

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



**LOCAL BANKRUPTCY RULES
AND
INTERIM BANKRUPTCY RULES**

Effective February 1, 2026

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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

LBR 1001-1 Scope of Rules – Short Title

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 Federal Rules of Bankruptcy Procedure shall be cited as “Bankruptcy Rule.” Title 11 of the United States Code shall be cited as “Bankruptcy Code.” The Administrative Orders entered 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.”

LBR 1002-1 Commencement of Case

- (a) **Format.** A petition commencing a case shall conform substantially to the most recent version of the applicable Official Bankruptcy Form available at www.uscourts.gov/forms-rules/forms/bankruptcy-forms.
- (b) **Separate Entity Requirement.** No case shall be commenced by filing a petition referring to both (i) an individual partner and the partnership as the debtor, (ii) a trust and the individual trustee as the debtor, and (iii) a limited liability company and its principal as the debtor. Separate petitions are required by each entity. No petition may be amended to add an additional entity as a debtor after the petition has been filed.
- (c) **Petitions by Non-Individual Debtors.** A petition filed by a debtor or other party that is not an individual shall include a copy of the corporate resolution or certificate of vote permitting the filing by or on behalf of that debtor or other party.
- (d) **Necessity of Counsel.** If the debtor is a partnership, corporation, trust or limited liability company, the petition must be signed by an attorney. In accordance with LR 83.6(c), corporations, trusts, limited liability companies and unincorporated associations may not appear pro se.

LBR 1006-1 Fees – Installment Payments

A debtor seeking approval for payment of the bankruptcy filing fee in installments shall pay no less than one-fourth (1/4) of the total fee within fourteen (14) days of filing 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.

LBR 1007-1 Lists, Schedules, Statements, and Other Documents

- (a) **Form.** All schedules and statements shall conform substantially to the most recent version of the

Official Bankruptcy Forms available at www.uscourts.gov/forms-rules/forms/bankruptcy-forms. 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.** Schedules and statements must be filed as one PDF document and collated in the following sequence:

- (1) Petition.
- (2) Statement of Financial Affairs.
- (3) Schedules A/B through J.
- (4) Official Bankruptcy Forms B 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) Verification of Creditor Mailing List with list of creditors in matrix format attached.

- (c) **Paper or Electronic Copies at 341 Meeting.** The debtor must have a complete paper or electronic copy of the signed petition, schedules, statements and lists at the 341 Meeting so that parties may reference them when examining the debtor.

- (d) **Statement About Your Social Security Number.** An individual debtor is required to file with the petition the Statement About Your Social Security Number on Official Bankruptcy Form B 121. To keep the social security number private, it must be filed using the event “Statement re: Social Security Number – Form 121” in CM/ECF which will cause this information to be restricted from the public.

- (e) **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, the court may issue an order to show cause or notice why the case should not be dismissed, 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.

- (f) **Credit Counseling – Request for Temporary Waiver and Extension of Time.** If, pursuant to 11 U.S.C. § 109(h)(3), the debtor seeks a temporary waiver of the credit counseling requirement and requests an extension of time to (a) complete that counseling and (b) obtain and file with the court a certificate of credit counseling, the debtor shall file a motion in the form of LBF 1007-1.

LBR 1007-2 Mailing — List or Matrix

- (a) **List and Verification.** At the time the petition is filed, the debtor must file LBF 1007-2 which shall have attached to it a master address list of all creditors and parties in interest. The list must contain the names, addresses, and ZIP codes of all creditors and parties in interest, in alphabetical order and in matrix format. For electronically filed cases, the list shall also be uploaded to CM/ECF as a “.txt” file.
- (b) **Format.** The list of creditors shall be formatted as follows:
- (1) Lists must be left aligned and typed in a single column with no stray marks, page numbers or debtor names.
 - (2) Lists must be no closer than one inch from any edge of the paper.
 - (3) 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.
 - (4) Each line must be no more than forty (40) characters in length.
 - (5) Do not include the following parties on the list of creditors: debtor, joint debtor, debtor’s attorney and United States Trustee.
 - (6) Do not include account numbers.
 - (7) Attention lines must appear on the second line of the address block.
 - (8) ZIP codes should appear 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

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

Any interest that a debtor has in an educational individual retirement account or under a qualified state tuition program: (1) shall not be filed with the court unless 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 payment advices from any employer of the debtor: (1) shall not be filed with the court unless 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)

If a debtor fails to file all required documents in accordance with 11 U.S.C. § 521(a)(1) or to submit payment advices in accordance with 11 U.S.C. § 521(a)(1)(B)(iv) and LBR 1007-7, the case shall be dismissed, and the Clerk shall issue a notice of dismissal.

LBR 1009-1 Amendments to Lists and Schedules

- (a) **Form.** If a debtor seeks to amend the petition or any schedule, statement, or other document, that amended document must be accompanied by a fully completed Notice of Amendment in the form of LBF 1009-1A.
- (b) **Additional Creditors.** In the event that the debtor seeks to add additional creditors, the amendment must include a supplement to the list of creditors that includes only the names and addresses of the newly added creditors, or whose names and addresses have been changed by the amendment, which supplement shall conform to the requirements of LBR 1007-2.
- (c) **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 at the time of filing. If the debtor adds creditors to the case, the debtor shall serve upon each newly-listed creditor a copy of the following:
 - (1) Notice of Amendment;
 - (2) Notice of Bankruptcy Case (known as the 341 notice);
 - (3) Order granting discharge, if any; and
 - (4) Any other filed document affecting the rights of said creditor.

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 separately in each case.
- (b) **Jointly Administered or Consolidated Cases.** Whenever the court orders that related cases be jointly administered or consolidated pursuant to Bankruptcy Rule 1015, all subsequent papers shall be filed in the chief case designated by the court.
- (c) **Proofs of Claim.** 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.

LBR 1016-1 Death of Debtor/Statement of Death

If a debtor dies while the debtor's case is pending, debtor's counsel, debtor's representative or the joint debtor shall file a statement advising the court of the death. If the debtor's case is pending under chapter 11, chapter 12, or chapter 13, the statement must indicate whether the case should proceed or whether it should be dismissed. In the event the case should be dismissed, a motion to dismiss shall be filed within fourteen (14) days of the filing of the statement.

LBR 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.

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

LBR 2015-2 Filing of Monthly Reports

The debtor (or if a chapter 11 trustee has been appointed, the chapter 11 trustee) shall file 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.

LBR 2015-5 Trustees — Chapter 13

- (a) **Dismissed or Converted Cases.** When a case has been dismissed or converted to another chapter, the trustee shall follow the United States Trustee guidelines by filing a Final Report and Account.
- (b) **Completed Cases.** When the trustee determines that the plan has been completed, the trustee may file an Interim Report and Account. 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 case will not be closed until at least thirty (30) days after the Final Report and Account is filed.

LBR 2016-1 Compensation of Professionals

- (a) **Scope of Rule.** This rule applies to all applications for compensation filed by any professional person including, but not limited to, attorneys, accountants, appraisers, financial consultants and brokers.
- (b) **Chapter 13 No-Look Fee.**
 - (1) If the total fee for the debtor's attorney in a case under chapter 13 is less than or equal to \$5,500, it is unnecessary for such attorney to file an application for compensation. If any debtor's attorney proposes to charge more than \$5,500 or seeks more than \$5,500 in compensation, an application for compensation must be filed.
 - (2) If the prepetition retainer is \$5,500 or less, the chapter 13 plan may provide that the difference between the prepetition retainer and \$5,500 be paid during the first twelve (12) months of the chapter 13 plan as an administrative expense.
- (c) **Retainers.** All retainers must 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. No portion of the retainer held pursuant to this rule shall be withdrawn except upon an order by the court.
- (d) **Preparation of Application.** All professionals whose compensation is subject to approval by the court must file an application for compensation. 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.
- (e) **Application Form.** All applications for compensation shall:
 - (1) Include Annex 1 — Request for Final Allowance of Compensation and Expenses (*see* LBF 2016-1A) or Annex 2 — Request for Interim Allowance of Compensation and Expenses (*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 shall contain the following 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 that will assist the court in determining the reasonable value of such services.
- (C) Time sheets 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 in tenth of an hour increments and separated by each task (i.e., no “block billing” or “lumping”).
 - (iv) The identity of the person or persons rendering such services.
 - (v) The billing rate for each person providing services.
 - (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 (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.** Every application for compensation shall state with specificity all disbursements for which reimbursement is sought. Applications may only seek reimbursement for actual and necessary expenses. Absent extraordinary circumstances, the court will not approve any reimbursement for meals, administrative charges or overtime charges.

LBR 2016-4 Compensation of Petition Preparers

- (a) **Required Documents.** Any petition preparer who receives compensation from a debtor for preparing any document must file Official Bankruptcy Form B 119 and Director’s Form B 2800.
- (b) **Hearing Required.** If a bankruptcy petition preparer seeks more than \$150 in compensation, 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.

LBR 2070-1 Estate Administration

A chapter 7 trustee is authorized to pay routine expenses, other than the fees of professionals employed under 11 U.S.C. § 327, arising out of administration of a chapter 7 estate that do not exceed in the aggregate the sum of \$8,000. All such disbursements shall be subject to review by the court at the conclusion of the case and shall be itemized in the final report 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 engaged in business, the debtor shall provide to the 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. If any interested party requests a copy of any report(s), it shall provide notice of such request to the debtor. If after seven (7) business days the debtor does not object to the production of the report(s), the trustee shall produce any requested report(s). If the chapter 13 trustee would like monthly reporting to continue after the trustee commences paying claims, the trustee shall make such a request in writing.

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.
- (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 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 procedural requirements of the LBRs and AOs.
- (3) The attorney is familiar with the requirements of LBR 5005-4 regarding electronic filing and will secure access from the court no later than fourteen (14) days after admission pro hac vice.

In accordance with § 304(g) of the Bankruptcy Reform Act of 1994, child support creditors or their representatives are permitted to appear and intervene without meeting the requirements of this rule if a form is filed that contains information detailing the child support debt.

LBR 2090-2 Attorneys — Discipline and Disbarment

- (a) **Conferred Disciplinary Jurisdiction.** Any attorney practicing 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 in which that attorney has participated.
- (b) **Promulgation of Disciplinary Rules.** The court, in furtherance of its inherent authority and responsibility to supervise the conduct of attorneys, adopts LR 83.5.

LBR 2091-1 Attorneys — Withdrawals

- (a) **Generally.** An attorney may withdraw from a case by serving a notice of withdrawal on the client and on all other parties and by filing the notice with the Clerk provided that the attorney represents 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 or contested matter involving the client, and (3) no trial date on any such adversary proceeding or contested matter 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.
- (b) **Appointed Professionals.** Notwithstanding paragraph (a) of this rule, professionals appointed by court order under 11 U.S.C. § 327 may withdraw from representation only upon order of the court.

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

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

- (a) **Motions.** All motions 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 § 1123(b)(5) shall be filed as a motion (not as

an objection to a claim), and shall be titled “Motion to Determine Secured Status and Void Wholly Unsecured Lien.” Any motion must state a basis for the value of the residential real property and shall attach supporting documentation.

- (b) **Service.** The movant shall serve the motion in accordance with Bankruptcy Rule 7004, made applicable by Bankruptcy Rule 9014(b), particularly Bankruptcy Rule 7004(h), which requires that service on an insured depository institution be made by certified mail addressed to an officer of the institution.
- (c) **Timing.** Movant shall serve the motion within thirty (30) days of the concluded 341 Meeting.

LBR 3012-2 Valuation of Personal Property and Non-Residential Real Property Collateral — Motions to Determine Secured Status and Limit Secured Claims

- (a) **Motions.** All motions requesting that the court determine under 11 U.S.C. § 506(a) the amount of a claim secured by a lien on the debtor’s personal property or non-residential real property and bifurcate the secured claim into secured and unsecured portions as permitted by 11 U.S.C. §§ 1322(b)(2) or 1123(b)(5), shall be filed as a motion, and not as an objection to a claim. The motion shall be titled “Motion to Determine Secured Status and Limit Secured Claim.” Any motion shall contain a specific allegation stating the basis for the value of the personal property or non-residential real property asserted in the motion, and shall have supporting documentation filed with it.
- (b) **Exclusions.** Motions to determine secured status and limited secured claims may address only valuation and the extent to which a claim is secured. Such motions shall not request approval of plan payment terms, e.g., interest rate and amount of monthly payments, nor shall such motions request the modification of any other rights of the holder of the secured claim, e.g., escrow for real estate taxes or insurance. Those requests shall be made in the plan.
- (c) **Service.** The movant shall serve the motion in accordance with Bankruptcy Rule 7004, made applicable by Bankruptcy Rule 9014(b), particularly Bankruptcy Rule 7004(h), which requires that service on an insured depository institution be made by certified mail addressed to an officer of the institution.
- (d) **Timing.** Movant shall serve the motion within thirty (30) days of the concluded 341 Meeting.

LBR 3015-1 Chapter 13 — Plan

- (a) **Form of Plan.** A chapter 13 plan shall be filed in the form of LBF 3015-1a. Failure to use the required form may result in denial of confirmation of that plan without prejudice to the debtor refile it in the proper form.
- (b) **Service of Plan and Notice of Hearing.** The debtor shall:

- (1) file and serve the plan in the form of LBF 3015-1A;
 - (2) file and serve a notice of confirmation hearing in the form of LBF 3015-2B; and
 - (3) file and serve a certificate of service certifying that a copy of the plan and the notice of confirmation hearing were served on the trustee, and 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 paid 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 _____.”
- (e) **Confirmation Order.** The order confirming the chapter 13 plan shall be in the form of LBF 3015-1D.

LBR 3015-2 Required Debtor Affidavits in Chapter 13 Cases

- (a) **Confirmation Affidavit.** Before the 341 Meeting and no later than prior to confirmation of a chapter 13 plan, the debtor must execute an affidavit in the form of LBF 3015-2A and file it with the court.
- (b) **Discharge Affidavit.** Prior to the issuance of a chapter 13 discharge, the debtor must execute an affidavit in the form of LBF 3015-2B and file it with the court.

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 confirmation hearing.
- (b) **Service of Objection.** The objecting party shall file the objection to confirmation and serve copies on the United States Trustee, the chapter 13 trustee, the debtor, the debtor’s attorney and every other party requesting notice. The objection shall be accompanied by a certificate of service.
- (c) **Contingent Confirmation Hearings.** Hearings on confirmation shall be contingent. The movant shall provide notice of the hearing in the form of LBF 3015-1B and the court may enter an order confirming the debtor’s plan without a hearing if:
- (1) the debtor proposes and serves a plan that meets all of the requirements of chapter 13 and complies with all provisions of the LBRs;
 - (2) no objections to confirmation are pending; and
 - (3) the chapter 13 trustee files a written recommendation that the plan should be confirmed.

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

- (a) **Post-Confirmation Modification.** A motion to modify a chapter 13 plan shall include a copy of the amended plan in the form of LBF 3015-1A. 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) **Objection Deadline.** Any objection to modifying a chapter 13 plan shall be filed no later than fourteen (14) days before the date set for the hearing on the motion to modify.
- (c) **Service.** The motion, modified plan and a notice of hearing shall be served on the debtor, the chapter 13 trustee, United States Trustee, and all creditors and parties who have requested notice. Each modified plan shall be titled “Modified Plan Dated _____.”
- (d) **Contingent Confirmation Hearings.** Hearings on motions to modify plans after confirmation shall be contingent. The movant shall provide notice of the hearing in the form of LBF 3015-1C and the court may enter an order confirming the debtor’s plan without a hearing if:
 - (1) the debtor 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 confirmation are pending; and
 - (3) the chapter 13 trustee files a written recommendation that the plan should be modified.

LBR 3016-1 Chapter 11 — Plan

- (a) **Caption of Plans and Disclosure Statements.** Every plan of reorganization and 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 the 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 file, as an attachment, a separate red-lined copy of any amended plan or amended disclosure statement.
- (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 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 in the form of LBF 7104-1. The objection date shall be seven (7) days prior to the disclosure statement hearing.

LBR 3018-2 Acceptance/Rejection of Plans

At least two (2) business days prior to the chapter 11 confirmation hearing, the plan proponent shall file a “Certificate of Vote” in the form of LBF 3018-2.

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

Unless another party or officer is designated in the plan or confirmation order, the plan proponent is responsible for filing a motion for final decree seeking discharge of any trustee and closing the case not later than 120 days following the date of plan confirmation unless such time is extended by the Court for cause. In the case of a Subchapter V plan confirmed non-consensually under 11 U.S.C. § 1191(b), the motion for final decree shall be filed not later than 120 days following the completion of all plan payments, unless such time is extended by the Court for cause. The motion for final decree shall include a final account which shall include a schedule of all disbursements, and the percentage dividend paid to the holders of (a) priority unsecured claims and (b) general unsecured claims. An attorney may be compensated for performing these duties at or prior to plan confirmation based on an estimation of fees and expenses.

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

(a) **Motion.** In cases involving an individual chapter 11 debtor (other than a case under Subchapter V), 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 a statement providing that:

- (1) 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) All monthly reports and payments due to the United States Trustee are current.
- (3) All litigation has concluded except to the extent that the court has retained jurisdiction over certain pending matters (e.g., an outstanding appeal).
- (4) There are no outstanding issues that would preclude the administrative closure of the case.

(b) **Proposed Order.** The proposed order shall contain the following provisions:

- (1) The order 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) 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) 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.

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 11 U.S.C. § 362(d) involving encumbered real or personal property shall include: (1) the claimed value of the applicable property, (2) the amount of movant's debt with respect to the property, (3) evidence of movant's security interest in such property, and (4) the total of all lien claims attaching to such property.
- (b) **Codebtor Stay.** A motion seeking relief from the codebtor stay pursuant to 11 U.S.C. § 1301 must identify the codebtor by name and detail the basis for granting relief.
- (c) **Worksheet.** 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 (including manufactured homes), consisting of one to four living units, and 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 the debtor:
 - (1) assents to the motion; or
 - (2) indicated an intent to surrender the real property that is the subject of the motion in either (A) the debtor's statement of intent, or (B) the debtor's plan of reorganization, and the motion so indicates.

LBR 4001-2 Cash Collateral and Post-Petition Credit

- (a) **Motion.** A motion for authority to use cash collateral or to obtain post-petition credit shall state the amount of cash collateral to be used or credit to be obtained, a narrative and budget reflecting the intended use of the funds, and any proposal for providing adequate protection. With respect to a motion for authority to obtain credit, the motion must identify the name and address of the lender and the proposed terms of the financing.

- (b) **Service.** In addition to the requirements of Bankruptcy Rules 4001(b)(1) and (c)(1), a motion for authority to use cash collateral or to obtain post-petition credit shall be served on the United States Trustee, any trustee, and any federal or state taxing authority having a claim against the debtor. A motion for authority to obtain post-petition credit must also be served on any creditors asserting an interest in the collateral securing the post-petition credit and any proposed lenders.
- (c) **Interim Relief.** Any motion seeking interim relief under Bankruptcy Rules 4001(b) or 4001(c) shall state the reasons necessitating an early hearing, the nature of any interim adequate protection or lien to be provided, and an estimation of the amount of cash collateral or credit that shall be used to avoid immediate and irreparable harm to the estate pending a final hearing.
- (d) **Chapter 11 Cases.**
- (1) **Certain Provisions Restricted.** Except as provided in subsection (d)(2) of this LBR, the following provisions in an agreement approving or authorizing the use of cash collateral, obtaining credit, or providing adequate protection, shall be unenforceable:
- (A) Any acknowledgement of the validity, amount, perfection, priority, extent or enforceability of the secured claim, if the agreement or order purports to bind any party other than the debtor, unless the agreement or order affords an objection period of not less than 60 days after the earlier of (i) court approval of the retention of counsel to any creditor's committee, or (ii) an order authorizing the appointment of a trustee, during which period any committee or trustee may challenge the secured claim on any basis;
 - (B) Any release of claims or waiver of defenses by the debtor or estate representative;
 - (C) Any post-petition lien to secure a claim of a secured creditor other than (i) a claim arising from post-petition advances which constitute an additional non-replacement extension of credit, or (ii) a claim representing the diminution in value of a prepetition secured claim after the commencement of the case;
 - (D) Any grant of a security interest in avoidance actions or their proceeds;
 - (E) Any provision granting a creditor relief from the automatic stay without further order or hearing upon the breach of the cash collateral, adequate protection, or post-petition financing order or agreement;
 - (F) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors;
 - (G) 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;
 - (H) Provisions that prime any secured lien, without the consent of that lienholder; and

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

- (2) **Conspicuous Notice.** The court may approve any terms and conditions listed above, provided that the (a) motion states the justification for the inclusion of such provision, and (b) proposed terms and conditions are boldface or otherwise conspicuously set forth in the proposed agreement or order.

LBR 4002-2 Address of Debtor

The debtor shall file a notice with the court and serve it on all parties if 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, 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 11 U.S.C. § 522(f) shall be substantially in the form of LBF 4003-2A.
- (b) **Multiple Liens.** If a debtor moves to avoid multiple liens on the same property pursuant to 11 U.S.C. § 522(f)(2), the debtor shall file one motion seeking to avoid each lien in ascending order of priority (i.e., the impairment calculation must avoid the most junior lien first). If the debtor has previously avoided a lien against the property, the impairment calculation shall omit the amount of each lien that was previously so avoided.
- (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.

LBR 4008-1 Reaffirmation

- (a) **Form.** All reaffirmation agreements shall be filed using Director's Form B 2400 issued by the Director of the Administrative Office of the United States Courts and be accompanied by Official Bankruptcy Form B 427, Reaffirmation Agreement Cover Sheet. The forms are available at www.uscourts.gov. If a reaffirmation agreement filed with the court is not substantially in the form of Director's Form B 2400 and accompanied by Official Bankruptcy Form B 427, it will not be effective and is subject to disapproval.
- (b) **Agreements Not Effective.** Reaffirmation agreements not complying with the provisions of this subparagraph are not effective and are subject to disapproval 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; or
 - (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; or
 - (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.

PART V - COURT AND CLERK

LBR 5005-4 Electronic Filing

- (a) **Terms.** The term “Filing User” means those who have registered to file documents electronically. The term “Notice of Electronic Filing” means the notice automatically generated by CM/ECF each time a document is filed.
- (b) **Electronic Filing Required.** Unless otherwise excepted in subsection (c) below, all papers shall be filed electronically using CM/ECF.
- (c) **Exceptions to Electronic Filing.** The following documents do not need to be filed electronically and may be filed at the clerk’s office:
- (1) Documents filed by a pro se party; or
 - (2) A proof of claim filed by a creditor who is not a registered user of CM/ECF.
- (d) **Registration and Passwords.**

- (1) **Attorneys and Trustees.** Attorneys admitted to the bar of this court (including those admitted pro hac vice), employees of the Office of the United States Trustee, trustees and others as the court deems appropriate, must register as Filing Users of CM/ECF. Registration will be in a form prescribed by the Clerk. 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) **Creditors or Other Limited Users.** Attorney and creditor representatives may register as Filing Users of CM/ECF. Registration will be in a form prescribed by the Clerk.
 - (3) **Securing Login 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 if they learn that their password has been compromised. Filing Users may be subject to sanctions for failure to comply with this provision.
- (e) **Waiver of Service.** Registration as a Filing User constitutes a waiver of the right to receive notice by mail and consent to receive notice electronically, except with regard to service of a summons and complaint under Bankruptcy Rule 7004.
- (f) **Signatures.**
- (1) **Login and Password Constitute Signature.** The user login and password required to file documents in CM/ECF serve as the Filing User's signature on all electronic documents filed. They also serve as a signature for purposes of Bankruptcy Rule 9011, the Bankruptcy Rules, the LBRs 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, and telephone number. In addition, the name of the Filing User under whose login and password the document is submitted must be preceded by an "/s/" and typed in the space where a handwritten, wet ink signature would otherwise appear.
 - (2) **Documents Containing Signatures Under Oath.** Documents requiring original signatures such as petitions, lists, schedules, statements, amendments, pleadings, affidavits; or documents requiring verification under Bankruptcy Rule 1008; or an unsworn declaration as provided in 28 U.S.C. § 1746, may be filed with an electronic signature (the party's name typed in full, e.g., "/s/ Jane Doe"). If documents are filed with an electronic signature, the attorney filing the documents must maintain the documents with the original handwritten, wet ink signature or the declarant's digital signature (created using a software product that provides signature authentication) until two (2) years following the closing of the case or until the expiration of all appeal periods, whichever is later. An attorney required to maintain an original signature may comply with this provision by keeping an electronically converted PDF document with an image of the signature. Upon request of the court or any interested party, the attorney shall provide original documents for review.

LBR 5005-5 Sealed Documents

A motion to file documents under seal 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.

LBR 5010-1 Reopening Cases

A motion to reopen a case must be filed as a separate motion. A motion to reopen to add additional creditors shall be verified or accompanied by an affidavit stating that (i) the omission was innocent, and (ii) the equities justify reopening the case to list the omitted creditor(s).

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

LBR 5011-1 Withdrawal of Reference

A motion to withdraw the reference shall include as an attachment a properly completed United States District Court Civil Cover Sheet and the filing fee as prescribed by 28 U.S.C. § 1930 shall be paid. Motions to withdraw the reference are governed by LR 77.4(e).

LBR 5071-1 Continuance

- (a) **By Agreement.** A hearing on any pending matter may be continued using the appropriate CM/ECF docket event, and without filing a motion, subject to the following:
 - (1) **Consents Required.** The filing of the docket event constitutes certification that the consent of all interested parties has been obtained.
 - (2) **Limitations.** Agreed-upon continuances shall not continue any matter for longer than 45 days, and will only be permitted if filed no later than 24 hours prior to a hearing date.
 - (3) **Exceptions.** Continuances by agreement under this LBR shall not apply to matters set for hearing by the court, including initial chapter 13 confirmation hearings.
- (b) In the event that a party seeks to continue a matter before the response deadline has expired, the response deadline shall be continued to seven (7) days prior to the continued hearing date. Otherwise, the response deadline is not extended and shall be seven (7) days prior to the original hearing date.

LBR 5073-1 Photography, Recording Devices, and Broadcasting

LR 83.8 is applicable to proceedings in the court.

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 thereon, 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 chapter 11, 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, but notice of any rescheduled 341 Meeting shall be by the party causing the meeting to be rescheduled. The Clerk shall give notice as required pursuant to Bankruptcy Rule 2002(a)(7) 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 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

Rent payments 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). Upon the Clerk's receipt of the funds, the Clerk is directed to transmit them to the lessor, at the lessor's address on the petition.

LBR 5080-1 Fees — Refund Requests

- (a) **Payment Errors Warranting Refund.** If a payment error is discovered with respect to an electronically filed document for which the filing fee was paid by credit card, the filing attorney or trustee may request a refund by filing a motion as soon as practicable after the payment error is discovered. All fees are earned when paid.
- (b) **Motion.** The motion must contain a detailed explanation as to why the payment should be refunded and it does not need to include a notice of hearing if any of the following apply:
 - (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) **Issuance of Refund and Need for Hearing.** Upon verification of the grounds set forth above, and upon order of the court, the Clerk is authorized to issue 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 for the motion in accordance with LBR 9013-1.

LBR 5081-1 Fees — Form of Payment

The filing fee or any other required payment shall be paid in the manner designated by the Clerk as reflected on the Website.

PART VI - COLLECTIONS AND LIQUIDATION OF THE ESTATE

LBR 6007-1 Abandonment

- (a) **Notice of Intent to Abandon Property.** The trustee or debtor shall file notice of any proposed abandonment of property. The Clerk shall then transmit 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. 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.

PART VII-A - ADVERSARY PROCEEDINGS

LBR 7003-1 Cover Sheet

When an adversary complaint is filed, the required adversary proceeding cover sheet shall 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, which may be listed on an attached sheet.

LBR 7004-2 Summons

The filing of a complaint, the issuance of a summons and service is governed by Bankruptcy Rule 7004. The Clerk shall issue, execute and transmit to the plaintiff or plaintiff's attorney a summons.

LBR 7016-1 Pretrial Procedures

- (a) **Scheduling.** Upon the filing of an adversary complaint, the court will schedule a pretrial conference. At least seven (7) days prior to the pretrial conference, the parties shall meet and confer to discuss a discovery plan and to propose dates set forth in the court's pretrial order on the Website. If the parties agree on a discovery plan, the parties may file a proposed pretrial order and the court may enter it and cancel the pretrial conference.
- (b) **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. §§ 651-58. If the parties agree to participate in alternative dispute resolution, they may contact the courtroom deputy for assistance.

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 7037-1 Discovery Motions

- (a) A motion filed under Federal Rules of Civil Procedure 26 through 37 concerning a discovery dispute must state that:
 - (1) After consultation in person, by telephone or by email, and after good faith attempts to resolve the dispute the parties are unable to reach an agreement; or

(2) Movant's attempts to engage in such a consultation were unsuccessful.

If a consultation has occurred, the motion must state the consultation's date, time and place as well as the names of the participants. If movant attempted unsuccessfully to have a consultation, the motion must describe in detail movant's efforts.

- (b) A motion to compel discovery responses must attach a copy of the discovery request and any response. If the motion fails to attach the request and response, the court may deny the motion without a hearing.

LBR 7056-1 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 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(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.

(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(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) **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 opposing party's statement filed under paragraph (b)(1)(B)(ii) will be deemed admitted unless controverted by the statement of the moving party.
- (d) **Deadlines Stayed.** Upon the filing of a motion for summary judgment, deadlines in the pretrial order are stayed until further order of the court.

PART VIII - APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL

LBR 8003-1 Notice of Appeal

- (a) **Filing of Appeals.** An appeal shall be taken by filing a notice of appeal with the clerk of the bankruptcy court, substantially in the form of Official Bankruptcy Form B 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 court shall hear motions to extend the time for filing a notice of appeal.

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. § 158(a)(3). Leave to appeal under 28 U.S.C. § 158(a)(3) shall be sought by filing a motion pursuant to Bankruptcy Rule 8004.

LBR 8005-1 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 made within the time prescribed by 28 U.S.C. § 158(c)(1), the appeal shall be heard by the United States Bankruptcy Appellate Panel for the First Circuit.

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 9010-1 Attorneys — Notice of Appearance

- (a) **Automatic Appearance.** The signature of an attorney on any filing in a bankruptcy case or adversary proceeding constitutes a notice of appearance pursuant to Bankruptcy Rule 9010 and constitutes a certification that the attorney is authorized to practice law 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 and e-mail address; the client's name, and the client's relationship to the estate.

LBR 9010-2 Power of Attorney; Guardians; Conservators

- (a) **Commencement of a Bankruptcy Case.** If a case is commenced on behalf of a debtor by a representative, e.g., an agent, attorney in fact, proxy, guardian, or conservator, the following procedural requirements shall be met to ensure that the petition was properly filed.
 - (1) A copy of the legal document under which the representative is acting must be filed with the petition. 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, along with any other orders describing or limiting the guardian's or conservator's authority to so act.

- (2) The petition, schedules, statements, and other documents filed 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.

- (b) **Commencement of an Adversary Proceeding or Contested Matter or Filing of Papers.** If any party commences a contested matter or an adversary proceeding, or files any papers by a representative, e.g., an agent, attorney in fact, proxy, guardian, or conservator, the procedural requirements set forth above must be satisfied.

LBR 9011-2 Pro Se Parties

The signature of an individual not represented by counsel on a bankruptcy petition, complaint or filing 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.

LBR 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 B 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 Website. 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 LBR.
- (e) **Verification.** Information on verification of the military status of an individual is available from the clerk's office or on the Website.

LBR 9013-1 Motions Procedure

For purposes of this LBR, "motion" refers to all requests for entry of an order by the court, whether a motion, an application or an objection to claim.

(a) Form of Motions/Objections/Responses/Replies.

- (1) **Case Caption.** The case caption must include the debtor's name, the case number and the applicable chapter of the case involved.
- (2) **Judge's Initials.** The initials of the judge assigned to the pending matter shall be separated by a hyphen immediately following the case or adversary number.

(b) Hearing Date. Movants are responsible for selecting a hearing date from the Website.

(c) Ex Parte Motions. The following motions are not required to be noticed for hearing and the court may consider them without delay (i.e., on an *ex parte* basis):

- (1) Applications to waive the filing fee
- (2) Applications to pay the filing fee in installments
- (3) Requests for an examination pursuant to Bankruptcy Rule 2004
- (4) Pro hac vice applications
- (5) An assented-to motion to continue a hearing assented-to by all parties having filed an appearance in the matter

- (6) An assented-to motion to extend the deadline to object to discharge or file a motion to dismiss
- (7) In Chapter 7 and Chapter 13 cases, a motion to extend time to file schedules, a plan and any other documents required under 11 U.S.C. § 521 and Bankruptcy Rule 1007
- (8) A motion seeking redaction of personal information
- (9) A motion for a temporary waiver of credit counseling
- (10) A motion to incur additional debt to acquire a vehicle using the applicable form LBF 4001-4A or LBF 4001-4B
- (11) An application to employ an accountant provided the total fees paid for services rendered does not exceed \$1,000
- (12) An assented to motion for relief from the automatic stay filed in accordance with LBR 4001-1(c)(1)

All other motions must be noticed consistent with this LBR. If a party fails to properly notice a matter for hearing in accordance with these LBRs, after seven days the Clerk may, without further notice, strike the filing, terminate the matter without prejudice or take such other actions as the court deems appropriate.

- (d) **Service of Motions.** Unless the Bankruptcy Rules or LBRs provide otherwise, the motion and notice of hearing must be served at least fourteen (14) days prior to the hearing date.
- (e) **Shortened Notice.** To the extent a movant seeks to have a motion heard on shortened notice, such request should be made in the body of the motion, the title of the motion should include the requested relief (e.g., “Creditor’s Motion to Dismiss on Shortened Notice”) and movant must provide a cause for seeking relief on shortened notice. In the event that a motion requests that it be heard on shortened notice, the deadline for the filing of an objection is 24 hours prior to the hearing date.
- (f) **Motion Attachments.** The following must be filed with every motion:
 - (1) **Notice of Hearing.** A notice of hearing in the form of LBF 7104-1 signed by the movant or counsel for the movant.
 - (2) **Certificate of Service.** A certificate of service in the form of LBF 7103-1 stating that the document was served on all parties in interest entitled to service. Every certificate of service must state:
 - (A) For each recipient who was served via CM/ECF, the date of filing and the name of the recipient; and
 - (B) For each recipient who was not served via CM/ECF, the date, manner of service, name and address of the recipient.
 - (3) **Proposed Order.** All motions, with the exception of motions for relief and motions to modify a chapter 13 plan, must include a proposed order that sets forth the relief to be entered by the court. The proposed order shall be entitled “Order,” not “Proposed Order,” and shall be in the form of the

applicable LBR or LBR 9013-1. If movant 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.

(g) Objection Deadline.

- (1) A party who objects to a motion and wants it called by the court must file a written objection no later than seven (7) days prior to the scheduled hearing date. If an objection is timely filed, the motion will be called by the court on the scheduled hearing date. If no objection is timely filed, the court may grant the motion without a hearing. In that case, the daily calendar on the Website will reflect that the motion “WILL BE GRANTED WITHOUT A HEARING IN ACCORDANCE WITH LBR 9013-1.”

(h) Objections/Responses/Replies to Motion.

- (1) **Form.** Any response or objection to a motion must state in narrative form the reasons, factual or legal, why the motion should be denied or overruled and must not be in the form of an answer to a complaint. The court may strike any response not filed in compliance with this rule.
 - (2) **Reply.** A party may file a reply to an objection or response at any time prior to the hearing date but is not required to do so.
- (i) **Withdrawal of Filing.** A party seeking to withdraw a filing shall do so using the event “Notice of Withdrawal” in CM/ECF which will withdraw the filing and terminate any related hearing. No separate PDF of a Notice of Withdrawal is required to be filed. By using this event, movant certifies that it has notified any interested parties that the matter will be withdrawn.
- (j) **Exhibits.** Any exhibits filed with a motion shall be attached as a single pdf document and must be clearly labeled (e.g., *Exhibit A*, *Exhibit B*, *Exhibit C*) and separated by a cover page or divider page identifying the exhibit.

LBR 9013-2 Emergency Hearings

To request a hearing on 48 hours or less notice, movant should contact the courtroom deputy at the contact information listed on the Website. A motion may be heard on an emergency basis only if it: (1) arises from an occurrence that could not reasonably have been foreseen, and (2) requires immediate action to avoid serious and irreparable harm.

(a) Application to Set Emergency Hearing. To present an emergency motion, a party must:

- (1) File an application to set a hearing on the emergency motion stating:
 - (A) the reasons why the motion should be heard on an emergency basis; and
 - (B) the proposed date and time for a hearing on the emergency motion.
- (2) Attach the proposed emergency motion to the application to set hearing; and

(3) Include a proposed order.

(b) **Procedure After Application Filed.** If the application is granted, the movant must:

- (1) Immediately notify by telephone, email or personal service all parties entitled to notice, including the United States Trustee, the trustee, and all parties potentially affected by the motion, of the date, time, and place of the hearing on the emergency motion; and
- (2) file the emergency motion along with all other required documents under these rules.

If the application to set an emergency motion is denied, the movant may notice the motion for hearing consistent with LBR 9013-1.

LBR 9029-1 Local Rules — General

(a) **Scope of Rules.** These 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 court. All prior LBRs, IBRs and AOs are repealed. To the extent that a conflict appears or arises between the LBRs and 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) **Definitions.**

- (1) “341 Meeting” means the meeting of creditors scheduled pursuant to 11 U.S.C. § 341.
- (2) “Court” means the United States Bankruptcy Court for the District of New Hampshire.
- (3) “Clerk” or “clerk’s office” means the clerk of the court and deputy clerks unless the context dictates otherwise.
- (4) “CM/ECF” means the case management and electronic case files system used by the court.
- (5) “Judge” means the United States Bankruptcy Judge.
- (6) “Website” means the court’s website at www.nhb.uscourts.gov.

(c) **Amendments.** The court shall give notice of proposed amendments to the LBRs by posting them on the Website. 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.

(d) **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 LBRs. The court may excuse the failure to comply with any LBR.

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 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 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 LBRs and AOs and shall be cited as LBF. Copies of such LBRs, AOs and LBFs shall be available on the Website.

LBR 9037-1 Redaction of Personal Identifiers

- (a) **Motion to Redact Personal Identifiers.** A movant seeking to redact personal identifiers from a document or a proof of claim 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 and shall comply with the provisions of Bankruptcy Rule 9037(h).
- (b) **Filing Motions to Redact in Closed Cases.** A movant 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.

LBR 9070-1 Exhibits

Upon the conclusion of any proceeding in which exhibits have been entered, the offering party or parties shall have 30 days to request the return of the exhibits. If a party fails to make a request to retrieve the exhibits, the Clerk shall dispose of them without further notice or order.

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. Said relief may be granted by the court seven (7) days after it is filed and served on all opposing parties.
- (b) **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.

LBR 9074-2 Remote Appearances at Hearings

Attorneys and other parties may appear at hearings either (a) personally in court, or (b) by using Zoom for Government. No telephonic or video appearance will be allowed unless it is made through Zoom.

Through Zoom, a participant may appear by telephone or by video.

To participate in a hearing remotely via video, attorneys and parties must use the internet to access Zoom for Government at <http://www.zoomgov.com>.

To participate in a hearing remotely via telephone, attorneys and parties must call Zoom for Government at 1-646-828-7666 or 1-669-254-5252.

Participation by video and/or by telephone will require the participant to enter a Meeting ID and Passcode which will be available on the court's website.

Rules for participating in Zoom hearings:

- (a) Only parties and their counsel may appear for hearings using Zoom for Government. Members of the public must observe in person.
- (b) Attorneys are expected to appear via video using Zoom and not via telephone.
- (c) Participants are not required to request permission in advance to appear remotely.
- (d) Under no circumstances may any participant record or broadcast the proceedings conducted by the court.
- (e) A participant's appearance on Zoom should include only the participant's first and last name. Example: John Doe is acceptable, but J. Doe is not. No aliases, firm names, client names or use of other persons' accounts will be accepted.
- (f) Participants are required to join the hearing at least ten minutes prior to the scheduled hearing time.
- (g) Once admitted into the hearing, participants should ensure their audio is muted until the participant's matter is called. Those dialing in by telephone may mute/unmute by pressing *6. A participant's audio should remain muted until the participant's matter is called.
- (h) Avoid using a speakerphone or calling from a public place. Background noise is prohibited. Participants causing unwarranted noise on the line may be muted by the court or dismissed from the hearing.
- (i) Unless otherwise ordered by the court, remote appearances are allowed in all matters except the following:
 - (1) Trials and evidentiary hearings; and
 - (2) Any matter designated by the court as one requiring a personal appearance.

Any notice of hearing must include information about remote participation in the hearing by Zoom for Government and be in the form of LBF 7104-1 or other applicable LBF.

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

IBR 1007-11 Lists, Schedules, Statements, and Other Documents; Time Limits; Expiration of Temporary Means Testing Exclusion

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

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- (1) 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.

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- (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.

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(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)*.

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. 118-24. 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 19-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.