid. Motions to withdraw the reference are governed by LR 77.4~~(d)~~(e).

Cross-References:

- *28 U.S.C. § 1930 (Bankruptcy Fees)*
- *LR 77.4 (Bankruptcy)*
- *LBR 5080-1 (Fees — General)*
- *LBR 5081-1 (Fees — Form of Payment)*

LBR 5071-1 Continuance

(a) Generally. A trial, hearing or pretrial conference shall be continued only upon a motion and order of the court. Absent consent by all parties, notice of the motion shall be given to all other parties or their counsel before submission to the court.

(b) Alternative Hearing Date. The party requesting a continuance shall obtain, in advance, a prospective alternate hearing date from the courtroom deputy and shall submit a proposed order with the motion, specifying the continued hearing date.

Cross-Reference:

- *LBF 9072-1 (Order (Proposed))*

LBR 5072-1 Courtroom Decorum

The following procedures are to be followed in all proceedings in open court:

(a) Objections. All objections shall be stated with specificity prior to any argument or explanation of same, e.g., leading, hearsay, improper foundation, etc.

(b) Witness Box. During the testimony of a witness, attorneys shall not approach the witness box, except to present an exhibit to the witness pertinent to the examination, and shall generally examine the witness from the lectern.

(c) Exhibits.

(1) Unless otherwise ordered by the court, all documentary exhibits, or relevant parts thereof, to be used in the examination of a witness shall be prepared in sufficient quantity, i.e., one for the witness, the examining attorney, all opposing attorneys and two for the court (in addition to the original), for use in following the testimony.

(2) The parties shall pre-mark each document or other exhibit in the order of its possible presentation at an evidentiary hearing or trial. Each document or other exhibit shall be given a separate exhibit number. The moving party, or plaintiff, shall number its exhibits with numbers 1, 2, 3, etc.; the opposing party, or defendant, shall number its exhibits with numbers 101, 102, 103, etc.; and additional parties shall number their exhibits with successive ordinal number series, e.g., 201, 301, 401, etc.

(3) Any party submitting more than eight exhibits at an evidentiary hearing or trial shall place the exhibits in one or more binders with the exhibits separated by tabs. Each such binder shall be clearly identified on the outside cover or spine and shall contain a clear table of contents.

(4) Failure to comply with the provisions of this rule may result in nonconforming exhibits not being admitted into evidence and/or sanctions against the person not complying with the provisions of this rule.

(d) Preliminary Data. When a witness takes the stand, the examining attorney may, subject to objection by opposing counsel, recite such background information as the attorney desires to present concerning the witness and the connection of the witness to the litigation, and then shall solicit a response from the witness as to the correctness thereof before proceeding with specific questions on the issues in controversy.

(e) Prohibited Citations. Attorneys and trustees appearing in any case pending in this court shall not make reference, in open court or in chambers, to any commercial legal publication written or edited by a judge of the court.

Cross-Reference:

- *LBR 9070-1 (Exhibits)*

LBR 5073-1 Photography, Recording Devices and Broadcasting

The prohibition set forth in LR ~~83.7~~83.8 is applicable with respect to proceedings in the United States Bankruptcy Court.

Cross-Reference:

- *LR ~~83.7~~83.8 (Photographing; Broadcasting; Televising)*

LBR 5075-1 Clerk — Delegated Functions; Designation of Parties to Provide Notice

(a) Pursuant to Bankruptcy Rule 2002, the court designates as the party to give notice of the pleading and the hearing therefor, any party who by complaint, motion or other request however described, seeks an order or other relief from the court. Such plaintiff, movant or requesting party shall give notice to all parties in interest upon whom the granting of the requested order would have an adverse effect, but in any event notice shall always be given to:

(1) All persons who have filed an appearance or request for notice.

(2) In a chapter 11 case, the creditors' committee, and any attorney for the committee or, if no committee has been appointed, to the twenty (20) largest unsecured creditors.

(3) The United States Trustee, the case trustee, if any, the debtor or debtor in possession and the debtor's attorney of record.

(4) If the order requested relates to the disposition of property, all creditors who hold or claim a security interest in the subject property by reason of a specific or general lien or encumbrance.

(b) With respect to notice required pursuant to Bankruptcy Rule 2002, the designation set forth in paragraph *(a)* of this rule shall be in effect wherever its terms apply.

(c) The clerk shall give notice of the initial date set for the § 341 meeting of creditors, but notice of any rescheduled § 341 meeting shall be by the party causing the meeting to be rescheduled. The clerk shall give such notice as required pursuant to Bankruptcy Rule 2002(a)(8) and 2002(f) except that the trustee shall serve the final report in a chapter 7 case. Notice required pursuant to Bankruptcy Rule 2002(b)(1) and 2002(b)(2) shall be given by the proponent of the plan of reorganization.

LBR 5076-1 Court Reporting

The record of court proceedings shall be made by electronic recording except as otherwise ordered by the court in specific cases. The record shall be made and preserved by a deputy clerk designated by the clerk.

Cross-Reference:

- *LBR 5077-1 (Transcripts)*

LBR 5077-1 Transcripts

(a) Ordering. Official transcripts of the record of court proceedings may be obtained by arrangement with the clerk. Transcripts shall be prepared by a transcription service at the direction of the clerk. Payment for such transcripts shall be~~by check or money order~~ made ~~payable~~directly to the transcription service. Checks made payable to the clerk, personally, or to the court will be refused.

(b) Filing. Whenever a party orders a transcript, the original of said transcript shall be filed with the court and the party shall be furnished with the first copy.

Cross-Reference:

- *LBR 5076-1 (Court Reporting)*

LBR 5080-1 Fees — General

When a fee is required for the filing of a document, it is the burden of the filing party to determine the appropriateness of the filing. Subsequent withdrawal of the matter filed does not give rise to circumstances permitting refunds. All filing fees are earned when paid. Requests for refunds on electronically filed and paid documents must be made by motion.

Cross-References:

- *LBR 1006-1 (Fees — Installment Payments)*
- *LBR 5081-1 (Fees — Form of Payment)*
- *AO 5080-1 (Fees — Request for Refund)*

LBR 5081-1 Fees — Form of Payment

The filing fee or any other required payment shall be paid by cash, check, money order, credit card or such electronic means as may be adopted by the clerk. Personal checks or credit cards of the debtor shall not be accepted. Cash should not be sent through the mail. Checks or money orders must be made payable only to "Clerk, U.S. Bankruptcy Court."

Cross-References:

- *LBR 1006-1 (Fees — Installment Payments)*
- *LBR 5080-1 (Fees — General)*

PART VI
COLLECTION AND LIQUIDATION OF THE ESTATE

LBR 6003-1 Applications to Employ Filed Within Twenty-One (21) Days of Petition

(a) General. Pursuant to Bankruptcy Rule 6003(a), the court will not approve any application for the employment of a professional person within twenty-one (21) days of the petition date, except to the extent that such relief is necessary to avoid immediate or irreparable harm.

(b) Procedure. If a party files an application to employ a professional within twenty-one (21) days of the petition date, requesting that the application be granted within this 21-day period, the application must include the following:

(1) The title of the application must include the word "Emergency."

(2) The application must state with specificity the facts and circumstances that would cause immediate and irreparable harm, should the court not grant the application within the 21-day period.

If these two conditions are not met or if the application does not request that the court grant relief within the 21-day time period, the court will defer ruling on the application until after the twenty-first day following the petition date.

Cross-Reference:

- *LBR 2014-1 (Employment of Professionals)*

LBR 6004-1 Sale of Estate Property

(a) Sale Procedure. Unless otherwise ordered by the court, a sale free and clear of liens may be accomplished by means of a motion, provided the motion: *(1)* specifies the requisite information regarding the sale; *(2)* includes notice language that otherwise conforms to the requisites of § 102(1) of the Bankruptcy Code and Bankruptcy Rule 6004(a); and *(3)* affords creditors, parties in interest, and affected parties and lienholders not less than twenty-one (21) days' notice of the hearing date and of the opportunity to object to the proposed action (unless the court shortens the notice period upon appropriate request). Objections to such motions must be timely filed pursuant to Bankruptcy Rule 6004(b).

(b) All-Asset Sales. "All-asset" sales (herein defined to mean the sale of all or substantially all of the assets of the estate) will not be approved by the court if submitted by a chapter 11 debtor in possession under § 363 of the Bankruptcy Code outside of a plan of reorganization unless the following requirements are satisfied:

(1) The proposal for the all-asset sale outside of a plan of reorganization and a proposed form of notice of same is first submitted to the court on a motion for approval of such procedure with notice to the United States Trustee, any creditors' committee or, in the absence of a committee, the twenty (20) largest unsecured creditors and any parties who have filed their appearances in the case, followed by a preliminary hearing before the court to consider approving such procedure.

(2) The proposed form of notice will serve as a functional equivalent for the type of disclosure that would be required if the sale were embodied in a plan of reorganization under § 1125 of the Bankruptcy Code.

(3) Good cause is shown to justify the proposed method of disposing of the entire estate.

(c) Persons Prohibited from Purchasing Estate Property. The following persons shall not, directly or indirectly, purchase property from any bankruptcy estate:

(1) Employees of the bankruptcy court.

(2) Any person who is serving as trustee, disbursing agent, appraiser, auctioneer, examiner, accountant or attorney for a trustee in any matter before the court.

Sales or purchases made in violation of this section *(c)* are unauthorized and no title shall pass by reason thereof.

LBR 6006-1 Executory Contracts

Whenever a motion for approval of assumption or rejection of an unexpired lease of nonresidential real property, i.e., a commercial lease, is filed within the period established under § 365(d)(4) of the Bankruptcy Code, and it appears that the court's calendar will not permit the motion to be heard within that period, it shall be the duty of the movant to submit with the motion for approval of assumption or rejection a proposed form of order for *ex parte* entry granting an extension of time to a date certain to assume or reject the lease sufficient for the court to hear and resolve said motion. This action is required to avoid a contention of forfeiture of a lease under the proviso in § 365(d)(4)(A) to the effect that the lease is deemed rejected if not assumed within the period set out in the statute.

LBR 6007-1 Abandonment

(a) Notice of Intent to Abandon Property. The trustee or debtor in possession shall file notice of any proposed abandonment of property with the clerk. Upon receipt thereof, the clerk shall transmit, or cause to be transmitted, notice of the proposed abandonment to all entities in the manner specified in Bankruptcy Rule 6007(a).

(b) Hearing on Objections to Abandonment. Upon receipt of an objection to a proposed abandonment, the court shall set a hearing.~~date~~ The clerk shall issue a form of notice of hearing to be sent to the trustee, the objecting party, the United States Trustee, the debtor, the debtor's attorney and to all parties filing an appearance in the case.

(c) Effective Date of Abandonment. If no objection to a notice of intent to abandon is made within fourteen (14) days of the mailing of the notice of proposed abandonment by the clerk, then the property shall be deemed abandoned. Thereafter, the trustee or debtor in possession may obtain, upon request, a clerk's certificate setting forth the following: *(1)* the date of the filing of the notice of intent to abandon, *(2)* the name of the party who filed the notice of intent to abandon, *(3)* that proper service was issued in compliance with the requirements of these rules, *(4)* that no objection to the notice of intent to abandon has been filed, and *(5)* that the court deems the property to be abandoned without further order or hearing.

PART VII-A
ADVERSARY PROCEEDINGS

~~AO~~LBR 7003-1 Cover Sheet

When an adversary complaint is filed, the required adversary proceeding cover sheet~~(Director's Form 1040)~~ is toshall be filed as an attachment to the complaint. The adversary proceeding cover sheet shall include the complete names and addresses of each plaintiff and defendant and may be attached as a separate sheet.

LBR 7004-1 Service ~~in Adversary Proceedings~~of Process

The movant shall ensure that the summons and complaint are served in accordance with Bankruptcy Rule 7004.

LBR 7004-2 Summons

The filing of a complaint, the issuance of a summons and service thereof shall be governed solely by Bankruptcy Rule 7004. The clerk shall issue, execute and transmit to the plaintiff or plaintiff's attorney an appropriate summons.

LBR 7007-1 Motion Practice In Adversary Proceedings

Apart from the initial filing of the adversary complaint and answer thereto, the procedures and formats for all motions in adversary proceedings shall comply with the requirements set forth in *Part VII-B* of these ~~Local Bankruptcy Rules~~*LBRs*.

LBR 7016-1 ~~Preliminary~~ Pretrial Procedures~~Conferences~~

(a) Scheduling. Upon the filing of an adversary complaint, the court shall, on its own accord and in conformity with Federal Rule of Civil Procedure 16, made applicable to adversary proceedings by Bankruptcy Rule 7016, schedule a pretrial conference.

(b) Subjects for Consideration. The court may consider and take appropriate action on:

(1) Any matter referenced in the discovery plan filed by the parties pursuant to *LBR 7026-1*.

(2) Bifurcation of trial.

(3) Memoranda, motions or other documents to be filed with the final pretrial statement pursuant to *LBR 7016-2.*

(4) Any other subject listed in Federal Rule of Civil Procedure 16(c).

(c) Preliminary pretrial conferences scheduled in accordance with this *LBR* may be canceled by the court if:

(1) The defendant has failed to file an answer, and the court has entered a default; or

(2) The defendant has filed an answer, and the parties submit to the court a joint written report outlining the parties' discovery plan, as required by *LBR 7026-1(f)(2),* at least seven (7) days before a scheduled preliminary pretrial conference, and the court has issued a pretrial scheduling order.

~~(c)~~*(d)* *Alternative Dispute Resolution.* In accordance with the Alternative Dispute Resolution Act of 1998, the court encourages parties to engage in alternative dispute resolution. See 28 U.S.C. §§ 651-658. If the parties agree to participate in alternative dispute resolution, they may contact the courtroom deputy of the judge assigned to the case in chief or adversary proceeding for assistance.

Cross-References:

- *LBR 7016-2 (Final Pretrial Statements)*
- *LBR 7026-1 (Discovery — General)*
- ~~*AO 7016-1 (Cancellation of Preliminary Pretrial Hearings)*~~

LBR 7016-2 Final Pretrial Statements

(a) Final Pretrial Statements. Unless otherwise ordered by the court, parties shall file final pretrial statements no later than seven (7) days before the final pretrial conference or the commencement of the trial if no final pretrial is held. The parties are encouraged to file a joint final pretrial statement.

(b) Contents of Final Pretrial Statements. Unless otherwise ordered by the court, final pretrial statements shall contain:

(1) A brief statement of the case assented to by all parties.

(2) A complete written stipulation of all contested and uncontested facts or, if counsel cannot agree, separate statements of the same by each party.

(3) A complete written stipulation of the applicable law and any disputed issues of law or, if counsel cannot agree, separate statements of the same by each party.

(4) The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

(5) A written waiver of claims or defenses, if any.

(6) A list of all depositions which may be read into evidence.

(7) A list of all exhibits to be offered at trial separately identifying those which the party expects to offer and those which the party may offer if the need arises (exhibits intended to be used solely for impeachment need not be listed).

(8) A statement of any claim for attorneys' fees, if applicable, with citation to the statutory and/or regulatory authorities relied upon as the basis for the claim.

(9) An estimate of the length of trial.

(c) Documents to Accompany Final Pretrial Statements. Each party shall also file such memoranda, motions and other documents with the final pretrial statement as ordered by the court.

(d) Objections. Unless otherwise ordered by the court, objections to exhibits and motions *in limine* shall be filed no later than two (2) days prior to the commencement of trial.

Cross-References:

- *LBR 5072-1 (Courtroom Decorum)*
- *LBR 7016-3 (Final Pretrial Conferences)*

LBR 7016-3 Final Pretrial Conferences

(a) Scheduling. The court may schedule a final pretrial conference.

(b) Attendance. Counsel and all unrepresented parties shall attend unless otherwise ordered by the court.

(c) Subjects for Consideration. In addition to the subjects listed in Federal Rule of Civil Procedure 16(c), the court may consider and take appropriate action on the following subjects:

(1) Evidentiary problems, including admissibility of exhibits, motions *in limine*, expert witnesses, and elimination of cumulative evidence.

(2) Order of presentation in multi-party cases.

(3) Order of witnesses.

(4) Contested issues of law.

(5) Stipulations of uncontested fact.

(6) Possibility of settlement.

(7) Length of trial and imposition of time limits.

(d) Objection to Videotape Testimony. A party objecting to a question or an answer in videotaped testimony shall provide the court with a transcript of the question or answer at issue during the final pretrial conference.

Cross-References:

- *LBR 5072-1 (Courtroom Decorum)*
- *LBR 7016-2 (Final Pretrial Statements)*

LBR 7016-4 Altering Deadlines

(a) Deadlines Established by the Court. Deadlines established by the court shall not be changed by agreement without court approval.

(b) Discovery Deadlines. A stipulation extending the time within which to respond or object to a discovery request or to take a deposition need not be approved by the court provided the extended date by which the response is due or on which the deposition is to be taken is prior to the discovery completion date established for the case or at least thirty (30) days prior to the date set for the final pretrial conference or the commencement of the trial, whichever is earlier.

Cross-Reference:

- *LBR 9071-1 (Stipulations; Affidavits of Noncompliance)*

LBR 7024-2 Claim of Unconstitutionality

To enable the court to comply with 28 U.S.C. § 2403, whenever any action, suit or proceeding to which the United States or any agency, officer or employee thereof is not a party, and the constitutionality of any Act of Congress affecting the public interest is drawn into question, the party raising such question shall give written notice to the court giving the title of the case, a reference to the questioned statute sufficient for its identification and the respects in which it is claimed to be unconstitutional.

LBR 7026-1 Discovery — General

(a) Initial Disclosures. Except to the extent otherwise stipulated or directed by order, parties shall make initial disclosures as required by Federal Rule of Civil Procedure 26(a)(1) without awaiting a discovery request. These disclosures must be made at or within fourteen (14) days after the conference of the parties required by Bankruptcy Rule 7026 and *LBR 7026-1(f)* or except as otherwise provided by Federal Rule of Civil Procedure 26(f). Any party first served or otherwise joined after the Rule 26(f) conference must make these disclosures within thirty (30) days after being served or joined unless a different time is set by stipulation or court order.

(b) Expert Testimony. Parties shall make such disclosures under Federal Rule of Civil Procedure 26(a)(2)(B) as may be ordered by the court, and the other disclosures under Federal Rule of Civil Procedure 26(a)(2) when ordered by the court or, if the court has not established the time for disclosure, at the time set by Federal Rule of Civil Procedure 26(a)(3).

(c) Pretrial Disclosures. Parties shall make disclosures mandated by Federal Rule of Civil Procedure 26(a)(3) and file objections thereto when such disclosure is mandated by *LBR 7016-2*.

(d) Form of Disclosure; Filing. The disclosures mandated by Federal Rule of Civil Procedure 26(a)(1), (2) and (3) shall be in writing and shall be signed and served on all parties. Parties shall not file disclosures mandated by Federal Rule of Civil Procedure 26(a)(1) and (2) unless filing is required by court order.

(e) Limits on Depositions and Interrogatories. The presumptive limits in Federal Rules of Civil Procedure 30(a), 31(a) and 33(a) regarding the number of depositions and interrogatories apply to all adversary proceedings in the court, except:

(1) As otherwise stipulated by the parties in writing.

(2) Pursuant to Federal Rule of Civil Procedure 26(b)(2), the court may alter the discovery limits prescribed by the Federal Rules of Civil Procedure. Parties shall discuss issues pertaining to limits on discovery at the planning conference required by *LBR 7016-1* and shall attempt to stipulate to exceptions to discovery limits. If the parties do not so stipulate, parties may request exceptions to discovery limits at the preliminary pretrial conference held pursuant to *LBR 7016-1*.

(f) Conference of Parties; Planning for Discovery.

(1) Except when otherwise ordered, at least twenty-one (21) days before the preliminary pretrial conference, the parties shall confer to consider the subjects listed in Federal Rules of Civil Procedure 16(c) and 26(f), to make or arrange for the disclosure required by Federal Rule of Civil Procedure 26(a)(1) and to develop a proposed discovery plan. The parties may agree to hold their meeting by telephone. The discovery plan shall include the parties' positions on:

(A) Any changes that should be made in the timing, form or requirement for disclosures under Federal Rule of Civil Procedure 26(a), including a statement as to when disclosures under Federal Rule of Civil Procedure 26(a)(1) were made or will be made.

(B) Any subjects on which discovery may be needed, when discovery should be completed and whether discovery should be conducted in phases or be limited to or focused upon particular issues.

(C) Any changes that should be made in the limitations on discovery under the Federal Rules of Civil Procedure, including limitations established by Federal Rules of Civil Procedure 30(a), 31(a) and 33(a), and any other limitations the court should order.

(D) Other orders that should be entered under Federal Rules of Civil Procedure 26(c) or 16(b) and (c).

(2) The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan and for submitting to the court within fourteen (14) days after the conference, but in any event no later than seven (7) days before a scheduled preliminary pretrial conference, a written report outlining the discovery plan.

(3) Except as agreed upon by the parties, ordered by the court or provided by Federal Rule of Civil Procedure 26(a)(1), parties shall not seek discovery pursuant to Federal Rule of Civil Procedure 26 before the parties have held a planning conference as required by this rule.

(g) Filing of Discovery Materials with Court. Parties shall not file discovery materials with the court unless otherwise ordered.

(h) Form of Discovery Documents. Parties serving interrogatories, requests for production of documents or things or requests for admissions shall provide appropriate space for the response. Parties answering these discovery requests shall either respond in the space provided or reproduce each interrogatory or request immediately preceding the response. Parties shall number all discovery requests and responses sequentially regardless of the number of different sets.

Cross-References:

- *LBR 4001-1 (Automatic Stay — Relief From)*
- *LBR 7016-1 (~~Preliminary~~ Pretrial Procedures~~Conferences~~)*
- *LBR 7016-2 (Final Pretrial Statements)*
- *LBR 9014-1 (Contested Matters)*

LBR 7055-1 Default — Failure to Prosecute~~Judgment~~

When a defendant has failed to answer a properly served summons by the answer deadline, the court, upon request by the plaintiff, may issue an order entering default. The order entering default shall set a deadline for the filing of a motion for default judgment and a hearing date and time. After the order noting default has been entered, the plaintiff shall file a motion for default judgment accompanied by an affidavit setting forth:

(a) The amount due, if any.

(b) Whether the defendant is an infant or incompetent person.

(c) The defendant's military service status in accordance with the requirements of 50 U.S.C. Appx. § 521.

The plaintiff shall serve on the defendant the motion, the affidavit, a proposed order, a proposed final judgment and a notice of the hearing.

Cross-References:

- *AO 9012-1 (Compliance with Servicemembers Civil Relief Act)*
- *LBF 7055-1 (Default — Failure to Prosecute~~Judgment~~)*
- *LBF 9021-1A (Final Judgment (General))*
- *LBF 9021-1B (Final Judgment (Stipulation/Settlement))*
- *LBF 9021-1C (Final Judgment (Sum Certain))*

LBR 7056-1 ~~Motions for~~ Summary Judgment

(a) Moving Party.

(1) Supporting Documents Required. With each motion for summary judgment filed under Bankruptcy Rule 7056, the moving party shall serve and file the following:

(A) A separate supporting memorandum of law.

(B) A separate statement of material facts as to which the moving party contends there is no genuine ~~issue~~dispute and that entitles the moving party to judgment as a matter of law and that also includes:

(i) A description of the parties.

(ii) All facts supporting venue and jurisdiction in this court.

(C) Any affidavits and other materials referred to in Federal Rule of Civil Procedure 56~~(e)~~(c)(1)(A).

(2) Form — Statement of Facts. The separate statement of facts shall consist of short numbered paragraphs, including within each paragraph specific references to the affidavits, parts of the record and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial of the motion.

(3) *Subsequent Filings by Moving Party.* If additional material facts are submitted by the opposing party pursuant to paragraph *(b)*, the moving party may submit a concise reply in the form prescribed in paragraph *(b)(1)(B)* for response. All material facts set forth in the ~~movant's~~opposing party's statement filed under paragraph *(b)(1)(B)(ii)* will be deemed admitted unless controverted by the statement of the moving party.

(b) Opposing Party.

(1) *Supporting Documents Required.* With each objection to a motion for summary judgment filed under Bankruptcy Rule 7056, the opposing party shall serve and file the following:

(A) A separate supporting memorandum of law.

(B) A separate, concise response to the movant's statement of facts that shall contain:

(i) A response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record and other supporting materials relied upon.

(ii) A statement, consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record and other supporting materials relied upon.

(C) Any opposing affidavits and other materials referred to in Federal Rule of Civil Procedure 56~~(e)~~(c)(1)(A).

(2) *Effect.* All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

(c) Hearing Date. Prior to filing the motion for summary judgment, counsel shall contact the courtroom deputy of the judge assigned to the case to obtain a hearing date. Upon the filing of a motion for summary judgment, deadlines as set forth in the pretrial order are stayed until the ruling on the motion. A new trial date will be scheduled, if necessary, upon issuance of the summary judgment order.

Cross-Reference:

- *LBR 7101 (Motion Procedure)*

LBR 7064-1 Seizure of Person or Property

In accordance with Federal Rule of Civil Procedure 64, all remedies providing for seizure of person or property for the purpose of securing satisfaction of a judgment ultimately to be entered in the action are available under the circumstances and in the manner provided by New Hampshire state law subject to the qualifications set forth in Federal Rule of Civil Procedure 64. New Hampshire Revised Statute Annotated 511-A and the New Hampshire Superior Court's rules and forms, with appropriate adaptation, shall apply and be followed.

PART VII-B
MOTION PRACTICE GENERALLY

LBR 7101 Motion Procedure

(a) Generally. Motion practice refers to all requests for entry of an order by the court other than adversary proceedings covered by Bankruptcy Rules 7001-7087 and *Part VII-A* of these ~~Local Bankruptcy Rules~~*LBRs*. The reference to "motions" herein is intended to cover all such requests for an order by the court, whether denominated a "motion," ~~or~~ an "application," or an "objection to claim" in accordance with the particular rule or statutory provision involved.

(b) Hearing Dates. Counsel are directed, prior to submission of moving papers requiring a hearing, to contact the courtroom deputy of the judge assigned to the case in chief or adversary proceeding for which a hearing is sought to reserve a time certain for the hearing on the motion or application, subject to exceptions that are established by the court from time to time. (For example, motions for relief and motions to avoid lien are governed by *LBRs 4001-1* and *4003-2*, respectively.) The telephone numbers for the court's courtroom deputies are set forth on the court's web site at www.nhb.uscourts.gov.

(c) Filing Deadline. Upon being given a reserved time and date certain on the calendar, the party seeking the hearing shall file with the clerk the original pleading to be heard along with a notice of hearing, certificate of service and proposed order. Notwithstanding the foregoing, proposed orders are not required when filing motions for relief (see *LBR 9072-1(a)).*

Cross-References:

- *LBR 1017-2 (Dismissal or Suspension — Case or Proceeding~~s~~)*
- *LBR 7007-1 (Motion Practice In Adversary Proceedings)*
- *LBR 9072-1 (Orders — Proposed)*
- *LBF 9072-1 (Order (Proposed))*

LBR 7102 Motion Content

(a) Form.

(1) Title. Motions shall be considered only if submitted separately from other filings. The caption of every pleading shall include a brief designation of the character of the pleading. The caption, or the first sentence of the motion, shall also identify the party~~'s~~ submitting same and its relationship to the estate.

(2) Chapter of Case. All pleadings shall include in their style or reference, following the case number, the chapter of the case involved, e.g., Chapter 7, 9, 11, 12, 13 or 15, as applicable.

(3) Judge Initials. The initials of the judge assigned to the pending matter shall be separated by a hyphen immediately following the ~~docket~~case or adversary number for the pending matter.

(4) *BNH Identification.* All pleadings shall contain, after counsel's signature, the BNH identification number assigned to counsel by the clerk. ~~If counsel does not have a BNH identification number at the time a document is filed, then one shall promptly be assigned to counsel by the clerk.~~

(b) *Pleadings Required.*

(1) *Motion.* A motion shall be filed to request any action by the court.

(2) *Memorandum and Supporting Documents.* Every motion and objection may be accompanied by a memorandum with citations to supporting authorities or a statement explaining why a memorandum is unnecessary. Every motion and objection that requires consideration of facts not in the record may be accompanied by affidavits or other documents showing those facts. Except by prior leave of the court, no memorandum in support of, or in opposition to, a nondispositive motion shall exceed fifteen (15) pages, and no memorandum in support of, or in opposition to, a dispositive motion shall exceed twenty-five (25) pages.

(3) *Proposed Orders.* The initiating motion shall be accompanied by a proposed form of order for the relief requested. The form of order shall also include a line for the judge's signature and a line for the date, i.e., "Date: _____" [court to insert date]. The proposed order shall be entitled "Order," not "Proposed Order." Any motion filed without a proposed order may be denied without prejudice. (See *LBF 9072-1*.)

(c) *Time for Response*. Except as otherwise required by law or order of the court,

(1) Any objection or response to a motion, except a motion for summary judgment, must be filed no later than seven (7) days prior to the date set for hearing.

(2) Any objection or response to a motion for summary judgment must be filed no later than thirty (30) days from the date the motion is filed.

(3) Any objection or response to a motion, which is scheduled for hearing less than seven (7) days from the date the motion is filed, must be filed no later than 12:00 noon (EST or EDT, as applicable) on the business day prior to the date set for hearing.

(d) *Concurrence.* If the moving party has obtained concurrence in the relief sought, a statement of concurrence shall be included in the body of the motion so the court may consider it without delay. If concurrence has been obtained, the motion shall also contain the words "assented-to" in its title.

(e) *Extensions.* All motions for extension of time shall state: *(1)* the new date requested; *(2)* whether previous applications for extension of time on the matter have been requested, including the number and length of previous extensions; and *(3)* whether the opposing party or parties in interest agree or object to the requested extension. If the extension request is filed in an adversary proceeding, and the pretrial/trial date is affected, counsel must contact the courtroom deputy to obtain an alternate hearing date prior to filing the motion.

Cross-References:

- *LBR 9004-2 (Caption — ~~Pleadings/Documents~~Papers, General)*
- *LBR 9072-1 (Orders — Proposed)*
- *LBF 9072-1 (Order (Proposed))*

LBR 7103 Certificate of Service — Motions

(a) Certificates of Service. All pleadings other than the initiating complaint in an adversary proceeding shall include a certificate of service. The certificate of service shall identify:

(1) the document served,

(2) the manner of service,

(3) the date of service,

(4) the name and complete mailing address of every person or class of persons served by mail or other non-electronic means, and

(5) a statement that all parties appearing electronically have been served in accordance with *LBR 5005-4.*

(b) Persons to be Noticed. In all cases, notice shall be sent to the parties designated by the clerk pursuant to *LBR 5075-1* and to any other parties as may be required by the Bankruptcy Code, the Bankruptcy Rules, the ~~Local Bankruptcy Rules~~*LBRs* and the ~~Administrative Orders~~*AOs*. Moving parties should take particular note of Bankruptcy Rule 7004, which includes specific rules for serving governmental parties and federally insured depository institutions.

(c) Copy of Certificate. A copy of the certificate of service and the service list shall be served on all parties who are served with the pleading itself, unless otherwise specified by a standing procedural order in a particular case.

(d) ~~*Sanctions*~~*Signature*. Certificates signed by non-attorneys shall be made under penalty of perjury. Notwithstanding the requirements of *AO 5005-4(d)*, such certificates shall not trigger the requirements for filing a Declaration Regarding Electronic Filing. Certificates by attorneys are subject to Bankruptcy Rule 9011.

(e) Failure to Comply. The pleading may be denied without prejudice for failure to comply with this rule.

Cross-References:

- *LBR 2002-1 (Notice to Creditors and Other Interested Parties)*
- *LBR 5005-4 (Electronic Filing)*
- *LBR 5075-1 (Clerk — Delegated Functions; Designation of Parties to Provide Notice)*
- *LBR 9004-1 (*~~*Pleadings and Documents*~~*Papers — Requirements of Form)*
- *AO 5005-4 (Electronic Filing)*

LBR 7104 Notice of Hearing

All moving pleadings of whatever nature related to a scheduled hearing shall be accompanied by an appropriate notice of hearing. At a minimum, the notice of hearing shall include the title of the pleading scheduled for hearing, the court's address, courtroom number and a deadline for filing objections to the pleading scheduled for hearing.

PART VIII
APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL

~~AO~~LBR ~~8002-1~~8003-1 Notice of Appeal

(a) Filing of Appeals. Unless an election to the United States District Court for the District of New Hampshire is filed with the court, an appeal from a final order or judgment or decree of the court shall be taken to the United States Bankruptcy Appellate Panel for the First Circuit as provided by 28 U.S.C. § 158(a) and Part VIII of the Bankruptcy Rules and shall be made by filing a notice of appeal with the clerk of the bankruptcy court, substantially in the form of Official Bankruptcy Form 417A, within the time allowed by Bankruptcy Rule 8002. Direct appeals to the First Circuit as provided by 28 U.S.C. § 158(d)(2) are governed by Bankruptcy Rule 8006 and other provisions in Part VIII of the Bankruptcy Rules.

(b) Extending Time to Appeal. As provided in Bankruptcy Rule 8002(d) and in accordance with LR 77.4(d)(1), the bankruptcy court shall hear motions to extend the time for filing a notice of appeal.

Cross-Reference:

- *LR 77.4 (Bankruptcy)*

~~AO~~LBR 8004-1 Motion for Leave to Appeal

The United States District Court for the District of New Hampshire and the United States Bankruptcy Appellate Panel for the First Circuit have jurisdiction over appeals from interlocutory orders and decrees of the court, but only by leave of the district court or bankruptcy appellate panel under 28 U.S.C. § 1334(b). Leave to appeal under 28 U.S.C. § 1334(b) shall be sought by filing a motion pursuant to Bankruptcy Rule 8004.

~~AO~~LBR 8005-1 ~~Statement of~~Election for District Court Determination of Appeal

Unless an election to have the appeal heard by the United States District Court for the District of New Hampshire is filed within the time prescribed by 28 U.S.C. § 158(c)(1), the appeal shall be heard by United States Bankruptcy Appellate Panel for the First Circuit.

~~AO~~LBR 8007-1 Stay Pending Appeal

The filing of a notice of appeal does not stay the operation of the appealed order. All parties are required to comply with the provisions of the order in the absence of a stay even though compliance may ultimately render the appeal moot. Appellants seeking a stay pending appeal must comply with the provisions of Bankruptcy Rule 8007. See also 11 U.S.C. §§ 363(m), 364(e) and 921(e).

PART IX
GENERAL PROVISIONS

LBR 9004-1 ~~Pleadings and Documents~~Papers — Requirements of Form

(a) Chapter Number. All pleadings shall include in their style or reference, following the case number, the chapter of the case involved, e.g., Chapter 7, 9, 11, 12, 13 or 15, as applicable.

(b) Assigned Judge. The initials of the judge assigned to the pending matter shall be separated by a hyphen immediately following the ~~docket~~case or adversary number for the pending matter.

(c) BNH Number. All pleadings shall contain, after counsel's signature, the BNH identification number assigned to counsel by the clerk. ~~If counsel does not have a BNH identification number at the time a document is filed, then one shall promptly be assigned to counsel by the clerk.~~

(d) Citation of Prior Orders. Any pleading filed with this court that refers to a prior order of the court shall either state the court document number of the order referred to or have attached to it a true and correct copy of such order.

(e) Prohibited Citations. No pleading or other paper filed with this court shall make reference to any commercial legal publication written or edited by a judge of this court.

(f) Signed Originals. Whenever a pleading or other document is required to be filed, such filing shall be effective only upon receipt and date-stamping of a signed original document, unless such pleading or document has been electronically filed in accordance with *LBR 5005-4*.

(g) Electronic Filing. Electronically transmitted facsimiles or other substitute copies of documents shall not be construed to be signed original pleading documents, unless such pleading or document has been electronically filed in accordance with *LBR 5005-4*.

Cross-References:

- *LBR 1070-1 (Jurisdiction)*
- *LBR 5005-4 (Electronic Filing)*
- *LBR 7103 (Certificate of Service — Motions)*
- *LBR 9004-2 (Caption — ~~Pleadings/Documents~~Papers, General)*
- *AO 5005-4 (Electronic Filing)*

LBR 9004-2 Caption — ~~Pleadings/Documents~~Papers, General

(a) Generally. The caption of every pleading shall include a brief designation of the character of the pleading. The caption, or the first sentence of the document, shall also identify the party submitting same and its relationship to the estate.

(b) Consolidated/Jointly Administered Cases. Pleadings filed in a consolidated or jointly administered case shall contain a caption in the form ordered by the court in connection with the granting of the motion

for consolidation or joint administration. The caption shall indicate, following the listing of the debtors, the phrase "substantively consolidated" or "jointly administered," whichever is appropriate.

Cross-References:

- *LBR 1015-1 (Joint Administration/Consolidation)*
- *LBR 4001-1 (Automatic Stay — Relief From)*
- *LBR 4001-2 (Cash Collateral)*
- *LBR 4003-2 (Lien Avoidance)*

LBR 9010-1 Attorneys — Notice of Appearance

(a) Automatic Appearance. The signature of an attorney for a petitioner on a bankruptcy petition or the signature of an attorney on a complaint or document in a bankruptcy case, constitutes a notice of appearance pursuant to Bankruptcy Rule 9010 and constitutes a certification that the attorney is authorized to practice in the United States District Court for the District of New Hampshire.

(b) Proofs of Claim. Notwithstanding paragraph *(a)* above, the signature of an attorney for a claimant on a proof of claim does not constitute a notice of appearance.

(c) Appearance by Notice. Any attorney other than the debtor's attorney who wishes to receive copies of notices generally sent to creditors in a case shall file a separate document entitled "Appearance" that sets forth the attorney's name, address, telephone number, client's name and relationship to the estate.

Cross-Reference:

- *LBR 2090-1 (Attorneys Admitted to Practice)*

LBR 9010-2 Power of Attorney; Guardians; Conservators

If a bankruptcy case is commenced on behalf of a debtor by a representative, i.e., an agent, attorney in fact, proxy, guardian, or conservator, the following procedural requirements shall be met to ensure that the petition has been properly filed:

(a) A copy of the legal document under which the representative is acting shall be filed with the petition so that the court may determine whether the representative's actions fall within the scope of the representative's authority. In the case of an agent, attorney in fact, or proxy, a power of attorney shall be filed with the court. In the case of a guardian or conservator, the court order appointing the guardian or conservator shall be filed with the court.

(b) The petition, schedules, statements, and other documents in the case shall be properly executed by the representative in a manner which reflects the representative capacity of such person. Both the debtor's and the representative's mailing addresses shall be filed with the court.

(c) The representative shall appear at the meeting of creditors so that the representative can state on the record the reasons for commencing the case in this manner and answer any questions of the trustee.

LBR 9011-2 *Pro Se* Parties

The signature of an individual not represented by counsel on a bankruptcy petition, complaint or pleading shall constitute a *pro se* appearance. A *pro se* party may not authorize another person who is not a member of the bar of the United States District Court for the District of New Hampshire to appear on his or her behalf. This includes a spouse or relative and any other party on the same side who is not represented by an attorney. In accordance with LR 83.6(c), corporations, trusts, limited liability companies and unincorporated associations may not appear *pro se*.

Cross-References:

- *LR 83.6 (Appearances)*
- *LBR 1004-1 (Petition — Partnership)*
- *LBR 1004-2 (Petition — Corporation)*
- *LBR 1004-3 (Petition — Trust, Limited Liability Company)*

LBR 9011-3 Sanctions

If counsel for any party, without justifiable excuse, fails to appear before the court at a hearing to complete necessary preparations or to be prepared to proceed to trial at the time set, the defaulting party and counsel may be subject to sanctions, including the recovery of fees and expenses of the other party or parties which were incurred as a result of such failure.

LBR 9014-1 Contested Matters

(a) No Discovery. The court directs that Bankruptcy Rule 7026 and *LBR 7026-1* shall not apply to contested matters governed by Bankruptcy Rule 9014 unless otherwise ordered. The clerk, having given notice to all parties of the adoption of these ~~Local Bankruptcy Rules~~*LBRs*, is hereby deemed to have complied with the obligations of the clerk imposed by Bankruptcy Rule 9014 with respect to notifying parties that Bankruptcy Rule 7026 is not applicable to contested matters.

(b) Service. The movant shall ensure that moving pleadings are served in accordance with Bankruptcy Rule 7004, made applicable by Bankruptcy Rule 9014(b).

Cross-Reference:

- *LBR 7026-1 (Discovery — General)*

LBR 9019-1 Settlements and Agreed Orders

Counsel shall notify the court immediately upon the settlement of a proceeding or motion. If, by the date set for the trial/evidentiary hearing, counsel have not submitted a motion and a proposed order approving the settlement and disposing of the proceeding or motion, then counsel shall appear at the time of the scheduled hearing, unless otherwise ordered by the court, and shall state the settlement on the record. Unless otherwise ordered by the court, failure to file a motion and a proposed order approving the settlement within seven (7) days of the date set for the trial/evidentiary hearing shall be cause for dismissal of the proceeding or denial of the motion for want of prosecution, without further notice.

LBR 9021-1 Judgments and Orders — Entry of

Pursuant to Bankruptcy Rule 9021, no final disposition of an adversary proceeding is effective until a judgment is entered on a separate document except when a case is dismissed by notice or order under Federal Rule of Civil Procedure 41(a). Accordingly, all stipulations or proposed orders submitted to dispose of an adversary proceeding shall be accompanied by a short separate final judgment incorporating by reference the provisions of the dispositive stipulation or order and shall be substantially in the form of *LBFs 9021-1A, B* or *C*.

Cross-References:

- *LBF 9021-1A (Final Judgment (General))*
- *LBF 9021-1B (Final Judgment (Stipulation/Settlement))*
- *LBF 9021-1C (Final Judgment (Sum Certain))*

LBR 9029-1 Local Rules — General

(a) Scope of Rules. These ~~Local Bankruptcy Rules~~*LBRs* are prescribed pursuant to Bankruptcy Rule 9029, LR 77.4(b) and 28 U.S.C. § 2071(a) and have been adopted in compliance with 28 U.S.C. §§ 332(d)(4), 2071(b) and 2071(d) to govern the practice and procedure before the United States Bankruptcy Court for the District of New Hampshire. All prior ~~local bankruptcy rules~~*LBRs* and ~~administrative orders~~*AOs* are repealed, except ~~Interim Bankruptcy Rules~~*IBRs 1007-1* and *5012*, as amended, and any standing procedural administrative orders that relate only to a specific case. To the extent that a conflict appears or arises between the ~~Local Bankruptcy Rules~~*LBRs* and ~~Administrative Orders~~*AOs* of this court and any rules of the United States District Court for the District of New Hampshire or any bankruptcy rules promulgated by the Supreme Court of the United States, the latter rules shall govern.

(b) Effective Date. These rules become effective on ~~February 1, 2013~~November 1, 2016.

(c) Definitions.

(1) "Attorney" or "counsel" includes any party appearing *pro se*.

(2) "Clerk" or "clerk's office" means the clerk of the United States Bankruptcy Court for the District of New Hampshire and deputy clerks unless the context dictates otherwise.

(3) "Court" means the bankruptcy judge to whom a proceeding or matter has been assigned.

(4) "Judge" means United States Bankruptcy Judge.

(d) Amendments. Except as otherwise provided, the court shall give notice of proposed amendments to the ~~Local Bankruptcy Rules~~*LBRs* by posting them in the clerk's office and on the court's web site at www.nhb.uscourts.gov or by publishing them in such other publication as the court deems appropriate. The court shall allow at least thirty (30) days from the date of the notice for public comment. When the court determines that there is an immediate need for an amendment, it may proceed without providing public notice or public comment, provided the court promptly thereafter gives public notice and an opportunity for public comment.

(e) Sanctions. Except as otherwise provided by law, the court may dismiss an action, enter a default or impose other sanctions it deems appropriate, for any violation of, or failure to comply with, these ~~Local Bankruptcy Rules~~*LBRs*. The court may excuse the failure to comply with any local bankruptcy rule whenever justice so requires.

LBR 9029-2 Local Rules — General Orders and Forms

The court may adopt administrative orders and forms for the conduct and disposition of proceedings before it and may from time to time alter and amend the same, provided that such administrative orders and forms shall not be inconsistent with the provisions of the Bankruptcy Code, the Bankruptcy Rules or these ~~Local Bankruptcy Rules~~*LBRs*. Administrative orders shall be numbered according to the uniform numbering system prescribed by the Judicial Conference for local rules and cited as "*AO*." Local bankruptcy forms shall be numbered to correlate with the ~~local bankruptcy rules~~*LBRs* and ~~administrative orders~~*AOs* and shall be cited as "*LBF*." Copies of such ~~administrative orders~~*AOs* and ~~forms~~*LBFs* shall be available on the court's web site at www.nhb.uscourts.gov or by request from the clerk's office.

~~AO~~LBR 9037-1 Redaction of Personal Identifiers

(a) Compliance with Bankruptcy Rule 9037. All documents filed with the court shall comply with Bankruptcy Rule 9037. Court employees are not responsible for redacting any of the personal identifying information. The responsibility for redacting personal identifiers rests solely with the filing party.

(b) Motion to Redact Personal Identifiers. Notwithstanding the requirements of Bankruptcy Rule 9037, a party seeking to redact personal identifiers from a document or a proof of claim, already filed with the court, shall file a motion to redact the personal identifiers accompanied by a proposed order in the form of *LBF 9037-1*. The motion shall identify the individual whose personal identifiers have been exposed.

(c) Service of Motion to Redact. When a party files a motion to redact, the party shall serve the request on the debtor, any individual whose personal identifiers have been exposed, the trustee, and the United States Trustee.

(d) Filing of Correctly Redacted Document or Claim. Unless otherwise ordered by the court, the party seeking redaction shall file a correctly redacted document or proof of claim within twenty-one days of the granting of the motion.

(e) Filing Motions to Reopen in Closed Cases. The granting of a motion to redact in a closed case is ministerial in nature and does not impact the administration of the case. For that reason, a party seeking redaction in a closed case does not need to file a motion to reopen the case, and no fee for reopening shall be collected by the clerk.

(f) Redaction Fee. In accordance with the provisions of the Bankruptcy Court Miscellaneous Fee Schedule, the party filing a motion to redact personal identifiers from a document or proof of claim must pay a fee for filing such motion to redact.

Cross-References:

- *LBR 5005-4 (Electronic Filing)*
- *LBF 9037-1 (Order Granting Motion to Redact)*

LBR 9070-1 Exhibits

Whenever exhibits are entered in a proceeding, they do not become a permanent part of the files and records of the court. Upon the conclusion of any proceeding in which exhibits have been entered and the expiration of the applicable limit on appeals, the offering party or parties shall have 180 days within which to request the return and make arrangements for recovering said exhibits. Whenever a party fails to make such request and arrangements for recovery on a timely basis, the clerk is hereby empowered to, and shall dispose of, said exhibits without further order of the court.

Cross-Reference:

- *LBR 5072-1 (Courtroom Decorum)*

LBR 9071-1 Stipulations; Affidavits of Noncompliance

(a) Conditional Terms. A stipulation, judgment or order filed and entered by the court containing conditional terms, including automatic dismissal, conversion or relief from stay, is not itself self-executing. The moving party must submit an affidavit by a person with personal knowledge stating that the conditions have not been met along with a proposed order, which shall set forth with specificity the relief to be entered by the court. Said relief may be granted by the court seven (7) days after the filing and serving of a copy of same to all opposing parties.

(b) Enforceability. No understanding or arrangement between parties or attorneys affecting the course or conduct of trial shall be enforceable for any purpose unless the same is in writing or made a part of the record by oral representation. No stipulation shall have the effect of relieving the parties from a prior order of the court, including a scheduling order, unless such stipulation is approved by the court in writing.

(c) Time Limited. Absent exceptional circumstances, the court will not approve a stipulation that in its judgment affords a creditor the ability to obtain relief from the automatic stay, by affidavit and without a hearing, for the remainder of the case.

Cross-References:

- *LBR 7016-4 (Altering Deadlines)*
- *LBR 9019-1 (Settlements and Agreed Orders)*
- *LBR 9072-1 (Orders — Proposed)*
- *LBF 5005-4 (Declaration Regarding Electronic Filing)*

LBR 9072-1 Orders — Proposed

(a) All moving pleadings, with the exception of motions for relief, shall be accompanied by a proposed order that sets forth with specificity the relief to be entered by the court. The proposed order shall be entitled "Order," not "Proposed Order," and shall be substantially in the form of *LBF 9072-1*.

(b) Generally. If counsel is directed to submit a proposed order or judgment following a hearing or trial, the proposed order or judgment must be submitted within seven (7) days following the hearing or trial, or as the court otherwise directs. Failure to submit the proposed order or judgment within the time required may result in denial of the moving pleading or complaint without prejudice.

Cross-References:

- *LBR 3017-1 (Disclosure Statement — Approval)*
- *LBR 3020-1 (Chapter 11 — Confirmation)*
- *LBR 3022-1 (Final Report/Decree (Chapter 11))*
- *LBR 4001-2 (Cash Collateral)*
- *LBR 9071-1 (Stipulations; Affidavits of Noncompliance)*
- *LBF 9072-1 (Order (Proposed))*

LBR 9073-1 Hearings

(a) Scheduling Hearings. The scheduling of all motion hearings is controlled by the courtroom deputy of the judge assigned to the case in chief or adversary proceeding. Except as provided in *LBRs 4001-1* and *4003-2* of these rules, counsel are required, prior to the submission of pleadings or moving papers, to contact the courtroom deputy to reserve a time certain for any required hearing. The motion must be accompanied by a notice of hearing, certificate of service and proposed order. Pleadings not in compliance may be denied without prejudice to a new filing in compliance with this rule. (Exception: Motions for relief and motions to avoid lien are governed by *LBRs 4001-1* and *4003-2*, respectively.)

(b) Expedited Hearings. In any instance in which exigent circumstances demand an expedited hearing, counsel shall contact the courtroom deputy prior to filing a motion to expedite a hearing. The motion to expedite shall be a separate pleading, which shall state in clear terms why the hearing needs to be expedited and how soon the parties want the hearing. A separate proposed order shall accompany the motion, which shall include a blank line for insertion by the court of the date and time of the hearing.

Cross-References:

- *LBR 4001-1 (Automatic Stay — Relief From)*
- *LBR 4003-2 (Lien Avoidance*
- *LBR 7007-1 (Motion Practice In Adversary Proceedings)*
- *LBR 7101 (Motion Procedure)*

LBR ~~9074-1~~9074-2 Telephonic Appearances and Hearings

(a) Telephonic Appearances. Where telephonic appearances are permitted pursuant to *AO ~~9074-1~~9074-2*, parties shall follow the procedures as specified therein. All other telephonic appearances in matters other than those permitted by *AO ~~9074-1~~9074-2* may be considered by the court only upon timely request to the courtroom deputy of the judge assigned to the case in chief or adversary proceeding.

(b) Video Conference Hearings. Any request for a video conference hearing shall be timely made to the courtroom deputy of the judge assigned to the case in chief or adversary proceeding.

(c) Telephone Numbers. The telephone numbers for the court's courtroom deputies may be obtained on the court's web site at www.nhb.uscourts.gov.

Cross-Reference:

- *AO ~~9074-1~~9074-2 (Telephonic Appearances)*

INTERIM BANKRUPTCY RULES
of the
United States Bankruptcy Court for the District of New Hampshire

IBR 1007-1[1] Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion

* * * * *

(b) Schedules, Statements, and Other Documents Required.

* * * * *

(4) Unless either: *(A)* § 707(b)(2)(D)(i) applies, or *(B)* § 707(b)(2)(D)(ii) applies and the exclusion from means testing granted therein extends beyond the period specified by Rule 1017(e), an individual debtor in a chapter 7 case shall file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, the information, including calculations, required by § 707(b), prepared as prescribed by the appropriate Official Form.

* * * * *

(c) Time Limits. In a voluntary case, the schedules, statements, and other documents required by subdivision *(b)(1), (4), (5),* and *(6)* shall be filed with the petition or within fourteen (14) days thereafter, except as otherwise provided in subdivisions *(d), (e), (f), (h),* and *(n)* of this rule. In an involuntary case, the schedules, statements, and other documents required by subdivision *(b)(1)* shall be filed by the debtor within fourteen (14) days of the entry of the order for relief. In a voluntary case, the documents required by paragraphs *(A), (C),* and *(D)* of subdivision *(b)(3)* shall be filed with the petition. Unless the court orders otherwise, a debtor who has filed a statement under subdivision *(b)(3)(B),* shall file the documents required by subdivision *(b)(3)(A)* within fourteen (14) days of the order for relief. In a chapter 7 case, the debtor shall file the statement required by subdivision *(b)(7)* within sixty (60) days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by subdivision *(b)(7)*. The debtor shall file the statement required by subdivision *(b)(8)* no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States Trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States Trustee and to any committee, trustee, or other party as the court may direct.

* * * * *

(n) Time Limits For, and Notice To, Debtors Temporarily Excluded from Means Testing.

(1) An individual debtor who is temporarily excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code shall file any statement and calculations required by subdivision *(b)(4)* no later than fourteen (14) days after the expiration of the temporary exclusion if the

expiration occurs within the time specified by Rule 1017(e) for filing a motion pursuant to § 707(b)(2).

(2) If the temporary exclusion from means testing under § 707(b)(2)(D)(ii) terminates due to the circumstances specified in subdivision *(n)(1)*, and if the debtor has not previously filed a statement and calculations required by subdivision *(b)(4)*, the clerk shall promptly notify the debtor that the required statement and calculations must be filed within the time specified in subdivision *(n)(1)*.

~~*COMMITTEE NOTE*~~

~~*This rule is amended to take account of the enactment of the National Guard and Reservists Debt Relief Act of 2008, which amended § 707(b)(2)(D) of the Code to provide a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces. This exclusion applies to qualifying debtors while they remain on active duty or are performing a homeland defense activity, and for a period of 540 days thereafter. For some debtors initially covered by the exclusion, the protection from means testing will expire while their chapter 7 cases are pending, and at a point when a timely motion to dismiss under § 707(b)(2) can still be filed. Under the amended rule, these debtors are required to file the statement and calculations required by subdivision (b)(4) no later than 14 days after the expiration of their exclusion. Subdivisions (b)(4) and (c) are amended to relieve debtors qualifying for an exclusion under § 707(b)(2)(D)(ii) from the obligation to file a statement of current monthly income and required calculations within the time period specified in subdivision (c). Subdivision (n)(1) is added to specify the time for filing of the information required by subdivision (b)(4) by a debtor who initially qualifies for the means test exclusion under § 707(b)(2)(D)(ii), but whose exclusion expires during the time that a motion to dismiss under § 707(b)(2) may still be made under Rule 1017(e). If, upon the expiration of the temporary exclusion, a debtor has not already filed the required statement and calculations, subdivision (n)(2) directs the clerk to provide prompt notice to the debtor of the time for filing as set forth in subdivision (n)(1).*~~

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[1] Interim Rule 1007-1 has been adopted by the bankruptcy courts to implement the National Guard and Reservists Debt Relief Act of 2008, Public Law No. 110-438, as amended by Public Law No. 114-107. The amended Act, which provides a temporary exclusion from the application of the means test for certain members of the National Guard and reserve components of the Armed Forces, applies to bankruptcy cases commenced in the 11-year period beginning December 19, 2008.

IBR 5012 COMMUNICATION AND COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

Except for communications for scheduling and administrative purposes, the court in any case commenced by a foreign representative shall give at least twenty-one (21) days' notice of its intent to communicate with a foreign court or a foreign representative. The notice shall identify the subject of the anticipated communication and shall be given in the manner provided by Rule 2002(q). Any entity that wishes to participate in the communication shall notify the court of its intention not later than seven (7) days before the scheduled communication.

ADMINISTRATIVE ORDERS
of the
United States Bankruptcy Court for the District of New Hampshire

~~AO 1002-1 – Petition – General~~

~~*(a) Filing.* A petition commencing a case under the Bankruptcy Code shall be filed in the clerk's office or by electronic means as established by the court.~~

~~*(b) Format.* A petition commencing a case shall conform substantially to the applicable Official Bankruptcy Form and shall be completed legibly in all respects. All information requested or provided for in the applicable Official Bankruptcy Form or by Bankruptcy Rule 1005 shall be completed by the petitioner. All petitions must be formatted to 8½" x 11" and will be accepted for filing if the information requested in the applicable Official Bankruptcy Form, Bankruptcy Rule 1005 and the following are included:~~

~~*(1)* Filing fee.~~

~~*(2)* List of creditors in matrix format.~~

~~*(3)* In chapter 11 cases, in addition to the list required by Bankruptcy Rule 1007(d), a list of the twenty (20) largest unsecured creditors (excluding insiders) prepared in matrix format.~~

~~*Cross References:*~~
- ~~*28 U.S.C. § 1930 (Bankruptcy Fees)*~~
- ~~*LBR 1004-1 (Petition – Partnership)*~~
- ~~*LBR 1004-2 (Petition – Corporation)*~~
- ~~*LBR 1004-3 (Petition – Trust, Limited Liability Company)*~~
- ~~*LBR 1006-1 (Fees – Installment Payments)*~~
- ~~*LBR 1007-2 (Mailing – List or Matrix)*~~
- ~~*LBR 2016-1 (Hearings on Compensation and Employment of Professional Persons)*~~
- ~~*LBR 5005-4 (Electronic Filing)*~~
- ~~*LBR 5080-1 (Fees – General)*~~
- ~~*LBR 5081-1 (Fees – Form of Payment)*~~
- ~~*AO 5005-4 (Electronic Filing)*~~
- ~~*LBF 1007-2 (Verification of Creditor Mailing List)*~~

~~AO 1007-1 Lists, Schedules and Statements~~

~~*(a) Form.* All schedules and statements shall conform substantially to the Official Bankruptcy Forms included in the Bankruptcy Rules and shall be completed legibly in all respects. If the appropriate entry is "none," then that should be indicated. In each of Schedules D, E/F and H, creditors shall be listed in alphabetical order by name, with complete address including the ZIP code, except that secured creditors on Schedule D may be grouped according to the collateral involved if multiple liens on particular assets are involved. Where required by the form, include the last four digits of the account number. In individual cases, Schedules A/B through J must be filed. In all other cases, Schedules A/B and D through H must be filed.~~

~~*(b) Filing of Schedules and Statements.* Collate in the following sequence:~~

~~*(1)* Petition.~~

~~*(2)* Statement of Financial Affairs.~~

~~*(3)* Schedules A/B through J.~~

~~*(4)* Applicable version(s) of Official Bankruptcy Forms 122A, B, or C, including the Means Test Calculation and Calculation of Your Disposable Income, if appropriate.~~

~~*(5)* Summary of Assets and Liabilities.~~

~~*(6)* Declaration About Schedules.~~

~~*(7)* Disclosure of Compensation of Attorney for Debtor Pursuant to Bankruptcy Rule 2016(b).~~

~~*(8)* Statement of Intention for Individuals Filing Under Chapter 7, if appropriate.~~

~~*(9)* List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders in Chapter 9 or 11 Cases, if appropriate.~~

~~*(10)* Any other documents required by paragraphs *(f)* through *(h)* of this rule.~~

~~*(11)* Verification of Creditor Mailing List with list of creditors in matrix format attached.~~

~~*(c) Paper Copies.* The debtor must bring a paper copy of the petition, schedules, statements and lists to the first meeting of creditors so that the trustee may use the paper copy to examine the debtor.~~

~~*(d) Certificate of Credit Counseling.* An individual debtor under chapter 7, 11, 12 or 13, in addition to indicating on the petition that credit counseling has been obtained, shall file a separate certification from an approved credit counseling agency indicating that said credit counseling has been completed.~~

~~*(e) Statement About Social Security Number.* An individual debtor shall submit, at the time of filing the voluntary petition, a verified statement that sets out the debtor's Social Security number. If the petition is not filed electronically, then the debtor shall submit the statement on Official Bankruptcy Form 121. If the petition is filed electronically, then the debtor shall make the statement on *LBF 5005-4*, the Declaration Regarding Electronic Filing, which must be submitted to the court within seven (7) days. If the debtor does not have a Social Security number, then the debtor shall file Official Bankruptcy Form 121 and so indicate.~~

~~*(f) Filing Copy of Debtor's Organization Documents.* Whenever a debtor is organized as a trust or as a limited liability company, the debtor shall file with its bankruptcy schedules a copy of its organizational documents together with all amendments, with a copy served upon any trustee and counsel to any official committee in the case.~~

~~*(g) Filing of Leases.* Whenever a lease of nonresidential real property constitutes an interest of a bankruptcy estate, the debtor shall file, along with the statement of executory contracts, a separate statement that such a lease exists, the name and address of the lessor and a copy of the lease instrument, with a copy served upon any trustee and counsel to any official committee in the case.~~

~~*(h) Filing of List of Inventories and Equipment.* Whenever inventory or business equipment is scheduled in a chapter 7 case, the debtor shall comply with the requirements of *LBR 4002-1(c)* and *(d)*.~~

~~*(i) Failure to Timely File Schedules.* If the debtor fails to file all schedules and statements required by Bankruptcy Rule 1007, and no extension of time has been requested or granted, then the court may issue an order to show cause or a notice why the case should not be dismissed for failure to timely file the~~

~~required schedules and statements, unless the provisions of 11 U.S.C. § 521(i) apply, in which event the case may be dismissed in accordance with *LBR 1007-8*.~~

~~*(j) Motions to Extend Time to File Schedules.* The following procedures shall govern the filing of motions to extend the time to file schedules and statements:~~

~~*(1) Timeliness.* A motion for extension of time shall be filed before the expiration of the period originally prescribed by the Bankruptcy Rules or as extended by a previous order. A copy of the motion should be served by the debtor upon the United States Trustee, any trustee and all members of any official committee appointed by the United States Trustee.~~

~~*(2) Content of Motion.* All motions for extension of time shall state:~~

~~*(A)* The specific date requested.~~

~~*(B)* Whether previous applications for extensions of time on the matter have been requested, including the number and length of previous extensions.~~

~~*(C)* Whether the opposing party or parties in interest agree or object to the requested extension.~~

~~*(3) Proposed Order.* A proposed order shall accompany the motion.~~

~~*(k) Extension Granted for Filing Schedules.* Generally debtors are not granted an extension of the time for filing schedules and statements to a date after the first date scheduled for the § 341 meeting of creditors. If the debtor is granted an extension of the time for the filing of schedules and statements, and the time for filing occurs after the first date scheduled for the § 341 meeting of creditors, then the debtor shall appear at said meeting on the scheduled date, unless the debtor has previously reached an agreement with the case trustee not to appear, and obtain the agreement of the United States Trustee or the case trustee for a continued meeting to a date after the required papers are to be filed.~~

~~*Cross-References:*~~

- ~~*AO 1002-1 (Petition — General)*~~
- ~~*LBR 1007-2 (Mailing — List or Matrix)*~~
- ~~*LBR 4002-1 (Debtor — Duties)*~~
- ~~*LBR 5005-4 (Electronic Filing)*~~
- ~~*AO 5005-4 (Electronic Filing)*~~
- ~~*LBF 5005-4 (Declaration Regarding Electronic Filing)*~~

~~AO 1009-1 — Amendments to Petitions, Lists, Schedules and Statements~~

~~*(a) Generally.* No petition may be amended to add an additional entity as a debtor after the petition has been filed with the clerk.~~

~~*(b) Form.* An amendment must be filed as a separate document titled Notice of Amendment. The Notice of Amendment must contain the following:~~

~~*(1)* A caption including the case name, case number, judge's initials and chapter.~~

~~*(2)* A statement identifying the schedule, statement or other document being amended.~~

~~*(3)* The purpose of the amendment, which shall specifically state the change being made to the document being amended.~~

~~*(4)* The date of the amendment.~~

~~*(5)* The debtor's signature (if electronically filed, a Declaration Regarding Electronic Filing in the form of *LBF 5005-4* must be forwarded to the clerk's office within seven (7) days of the filing of the amendment).~~

~~*(c) Additional Documents.* The Notice of Amendment must be accompanied by the following documents:~~

~~*(4)* An amendment cover sheet in the form of *LBF 1009-1A.*~~

~~*(5)* In case of an amendment to schedules or statements, a complete copy of the schedule or statement as amended. In the case of an amendment to any schedule of liabilities, each debt newly listed must also state when such debt was incurred and contain the last four digits of the account number. Additionally,~~

~~*(C)* In the case of an amendment to Schedule I, a complete copy of the schedule, as amended, as well as a complete copy of Schedule J that conforms to the amended Schedule I must be filed.~~

~~*(D)* In the case of an amendment to Schedule J, a complete copy of the schedule, as amended, as well as a complete copy of Schedule I must be filed.~~

~~*(6)* The Summary of Assets and Liabilities in the case of an amendment to Schedules A/B, D, E/F, I, J, or Official Bankruptcy Form 122A, B, or C.~~

~~*(4)* A supplement to the list of creditors that shall include the names and the addresses of the creditors added, or whose names and addresses have been changed by the amendment, which supplement shall conform to the requirements of *LBR 1007-2.*~~

~~*(5)* A certificate of service by the debtor or the debtor's attorney stating that notice has been given as required by Bankruptcy Rule 1009 and paragraph *(f)* of this rule.~~

~~*(d) Filing of Amendment.* When filing an amendment, the documents should be collated in the following sequence:~~

~~*(8)* Amendment Cover Sheet on *LBF 1009-1A.*~~
~~*(9)* Notice of Amendment.~~
~~*(10)* List of Newly Added Creditors substantially in the form of *LBF 1007-2*, if applicable.~~
~~*(11)* Complete copy of schedule or statement as amended.~~
~~*(12)* Summary of Assets and Liabilities, if applicable.~~
~~*(13)* Notice to Additional Creditors on *LBF 1009-1B*, if applicable.~~
~~*(14)* Certificate of service.~~

~~*(e) Filing Fee.* When filing an amendment, the debtor shall pay the required filing fee, if any.~~

~~*(f) Notice to Affected Parties.* Any amendments to the debtor's schedules must be served on all affected creditors, any trustee, counsel to any creditors' committee and the United States Trustee by the debtor or~~

~~the debtor's attorney at the same time as they are filed with the clerk, and shall comply further with this rule regarding form and notice. Where the debtor adds creditors to the case by supplementing either the schedules or the list of creditors previously filed, the debtor shall serve upon each newly-listed creditor a copy of the following:~~

~~*(1)* The Notice of Amendment.~~

~~*(2)* The Notice of Bankruptcy Case (commonly referred to as the § 341 notice) or, if the meeting has been held, a notice extending deadlines which provides bar dates equivalent to that granted by the original § 341 notice (see *LBF 1009-1B*).~~

~~*(3)* The order granting discharge, if any.~~

~~*(4)* Any other filed document affecting the rights of said creditor.~~

~~*Cross References:*~~

- ~~*28 U.S.C. § 1930 (Bankruptcy Fees)*~~
- ~~*LBR 1007-2 (Mailing — List or Matrix)*~~
- ~~*LBR 5005-4 (Electronic Filing)*~~
- ~~*LBR 5080-1 (Fees — General)*~~
- ~~*LBR 5081-1 (Fees — Form of Payment)*~~
- ~~*AO 5005-4 (Electronic Filing)*~~
- ~~*LBF 1009-1A (Amendment Cover Sheet)*~~
- ~~*LBF 1009-1B (Notice to Creditors)*~~
- ~~*LBF 5005-4 (Declaration Regarding Electronic Filing)*~~

AO 1017-1 Dismissal of Chapter 13 Case Pre-Confirmation; Payment of Administrative Expenses

Whenever an order or notice issues dismissing a chapter 13 case prior to confirmation of the plan, the court shall retain jurisdiction over any undistributed funds held by the trustee for the later of fourteen (14) days or until the date of any then-scheduled hearing for payment of administrative expenses of the estate including the payment of debtor's attorney fees.

AO 2002-7 Implementation of Notice of Preferred Addresses Pursuant to 11 U.S.C. § 342(e) and (f) and National Creditor Registration Service

An entity, as that term is defined under 11 U.S.C. § 101(15), and a notice provider, i.e., Bankruptcy Noticing Center, may agree that when the notice provider is directed by the court to provide notice to the entity, the notice provider shall do so in the manner agreed to and at the address or addresses provided to the notice provider by the entity. Such address is conclusively presumed to be a proper address for the notice. However, the notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by an entity directly with the notice provider shall constitute the filing of such a notice with the court.

The entity must register its preferred address with the National Creditor Registration Service. Forms and registration information are available on the National Creditor Registration Service's web site at https://ncrs.uscourts.gov.

AO 2016-1 Fee and Expense Guidelines

~~*(a) Fees.*~~

~~*(1)* If the total fee for debtor's counsel in a chapter 13 consumer case or a business case is less than or equal to $2,500 pre-confirmation and $1,000 post-confirmation, the disclosure set forth in the Bankruptcy Rule 2016 statement is sufficient, and it is unnecessary to file an application for compensation under *LBR 2016-1* unless ordered to do so by the court. To the extent that the prepetition retainer received by debtor's counsel is less than $3,500, the chapter 13 plan may provide that the balance, up to and including $3,500, be paid during the first twelve months of the debtor's plan.~~

~~*(2)* If the total fee for debtor's counsel in a chapter 13 consumer case or a business case exceeds $3,500, it shall be necessary to file an application for compensation under *LBR 2016-1*. The chapter 13 plan may provide that up to $3,500 of any approved fees in excess of the prepetition retainer received up to and including $3,500 by debtor's counsel may be paid during the first twelve months of the debtor's plan.~~

~~*(3)* If the total fee for counsel to an individual debtor in a chapter 7 case is not subject to an objection by the United States Trustee or is less than or equal to $1,500, the disclosure set forth in the Bankruptcy Rule 2016 statement is sufficient, and it is unnecessary to file any application for compensation under *LBR 2016-1* unless ordered to do so by the court.~~

~~*(4)* If the total fee for counsel to a debtor in a chapter 7 case who is not an individual is not subject to an objection by the United States Trustee or is less than or equal to $2,500, the disclosure set forth in the Bankruptcy Rule 2016 statement is sufficient, and it is unnecessary to file any application for compensation under *LBR 2016-1* unless ordered to do so by the court.~~

(a) Fees in chapter 13 cases.

(1) Unless the court orders otherwise, debtor's counsel does not need to file a fee application, and the disclosure set forth in the Bankruptcy Rule 2016 statement will be sufficient for the court to allow debtor's counsel's fees if the total fee does not exceed $4,500.

(2) If the prepetition retainer is $4,500 or less, the chapter 13 plan may provide that the difference between the prepetition retainer and $4,500 be paid during the first twelve (12) months of the chapter 13 plan as an administrative expense.

(b) Expenses. Applications for reimbursement for actual, necessary expenses under 11 U.S.C. § 330(a)(1)(B) and *LBR 2016-1* shall be considered by the court under the following guidelines. In lieu of establishing the actual cost of certain expense items, a professional person may request the rates of reimbursement set forth below:

(1) In-house photocopying and incoming facsimiles at the rate of ten cents ($0.10) per page. Outside photocopying based on actual costs.

(2) Outgoing facsimiles and long distance telephone charges based on actual telephone toll charges.

(3) Computer-accessed legal research based upon actual costs.

(4) Reimbursement for travel based upon actual costs unless reimbursement is sought for mileage at the rate set by the Secretary of the Treasury pursuant to the Internal Revenue Code.

(5) Absent extraordinary circumstances, the court will not approve any reimbursement for meals, word processing, document production, administrative charges or overtime charges.

(6) Unless approved prospectively pursuant to *LBR 2016-1(a)(1)*, the court will not approve reimbursement for expenses that are based on a percentage of fees for services.

Cross-References

- *LBR 2014-2 (Chapter 13 — Representation by Attorneys)*
- *LBR 2016-1 (~~Hearings on~~Compensation ~~and Employment~~of Professionals~~Persons~~)*
- *LBF 2016-1A (Annex 1 — Request for Final Fee and Expense Award)*
- *LBF 2016-1B (Annex 2 — Request for Interim Fee and Expense Allowance)*
- *LBF 2016-1C (Supplement to Bankruptcy Rule 2016(b) Statement)*

AO 3022-2 Chapter 11 – Motion to Administratively Close Individual Chapter 11 Case

(a) Motion. In cases involving an individual chapter 11 debtor, such individual debtor may file an *ex parte* motion requesting that the court administratively close the chapter 11 case after the court has entered an order confirming the chapter 11 plan. Such motion shall contain the following provisions:

(1) A statement that the confirmed plan has been substantially consummated in accordance with 11 U.S.C. § 1101(2), and the estate has been fully administered except for the completion of all plan payments.

(2) A statement that all monthly reports and payments due to the United States Trustee are current.

(3) A statement that all litigation has concluded except to the extent that the court has retained jurisdiction over certain pending matters (e.g., an outstanding appeal).

(4) A statement that there are no outstanding issues that would preclude the administrative closure of the case.

(b) Proposed Order. The proposed order on a motion to administratively close an individual chapter 11 case shall contain the following provisions:

(1) A statement that the order administratively closing the debtor's case does not operate to close the case for purposes of 28 U.S.C. § 1930 Appendix (11), 11 U.S.C. § 362(c)(2)(A), or Bankruptcy Rule 4006.

(2) A statement that the provisions of the confirmed plan and confirmation order shall continue to bind the debtor, the creditors, and other parties in interest as set forth in 11 U.S.C. § 1141(a).

(3) A statement that upon completion of all plan payments the debtor may move to reopen the case under 11 U.S.C. § 350 for the purpose of obtaining a discharge under 11 U.S.C. § 1141(d)(5) and entry of a final decree when all plan payments have been completed.

AO 3070-7 Chapter 13 Pre-Confirmation Adequate Protection Payments

(a) Payments of personal property leases governed by 11 U.S.C. § 1326(a)(1)(B) shall only be made directly by the debtor to the lessor if the debtor's plan so provides or if no plan provision addresses payment of the debtor's lease obligation. If the plan provides for payment of the lease obligation by the trustee, the debtor shall make the payment as part of the total payment to the trustee, and the trustee shall pay the lessor, both before and after confirmation.

(b) Pre-confirmation adequate protection payments governed by 11 U.S.C. § 1326(a)(1)(C) shall only be made directly by the debtor to the secured creditor if the debtor's plan so provides or if no plan provision addresses payment of the secured claim. If the plan provides for payment of the secured claim by the trustee, the debtor shall make the payment as part of the total payment to the trustee, and the trustee shall pay the amount provided by the plan to the secured creditor, both before and after confirmation.

AO 4002-7 Procedures for Filing and Obtaining Tax Information Under 11 U.S.C. § 521

The procedures described below should be followed for safeguarding the confidentiality of tax information required to be provided under 11 U.S.C. § 521, whether filed with the court or otherwise provided by the debtor pursuant to 11 U.S.C. § 521. The term "tax information" includes tax returns, transcripts of returns, amendments to returns and any other document containing tax information provided by the debtor.

(a) Filing of Tax Information. In order for tax information to be electronically entered into the court's CM/ECF system, the "tax information" event must be selected from the CM/ECF event list. The specific filing events are listed in Public Notice 05-08, which can be found under the Court Information tab ~~are listed on the CM/ECF page~~of the court's web site at www.nhb.uscourts.gov.

(b) No Electronic Public Access to Tax Information. Use of the "tax information" event in CM/ECF limits access to the filed tax information to those users assigned "court" log-ins (i.e., judicial officers and court employees). All other users (including PACER users) will be limited to viewing only the docket event indicating that tax information has been filed. These other users will not be able to open and view the tax information. Access to the tax information shall be available only upon request to the court in accordance with the provisions of paragraph *(d)* below.

(c) Redaction of Personal Information. All tax information provided in accordance with 11 U.S.C. § 521 is subject to the Judicial Conference of the United States Policy on Privacy and Public Access to Electronic Case Files ("JCUS policy") available at www.privacy.uscourts.gov/Policy.htm. In accordance

with the JCUS policy, the debtor should take the following steps to redact personal identifiers in any tax information filed with the court or provided to the trustee or a creditor, in either electronic or paper form:

(1) *Social Security numbers.* If an individual's Social Security number is included, only the last four digits of that number should appear.

(2) *Names of minor children.* If minor children are identified by name, only the children's initials should appear.

(3) *Dates of birth.* If an individual's date of birth is included, only the year should appear.

(4) *Financial account numbers.* If financial account numbers are provided, only the last four digits of these numbers should appear.

Court employees are not responsible for redacting any of the personal identifying information. The responsibility for redacting personal identifiers rests solely with the debtor.

(d) Procedure for Requesting and Obtaining Access to Tax Information. To gain access to a debtor's tax information under 11 U.S.C. § 521(f), the United States Trustee, trustee or party in interest, including a creditor, must follow the procedures set forth below:

(1) The United States Trustee, trustee or party in interest, including a creditor, must file with the court and serve on the debtor and debtor's counsel, if any, a written request that the debtor file copies of tax returns with the court pursuant to 11 U.S.C. § 521(f).

(2) In order to obtain access to debtor's tax information that is filed with the bankruptcy court, the movant must file a motion with the court, which should include:

(~~i~~A) A description of the movant's status in the case, to allow the court to ascertain whether the movant may properly be given access to the requested tax information.

(~~ii~~B) A description of the specific tax information sought.

(~~iii~~C) A statement indicating that the information cannot be obtained by the movant from any other sources.

(~~iv~~D) A statement showing a demonstrated need for the tax information.

(e) Access to Tax Information as Ordered by the Court. Orders granting a motion for access to tax information will include language advising the movant that the tax information obtained is confidential and should condition dissemination of the tax information as appropriate under the circumstances of the particular case. At the discretion of the court, the order may state that sanctions may be imposed for improper use, disclosure or dissemination of the tax information. Upon the granting of a motion for access to tax information, the movant shall make arrangements to view the tax information at the clerk's office, unless otherwise ordered by the court. The transmission of the tax information to the movant, by whatever means the court deems appropriate in a particular case, shall be recorded as a docket event in CM/ECF so that the docket will reflect that the court has taken the action necessary to effect the provisions of its order granting access.

AO 4008-1 Reaffirmation

(a) Form. All reaffirmation agreements shall be filed using Director's Form 2400 issued by the Director of the Administrative Office of the United States Courts and be accompanied by Official Bankruptcy Form 427, Reaffirmation Agreement Cover Sheet. The forms are available at www.uscourts.gov or on the court's web site at www.nhb.uscourts.gov. If a reaffirmation agreement filed with the court is not substantially in the form of Director's Form 2400 and accompanied by Official Bankruptcy Form 427, it will not be effective and is subject to disapproval by the court.

(b) Agreements Not Effective. Reaffirmation agreements not complying with the provisions of this subparagraph are not effective and are subject to disapproval by the court without notice or a hearing:

(1) A reaffirmation agreement must be executed prior to the date of the debtor's discharge.

(2) A reaffirmation agreement must be accompanied by the best available evidence of the claim and, as appropriate, copies of the underlying contractual documents.

(c) Hearing Not Required. If the presumption of undue hardship has not arisen under 11 U.S.C. § 524(m), no hearing to review and approve a reaffirmation agreement will be scheduled by the court if either of the following applies:

(1) The debtor was represented by an attorney during the course of negotiating the agreement.

(2) The debt is a consumer debt secured by a mortgage or other lien on real property.

(d) Hearing Required. A hearing to review and approve a reaffirmation agreement may be scheduled by the court:

(1) If the debtor was not represented by an attorney during the course of negotiating the agreement, the debt is not a consumer debt secured by a mortgage or other lien on real property and undue hardship cannot be determined from the reaffirmation agreement.

(2) Whether or not the debtor was represented by an attorney during the course of negotiating the agreement, if the presumption of an undue hardship has arisen under 11 U.S.C. § 524(m) and the court is unable to find that the presumption is rebutted based upon the information submitted by the debtor.

(e) Appearance by Debtor's Attorney at Hearing. Unless the court orders otherwise, any attorney who represented the debtor in connection with the preparation or filing of the bankruptcy petition, statement of financial affairs or schedules, shall personally appear at any hearing conducted under subparagraph *(d)* above.

AO 5001-2 Location and Mailing Address of Clerk's Office

The clerk's office is located on the 10th floor of the Brady Sullivan Plaza at 1000 Elm Street in Manchester, New Hampshire. The mailing address is:

Clerk, U. S. Bankruptcy Court
District of New Hampshire
1000 Elm Street, Suite 1001
Manchester, NH 03101-1708

AO 5005-4 Electronic Filing

(a) Registration and Passwords

(1) Attorneys and Trustees. Attorneys admitted to the bar of this court (including those admitted *pro hac vice*), United States trustees and their assistants, trustees and others as the court deems appropriate, may register as Filing Users of the court's CM/ECF system upon: (A) completion of the court's training program, or (B) certification that the proposed Filing User has been trained in another court and is qualified to file pleadings in a federal court. Registration will be in a form prescribed by the clerk and will require the Filing User's name, address, telephone number, email address and, in the case of an attorney, a declaration that the attorney either is admitted to the bar of this court or has been admitted to the bar of this court *pro hac vice* at the time that the application is submitted. Attorneys and trustees may request Filing Agent access for employees who file on their behalf. The attorney or trustee is responsible for all documents filed by the Filing Agent.

(2) Limited Use Log-ins and Passwords. Attorney and creditor representatives may register as Filing Users of the court's CM/ECF system upon: *(A)* completion of the court's training program, or *(B)* certification that the proposed Filing User has been trained in another federal court and is qualified to file approved limited use documents. Registration will be in a form prescribed by the clerk and will require the firm name, Filing User's name, address, telephone number and email address.

(3) Securing Log-in and Password. Once registration is completed, the Filing User will receive notification of the user log-in and password. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User. Filing Users shall protect the security of their passwords and immediately notify the clerk ~~by telephone and by facsimile~~if they learn that their password has been compromised. Filing Users may be subject to sanctions for failure to comply with this provision.

(b) Consequences of Electronic Filing

(1) Entry of Documents. Electronic transmission of a document to the CM/ECF system consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Bankruptcy Rules and the ~~local rules~~*LBRs* of this court and constitutes entry of the document on the docket kept by the clerk under Bankruptcy Rule 5003.

(2) Entry of Court Orders. All orders, decrees, judgments and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Bankruptcy Rules 5003 and 9021. All signed orders will be filed electronically by the court or court personnel. Any order filed electronically without the original signature of a judge has the

same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

(3) Official Record. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

(c) Service and Notice

(1) Waiver of Service. Registration as a Filing User constitutes: *(A)* waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and *(B)* waiver of the right to service by personal service, first class or certified mail, and consent to electronic service, except with regard to service of a summons and complaint under Bankruptcy Rule 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Bankruptcy Rule 9022.

(2) Service of Documents by Electronic Means. Electronic transmission by the court of the Notice of Electronic Filing generated by the CM/ECF system will constitute service or notice of the filed document. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document, and service or notice must be made according to the Bankruptcy Rules and the ~~local rules~~*LBRs*.

(3) Notice of Court Orders and Judgments. Immediately upon the entry of an order or judgment, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Bankruptcy Rule 9022.

(d) Signatures and Declarations Regarding Electronic Filing

(1) Log-in and Password Constitute Signature. The user log-in and password required to file documents on the CM/ECF system serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Bankruptcy Rule 9011, the Bankruptcy Rules, the ~~local rules~~*LBRs* of this court and any other purpose for which a signature is required in connection with proceedings before the court. Electronically filed documents must include a signature block that sets forth the name, address, telephone number and an attorney's BNH number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

(2) Documents Requiring Signature of More Than One Party. Except for documents covered by paragraph *(d)(3)* of this order, documents requiring signatures of more than one party must be electronically filed either by: *(A)* filing a scanned document containing all necessary signatures, *(B)* representing the consent of the other parties on the document, or *(C)* in any other manner approved by the court.

(3) Documents Containing Original Signatures Under Oath Require Submission of Declaration Regarding Electronic Filing. If a document that is electronically filed contains an original signature under oath, other than that of the Filing User, a paper copy of a Declaration Regarding Electronic Filing must be submitted to the court within seven (7) days. Examples of documents

that require the submission of a Declaration Regarding Electronic Filing include petitions, schedules/statements, amendments to schedules/statements, affidavits, verified complaints and plans if signed under oath. The Declaration Regarding Electronic Filing must be in the form of *LBF 5005-4*, must be signed under oath, and must have attached to it a copy of the Notice of Electronic Filing for that document, which includes the electronic document stamp. The clerk is hereby empowered to, and shall dispose of, said declarations three (3) years after the case is closed without further order of the court.

(e) Miscellaneous.

(1) Filing Deadlines. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day.

(2) Attachments and Exhibits. Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the court permits conventional filing. A Filing User may submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Filing Users must promptly provide excerpted documents in full if a responding party makes such a request. Responding parties may timely file additional excerpts or the complete document, if they believe they are directly germane.

(3) Proposed Orders. A Filing User filing a document electronically that requires court approval must also file, at that time, a separate proposed order as an attachment to the document in the CM/ECF system. If a proposed order is being submitted by a Filing User after a document requiring court approval has already been electronically filed (e.g., at the request of a judge after a hearing on the document), the proposed order shall be filed separately in the CM/ECF system unless otherwise ordered by the court. The proposed order shall be entitled "Order," not "Proposed Order," and shall be substantially in the form of *LBF 9072-1*.

(4) Technical Failures. A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court pursuant to 11 U.S.C. § 105 and Bankruptcy Rule 9006(b)(1), subject to the limitations of Bankruptcy Rule 9006(b)(2) and (3).

Cross-References:

- *LBR ~~5003-2~~5003-4 (Court Documents)*
- *LBR 5005-4 (Electronic Filing)*
- *LBF 5005-4 (Declaration Regarding Electronic Filing)*
- *LBF 9072-1 (Order (Proposed))*

AO 5073-1 Use of Electronic Devices in Courtrooms

(a) Attorneys. Unless otherwise prohibited by a judge or the clerk, members of the bar and their agents may possess and use cell phones, computers, pagers, personal digital assistants, and similar electronic devices in the courtrooms. Such devices must be set on silence mode, and no telephone calls shall be made or received, while in any courtroom or judge's chambers without specific advance authorization by the presiding judge.

(b) Pro se. *Pro se* litigants and others may be extended similar privileges upon application to the clerk ~~of court~~and showing of good cause or particular need for an exception.

(c) Recording Prohibited. Consistent with the provisions of LR 83.7 and *LBR 5073-1*, in no event shall any device be employed by counsel or anyone else in any manner designed to photograph, record (audio or video), broadcast, transmit, or televise any proceeding, scene, discussion, or event.

(d) Sanctions. Use of an electronic device in violation of any of the above provisions may subject the electronic device holder to sanctions.

AO 5075-7 Debtors Asserting an Exception to the Limitation of the Automatic Stay Pursuant to 11 U.S.C. § 362(l) and Procedure for Receiving Rent Deposits

To establish uniformity in the procedures for the deposit of rent by debtors and transmittal of rent to lessors under 11 U.S.C. § 362(l)(1)(B) and 362(l)(5)(D), rent payments shall be paid as follows:

(a) Any deposit of rent made by or on behalf of a debtor pursuant to 11 U.S.C. § 362(l)(1)(B) must be in the form of a certified check or money order made payable to the order of the lessor and delivered to the clerk upon filing of the petition and the certification made under 11 U.S.C. § 362(l)(1)(A).

(b) Upon the clerk's receipt of a certified check or money order made payable to the order of the lessor, the clerk is directed to promptly transmit the certified check or money order to the lessor by certified mail, return receipt requested, to the lessor's address listed on the petition.

AO 5080-1 Fees — Request for Refund

(a) Request for Refund. An attorney or trustee may request a refund of a filing fee paid electronically in a case or proceeding in which payment was made by credit card only.

(b) Motion. Any request for a refund shall be made by motion, accompanied by a proposed order, as soon as practicable after the payment error is discovered. The motion must contain a detailed explanation as to why the payment should be refunded. No supporting memorandum or notice of hearing is necessary if any of the following applies:

(1) A fee was paid for filing a duplicate document, bankruptcy petition or adversary proceeding.

(2) A fee was paid for filing a document in the wrong case or proceeding.

(3) The movant is entitled to an exemption from the filing fee paid.

(4) The trustee or debtor in possession is eligible for deferral of the filing fee in a case in which no funds from the estate exist for payment of the filing fee but the filing fee was paid electronically.

(c) Upon verification of the grounds set forth in *(b)* above, and upon order of the court, the clerk is authorized to effect a refund only if the refund may be processed as a credit to the attorney's or trustee's

credit card. In all other instances, the attorney or trustee shall obtain a hearing date in accordance with *LBR 9073-1*.

Cross-Reference:

- *LBR 5080-1 (Fees — General)*

~~AO 7003-1 Cover Sheet~~

~~When an adversary complaint is filed, the adversary proceeding cover sheet (Director's Form 1040) is to be filed as an attachment to the complaint. The adversary proceeding cover sheet shall include the complete names and addresses of each plaintiff and defendant and may be attached as a separate sheet.~~

AO 7008-1 Adversary Proceedings — Pleadings

A complaint, counterclaim, cross-claim, or third party complaint shall comply with the pleading requirements of Bankruptcy Rule 7008 and, in addition, shall contain a statement that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy court.

AO 7012-1 Adversary Proceedings — Defenses and Objections

An answer or other responsive pleading shall comply with the requirements of Bankruptcy Rule 7012(b) and, in addition, shall include a statement that the party does or does not consent to entry of final orders or judgment by the bankruptcy court.

~~AO 7016-1 Cancellation of Preliminary Pretrial Hearings~~

~~Preliminary pretrial conferences scheduled in accordance with *LBR 7016-1* may be canceled by the court if:~~

~~*(a)* The defendant has failed to file an answer and the court has entered a default; or~~

~~*(b)* The defendant has filed an answer and the parties submit to the court a joint written report outlining the parties' discovery plan, as required by *LBR 7026-1(f)(2)*, at least seven (7) days before a scheduled preliminary pretrial conference and the court has issued a pretrial scheduling order.~~

~~*Cross-References:*~~

- ~~*LBR 7016-1 (Preliminary Pretrial Conferences)*~~
- ~~*LBR 7016-2 (Final Pretrial Statements)*~~

~~AO 8002-1 Notice of Appeal~~

~~*(a) Filing of Appeals.* Unless an election to the United States District Court is filed with the court, an appeal from a final order or judgment or decree of the court shall be taken to the United States~~

~~Bankruptcy Appellate Panel for the First Circuit as provided by 28 U.S.C. § 158(a) and Part VIII of the Bankruptcy Rules and shall be made by filing a notice of appeal with the clerk of the bankruptcy court, substantially in the form of Official Form 417A, within the time allowed by Bankruptcy Rule 8002. Direct appeals to the First Circuit as provided by 28 U.S.C. § 158(d)(2) are governed by Bankruptcy Rule 8006 and other provisions in Part VIII of the Bankruptcy Rules.~~

~~*(b) Extending Time to Appeal.* As provided in Bankruptcy Rule 8002(d) and in accordance with LR 77.4(d)(1), the bankruptcy court shall hear motions to extend the time for filing a notice of appeal.~~

~~*Cross Reference:*~~
~~• *LR 77.4 (Bankruptcy)*~~

~~AO 8004-1 Motion for Leave to Appeal~~

~~The United States District Court for the District of New Hampshire and the United States Bankruptcy Appellate Panel for the First Circuit have jurisdiction over appeals from interlocutory orders and decrees of the court, but only by leave of the district court or bankruptcy appellate panel under 28 U.S.C. § 1334(b). Leave to appeal under 28 U.S.C. § 1334(b) shall be sought by filing a motion pursuant to Bankruptcy Rule 8004.~~

~~AO 8005-1 Statement of Election~~

~~Unless an election to have the appeal heard by the United States District Court for the District of New Hampshire is filed within the time prescribed by 28 U.S.C. § 158(c)(1), the appeal shall be heard by United States Bankruptcy Appellate Panel for the First Circuit.~~

~~AO 8007-1 Stay Pending Appeal~~

~~The filing of a notice of appeal does not stay the operation of the appealed order. All parties are required to comply with the provisions of the order in the absence of a stay even though compliance may ultimately render the appeal moot. Appellants seeking a stay pending appeal must comply with the provisions of Bankruptcy Rule 8007. See also 11 U.S.C. §§ 363(m), 364(e) and 921(e).~~

AO 9012-1 Compliance with the Servicemembers Civil Relief Act

In order to comply with § 521 of the Servicemembers Civil Relief Act (the "Act") regarding the entry of default judgments and other applicable parts of the Act, 50 U.S.C. app. §§ 501, et seq., the court requires the following:

(*a*) *Default Judgments.* At the time of the filing of a motion for default judgment in an adversary proceeding pursuant to Bankruptcy Rule 7055, the plaintiff must file an affidavit with the court which states: *(1)* whether or not the defendant is in the military service, and indicating the necessary facts to

support said affidavit; or *(2)* if the plaintiff is unable to determine whether or not the defendant is in the military service, a statement that the plaintiff is unable to so determine. See § 521(b)(1) of the Act. If a plaintiff moving for a default judgment does not submit the required affidavit, the motion will be denied. If the court is unable to ascertain the defendant's military status from the presented affidavit, it may require the plaintiff to file a bond before entering any default judgment. Section 521(b)(4) of the Act states that the affidavit requirement "may be satisfied by a statement, declaration, verification or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury."

(b) Motions for Relief from the Automatic Stay. At the time of the filing of a motion for relief from stay under Bankruptcy Rule 4001, the movant must file an affidavit with the court which states: *(1)* whether or not the respondent is in the military service, and indicating the necessary facts to support said affidavit; or *(2)* if the movant is unable to determine whether or not the respondent is in the military service, a statement that the movant is unable to so determine. See § 521(b)(1) of the Act. The court will not enter any orders lifting the stay if the movant does not supply the required affidavit. If the court is unable to ascertain the respondent's military status from the presented affidavit, it may require the movant to file a bond before entering any order lifting the stay.

(c) Motions and Contested Matters. At the time of the filing of any motion requesting a remedy which may be granted by the court for a party's failure to respond, movant must also certify whether the respondent is a servicemember, as required by § 521(b)(1) of the Act.

(d) Debtor's Information. In order to assist the court in its determination of a debtor's status under the Act, a debtor should inform the court if he or she is a servicemember subject to the provisions of the Act at the time of the filing of the bankruptcy petition by submitting a separate writing in the form of Director's Form 2020 issued by the Director of the Administrative Office of the United States Courts, a copy of which is available at www.uscourts.gov or on the court's web site at www.nhb.uscourts.gov. If, at any time during the pendency of the bankruptcy proceedings, a debtor becomes entitled to the protections of the Act, he or she should inform the court of the change in military status within fourteen (14) days of the change in status. Failure by the debtor to inform the court of his or her military status does not in any way constitute a waiver of the debtor's protections under the Act and does not alter the responsibility of a party to investigate the debtor's servicemember status before filing any of the papers referred to in subparagraphs *(a)* through *(c)* of this administrative order.

(e) Verification. Information on verification of the military status of an individual is available from the clerk's office or on the court's web site at www.nhb.uscourts.gov.

AO 9027-1 Removal

(a) Notice of Removal. A notice of removal shall comply with the requirements of Bankruptcy Rule 9027 and, in addition, shall contain a statement that upon removal of the claim or cause of action the party filing the notice does or does not consent to the entry of final orders or judgment by the bankruptcy court.

(b) Procedure After Removal. After removal of a claim or cause of action in a case that has been referred to the bankruptcy court, any party who has filed a pleading in connection with the removed claim or cause of action, other than the party filing the notice of removal, shall comply with the requirements of Bankruptcy Rule 9027(e)(3) and, in addition, shall file a statement that the party does or does not consent to entry of final orders or judgment by the bankruptcy court. A statement required by this paragraph shall be signed pursuant to Bankruptcy Rule 9011 and shall be filed not later than fourteen (14) days after the

filing of the notice of removal. Any party that files a statement pursuant to this paragraph shall mail a copy to every other party to the removed claim or cause of action.

AO 9033-1 Proposed Findings of Fact and Conclusions of Law

In a proceeding in which the bankruptcy court has issued proposed findings of fact and conclusions of law, the clerk shall serve forthwith copies on all parties by mail or electronic service and note the date of service on the docket.

~~AO 9037-1 Redaction of Personal Identifiers~~

~~*(a) Compliance with Bankruptcy Rule 9037.* All documents filed with the court shall comply with Bankruptcy Rule 9037. Court employees are not responsible for redacting any of the personal identifying information. The responsibility for redacting personal identifiers rests solely with the filing party.~~

~~*(b) Motion to Redact Personal Identifiers.* Notwithstanding the requirements of Bankruptcy Rule 9037, a party seeking to redact personal identifiers from a document or a proof of claim, already filed with the court, shall file a motion to redact the personal identifiers accompanied by a proposed order in the form of *LBF 9037-1*. The motion shall identify the individual whose personal identifiers have been exposed.~~

~~*(c) Service of Motion to Redact.* When a party files a motion to redact, the party shall serve the request on the debtor, any individual whose personal identifiers have been exposed, the trustee, and the United States Trustee.~~

~~*(d) Filing of Correctly Redacted Document or Claim.* Unless otherwise ordered by the court, the party seeking redaction shall file a correctly redacted document or proof of claim within twenty-one days of the granting of the motion.~~

~~*(e) Filing Motions to Reopen in Closed Cases.* The granting of a motion to redact in a closed case is ministerial in nature and does not impact the administration of the case. For that reason, a party seeking redaction in a closed case does not need to file a motion to reopen the case, and no fee for reopening shall be collected by the clerk.~~

~~*(f) Redaction Fee.* In accordance with the provisions of the Bankruptcy Court Miscellaneous Fee Schedule, the party filing a motion to redact personal identifiers from a document or proof of claim must pay a fee for filing such motion to redact.~~

~~*Cross References:*~~
- ~~*LBR 5005-4 (Electronic Filing)*~~
- ~~*LBF 9037-1 (Order Granting Motion to Redact)*~~

AO ~~9074-1~~9074-2 Telephonic Appearances

All parties seeking to participate in hearings by telephonic appearance must utilize the services of CourtCall, an independent conference call company.

Unless otherwise authorized by the court, no telephonic appearance will be allowed unless it is made through CourtCall pursuant to the procedures set forth in paragraph *(b)* below.

Under no circumstances may any participant record or broadcast the proceedings conducted by the bankruptcy court.

(a) Policy Governing Telephonic Appearances

(1) Telephonic appearances are allowed in all matters before the court <u>except</u> the following:

(A) Trials and evidentiary hearings—all counsel and all witnesses must appear in person.

(B) Chapter 11 status conferences—debtor and debtor's counsel must appear in person, other parties in interest may appear telephonically.

(C) Chapter 11 confirmation hearings—debtor, debtor's counsel and all objecting parties must appear in person.

(D) Hearings on reaffirmation agreements—debtor and debtor's counsel must appear in person.

(E) Pretrial conferences—all counsel and *pro se* parties must appear in person unless excused by the court.

(F) Any matter designated by the court as one requiring a personal appearance.

(2) A party may participate by telephonic appearance in more than one case on a list. Any party solely interested in monitoring the court's proceedings may participate by telephonic appearance in "listen only" mode.

(3) If an individual schedules a telephonic appearance and then fails to respond to the call of a matter on the calendar, the court may pass the matter or may treat the failure to respond as a failure to appear. Individuals making use of the conference call service are cautioned that they do so at their own risk.

(4) To ensure the quality of the record, the use of car phones, cellular phones, speaker phones or phones in other public places is prohibited. Each time the participant speaks, he must identify himself for the record. The call may not be placed on hold at any time. When the hearing is completed, the participant may disconnect or, if appearing by telephone in a later case on the same list, may stay on the call and wait for the next case to be called.

(b) Scheduling a Telephonic Appearance

(1) Participants must notify CourtCall toll free by telephone (866-582-6878) or by facsimile (866-533-2946).

(2) Participants must provide CourtCall with the following information:

(A) Case name and number.

(B) Name of judge.

(C) Hearing date and time.

(D) Name, address and telephone number of the participant.

(E) Name of the party represented by the participant.

(F) Matter on which the participant wishes to be heard or whether the participant intends to monitor the proceeding in "listen only" mode.

(3) Participants will receive fax confirmation and instructions for telephonic appearance from CourtCall. It is the participant's responsibility to dial into the call not later than ten minutes prior to the scheduled hearing.

(4) Any questions about telephonic appearances should be directed to CourtCall at 866-582-6878.

(5) Information about CourtCall's policies may be obtained from its web site at www.courtcall.com or by calling 866-582-6878.

(c) Fees. The fee for the telephonic appearance is fixed by CourtCall, depending on the length of time the participant is on the call, regardless of the number of cases the participant appears in during a call or whether the participant is actually heard by the bankruptcy court or is in "listen only" mode. Each participant will be charged or billed an initial fee at the time of the reservation with CourtCall, with appropriate increments, if any, to be charged or billed based upon the fee rate.~~, available on the court's web site at www.nhb.uscourts.gov, which rates may be amended from time to time~~ Current pricing may be found under the Attorneys tab of the CourtCall web site at www.courtcall.com.

There are no subscription fees, and no special equipment is required to use the service.

Cross-Reference:

- *LBR ~~9074-1~~9074-2 (Telephonic Appearances and Hearings)*

LOCAL BANKRUPTCY FORMS
of the
United States Bankruptcy Court for the District of New Hampshire

LBF 1007-2
(Eff. ~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____,
Debtor

Bk. No. _____-_____-_____
Chapter _____

VERIFICATION OF CREDITOR MAILING LIST

The above named debtor hereby certifies under penalty of perjury that the attached master mailing list of creditors, consisting of _____ pages is complete, correct and consistent with the debtor's schedules pursuant to ~~Local Bankruptcy Rules~~*LBRs* and assumes all responsibility for errors and omissions.

Date: _____

_____
Debtor Signature

_____
Print Name
Address_____
_____
Tel. No._____

LBF 1009-1A
(Eff. ~~12/1/15~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter _____

AMENDMENT COVER SHEET

An amendment to the following petition, lists, schedules or statements is transmitted herewith:

_____ Voluntary Petition
_____ Statement About Your Social Security Number[1]
_____ Statement of Financial Affairs
_____ Schedule A/B – Property[2]
_____ Schedule C – Property You Claim as Exempt
_____ Schedule D – Creditors Who Have Claims Secured by Property[2,3]
_____ Schedule E/F – Creditors Who Have Unsecured Claims[2,3]
_____ Schedule G – Executory Contracts and Unexpired Leases
_____ Schedule H – Co-Debtors
_____ Schedule I – Your Income[2,4]
_____ Schedule J – Your Expenses[2,4]
_____ Form 122A-1 (Chapter 7 Statement of Your Current Monthly Income)[2]
_____ Form 122A-1Supp (Statement of Exemption from Presumption of Abuse Under § 707(b)(2))
_____ Form 122A-2 (Means Test Calculation)
_____ Form 122B (Chapter 11 Statement of Your Current Monthly Income)[2]
_____ Form 122C-1 (Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period)[2]
_____ Form 122C-2 (Chapter 13 Calculation of Your Disposable Income)
_____ Summary of Assets and Liabilities
_____ List of Creditors[3]
_____ Statement of Intention for Individuals Filing Under Chapter 7
_____ List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders in Chapter 9 or 11 Cases
_____ Disclosure of Compensation of Attorney for Debtor
_____ Other [Please specify:_____]

In connection with the filing of this amendment, I acknowledge that I have read and understood the terms of ~~*AO*~~*LBR 1009-1*.

Date: _____

_____
Attorney or *Pro se* Debtor Signature

_____
Print Name
Address_____
_____
Tel. No._____

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[1] Amendment of the debtor's Social Security number requires that an amended *LBF 5005-4* or Official Bankruptcy Form 121 — Statement About Your Social Security Numbers be submitted to the clerk's office, in addition to the filing of the amendment. The amendment must comply with the final four digit Social Security number requirement of Bankruptcy Rule 1005, while the copy mailed to affected parties must list the complete Social Security number.

[2] Attach Summary of Assets and Liabilities.

[3] Fee submitted for Amendment to Schedules D, E/F or the List of Creditors. *No fee is required to change the address of a creditor or to add the name and address of an attorney for a listed creditor.*

[4] Any amendment to Schedule I requires an amendment to Schedule J. Schedule I must always be filed with any amendment to Schedule J.

LBF 1009-1B
(Eff. ~~12/1/15~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter _____

NOTICE TO ~~ADDITIONAL~~ADDED CREDITORS

~~On _____, the schedule of creditors filed by the above-named debtor was amended to include your name. A meeting of creditors was held/will be held pursuant to 11 U.S.C. § 341(a) on _____. At this meeting, _____ of _____ was appointed as the trustee of this case. The bar date for filing objections to discharge or dischargeability pursuant to 11 U.S.C. §§ 523 and 727 is _____ (if applicable). The claims bar date is _____ (if applicable).~~

A bankruptcy case concerning the debtor(s) listed above was filed on _____. On _____, the schedule or list of creditors filed by the debtor(s) was amended to include your name.

Among the documents attached to this notice is the Notice of Chapter ___ Bankruptcy Case provided to all creditors upon the filing of this case. The Notice of Chapter ___ Bankruptcy case has important information about the case for creditors, including information about the meeting of creditors and deadlines. Read both pages carefully. Because you were added as a creditor after the commencement of this case, the meeting of creditors may have been held, and deadlines listed may be close or have already expired. The deadlines applicable to you are listed below.

1. Claims.

   - ☐ This is a no asset case. It is unnecessary to file a claim now. If it is determined there are assets to distribute, creditors will receive a notice setting a deadline to file claims.

   or

   - ☐ This is an asset case. The deadline to file a proof of claim is _____.[1] A proof of claim form may be obtained at www.uscourts.gov or on the court's web site at www.nhb.uscourts.gov.

2. Discharge. The deadline for filing a complaint objecting to the discharge of the debtor(s) and/or to have a debt declared non-dischargeable is _____.[2]

3. Exemptions. The deadline to object to an exemption in property claimed by the debtor(s) is _____.[3]

Any documents must be filed by the above-stated deadlines with the Clerk, United States Bankruptcy Court, 1000 Elm Street, Suite 1001, Manchester, NH 03101-1708.

---

[1] If the meeting of creditors has been held, extend the deadline ninety (90) days from the date of the amendment for the added creditor. Otherwise, enter the date from the Notice of Bankruptcy Case.

[2] If the meeting of creditors has been held, extend the deadline sixty (60) days from the date of the amendment for the added creditor in Chapter 7, 12, 13, or 11 personal bankruptcy cases only. Otherwise, enter the date from the Notice of Bankruptcy Case. Not applicable to business cases.

[3] If the meeting of creditors has been held, extend the deadline thirty (30) days from the date of the amendment for the added creditor in Chapter 7, 12, 13, or 11 personal bankruptcy cases only. Otherwise, enter the date from the Notice of Bankruptcy Case. Not applicable to business cases.

LBF 1009-1B
(Eff. ~~12/1/15~~11/1/16)

Date: _____

_____
Attorney or *Pro se* Debtor Signature

_____
Print Name
Address_____

_____
Tel. No._____

~~Deadline Instructions:~~

_____ ~~The meeting of creditors has been held:~~
~~Extend Objection to Discharge Deadline and/or the Proof of Claim Deadline **only** if that particular deadline was set on the Notice of Bankruptcy Case.~~
~~Extend the Objection to Discharge Deadline sixty (60) days from the date of the amendment for the added creditor(s) (chapter 7, 12, 13 or 11 personal bankruptcy cases only).~~
~~Extend the Proof of Claim Deadline ninety (90) days from the date of the amendment for the added creditor(s), **only** if the deadline was set in the notice.~~
~~If a case is reopened to add an omitted creditor, list only the deadlines set forth in the order.~~

_____ ~~The meeting of creditors has not yet been held:~~
~~Mail a copy of the Notice of Bankruptcy Case to added creditors with the amendment or enter those deadlines on this form.~~

ANNEX 1 — REQUEST FOR FINAL FEE AND EXPENSE AWARD

FEES:

Applicant_____

Representing_____

1. Period of Services ~~in this~~for the Entire Case ____/____/_____to____/____/_____
2. Total Hours of Services ~~in this~~for the Entire Case _____
3. ~~Avg.~~Average Hourly Rate ~~per Fee Requested~~for the Entire Case $_____
4. Total Fee Award Requested for the Entire Case $_____
5. Retainer to be Credited or Already Credited Pursuant to Interim Award(s) ~~Against Award~~ $_____
6. ~~Interims Credited Against Award~~Fees Already Paid Pursuant to Interim Award(s) $_____
7. ~~Final~~Net Fee Payment Requested in Final Application $_____
8. Approximate Total Amount of Distribution to all Creditors to Be Made in this Case (e.g., administrative, secured and unsecured) $_____

EXPENSES:

1. Total Expense Reimbursement Requested for the Entire Case $_____
2. Expense Reimbursement to Date Pursuant to Interim Award(s) $_____
3. ~~Expense Request for Final Period~~Net Expense Reimbursement Requested in Final Application $_____
4. Breakdown of Item No. 3 Total:
   a. Travel Expense $_____
   b. Postage $_____
   c. Photocopies (max. 10¢/pg.) $_____
   d. Express Mail/Messenger $_____
   e. Overtime Charges $_____
   f. Other Expenses (Itemize):
   _____ $_____
   _____ $_____
   _____ $_____

NET TOTAL TO BE PAID (Add Fees line 7 and Expenses line 3) $_____

ANNEX 2 — REQUEST FOR INTERIM FEE AND EXPENSE ALLOWANCE

FEES:

Applicant_____

Representing_____

1. Interim Fee Request Number _____
2. Interim Fees Already Awarded and Paid to Date $_____
3. Retainer Already Credited to Date $_____
~~2~~4. Interim Period ~~Involved~~of Service Covered by This Request ____/____/_____to____/____/_____
~~3~~5. Hours of Services Performed this Period _____
~~4. Total Interim Fee Allowances to Date~~ ~~$_____~~
6. Average Hourly Rate for this Period $_____
~~5~~7. Interim Fees Requested for this Period $_____
~~7~~8. ~~Any Uncredited~~Remaining Retainer ~~as of this Date~~to be Credited for this Period $_____
9. Net Payment Requested for this Period $_____

EXPENSES:

1. Interim Expense Request Number _____
2. Total Expense Reimbursements to Date $_____
3. Interim Expense Request this Period $_____
4. Breakdown of Item No. 3 Total:
   a. Travel Expense $_____
   b. Postage $_____
   c. Photocopies (max. 10¢/pg.) $_____
   d. Express Mail/Messenger $_____
   e. Overtime Charges $_____
   f. Other Expenses (Itemize):
      _____ $_____
      _____ $_____
      _____ $_____

LBF 2016-1C
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____,
Debtor

Bk. No. _____-_____-_____
Chapter _____

SUPPLEMENT TO BANKRUPTCY RULE 2016(b) STATEMENT

The undersigned counsel for the debtor submits this supplement to Bankruptcy Rule 2016(b) statement as follows:

1. Subsequent to the filing of the statement required by Bankruptcy Rule 2016(b), the undersigned has provided or agreed to provide the following additional services to the debtor:

2. The undersigned has charged or will charge the debtor for such services as follows:

3. The undersigned has received payment for such services as follows:

Date: _____

_____
Attorney Signature

_____
Print Name
Address_____

_____
Tel. No._____

CERTIFICATE OF SERVICE

I, _____, certify that I am, and at all times hereinafter was, more than eighteen (18) years of age, that on_____, ~~the _____ day of _____, 20____~~, I served a copy of the foregoing document filed in this proceeding via electronic service on the Office of the United States Trustee, the trustee, and _____ and by first class mail, postage prepaid on _____. I certify under penalty of perjury that the foregoing is true and correct.

_____
Name of Party Completing Service

LBF 2016-2
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter _____

NOTICE OF CONTINGENT HEARING ON APPLICATION(S) FOR COMPENSATION

The application(s) for compensation of [insert name of applicant(s), e.g., Jones & Smith, PLLC, special counsel to the trustee, or Century 21 Real Estate] is (are) scheduled for a hearing before the United States Bankruptcy Court, 1000 Elm Street, 11th Floor, Courtroom [1 or 2], Manchester, New Hampshire, on [insert date and time of hearing here].

YOUR RIGHTS MAY BE AFFECTED. You should read this notice and the application(s), if attached, carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.

If you have no objection to the application(s), no action is required by you. If you do object to the application(s), or if you wish to be heard on any matter regarding the application(s), you must file a written objection with the Clerk, United States Bankruptcy Court, 1000 Elm Street, Suite 1001, Manchester, NH 03101~~1708~~ on or before [insert hearing date minus seven (7) days].

A copy of your objection or statement must be mailed or delivered to the undersigned debtor or debtor's attorney at the address set forth below, the trustee, and the United States Trustee, and a certificate of such action must be filed with the clerk. If you file an objection or statement, you must also appear at the hearing on the date and time set forth above.

If no objections are filed by [insert hearing date minus seven (7) days], the court may enter an order granting the application(s) for compensation without a hearing.

Date: _____

_____
Signature

_____
Print Name
Address_____

_____
Tel. No._____

LBF 2083-3
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____,
Debtor

Bk. No. _____-_____-_____
Chapter 13
Reporting Period_____

MONTHLY OPERATING REPORT

Complete and submit to the chapter 13 trustee within fourteen (14) days after the end of each month.

Required Documents	Form No.	Document Attached	Explanation Attached
Monthly Reporting Questionnaire	MOR-1		
Schedule of Cash Receipts and Disbursements	MOR-2		
- Copies of debtor's bank reconciliations			
- Copies of debtor's bank statements			
Detailed Listing of Disbursements	MOR-3		
Status of Post-Petition Taxes	MOR-4		
- Copies of IRS~~Form 6123 or~~ payment receipts			
- Copies of tax returns filed during reporting period			
Accounts Receivable Reconciliation and Aging	MOR-5		

I declare under the penalty of perjury that this report and all attachments are true and correct to the best of my knowledge and belief.

_____ _____
Signature of Debtor Date

_____ _____
Signature of Debtor Date

(Cover Page)

Debtor_____

Bk. No. _____-_____-_____
Chapter 13
Reporting Period_____

MONTHLY REPORTING QUESTIONNAIRE

Must be completed each month.		**Yes**	**No**
1	Have any assets been sold or transferred outside the normal course of business during this reporting period? If yes, provide an explanation below.		
2	Have any funds been disbursed from any account other than an account of which you have attached a copy during this reporting period? If yes, provide an explanation.		
3	Have any payments been made on a prepetition debt, other than payments in the normal course, to secured creditors or lessors? If yes, attach listing, including date of payment, amount of payment and name of payee.		
4	Have any payments been made to professionals? If yes, attach listing, including date of payment, amount of payment and name of payee.		
5	If the answer to question 3 and/or 4 is yes, were all such payments approved by the court?		
6	Have any payments been made to officers, insiders, shareholders or relatives? If yes, attach listing, including date of payment, amount and reason for payment and name of payee.		
7	Have all post-petition tax returns been timely filed? If no, provide an explanation below.		
8	Is the estate current with payment of all post-petition taxes?		
9	Is the estate insured for the replacement cost of assets and for general liability? If no, provide an explanation below.		
10	Is worker's compensation insurance in effect?		
11	Have all current insurance payments been made? Attach copies of all new and renewed insurance policies.		
12	Was there any post-petition borrowing during this reporting period?		

(Eff.~~2/1/13~~11/1/16)

Debtor_____

Bk. No. _____-_____-_____
Chapter 13
Reporting Period_____

SCHEDULE OF CASH RECEIPTS AND DISBURSEMENTS

Amounts reported should be per debtor's books, not bank statement. The beginning cash should be the ending cash from the prior month or, if this is the first report, the amount should be the balance on the date the petition was filed. Attach copies of the bank statements and the cash disbursements journal. A bank reconciliation must be attached for each account. The total disbursements listed in the disbursements journal must equal the total disbursements reported on this page.

	Operational	Payroll	Tax	Other	Total
Cash - Beginning of Month					
Receipts					
Cash Sales					
Accounts Receivable					
Loans and Advances					
Sale of Assets					
Other (attach list)					
Transfers (from other accounts)					
Total Receipts					
Disbursements					
Net Payroll					
Payroll Taxes					
Sales, Use & Other Taxes					
Inventory Purchases					
Secured/Rental/Leases					
Insurance					
Administrative					
Selling					
Other (attach list)					
Owner Draw*					
Transfers (to other accounts)					
Total Disbursements					
Net Cash Flow (Receipts Less Disbursements)					
Cash - End of Month					

(MOR-2)

LBF 2083-3
(Eff.-~~2/1/13~~11/1/16)

Debtor_____

Bk. No. _____-_____-_____
Chapter 13
Reporting Period_____

DETAILED LISTING OF DISBURSEMENTS

Date	Check No.	Paid to/In Payment of	Amount

TOTAL DISBURSEMENTS: _____

(MOR-3)

Debtor_____ Bk. No. _____-_____-_____
Chapter 13
Reporting Period_____

STATUS OF POST-PETITION TAXES

The beginning tax liability should be the ending liability from the prior month or, if this is the first report, the amount should be zero. Attach photocopies of IRS ~~Form 6123~~payment receipts and all applicable state and local forms and/or all federal, state and local payment receipts to verify payment of taxes. Attach photocopies of any tax returns filed during the reporting period.

	Beginning Tax Liability	Amount Withheld or Accrued	Amount Paid	Date Paid	Check No. or EFT	Ending Tax Liability
Federal						
Income Tax Withholding						
FICA - Employee						
FICA - Employer						
Unemployment						
Income						
Other						
Total Federal Taxes						
State and Local						
Income Tax Withholding						
Sales						
Excise						
Unemployment						
Real Property						
Other:						
Total State and Local						
Withholding for Employee Healthcare Premiums, Pensions & Other Benefits						
Total Taxes						

SUMMARY OF UNPAID POST-PETITION DEBTS

Attach aged listing of accounts payable.

	Number of Days Past Due				
	Current	**31-60**	**61-90**	**Over 90**	**Total**
Accounts Payable					
Wages Payable					
Taxes Payable					
Rent/Leases - Equipment					
Secured Debt/Adequate Protection Payments					
Professional Fees					
Amounts Due to Insiders*					
Other:					
Other:					
Total Post-Petition Debts					

Cont'd →

Explain how and when the debtor intends to pay any past due post-petition debts:

_____
_____
_____
_____
_____
_____

* "Insider" is defined in 11 U.S.C. § 101(31).

Debtor_____

Bk. No. _____-_____-_____
Chapter 13
Reporting Period_____

ACCOUNTS RECEIVABLE RECONCILIATION AND AGING

Accounts Receivable Reconciliation	**Amount**
Total Accounts Receivable at Beginning of Reporting Period	
+ Amounts Billed During Reporting Period	
– Amounts Collected During Reporting Period	
Total Accounts Receivable at End of Reporting Period	

Accounts Receivable Aging	**Amount**
0 - 30 days old	
31 - 60 days old	
61 - 90 days old	
91+ days old	
Total Accounts Receivable	
Amount Considered Uncollectible (Bad Debt)	
Accounts Receivable (Net)	

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____,
Debtor

Bk. No. _____-_____-_____
Chapter _____

NOTICE OF CONTINGENT HEARING ON
OBJECTION TO CLAIM [Insert Claim Number] FILED BY [Insert Claimant]

This objection to claim is scheduled for a hearing before the United States Bankruptcy Court, 1000 Elm Street, 11th Floor, Courtroom [1 or 2], Manchester, New Hampshire, on [insert date and time of hearing here].

YOUR RIGHTS MAY BE AFFECTED. You should read the attached objection carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.

If you have no response to the objection to proof of claim, you do not need to take any action. If you wish to respond to or be heard on any matter regarding the objection to proof of claim, you must file a written response with the Clerk, United States Bankruptcy Court, 1000 Elm Street, Suite 1001, Manchester, NH 03101-1708 on or before [insert hearing date minus seven (7) days].

A copy of your response must be mailed or delivered to the undersigned party objecting to the claim, as well as any chapter 7, 11, or 13 trustee, and the United States Trustee, and a certificate of such action must be filed with the clerk. If you file a response, you must also appear at the hearing on the date and time set forth above.

If no responses are filed by [insert hearing date minus seven (7) days], the court may enter an order sustaining the objection to proof of claim without a hearing.

Date: _____

_____
Signature

_____
Print Name
Address_____
_____
Tel. No._____

LBF 3012-1A
(Eff.-~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter _____

ORDER GRANTING MOTION TO DETERMINE SECURED STATUS AND VOID WHOLLY UNSECURED LIEN

Having considered the Motion to Determine Secured Status and Void Wholly Unsecured Lien of [name of lienholder here] filed by [name of moving party here], the motion is hereby granted. The creditor's claim is deemed wholly unsecured, and its lien, recorded on [insert date recorded] at [name of county here] County Registry of Deeds, at Book [insert book number], Page [insert page number], shall be void upon completion of the debtor's plan of reorganization and the court's issuance of a discharge under 11 U.S.C. § [insert 1328(a) or 1141(d)(5), as applicable].

ENTERED at Manchester, New Hampshire.

Date: _____ _____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

LBF 3012-1B
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter _____

NOTICE OF CONTINGENT HEARING ON
MOTION TO DETERMINE SECURED STATUS AND VOID WHOLLY UNSECURED LIEN

The above-cited motion to determine secured status and void wholly unsecured lien is scheduled for a hearing before the United States Bankruptcy Court, 1000 Elm Street, 11th Floor, Courtroom [1 or 2], Manchester, New Hampshire, on [insert date and time of hearing here].

YOUR RIGHTS MAY BE AFFECTED. You should read the attached motion carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.

If you have no objection to the motion, no action is required by you. If you do object to the motion, or if you wish to be heard on any matter regarding the motion, you must file a written objection with the Clerk, United States Bankruptcy Court, 1000 Elm Street, Suite 1001, Manchester, NH 03101-1708 on or before [insert hearing date minus seven (7) days].

A copy of your objection or statement must be mailed or delivered to the undersigned debtor or debtor's attorney at the address set forth below, the chapter 11 or 13 trustee, the United States Trustee, and a certificate of such action must be filed with the clerk. If you file an objection or statement, you must also appear at the hearing on the date and time set forth above.

If no objections are filed by [insert hearing date minus seven (7) days], the court may enter an order granting the motion determine secured status and void wholly unsecured lien without a hearing.

Date: _____

_____
Signature

_____
Print Name
Address_____

_____
Tel. No._____

LBF 3015-1A
(Eff.-~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter 13

CHAPTER 13 PLAN DATED_____

☐ **If this box is checked, this plan contains certain special provisions set out in paragraph 13 below. Otherwise, the plan includes no provisions deviating from LBF 3015-1A, the model plan in effect at the time of the filing of the plan in this court.**

Debtor: _____ SS # xxx-xx-_____
Joint Debtor:_____ SS # xxx-xx-_____

1. PLAN PAYMENTS

The applicable commitment period pursuant to 11 U.S.C. § 1325(b)(4) is not less than _____ years. This is a _____ month plan.

Plan payments - Debtor to pay to trustee monthly: $_____
Number of months: x_____
Total of monthly plan payments: $_____

In addition, for each year during the term of the plan, all tax refunds in excess of $_____ will be remitted within fourteen (14) days of receipt to the trustee as additional disposable income to fund the plan. Deviation from this requirement in a given year will be considered by the court only upon the filing of a motion asserting extenuating circumstances; any such motion must be filed within thirty (30) days of the date of the filing of the tax return at issue.

2. ADMINISTRATIVE CLAIMS

Trustee's fee pursuant to 11 U.S.C. § 1302 and debtor's attorney's fees:

A. Trustee's estimated fees and expense (10% of the total to be paid): $_____
B. Attorney's fee and expenses requested to be paid through the plan, payable pursuant to AO 2016-1, notwithstanding 11 U.S.C. § 1325(a)(5)(B)(iii): $_____

C. Other: $_____

3. DOMESTIC SUPPORT OBLIGATIONS

The following DSO claims will be paid in full through the plan:

Creditor	Estimated Total Prepetition Arrearage Claim
_____	$_____
_____	$_____

4. PRIORITY CLAIMS

Creditor	Interest Rate	Estimated Total Prepetition Claim
_____	_____%	$_____
_____	_____%	$_____

5. SECURED CLAIMS (PRIMARY RESIDENCE)

Residence located at: _____

Debtor estimates the fair market value of such primary residence to be: $_____

Since the debtor seeks to retain the collateral, and for the lien to remain in full force and effect, the claim will be treated in one of the following two manners:

( ) Outside the plan. The mortgage is current and will continue to be directly payable by the debtor.

OR

( ) The mortgage is not current. Regular postpetition payments will be made directly by the debtor and the prepetition arrearage only is to be paid through the plan, as follows:

Mortgagee	Estimated Total Prepetition Arrearage
1st _____	$_____
2nd _____	$_____
3rd _____	$_____

6. SECURED CLAIMS (OTHER)

Current regular payments are to be made directly by the debtor. Prepetition arrearage amounts, if any, are to be paid through the plan:

Name of Creditor	Description of Collateral	Estimated Total Prepetition Arrearage
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

7. SECURED CLAIMS TO BE MODIFIED

The following claims are modifiable under the provisions of the Bankruptcy Code and shall be paid through the plan as indicated.

Name of Creditor: _____
Collateral: _____
Valuation: _____
Proposed Treatment: _____

Name of Creditor: _____
Collateral: _____
Valuation: _____
Proposed Treatment: _____

8. SECURED CLAIMS WHERE COLLATERAL TO BE SURRENDERED

Upon confirmation, the automatic stay is lifted as to any collateral treated as surrendered or abandoned and such collateral shall be deemed abandoned from the estate.

Name of Creditor: _____
Collateral: _____

Name of Creditor: _____
Collateral: _____

9. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Executory contracts and unexpired leases are assumed or rejected as follows:

Creditor/Lessor Property Description	Assumed/Rejected	Proposed Cure Amount/Period
_____	_____	$_____
_____	_____	$_____

10. UNSECURED CLAIMS

Unsecured creditors' claims total $_____ (including, if applicable, the unsecured portion of claims modified under paragraph 7). The percentage to be paid toward these claims will be determined after the bar date for filing claims has passed and will be specified in a motion to allow claims. Unsecured creditors will begin receiving payment on a *pro rata* basis with any secured arrearage and priority claims after the issuance of such an order. If all scheduled claims are allowed, the percentage distribution to creditors is estimated at _____%.

11. GENERAL PLAN PROVISIONS

A. **Duty to Provide Tax Returns:** The debtor has an ongoing obligation to provide a copy of each federal income tax return (or any request for extension) directly to the trustee within seven (7) days of the filing of the return (or any request for extension) with the taxing authority.

B. **Allowance of Claims:** In the event that a proof of claim is filed in an amount different from the amount listed in this plan, the proof of claim amount shall be deemed to be the correct amount unless the debtor or another party in interest successfully objects to the proof of claim.

C. **Property of the Estate and Insurance:** All property shall remain property of the estate until discharge. Pursuant to 11 U.S.C. § 1306(b), the debtor will remain in possession of all property of the estate unless a provision of this plan, or an order of this court, specifically states otherwise. The debtor shall maintain all insurance required by law and contract upon property of the estate and the debtor's property.

D. **Retention of Lien:** All secured creditors shall retain the liens securing their claims unless otherwise stated.

E. **Application of Payments Under This Plan:**

1. Pursuant to 11 U.S.C. § 524(i), payments received by holders and/or servicers of mortgage claims for ongoing postpetition installment payments shall be applied and credited to the debtor's mortgage account as if the account were current and no prepetition default existed on the petition date, in the order of priority specified in the note and security agreement and applicable non-bankruptcy law. Postpetition installment payments made in a timely manner under the terms of the note shall be applied and credited without penalty.

2. **If a creditor applies payments in a manner not consistent with the terms of this plan, or applies trustee payments to postpetition costs and fees without prior approval of this court, such actions may be a violation of 11 U.S.C. § 524(i).**

F. **Duty of Mortgage Servicer to Provide Loan Information:**

1. Upon written request of the debtor, any mortgage servicer or its successor shall provide to the debtor and/or the debtor's attorney all information with respect to the debtor's mortgage loan as it would provide absent a bankruptcy proceeding, including contractual monthly payment changes. The term "information" as used herein shall include, but is not limited to: (a) a coupon book or monthly statements to help the debtor properly make monthly payments, (b) addresses to which to send payments and to direct inquiries, (c) balance and payoff information if requested, and (d) if applicable, escrow analyses, notices of rate adjustments and the like. The debtor shall not make any claim against the mortgage servicer, the secured creditor or their successors for any violation of the automatic stay or any discharge injunction resulting from its compliance with this section.

2. Upon written request of the debtor's counsel, any of the information requested to be provided to the debtor in paragraph F(1) above shall also be provided to the debtor's counsel.

G. **Release of Certificate of Title Upon Satisfaction of Secured Claim:**

1. Upon satisfaction or other discharge of a security interest in a motor vehicle, mobile home, or in any other property of the bankruptcy estate for which the certificate of title is in the possession of a secured creditor, such creditor shall within fourteen (14) days after demand and, in any event, within thirty (30) days of receipt of the notice of the entry of the discharge order, execute a release of its security interest on said title or certificate, in the space provided therefore on the certificate or as the Division of Motor Vehicles prescribes, and mail or deliver the certificate and release to the debtor or to the attorney for the debtor.

2. Confirmation of this plan shall impose an affirmative and direct duty on each such secured creditor to comply with this paragraph. This provision shall be enforced in a proceeding filed before this court and each such creditor consents to such jurisdiction by failure to file any timely objection to this plan. Such an enforcement proceeding may be filed by the debtor in this case either before or after the entry of the discharge order and either before or after the closing of this case. The debtor specifically reserves the right to file a motion to reopen this case under 11 U.S.C. § 350 to pursue the rights and claims provided for therein.

12. LIQUIDATION ANALYSIS

In the event of a liquidation under chapter 7, I/we would claim the state/federal exemptions, based upon which unsecured creditors would receive_____%.

A. REAL ESTATE: Residential, located at: _____

Description	Fair Market Value	Liens	Exemption Amount and Cite	Available Chapter 7
_____	$_____	$_____	$_____	$_____
			Total non-exempt value:	$_____

REAL ESTATE: Non-residential, located at: _____

Description	Fair Market Value	Liens	Exemption Amount and Cite	Available Chapter 7
_____	$_____	$_____	$_____	$_____
			Total non-exempt value:	$_____

B. NON-EXEMPT TANGIBLE ASSETS:

Description	Fair Market Value	Liens	Exemption Amount and Cite	Available Chapter 7
_____	$_____	$_____	$_____	$_____
			Total non-exempt value:	$_____

C. NON-EXEMPT INTANGIBLE ASSETS:

Description	Fair Market Value	Liens	Exemption Amount and Cite	Available Chapter 7
_____	$_____	$_____	$_____	$_____
			Total non-exempt value:	$_____

13. SPECIFIC NON-CONFORMING SPECIAL PLAN PROVISIONS (if any):

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

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

Date: _____ _____
Debtor

Date: _____ _____
Debtor

LBF 3015-1B
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

_____, Bk. No. _____-_____-_____
Debtor Chapter 13

NOTICE OF CONTINGENT HEARING ON CONFIRMATION
(RESPONSE REQUIRED)

The debtor's plan dated _____ is scheduled for a hearing on confirmation pursuant to 11 U.S.C. § 1324 before the United States Bankruptcy Court, 1000 Elm Street, 11th Floor, Courtroom [1 or 2], Manchester, New Hampshire, on [insert date and time of hearing here].

An order confirming the plan will be binding on all parties pursuant to 11 U.S.C. § 1327, except as provided by 11 U.S.C. § 1329.

YOUR RIGHTS MAY BE AFFECTED. You should read the attached plan or plan summary carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.

If you have no objection to the confirmation of the debtor's plan dated _____, no action is required by you. If you do object to the plan, or if you wish to be heard on any matter regarding its confirmation, you must file a written objection with the Clerk, United States Bankruptcy Court, 1000 Elm Street, Suite 1001, Manchester, NH 03101-1708 on or before [insert hearing date minus **fourteen (14) days**].

A copy of your objection or statement must be mailed or delivered to the undersigned debtor or debtor's attorney at the address set forth below, the chapter 13 trustee, and the United States Trustee, and a certificate of such action must be filed with the clerk. If you file an objection or statement, you must also appear at the hearing on the date and time set forth above.

If no objections are filed by the objection deadline stated above, [insert hearing date minus fourteen (14) days], the court may enter an order confirming the plan without a hearing.

Date: _____

_____
Signature

_____
Print Name

Address_____

_____
Tel. No._____

LBF 3015-1C
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

_____, Bk. No. _____-_____-_____
Debtor Chapter 13

NOTICE OF CONTINGENT HEARING ON MODIFICATION OF CONFIRMED PLAN (RESPONSE REQUIRED)

A motion seeking to modify the debtor's confirmed plan is scheduled for a hearing pursuant to 11 U.S.C. § 1329 before the United States Bankruptcy Court, 1000 Elm Street, 11th Floor, Courtroom [1 or 2], Manchester, New Hampshire, on [insert date and time of hearing here].

YOUR RIGHTS MAY BE AFFECTED. **You should read the attached modified plan or plan summary carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.**

If you have no objection to the modified plan dated _____, no action is required by you. If you do object to the modified plan, or if you wish to be heard on any matter regarding modification of the debtor's confirmed plan, you must file a written objection with the Clerk, United States Bankruptcy Court, 1000 Elm Street, Suite 1001, Manchester, NH 03101-1708 on or before [insert hearing date minus **fourteen (14) days**].

A copy of your objection or statement must be mailed or delivered to the undersigned at the address set forth below, the chapter 13 trustee, and the United States Trustee, and a certificate of such action must be filed with the clerk. If you file an objection or statement, you must also appear at the hearing on the date and time set forth above.

If no objections are filed by the objection deadline stated above, [insert hearing date minus fourteen (14) days], the court may enter an order granting the motion to modify without a hearing.

Date: _____

_____
Signature

_____
Print Name
Address_____

_____
Tel. No._____

LBF 3017-1A
(Eff.-~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

_____, Bk. No. _____-_____-_____
Debtor Chapter 11

NOTICE OF HEARING ON ADEQUACY OF (AMENDED) DISCLOSURE STATEMENT DATED _____

NOTICE IS HEREBY GIVEN that a hearing on the adequacy of the (Amended) Disclosure Statement Dated_____ (the "Disclosure Statement") will be held on [insert date and time of hearing here] at the United States Bankruptcy Court, 1000 Elm Street, 11th Floor, Courtroom [1 or 2], Manchester, New Hampshire.

Parties may request a copy of the Disclosure Statement, in writing, from the undersigned.

Objections to the Disclosure Statement must be filed no later than _____ with the ~~Office of the~~Clerk, United States Bankruptcy Court, 1000 Elm Street, Suite 1001, Manchester, New Hampshire 03101-1708, with a copy to the undersigned at the address set forth below, to the United States Trustee, the chapter 11 trustee, if applicable, and to all other interested parties, and a certificate of such action must be filed with the clerk. If you file an objection or statement, you must also appear at the hearing on the date and time set forth above.

Date: _____

_____
Signature

_____
Print Name
Address_____

_____
Tel. No._____

LBF 3017-1B
(Eff. ~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter 11

ORDER APPROVING DISCLOSURE STATEMENT AND FIXING THE TIME FOR VOTING ON THE PLAN AND FOR FILING OBJECTIONS TO CONFIRMATION OF THE PLAN

Having considered the (Amended) Disclosure Statement Dated _____ (the "Disclosure Statement") filed by [insert name of plan proponent] with respect to the (Amended) Plan Dated _____(the "Plan") filed by [insert name of plan proponent] , the court hereby orders as follows:

A. The Disclosure Statement is approved as providing adequate information under § 1125 of the Bankruptcy Code.

B. _____ is fixed as the last day for filing written acceptances or rejections of the Plan.

C. _____ is fixed as the last day for filing and serving written objections to confirmation of the Plan.

D. A hearing on confirmation of the Plan will be held on _____, at _____ [a.m. or p.m.] at the United States Bankruptcy Court, 1000 Elm Street, 11th Floor, Courtroom [1 or 2], Manchester, New Hampshire.

E. On or before _____, the plan proponent shall serve a copy of this order, the Disclosure Statement, the Plan, and a ballot on all creditors and parties in interest.

F. Within seven (7) days after serving this order, the Plan, the Disclosure Statement, and ballots, the plan proponent shall file a certificate of such service with the court, accompanied by an attached copy of the order, Plan, Disclosure Statement and ballot as served.

[In cases involving an individual debtor, the following additional paragraph shall be included]:

G. Complaints objecting to the debtor's discharge under § 727(a) of the Bankruptcy Code shall be filed no later than [insert date set for the confirmation hearing].

ENTERED at Manchester, New Hampshire.

Date: _____ _____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

LBF 3018-2
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____,
Debtor

Bk. No. _____-_____-_____
Chapter 11

CERTIFICATE OF VOTE

_____, the Plan Proponent, by and through attorney _____, hereby certify the voting by the holders of claims in Class ____, an impaired class entitled to vote, as follows:

	Number Voting	Percentage	Dollar Amount	Percentage
Accept				
Reject				
Total				

Classes _____ are not impaired and are deemed to have accepted the plan.

Date: _____

_____
Signature

_____
Print Name
Address_____

_____
Tel. No._____

LBF 3020-1
(Eff. ~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter 11

ORDER CONFIRMING PLAN OF REORGANIZATION

Pursuant to the final plan and disclosure statement (Doc. Nos. ___ and ___) filed by _____; and after notice having been transmitted to all creditors, equity security holders, parties in interest and other persons entitled to notice in accordance with Bankruptcy Rules 2002 and 3017; and after having reviewed the plan, the showing made by parties who attended the confirmation hearing on _____, and the court having dictated (if applicable) any special findings and conclusions into the record at the close of the hearing,

IT IS HEREBY ORDERED as follows:

1. The plan, which is incorporated herein by reference, complies with the applicable provisions of the Bankruptcy Code, 11 U.S.C. §§ 101-1532. See 11 U.S.C. § 1129(a)(1).

2. The proponent of the plan complies with the applicable provisions of the Bankruptcy Code, 11 U.S.C. §§ 101-1532. See 11 U.S.C. § 1129(a)(2).

3. The plan has been proposed in good faith and not by any means forbidden by law. See 11 U.S.C. § 1129(a)(3).

4. Any payment made or to be made by the proponent, by the debtor, or by any person issuing securities or acquiring property under the plan, for services or for costs and expenses in the case or in connection with the case, or in connection with the plan and incident to this case, has been approved by, or is subject to the approval of, the court as reasonable. See 11 U.S.C. § 1129(a)(4).

5. The proponent of the plan has disclosed the identity and affiliations of any individual proposed to serve after confirmation of the plan, as a director, officer, or voting trustee of the reorganized debtor, an affiliate of the debtor participating in a joint plan with the debtor, or a successor to the debtor under the plan and the identity of any insider that will be employed or retained by the reorganized debtor, and the nature of compensation for such insider. See 11 U.S.C. § 1129(a)(5).

6. If applicable, any governmental regulatory commission with jurisdiction, after confirmation of the plan, over the rates of the debtor, has approved any rate change provided for in the plan, or such rate change is expressly conditioned on such approval. See 11 U.S.C. § 1129(a)(6).

7. With respect to each impaired class of claims or interest of such class, being class or classes _____, each holder of a claim or interest of such class has accepted the plan or will receive or retain under the plan, on account of such claim or interest, property of a value, as of the Effective Date of the plan, that is not less than the amount that such holder would so receive or retain if the debtor were liquidated under chapter 7. If § 1111(b)(2) of the Bankruptcy Code applies, such class will receive or retain under the plan, property of a value, as of the Effective Date of the plan, that is not less than the value of such holder's interest in the estate's interest in the property securing such claim. See 11 U.S.C. § 1129(a)(7).

8. The Certificate of Vote attached as Exhibit A hereto discloses, as applicable, those classes that have accepted the plan, those classes that have rejected the plan, those classes that are not impaired under the plan, and those classes which have rejected the plan but are being treated ~~by plan treatment~~as permitted under § 1129(b)(1) and 1129(b)(2) of the Bankruptcy Code. See 11 U.S.C. § 1129(a)(8).

9. Except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that, with respect to a claim of a kind specified in § 507(a)(2) or 507(a)(3) of the Bankruptcy Code, being class or classes _____, on the Effective Date of the plan, the holder of such claim will receive on account of such claim cash equal to the allowed amount of such claim. See 11 U.S.C. § 1129(a)(9)(A).

10. With respect to a class of claims of a kind specified in § 507(a)(1), 507(a)(4), 507(a)(5), 507(a)(6) and 507(a)(7) of the Bankruptcy Code, being class or classes _____, each holder of a claim of such class will receive, if such class has accepted the plan, deferred cash payments of a value, as of the Effective Date of the plan, equal to the allowed amount of such claim, or, if such class has not accepted the plan, cash on the Effective Date of the plan equal to the allowed amount of such claim. See 11 U.S.C. § 1129(a)(9)(B).

11. With respect to a claim of a kind specified in § 507(a)(8) of the Bankruptcy Code, being class or classes _____, the holder of such claim will receive on account of such claim regular installment payments in cash of a value, as of the Effective Date of the plan, equal to the allowed amount of such claim over a period ending not later than five (5) years after the date of the order for relief and in a manner not less favorable than the most favored nonpriority unsecured claim provided for by the plan, other than cash payment made to a class of creditors under § 1122(b) of the Bankruptcy Code. With respect to a secured claim which would otherwise meet the description of an unsecured claim of a governmental unit under § 507(a) of the Bankruptcy Code, but for the secured status of that claim, the holder of that claim will receive on account of such claim, cash payments in the same manner and over the same period as described in § 1129(a)(9)(C) of the Bankruptcy Code. See 11 U.S.C. § 1129(a)(9)(C) and (D).

12. If a class of claims is impaired under the plan, at least one class of claims that is impaired under the plan, being class or classes _____, has accepted the plan, determined without including any acceptance of the plan by an insider. See 11 U.S.C. § 1129(a)(10).

13. Confirmation of this plan is not likely to be followed by liquidation, or the need for further financial reorganization, of this debtor or any successor to the debtor under the plan, unless such liquidation or reorganization is proposed in the plan. See 11 U.S.C. § 1129(a)(11).

14. All fees due and all quarterly fees payable to the United States Trustee have been paid as of the confirmation date. See 11 U.S.C. § 1129(a)(12) and LBR 3020-1(c).

15. If applicable, the plan provides for the continuation after the Effective Date of payment of all retiree benefits, as that term is defined in § 1114 of the Bankruptcy Code, at the level established pursuant to § 1114(e)(1)(B) or 1141(g) of the Bankruptcy Code, at any time prior to confirmation of the plan, for the duration of the period the debtor has obligated itself to provide such benefits. See 11 U.S.C. § 1129(a)(13).

16. If the debtor is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, the debtor has paid all amounts payable under such order or such statute for such obligation that first became payable after the date of the filing of the petition. See 11 U.S.C. § 1129(a)(14).

17. In a case in which the debtor is an individual and in which the holder of an allowed unsecured claim objected to confirmation of the plan, the value, as of the Effective Date of the plan, of the property to be distributed under the plan on account of such claim is not less than the amount of such claim or the value of the property to be distributed under the plan is not less than the projected disposable income of the debtor, as defined in § 1325(b)(2) of the Bankruptcy Code, to be received during the five (5) year period beginning on the date that the first payment is due under the plan, or during the period for which the plan provides payments, whichever is longer. See 11 U.S.C. § 1129(a)(15).

18. All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust. See 11 U.S.C. § 1129(a)(16).

19. The plan is hereby determined to be fair and equitable and does not discriminate unfairly with regard to any class of claims or interests that is impaired under, and has not accepted, the plan. See 11 U.S.C. § 1129(b)(1).

20. The plan is fair and equitable with respect to any rejecting class of secured claims, if applicable, and the plan provides that holders of such claims retain the liens securing such claims, whether the property subject to such liens is retained by the debtor or transferred to another entity, to the extent of the allowed amount of such claims, and that each holder of a claim of such class will receive on account of such claim deferred cash payments totaling at least the allowed amount of such claim, of a value, as of the Effective Date of the plan, of at least the value of such holder's interest in the estate's interest in such property. See 11 U.S.C. § 1129(b)(2)(A)(i).

21. The plan is fair and equitable with respect to any rejecting class of unsecured claims, if applicable, and the plan provides that each holder of a claim of such class receives or retains on account of such claim property of a value, as of the Effective Date of the plan, equal to the allowed amount of such claim, or, the holder of any claim or interest that is junior to the claims of such class will not receive or retain under the plan, on account of such junior claim or interest, any property, except that in a case in which the debtor is an individual, the debtor may retain property included in the estate under § 1115 of the Bankruptcy Code, subject to the requirements of § 1129(a)(14) of the Bankruptcy Code. See 11 U.S.C. § 1129(b)(2)(B)(i) and (ii).

22. If this is a small business case, the plan was filed in accordance with § 1121(e) of the Bankruptcy Code and the plan is being confirmed not later than forty-five (45) days after the plan was filed, unless the time for confirmation was extended in accordance with § 1121(e)(3) of the Bankruptcy Code. See 11 U.S.C. § 1129(e).

23. Special provisions (insert special provisions if applicable/attach additional sheets if necessary):

24. There are no other plans that have been proposed in this case.

25. The plan is hereby confirmed.

26. The provisions of the plan are hereby made binding upon the debtor and any creditor or equity security holder of the debtor whether the claim or interest of such creditor or equity security holder is impaired under the plan and whether such creditor or equity security holder has accepted the plan.

27. Except as otherwise provided herein, in the plan, or in the Bankruptcy Code, and effective as of the Effective Date of the plan, in accordance with § 1141(d) of the Bankruptcy Code, the debtor is hereby discharged of and from any and all debts and claims that arose against it before the date of entry of this order, including, without limitation, any debt or claim or a kind specified in § 502(g), 502(h) or 502(i) of the Bankruptcy Code, whether or not (i) a proof of claim based on such debt is filed or deemed filed under § 501 of the Bankruptcy Code, (ii) such claim is allowed under § 502 of the Bankruptcy Code, or (iii) the holder of such claim has accepted the plan. See 11 U.S.C. § 1141(d).

28. Except as otherwise provided herein or in the plan, and effective as of the Effective Date of the plan, in accordance with § 1141(b) and 1141(c) of the Bankruptcy Code, all property of the debtor's estate and all property dealt with by the plan is hereby vested in the debtor free and clear of all claims and interest of creditors, equity security holders, and general partners of the debtor. See 11 U.S.C. § 1141(c) and (d).

29. Except as provided in the plan, and subject only to the occurrence of the Effective Date of the plan, any judgment at any time obtained, to the extent that such judgment is a determination of the liability of the debtor with respect to any debt or claim discharged hereunder, is hereby rendered null and void.

30. Effective as of the Effective Date of the plan, the commencement or continuation of any action, the employment of process or any act to collect, recover or offset any claim discharged or interest terminated hereunder is hereby permanently enjoined, stayed and restrained.

31. Except as otherwise provided in the plan, any objection to any claim or interest shall be filed with the court and served on the holder of such claim or interest on or before _____.

32. Any claim for damages arising from the rejection of any executory contract or unexpired lease pursuant to the plan shall be forever barred unless a proof of claim therefor in proper form is filed with the court within thirty (30) days after the later of the date of entry of (i) an order by the court approving the rejection of such executory contract or unexpired lease or (ii) this order.

33. All applications or requests for compensation or the reimbursement of any expenses or costs incurred by any professionals retained with court approval in this chapter 11 case, or fees and expenses by any party in interest must be filed with the court on or before _____.

34. In accordance with the provisions of *LBR 3020-1*, the court shall retain exclusive jurisdiction for the following purposes:

    (a) To hear and determine objections to claims;

    (b) To hear and determine any dispute arising under the plan, its implementation and execution of any necessary documents thereunder, and any requests to amend, modify or correct the plan, provided such matters are brought before the court prior to the point of substantial consummation;

    (c) To grant extension of any deadlines set forth in this order as may be appropriate;

    (d) To enforce all discharge provisions under the plan; and

    (e) To consider and rule upon requests for final compensation.

The debtor shall be permitted to file a motion requesting additional retention of jurisdiction for specific matters within sixty (60) days of the date of this order. Any such further retention of jurisdiction granted by the court shall be provided for in a supplementary order on such motion.

35. The debtor shall file an application for final decree pursuant to the provisions of Bankruptcy Rule 3022 and *LBR 3020-1* on or before _____ [no later than 120 days from the date of this order].

36. Pursuant to Federal Rule of Bankruptcy Procedure 3020(e), this order confirming the plan is stayed for fourteen (14) days.

ENTERED at Manchester, New Hampshire.

Date: _____

_____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

~~**LBF 3022-1**~~
~~(Eff. 2/1/13)~~

~~UNITED STATES BANKRUPTCY COURT~~
~~DISTRICT OF NEW HAMPSHIRE~~

~~In re:~~

~~_____, Bk. No. _____ - _____ - _____~~
~~Debtor Chapter 11~~

~~STATISTICAL BANKRUPTCY CLOSING REPORT~~
~~FOR CONFIRMED CHAPTER 11 CASES~~

~~1. _____ Gross Receipts~~

~~2. _____ % Dividend to be paid. The percentage dividend reported is that which is to be paid to the general class of unsecured creditors under the confirmed plan. If the plan contemplates no payment to unsecured creditors, enter a "0."~~

~~3. _____ Trustee Compensation~~

~~4. _____ Trustee Expenses~~

~~5. _____ Fees and Expenses for Attorney for Trustee~~

~~6. _____ Fees and Expenses for Attorney for Debtor~~

~~7. _____ Total Fees and Expenses for all Other Professionals (accountant, auctioneer, consultant, other attorneys, etc.) List each professional and the fees received on a separate sheet unless all fees are listed on Exhibit A. If so, note on this form.~~

~~Items 3 – 7: These amounts should include fees and expenses that were applied for and approved by the court during the pendency of the case.~~

~~8. _____ Total Secured Claims to be paid~~

~~9. _____ Total Priority Claims to be paid~~

~~10. _____ Total Unsecured Claims to be paid~~

~~11. _____ Total Equity Security Holder Distributions~~

~~Items 8 – 11: These amounts should reflect the total amount of all payments to be made pursuant to the confirmed plan, even if payments are to continue after the case is closed.~~

~~12. _____ Total Disbursements (Add items 3-11. This amount should be the same as the amount in item 1.)~~

~~The filer acknowledges that all fees payable to the court and the United States Trustee have been paid in full.~~

~~This form is to be filed as an exhibit to the application for final decree.~~

LBF 4001-1A
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____,
Debtor

Bk. No. _____-_____-_____
Chapter _____

WORKSHEET COMPLETED BY THE MORTGAGEE/SERVICER IN SUPPORT OF MOTION FOR RELIEF FROM STAY INVOLVING RESIDENTIAL REAL PROPERTY

I, _____ (insert the name of movant or, if movant is a business entity other than an individual, the name and representative capacity of the person signing this worksheet on behalf of such entity and the name of the entity), do hereby declare:

BACKGROUND INFORMATION

1.	Address or general description of the real property that is the subject of this motion	
2.	Name and address of original mortgagee	
3.	Dates of the note and mortgage ~~(MM/DD/YYYY)~~	
4.	If movant is different from the original mortgagee, the status of movant (e.g., holder, assignee, or servicing agent)	
5.	Current address of movant	
6.	Postpetition payment address of movant if different from address in paragraph 5 above	
7.	Brief statement of movant's standing (e.g., first mortgagee, second mortgagee, assignee, servicing agent)	

DEBT/VALUE REPRESENTATIONS

8.	Total indebtedness of debtor to movant at the time of filing the motion. This amount may not be relied upon as a "payoff" quotation.	$
9.	Movant's estimated market value of the real property	$
10.	Source of estimated valuation	

STATUS OF DEBT AS OF THE PETITION DATE (CH. 13) OR MOTION FOR RELIEF FILING DATE (CH. 7)

11.	Total prepetition indebtedness of debtor to movant as of petition filing date (ch. 13) OR total contractual debt owed (ch. 7)	$
A.	Amount of principal	$
B.	Amount of interest	$
C.	Amount of escrow (taxes and insurance)	$
D.	Amount of forced placed insurance	$
E.	Amount of attorney's fees incurred prepetition that have been or will be charged to the debtor	$
F.	Amount of prepetition late fees, if any, billed to debtor	$
G.	Itemize any additional prepetition fees or costs charged to the debtor's account and not listed above, including inspection fees, valuation fees, real estate taxes, etc. A separate exhibit may be attached to this worksheet. If so, it is marked Exhibit _____.	A. $ B. $ C. $ D. $
12.	Number of payments in arrears on the petition date	
13.	Total amount of prepetition arrearage	$
14.	Contractual interest rate. If interest rate is (or was) adjustable, please list the rate(s) and date(s) the rate(s) was/were in effect. A separate exhibit may be attached to this worksheet. If so, it is marked Exhibit _____.	

STATUS OF DEFAULT AS OF _____ ~~(MM/DD/YYYY)~~

15.	Amount of monthly payment (including principal, interest, and escrow)	$
16.	Date last payment was received _____ ~~(MM/DD/YYYY)~~	
17.	Alleged number of postpetition or contractual payments due postpetition from filing of petition through payment due on _____ ~~(MM/DD/YYYY)~~	
18.	Number of payments in arrears as of above date	
19.	~~Please list below all postpetition or contractual payments alleged to be in default:~~ Please list all contractual payments due and all payments made since date of filing.	

Payments Due Since Date of Filing	
Date Due	Amount Due

Payments Made Since Date of Filing	
Date Received	Amount Paid

~~Alleged Amount Due Date~~	~~Alleged Amount Due~~	~~Amount Received~~	~~Amount Applied to Principal and Interest~~	~~Amount Applied to Escrow~~	~~Late Fee Charged (if any)~~
~~Totals:~~	~~$~~	~~$~~	~~$~~	~~$~~	~~$~~

20.	Amount of movant's attorney's fees charged or to be charged to the debtor for the preparation, filing, and prosecution of this motion	$	
21.	Amount of filing fee for this motion	$	
22.	Itemize amount and date of charge for any additional postpetition or contractual fees or costs charged or to be charged to the debtor's account and not listed above, including inspection fees, valuation fees, insurance, real estate taxes, attorney's fees, etc. A separate exhibit may be attached to this worksheet. If so, it is marked Exhibit _____.	Amount A. $ B. $ C. $ D. $	Date
23.	Sum held in suspense by movant in connection with this contract, if applicable	Credit of $	
24.	Total amount of postpetition or contractual arrearage	$	

REQUIRED ATTACHMENTS

The following documents are attached to this worksheet in support of the motion and marked as exhibits:

(1) Copies of documents showing movant's interest in the subject property (e.g., a complete and legible copy of the promissory note or other debt instrument together with a complete and legible copy of the mortgage and any assignment in the chain from the original mortgagee to the movant), which are marked as Exhibits _____.

(2) Copies of documents showing proof of standing to bring this motion for relief if different than the above, which are marked as Exhibits _____.

CERTIFICATION FOR BUSINESS RECORDS

The information provided in this worksheet and/or any exhibits attached to this worksheet (other than the transactional documents attached as required by paragraphs *(1)* and *(2)* immediately above) is derived from records that *(a)* were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters; *(b)* were kept in the course of the regularly conducted activity; and *(c)* were made by the regularly conducted activity as a regular practice.

Further, the copies of any transactional documents attached to this worksheet or motion, as required by paragraphs *(1)* and *(2)* immediately above, are true and accurate copies of the original documents.

DECLARATION

I _____(insert name and title), of _____ (insert name of movant) hereby declare pursuant to 28 U.S.C. § 1746 under penalty of perjury that the foregoing is true and correct based on personal knowledge of the movant's books and business records.

Executed at _____(City/Town),____(State) on this ___day of _____(Month), _____(Year).

_____
Signature

_____
Print Name

_____
Title

_____
Movant
Address_____
_____

LBF 4001-1A
(Eff. ~~2/1/13~~11/1/16)

REPRESENTATIONS REGARDING OTHER LIENS ATTACHING TO THE PROPERTY

I, _____ (insert name of movant or movant's attorney), do hereby declare:

Names of Senior Lienholder	Amount Due	Source of Information (e.g., debtor's schedules, public records, other)
	$	
	$	
	$	
Movant's lien	$	
Names of Junior Lienholder	Amount Due	Source of Information (e.g., debtor's schedules, public records, other)
	$	
	$	
	$	

_____
Signature

_____
Print Name

_____
Title

_____
Movant
Address_____
_____

LBF 4001-1B
(Eff.-~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____,
Debtor

Bk. No. _____-_____-_____
Chapter _____

STATEMENT — MOTION FOR RELIEF WORKSHEET NOT REQUIRED

The movant states that *LBF 4001-1A*, Worksheet Completed by the Mortgagee/Servicer in Support of Motion for Relief from Stay Involving Residential Real Property, is not required to be filed with this motion because:

___ The movant has obtained the debtor's assent to the motion prior to the motion being filed with the court.

___ The debtor has indicated an intent to surrender the real property that is the subject of the motion in the debtor's statement of intention filed with the court pursuant to 11 U.S.C. § 521(a)(2).

___ The debtor has indicated an intent to surrender the real property that is the subject of the motion in the debtor's plan of reorganization.

Date: _____

_____
Signature

_____
Print Name
Address_____

_____
Tel. No._____

LBF 4001-2
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter _____

NOTICE OF CONTINGENT HEARING ON
MOTION FOR CONTINUED USE OF CASH COLLATERAL

The debtor's motion for continued use of cash collateral is scheduled for a hearing before the United States Bankruptcy Court, 1000 Elm Street, 11th Floor, Courtroom [1 or 2], Manchester, New Hampshire, on [insert date and time of hearing here].

YOUR RIGHTS MAY BE AFFECTED. You should read the attached motion carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.

If you have no objection to the motion, no action is required by you. If you do object to the motion, or if you wish to be heard on any matter regarding the motion, you must file a written objection with the Clerk, United States Bankruptcy Court, 1000 Elm Street, Suite 1001, Manchester, NH 03101-1708 on or before [insert hearing date minus seven (7) days].

A copy of your objection or statement must be mailed or delivered to the undersigned debtor or debtor's attorney at the address set forth below and the United States Trustee, and a certificate of such action must be filed with the clerk. If you file an objection or statement, you must also appear at the hearing on the date and time set forth above.

If no objections are filed by [insert hearing date minus seven (7) days], the court may enter an order granting the motion for continued use of cash collateral without a hearing.

Date: _____

_____
Signature

_____
Print Name
Address_____

_____
Tel. No._____

LBF 4001-4A
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter 13

***EX PARTE* MOTION TO INCUR ADDITIONAL DEBT**

The debtor, by and through counsel, files this *Ex Parte* Motion to Incur Additional Debt. In support, debtor states as follows:

1. The chapter 13 bankruptcy case was filed on _____.

2. The chapter 13 plan was confirmed on _____.

3. Plan payments are currently $_____ per month.

4. The debtor needs to purchase/lease a vehicle.

5. The debtor anticipates spending under $_____ with a monthly payment of $_____ or less.

6. The automobile payment will not adversely affect the debtor's chapter 13 plan.

7. The chapter 13 trustee has consented to this motion.

WHEREFORE, the debtor respectfully requests this court to:

A. Approve this *Ex Parte* Motion to Incur Debt in the amount of $_____ with a monthly payment of $_____ or less.

B. Grant such other relief as is fair and equitable.

Respectfully submitted,

Date: _____

_____
Signature

_____
Print Name
Address_____

_____
Tel. No._____

LBF 4001-4B
(Eff. 11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____,
Debtor

Bk. No. _____-_____-_____
Chapter 13

ORDER GRANTING *EX PARTE* MOTION TO INCUR ADDITIONAL DEBT

Having considered the *Ex Parte* Motion to Incur Additional Debt filed by the debtor, the motion is hereby granted. The debtor is authorized to incur debt in an amount not to exceed $_____ with a monthly payment of $_____ or less.

ENTERED at Manchester, New Hampshire.

Date: _____

_____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

LBF 4003-2A
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

_____, Bk. No. _____-_____-_____
Debtor Chapter _____

_____,
Movant

v.

_____,
Respondent

MOTION TO AVOID LIEN PURSUANT TO 11 U.S.C. § 522(f)(2

NOW COMES _____("Debtor" and "Movant") by and through his attorney, _____, pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to request that this court enter an order avoiding the [JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST] held by _____ ("Respondent"). In support of this motion, the Debtor states:

1. This court has jurisdiction in this matter pursuant to 28 U.S.C. § 1334(a). This matter is a core proceeding as provided by 28 U.S.C. § 157(b)(2)(K).

2. The Debtor filed a voluntary petition under chapter ____ of the Bankruptcy Code on _____.

3. The Debtor's interest in the property is subject to the following mortgages, judicial liens and/or nonpossessory, nonpurchase-money security interests:

Type and Amount of Lien		Name of Lienholder		Date Lien Obtained
a. _____	~~obtained by~~	_____	~~on~~	_____
b._____	~~obtained by~~	_____	~~on~~	_____
c. _____	~~obtained by~~	_____	~~on~~	_____
d._____	~~obtained by~~	_____	~~on~~	_____

4. The Debtor is entitled to an exemption in the property in the amount of $_____ pursuant to _____ (e.g., N.H. RSA 480:1, N.H. RSA 511:2(III)).

5. The Debtor's interest in the property has a fair market value of $ _____. The basis of this value is _____.

6. Section 522(f)(2)(A) of the Bankruptcy Code provides that "a lien shall be considered to impair an exemption to the extent that the sum of: (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." Section 522(f)(2)(B) provides that "[i]n the case of a property subject to more than 1 lien, a lien that has been avoided shall not be considered in making the calculation under subparagraph (A) with respect to other liens."

7. Following the formula set forth in 11 U.S.C. § 522(f)(2) for determining whether a lien impairs an exemption, the Debtor:

a. Adds the lien being tested for avoidance (L1), all other liens (L2 + L3 + L4 . . .) and the maximum exemption allowable in the absence of liens (E) to get a sum of (L1 + L2 + L3 + L4 . . . + E).

b. From the sum above, (L1 + L2 + L3 + L4 . . . + E), subtracts the value of the property in the absence of liens (V) and finds that the extent of the impairment is (I) (I = L1 + L2 + L3 + L4 . . . + E - V).

8. Since the extent of the impairment of the exemption, $(I), exceeds the entire value of the Respondent's lien, $(L1), the entire lien is avoidable. **Or** Since the extent of impairment, $(I) is less than the entire value of the lien, $(L1), the Respondent's lien can be avoided only to the extent of the impairment the exemption, $(I), and the rest remains as a lien in the amount of $(L1-I).

WHEREFORE, the Debtor respectfully requests that this court enter an order which:

A. Avoids the [JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST] held by _____.

B. Grants such other relief as is fair and equitable.

Respectfully submitted,

Date: _____

_____
Signature

_____
Print Name
Address_____

_____
Tel. No._____

LBF 4003-2B
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter _____

NOTICE OF CONTINGENT HEARING ON MOTION TO AVOID LIEN PURSUANT TO 11 U.S.C. § 522(f)(2)

The above-cited motion to avoid lien is scheduled for a hearing before the United States Bankruptcy Court, 1000 Elm Street, 11th Floor, Courtroom [1 or 2], Manchester, New Hampshire, on [insert date and time of hearing here].

YOUR RIGHTS MAY BE AFFECTED. You should read the attached motion carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.

If you have no objection to the motion, no action is required by you. If you do object to the motion, or if you wish to be heard on any matter regarding the motion, you must file a written objection with the Clerk, United States Bankruptcy Court, 1000 Elm Street, Suite 1001, Manchester, NH 03101-1708 on or before [insert hearing date minus seven (7) days].

A copy of your objection or statement must be mailed or delivered to the undersigned debtor or debtor's attorney at the address set forth below, the chapter 7 or chapter 13 trustee, the United States Trustee, and a certificate of such action must be filed with the clerk. If you file an objection or statement, you must also appear at the hearing on the date and time set forth above.

If no objections are filed by the objection deadline stated above, [insert hearing date minus seven (7) days], the court may enter an order granting the motion to avoid lien without a hearing.

Date: _____

_____
Signature

_____
Print Name
Address_____

_____
Tel. No._____

LBF 4003-2C
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

_____, Bk. No. _____-_____-_____
Debtor Chapter _____

ORDER GRANTING MOTION TO AVOID LIEN PURSUANT TO 11 U.S.C. § 522(f)(2)

Having considered the Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)(2) filed by the debtor, the motion is hereby granted. The lien of [insert creditor's name], recorded on [insert date recorded] at [name of county here] County Registry of Deeds, at Book [insert book number], Page [insert page number], is hereby avoided as impairing the debtor's exemption.

ENTERED at Manchester, New Hampshire.

Date: _____ _____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

LBF 5005-4
(Eff. ~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____, Bk. No. _____-_____-_____
Debtor Chapter _____

DECLARATION REGARDING ELECTRONIC FILING

Part 1 - Declaration of Petitioner/Declarant:

I, _____, the undersigned, hereby declare under penalty of perjury that the information I have given my attorney and the information contained in the document listed below is true and correct to the best of my knowledge and belief. **A copy of the Notice of Electronic Filing of the document listed below is attached as Exhibit A.**

Part 2 - Identification of Document:

☐ Voluntary Petition, Schedules and Statements consisting of _____ pages.
Full Social Security number of debtor: _____-_____-_____
Full Social Security number of joint debtor: _____-_____-_____

☐ [If petitioner is an individual] I declare under penalty of perjury that the foregoing Social Security number is true and correct.

☐ [If petitioner is a corporation, partnership or limited liability entity] I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

☐ Voluntary Petition consisting of _____ pages.
Full Social Security number of debtor: _____-_____-_____
Full Social Security number of joint debtor: _____-_____-_____

☐ [If petitioner is an individual] I declare under penalty of perjury that the foregoing Social Security number is true and correct.

☐ [If petitioner is a corporation, partnership or limited liability entity] I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

☐ Schedules and Statements consisting of _____ pages.

☐ Amendment to Petition, Schedules or Statements consisting of _____ pages.

☐ Amendment of Social Security number.
Full Social Security number of debtor: _____-_____-_____
Full Social Security number of joint debtor: _____-_____-_____

☐ Verified Complaint consisting of _____ pages.

☐ Chapter 13 Plan or Amended Chapter 13 Plan consisting of _____ pages.

☐ Other: _____ [insert name of document] dated _____, consisting of _____ pages.

I understand that this DECLARATION REGARDING ELECTRONIC FILING is to be submitted to the clerk after the above-listed document has been filed electronically but, in no event shall it be submitted later than seven (7) days after the document has been filed. I acknowledge receipt of a copy of the document that is to be electronically filed.

I understand that failure to ~~file~~submit the signed original of this DECLARATION to the court is grounds for dismissal of my case and/or grounds for the court to strike the document identified above from the record in this proceeding.

Date: _____ Signed:_____
Name/Title:_____

Date: _____ Signed:_____
Name/Title:_____

Part 3 - Declaration of Attorney:

I declare that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that the document identified above is not being presented for any improper purpose; that the claims, defenses, allegations and other legal or factual contentions have, or will have, evidentiary support, and that the denials of factual contentions are warranted. I further certify that the petitioner/declarant signed this Declaration and authorized me to electronically file the document identified above, that I gave the petition/declarant a copy of the document identified above that is to be electronically filed, and that the document identified in the attached **Notice of Electronic Filing** from the CM/ECF system is the document identified above.

Date: _____ _____
Attorney Signature
_____
Print Name
Address_____
_____
Tel. No._____

NOTE: You *must* attach the Notice of Electronic Filing as an exhibit.

(SUBMIT ORIGINAL TO COURT. DO NOT FILE ELECTRONICALLY.)

LBF 7055-1
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

_____, Bk. No. _____-_____-_____
Debtor Chapter _____

_____,
Plaintiff

v. Adv. No. _____-_____-_____

_____,
Defendant

DEFAULT JUDGMENT

Default was entered against the defendant on [date]. The plaintiff filed a Motion for Entry of Default Judgment, which has been granted by separate order, after notice and a hearing at which the defendant failed to appear or respond. Accordingly,

1. Default judgment shall enter against the defendant.

2. Each party shall bear its own costs and fees.

This is a core proceeding in accordance with 28 U.S.C. § 157(b) as to which this court has jurisdiction of the subject matter and the parties.

ENTERED at Manchester, New Hampshire.

Date: _____ _____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

LBF 9021-1A
(Eff.-~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

_____, Bk. No. _____-_____-_____
Debtor Chapter _____

_____,
Plaintiff

v. Adv. No. _____-_____-_____

_____,
Defendant

FINAL JUDGMENT

This proceeding having come before the court on [date] for [trial/hearing], it is hereby ORDERED:

1. Judgment is entered in favor of [plaintiff/defendant].

2. Each party shall bear its own fees and costs.

This is a core proceeding in accordance with 28 U.S.C. § 157(b) as to which this court has jurisdiction of the subject matter and the parties.

ENTERED at Manchester, New Hampshire.

Date: _____ _____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

LBF 9021-1B
(Eff.~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

_____,
Debtor

Bk. No. _____-_____-_____
Chapter _____

_____,
Plaintiff

v.

Adv. No. _____-_____-_____

_____,
Defendant

FINAL JUDGMENT

A [stipulation/settlement agreement] having been filed in the above-captioned case, it is hereby ORDERED:

1. The [stipulation/settlement agreement] filed on [date] is incorporated by reference, and judgment is hereby entered accordingly.

2. Each party shall bear its own fees and costs.

This is a core proceeding in accordance with 28 U.S.C. § 157(b) as to which this court has jurisdiction of the subject matter and the parties.

ENTERED at Manchester, New Hampshire.

Date: _____

_____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

LBF 9021-1C
(Eff.-~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

_____, Bk. No. _____-_____-_____
Debtor Chapter _____

_____,
Plaintiff

v. Adv. No. _____-_____-_____

_____,
Defendant

FINAL JUDGMENT

This proceeding having come before the court on [date] for [trial/hearing], it is hereby ORDERED:

Judgment is hereby entered against the [plaintiff/defendant] in the amount of $_____, with interest thereon at the rate provided by statute.

This is a core proceeding in accordance with 28 U.S.C. § 157(b) as to which this court has jurisdiction of the subject matter and the parties.

ENTERED at Manchester, New Hampshire.

Date: _____ _____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

LBF 9037-1
(Eff.. ~~12/1/14~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____,
Debtor

Bk. No. _____-_____-_____
Chapter _____

ORDER GRANTING MOTION TO REDACT

A Motion to Redact (the "Motion") was filed by _____ (the "Movant") requesting that a document containing personal identifiers be stricken from the docket and/or the claims register in this case pursuant to Bankruptcy Rule 9037.

1. The Motion is granted.

2. The clerk shall restrict access to ~~the~~[state name of document and its docket number OR identify proof of claim number] ~~containing~~because it contains personal identifiers~~ as requested~~.

3. The Movant shall file a correctly redacted document or proof of claim within twenty-one (21) days of the date of this order, and such document or proof of claim shall be deemed filed as of the date the ~~stricken~~restricted document or proof of claim was filed.

ENTERED at Manchester, New Hampshire.

Date: _____

_____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

LBF 9072-1
(Eff.-~~2/1/13~~11/1/16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:
_____,
Debtor

Bk. No. _____-_____-_____
Chapter _____

ORDER

The [insert name of pleading here] filed by [name of moving party here] is hereby granted.

ENTERED at Manchester, New Hampshire.

Date: _____

_____
Bankruptcy Judge

[Note: Leave the date line and signature line blank for completion by the court.]

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