

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

**SUMMARY OF SIGNIFICANT CHANGES IN THE LOCAL BANKRUPTCY RULES,
ADMINISTRATIVE ORDERS AND LOCAL FORMS
EFFECTIVE FEBRUARY 1, 2013**

After review by the rules advisory committee, public comment, and internal review, the court has issued amended local bankruptcy rules, administrative orders and local bankruptcy forms effective February 1, 2013. Many of the amendments and additions were made to provide for consistent language and procedures throughout the local rules, incorporate former administrative orders into the local rules, and to remove obsolete or unused provisions. This summary is intended to highlight many of the significant changes in the local rules. However, it does not list all changes, and all readers are encouraged to review the full text of the amended local rules, and the redlined version showing all changes, both of which are available on the court's web site at www.nhb.uscourts.gov.

Local Bankruptcy Rules

LBR 1002-1 Petition - General: Many items in the former rule have been eliminated to simplify the new rule and eliminate duplication of requirements in other rules.

LBR 1006-1 Fees - Installment Payments: Amended to provide for 3 additional payments after an initial payment, rather than 3 equal payments.

LBR 1007-1 Lists, Schedules and Statements: The sequence for documents filed in relation to a bankruptcy petition has been changed to reflect current practice. Amended LBR 1007-1(k) on extensions of time to file schedules and statements to reflect court policies regarding extensions in relation to the § 341 meeting of creditors.

LBR 1007-6 Filing of Educational Individual Retirement Accounts Pursuant to 11 U.S.C. § 521(c): Implementing the requirements of § 521(c) of the Bankruptcy Code while preserving the privacy of individual identifying information.

LBR 1009-1 Amendments to Petitions, Lists, Schedules and Statements: Amended LBR 1009-1(b)(6) through (b)(8) to reflect changes in the procedural requirements for amendments to schedules I and J. See also LBR 1009-1A. The amended rule involves other changes.

LBR 1017-2 Dismissal or Suspension - Case or Proceedings: Deleted former LBR 1017-2(b) to reflect current practice.

LBR 2015-2 Chapter 11 - Filing Monthly Operating Reports: A new local bankruptcy rule which reflects long-standing policies and procedures regarding monthly operating reports in chapter 11 cases.

LBR 2016-2 Contingent Hearings on Compensation of Professional Persons: Former AO 2016-2 has been eliminated and incorporated into the local rules permitting contingent hearings in specific situations specified in the new rule.

LBR 2083-2 Chapter 13 — Proof of Value of Real Estate; Proof of Insurance: Requires debtor to provide proof of value of real estate, and other documents 7 days prior to § 341 meeting.

LBR 2090-2 Disciplinary Rules and Procedures: This rule has been amended to incorporate the local disciplinary rules of the United States District Court for the District of New Hampshire, LR 83.5, by reference, rather than at length.

LBR 3012-1 Motions to Determine Secured Status and Void Wholly Unsecured Liens: This new local rule replaces former AO 3012-1, which has been eliminated. The new rule requires the use of the specified local form for proposed orders and contingent notices of hearing. See LBF 3012-1A.

LBR 3015-3 Chapter 13 - Confirmation

LBR 3015-4 Chapter 13 - Modification of Plan After Confirmation: Amended to require use of the appropriate local form for contingent notice of hearing. See also the revised form of chapter 13 plan at LBF 3015-1A.

LBR 4001-1 Automatic Stay - Relief from: The provisions of former AO 4001-1 requiring worksheets to be filed with certain motions for relief has been eliminated and the requirement has been incorporated into the local rule at LBR 4001-1(h).

LBR 4001-2 Cash Collateral: Former AO 4001-2 regarding hearings on initial and subsequent requests for use of cash collateral has been eliminated and the procedures incorporated into LBR 4001-2(f).

LBR 4001-4 Motion to Incur Additional Debt to Acquire Motor Vehicle in Chapter 13: This new local rule and new LBF 4001-4 provide a simplified procedure for chapter 13 debtors to request approval to incur debt to acquire a motor vehicle.

LBR 4002-1 Debtor - Duties: New subsection (c) has been added to the rule at the request of the advisory committee to clarify that paper copies must be brought to the § 341 meeting.

LBR 5010-1 Reopening Cases: The rule has been amended to reflect the verified motion/affidavit under the decision in In re Corbett, 425 B.R. 51 (Bankr. D.N.H. 2010).

LBR 7003-1 Cover Sheet: The amended rule includes a provision requiring that the complete names and addresses of all parties be included with the adversary proceeding cover sheet.

LBR 7016-3 Final Pretrial Conferences: LBR 7016-3(b) has been amended to require the attendance of counsel and all unrepresented parties at a final pretrial conference.

LBR 7055-1 Default Judgment: The local rule has been amended to reflect current policy and procedure for obtaining a default judgment.

LBR 7102 Motion Content: The requirement in former LBR 7102(a)(2) to include the date and time of the hearing in the caption of all pleadings has been eliminated and replaced by a new requirement for notices of hearing in LBR 7104. The requirement for a memorandum in former LBR 7102(b)(2) and the requirement to certify attempts to obtain concurrence in former LBR 7102(d) have been eliminated.

LBR 7103 Certificate of Service - Motions: LBR 7103(a) has been amended to clarify the requirements for a certificate of service for all pleadings. LBR 7103(e) has been added to specify the sanction for failure to comply with the rule.

LBR 7104 Notice of Hearing: This new rule specifies the required content for a notice of hearing. These new requirements have replaced the requirements in former LBR 7102(a)(2) and LBR 9004-1 to include the date and time of the hearing in the caption of the pleading.

LBR 9004-1 Pleadings and Documents - Requirements of Form: Former LBR 9004-1(a) regarding the caption for pleadings and documents has been eliminated and replaced with requirements for notices of hearing in LBR 7104.

LBR 9004-2 Caption - Pleadings/Documents, General: The form of the caption in contested matters required by former LBR 9004-1(b) has been eliminated. The requirements for captions in consolidated/jointly administered cases in former LBR 9004-2(c) has been replaced by LBR 9004-2(b) to reflect current court procedure.

LBR 9011-2 Pro Se Parties: The rule has been amended to clarify that trusts, limited liability companies and unincorporated associations may not appear *pro se*.

LBR 9019-1 Settlements: The rule has been amended to require counsel to appear in court to state the terms of a settlement on the record, when a motion to approve a settlement and a proposed order have not been filed by the date of the scheduled hearing, unless the court orders otherwise.

LBR 9037-1 Redaction of Personal Identifiers: This new rule reflects current procedures regarding motion to redact or restrict access to documents in open and closed cases and references LBF 9037-1A and LBF 9037-1B, the new forms of orders to be used.

LBR 9072-1 Orders - Proposed: Former LBR 9072-1(c) specifying requirements for proposed orders approving settlements has been eliminated.

Administrative Orders

AO 2016-1 Fee and Expense Guidelines: AO 2016-1(a)(1) has been amended to clarify that in a chapter 13 case the entire unpaid balance of the “no look” fee may be paid during the first twelve months of the plan. AO 2016-1(a)(2) has been added to provide that in a chapter 13 case approved fees in addition to the “no look” fee, plus the amount of any unpaid “no look” fee, up to \$3,500 may be paid during the first twelve months of the plan.

AO 2016-2 Hearings on Compensation of Professional Persons: Eliminated and replaced by new LBR 2016-2.

AO 3012-1 Motions to Determine Secured Status and Void Wholly Unsecured Liens: Eliminated and replaced by new LBR 3012-1.

AO 3022-2 Chapter 11 - Motion to Administratively Close Individual Chapter 11 Cases: A new administrative order which reflects current court procedures to administratively close individual chapter 11 cases post confirmation.

AO 4001-1 Automatic Stay - Worksheets in Support: Eliminated and replaced by new LBR 4001-1(h).

AO 4001-2 Cash Collateral Hearings: Eliminated and replaced by new LBR 4001-2(f).

AO 5005-4 Electronic Filing: Provisions on registration, issuance of passwords and service by electronic means have been amended to reflect current practices and procedures. AO 5005-4(d)(3) has been amended to reflect the elimination of the former two forms for declarations which have been replaced by one form, new LBF 5005-4, for all purposes.

AO 7008-1 Adversary Proceedings - Pleadings

AO 7012-1 Adversary Proceedings - Defenses and Objections

AO 9027-1 Removal

AO 9033-1 Proposed Findings of Fact and Conclusions of Law: Four new administrative orders which will require the parties to raise, and the court to address, any constitutional jurisdiction issues after the decision in Stern v. Marshall, 131 S.Ct. 2594 (2011), pending future amendments to the Federal Rules of Bankruptcy Procedure.

Local Bankruptcy Forms

The text of many of the local bankruptcy forms contains prompts in brackets, such as [name of lien holder here], which are intended to assist persons using such forms in completing them properly. Such prompts are not be included in any document or proposed order filed with the court. The court's web site contains copies of the local forms in Word Perfect and Microsoft Word formats.

LBF 1009-1A Amendment Cover Sheet: Amended to conform with the new requirements under LBR 1009-1 for amendments to schedules I and J.

LBF 1009-1B Notice to Additional Creditors: The form has been amended to clarify the determination of deadlines.

LBF 1017-2 Affidavit for Payment of Fees: Eliminated as unnecessary.

LBF 2083-3 Chapter 13 Monthly Operating Report: Eliminate an erroneous column in the "Summary of Unpaid Post-Petition Debts."

LBF 3012-1A Oder Granting Motion to Determine Secured Status and Void Wholly Unsecured Lien: The words "after notice and a hearing" have been deleted due to the use of contingent notices.

LBF 3015-1A Chapter 13 Plan: Various amendments requested by the rules advisory committee.

LBF 3017-1A Notice of Hearing on Adequacy of (Amended) Disclosure Statement Dated ___
LBF 3017-1B Order Approving Disclosure Statement: Former LBF 3017-1 has been renumbered as LBF 3017-1A. LBF 3017-1B is a new local form of order for approval of disclosure statements.

LBF 4001-4 *Ex Parte* Motion to Incur Additional Debt: A new local form in connection with new LBR 4001-4.

LBF 4003-2C Order Granting Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)(2): A new form requiring recording information for the lien to be avoided.

LBF 5005-4A Declaration Regarding Electronic Filing For Petitions, Schedules and Amendments to Schedules

LBF 5005-4B Declaration Regarding Electronic Filing for Documents Other Than Petitions, Schedules and Amendments to Schedules: These two forms have been eliminated and replaced with one form of declaration at LBF 5005-4.

LBF 5005-4 Declaration Regarding Electronic Filing: A new form that replaces both former LBF 5005-4A and LBF 5005-4B. See also the amendments to AO 5005-4.

LBF 9037-1A Order Granting Motion to Restrict Access to Proof of Claim In a Closed Case: A new form which implements the court's procedures for motions under Federal Rule of Bankruptcy Procedure 9037 to restrict access to a proof of claim in a closed case.

LBF 9037-1B Order Granting Motion to Strike Proof of Claim: A new form for use with motions under Federal Rule of Bankruptcy Procedure 9037 to strike a proof of claim in an open case.

January 18, 2013