

Below is the Order of the Court.



  
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**Marc Barreca**  
**U.S. Bankruptcy Judge**

(Dated as of Entered on Docket date above)

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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON**

In re:

AMENDING LOCAL RULES OF  
BANKRUPTCY PROCEDURE 3015-2,  
4001-1, AND 5005-1 AND ADOPTING  
DIRECTOR'S FORM 1340

**General Order No. 2019-4**

The Supreme Court of the United States has authorized the amendment of Federal Rules of Bankruptcy Procedure 4001, 6007, 9036, and 9037, effective December 1, 2019. These changes to the Federal Rules of Bankruptcy Procedure require the corresponding amendment of Local Rules of Bankruptcy Procedure 3015-2, 4001-1, and 5005-1.

The Director of the Administrative Office of the United States has issued Director's Form 1340, Application for Payment of Unclaimed Funds, also effective December 1, 2019. The Western District of Washington has decided to adopt a slightly modified version of Director's Form 1340 as Local Bankruptcy Form 12.

The General Order Authorizing Bankruptcy Judges to Make and Amend Local Rules of Practice and Procedure, issued by the United States District Court, Western District of Washington, on November 21, 2005, and Federal Rule of Bankruptcy Procedure 9029(a) authorize the bankruptcy judges of this district to make and amend rules of practice and

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1 procedure governing all bankruptcy cases and proceedings in this District, subject to the  
2 limitations set forth therein.

3 Now, therefore, it is hereby **ORDERED** that, effective December 1, 2019, the Judges of  
4 this Court adopt:

5 1. The amendments to Local Rules of Bankruptcy Procedure 3015-2, 4001-1, and  
6 5005-1, attached to this Order as Exhibit A. These amendments shall remain in effect until  
7 further Order of this Court.

8 2. Local Bankruptcy Form 12, Application for Payment of Unclaimed Funds,  
9 attached to this Order as Exhibit B. The use of Local Bankruptcy Form 12 shall be mandatory  
10 until further Order of this Court.

11 *///End of Order///*  
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**Exhibit A**

**RULE 3015-2. REQUEST TO INCUR POST-CONFIRMATION DEBT TO FINANCE A MOTOR VEHICLE IN A CHAPTER 13 CASE**

In a chapter 13 case, a debtor may make a written request directly to the chapter 13 trustee for authority to incur post-confirmation debt for the purpose of financing the purchase of a motor vehicle. A debtor receiving the chapter 13 trustee's approval to incur post-confirmation debt under this rule does not need to also obtain a court order authorizing the debt. If the chapter 13 trustee denies the debtor's request to incur post-confirmation debt under this rule, the debtor is not precluded from submitting the request to the court by motion pursuant to Local Bankruptcy Rule 9013-1.

**RULE 4001-1. AUTOMATIC STAY**

(a) **Comfort Orders.** Any party seeking an order confirming the automatic termination of the stay pursuant to any applicable provision of the Bankruptcy Code must file a motion pursuant to Local Bankruptcy Rule 9013-1.

(b) **Rent Deposits Under § 362(l).** Any deposit of rent pursuant to 11 U.S.C. § 362(l)(1)(B), must be in the form of a cashier's check or a money order payable to the order of the lessor, and delivered to the clerk of court upon filing of the petition and certification made under § 362(l)(1). The debtor must at the same time file proof of service of the certification under § 362(l)(1) upon the lessor. Upon receipt of the cashier's check or money order, the clerk of court will promptly transmit the check/money order to the lessor at the address of the lessor as stated in the certification filed by the debtor under § 362(l)(1), unless the clerk of court is instructed in writing by the debtor or landlord to use a different address.

(c) **Relief from Stay.**

(1) *Motions and Related Pleadings.* Motions for relief from stay shall comply with Local Bankruptcy Rule 9013-1 and be supported by a declaration or other admissible evidence. In addition, motions for relief from stay involving real property shall include a common address; a copy of any recorded security instrument; the status of any pending foreclosure, action or matter for which relief from stay is sought; the contractual default; and, in a chapter 11, 12 or 13 case, the post-petition default amounts and the current monthly payment amount, including any applicable escrow component.

(2) *Notice of Motions.* The moving party shall schedule the motion for hearing not less than 21 or more than 30 days after the date such motion is filed. If the moving party schedules a hearing for or agrees to continue a hearing to a date more than 30 days after the date the motion was filed, the party shall be deemed to have waived the automatic termination provisions of 11 U.S.C. § 362(e)(1). In addition to those parties listed in Fed. R. Bankr. P. 4001, notice shall be given to the debtor, attorney for the debtor and trustee. In addition, any motion for relief from the codebtor stay pursuant to 11 U.S.C. § 1201 or 11 U.S.C. § 1301 shall be served upon the codebtors.

(3) *Procedure for Motions Timely Controverted.* If the motion is timely and properly controverted, the originally scheduled hearing will be a final hearing with argument on the documents filed, unless an evidentiary hearing is required. In that event, the initial hearing may be a preliminary hearing at which the court may set a date for final hearing and enter such other orders as may be appropriate.

## **RULE 5005-1. ELECTRONIC CASE FILING**

### **(a) Mandatory Registration.**

(1) All attorneys, panel and standing trustees and examiners appearing before the United States Bankruptcy Court for the Western District of Washington shall register in the ECF system for the purpose of filing electronically.

(2) All entities, institutions and individuals who file 10 or more proofs of claim in the United States Bankruptcy Court for the Western District of Washington in any 6 month period must electronically file all claims and claims-related documents.

(3) Each ECF participant is required to maintain current contact information, including a primary email address, mailing address and phone number in PACER (the Public Access to Electronic Court Records system).

**(b) Electronic Filing.** Unless otherwise ordered by the court, electronic filing is mandatory for all attorneys, trustees and examiners in all cases consistent with technical standards, if any, established by the Judicial Conference of the United States. The clerk of court may accept documents for filing, establish electronic service requirements, issue notices, serve orders and otherwise specify practices and procedures in electronic case management consistent with the Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means ("Electronic Filing Procedures"), as approved by the court from time to time through general orders.

(1) The electronic filing of a pleading or other paper in accordance with the Electronic Filing Procedures is entry of that pleading or other paper on the docket kept by the clerk of court under Fed. R. Bankr. P. 5003.

(2) The electronic filing of a pleading or other paper in ECF (other than a ballot or a proof of claim) will constitute an appearance in the case for the attorney whose ECF account is used to complete the filing, will automatically add the name and mailing address associated with the filer's ECF account to the mailing list in the case, and will create an association between that attorney and the party they represent. It is not necessary to file a separate notice of appearance.

(3) All orders, decrees, judgments, and proceedings of the court shall be entered in accordance with the Electronic Filing Procedures which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the clerk of court under Fed. R. Bankr. P. 5003.

(4) Each document filed electronically in ECF, and any exhibits thereto, must be filed as a text-based PDF file, unless otherwise provided in a local bankruptcy rule, general order or the Electronic Filing Procedures, or in cases in which the original document could not be electronically created by the ECF filer. A text-based PDF does not include a PDF file created by scanning a document on paper or by means other than printing to or converting directly to PDF format.

### **(c) Notice and Service of Documents.**

(1) Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the filing party will be automatically sent a Notice of Electronic Filing by electronic means at the time of docketing. All other parties in the case who are ECF participants will be sent the Notice of Electronic Filing by electronic means either at the time of filing or on a daily basis. Pursuant to Fed. R. Civ. P. 5(b)(2)(E) and Fed. R. Bankr. P. 9036, receipt of the Notice of Electronic Filing generated by the court's electronic case filing system is the equivalent of service of the pleading identified in the notice on persons who have consented to electronic service.

(2) Unless otherwise ordered, the request for and receipt of a password from the court for use of the ECF system is a request for, and consent to, electronic service pursuant to

Fed. R. Bankr. P. 9036, 7005, and Fed. R. Civ. P. 5(b)(2)(E); provided that, in accordance with Fed. R. Civ. P. 5(b)(2)(E) and Fed. R. Bankr. P. 9036, service and notice by electronic means are complete on transmission unless the party making service or sending notice learns that the attempted service or notice did not reach the person to be served or noticed. A party may make service or send notice pursuant to Fed. R. Civ. P. 5(b) and Fed. R. Bankr. P. 9036 through the court's transmission facilities.

(3) The filing party shall serve the pleading or other paper upon all non-ECF participants entitled to notice or service in accordance with the applicable rules. Proof of service shall be filed with respect to service on all non-ECF participants entitled to notice; however, the proof of service may be filed electronically in accordance with the Electronic Filing Procedures with the representation, by the filer, that evidence of service is being maintained at the office of the filer.

(4) Notwithstanding the foregoing provisions of this section, conventional service of documents on paper is required in accordance with Fed. R. Civ. P. 4, Fed. R. Civ. P. 45, Fed. R. Bankr. P. 7004, Fed. R. Bankr. P. 9014(b), and Fed. R. Bankr. P. 9016, any order for service of documents on paper issued by the court, or where otherwise specifically required by the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure.

**(d) Electronic Signature; Affidavits.**

(1) The electronic filing of a petition, pleading, motion or other paper in the ECF system by the participant or an authorized employee of the participant's office shall constitute the signature of that participant under Fed. R. Bankr. P. 9011 and shall bind the party or parties represented by that participant.

(2) Pleadings, affidavits, and other documents that must contain original signatures or that require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically. The original signed document, in hard copy or electronic form, shall be maintained by the attorney of record or the party originating the document for a period not less than 5 years. Upon request, the original document must be provided to other parties or the court for review. The pleading or other document electronically filed shall indicate a signature; e.g., "/s/ [filer's name]."

(3) A stipulation or other document requiring the signature of more than one party shall be electronically filed as follows: (A) the filer shall confirm that the content of the document is acceptable to all persons required to sign and shall obtain actual signatures of all parties to the document; (B) the filer shall file the document electronically, indicating the signatories, e.g., "/s/ [filer's name]"; (C) the filer shall retain documentation, in hard copy or electronic form, evidencing the authority to affix the signatures of all other parties as set forth in Paragraph (d)(2), above. Fed. R. Bankr. P. 9011 shall apply to all signatories, not just the filing participant. In addition, the filing party, by filing the document in accordance with this provision, represents that all signatories indicated have approved the form of the document.

**(e) Orders.**

(1) Proposed orders filed in accordance with Local Bankruptcy Rule 9013-1(d)(1)(D) shall be filed electronically as an attachment to the motion.

(2) Original orders that are ready for the judge's signature, including orders filed pursuant to Local Bankruptcy Rules 9013-1(f)(2), 9013-1(g)(2), and 9013-1(i) shall be filed electronically by uploading the order through the court's electronic case filing system.

(3) Orders uploaded in accordance with this rule shall include the words "*ex parte*" in the title of the order and in the docket entry if they are being filed without notice in accordance with Local Bankruptcy Rule 9013-1(g).

**Exhibit B**

Fill in this information to identify the case:

**United States Bankruptcy Court for the Western District of Washington**

**Case Number:** \_\_\_\_\_

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
First Name Middle Name Last Name

**Local Forms W.D. Wash. Bankr. Form 12 (12/1/19)**

**APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS**

**1. Claim Information**

For the benefit of the Claimant(s)<sup>1</sup> named below, application is made for the payment of unclaimed funds on deposit with the court. I have no knowledge that any other party may be entitled to these funds, and I am not aware of any dispute regarding these funds.

Note: If there are joint Claimants, complete the fields below for both Claimants.

Amount:	
Claimant's Name:	
Claimant's Current Mailing Address, Telephone Number:	

**2. Applicant Information**

Applicant<sup>2</sup> represents that Claimant is entitled to receive the unclaimed funds because (*check the statements that apply*):

- Applicant is the Claimant and is the Owner of Record<sup>3</sup> entitled to the unclaimed funds appearing on the records of the court.
- Applicant is the Claimant and is entitled to the unclaimed funds by assignment, purchase, merger, acquisition, succession or by other means.
- Applicant is Claimant's representative (e.g., attorney or unclaimed funds locator).
- Applicant is a representative of the deceased Claimant's estate.

**3. Supporting Documentation**

- Applicant has read the court's instructions for filing an Application for Unclaimed Funds and is providing the required supporting documentation with this application.

<sup>1</sup> The Claimant is the party entitled to the unclaimed funds.

<sup>2</sup> The Applicant is the party filing the application. The Applicant and Claimant may be the same.

<sup>3</sup> The Owner of Record is the original payee.

**4. Notice to United States Attorney**

Applicant has sent a copy of this application and supporting documentation to the United States Attorney, pursuant to 28 U.S.C. § 2042, at the following address:

Office of the United States Attorney  
Western District of Washington  
700 Stewart Street  
Suite 5220  
Seattle, WA 98101-1271

**5. Applicant Declaration**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Printed Name of Applicant

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

Telephone: \_\_\_\_\_

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

**5. Co-Applicant Declaration (if applicable)**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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

\_\_\_\_\_  
Signature of Co-Applicant (if applicable)

\_\_\_\_\_  
Printed Name of Co-Applicant (if applicable)

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

Telephone: \_\_\_\_\_

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

**6. Notarization**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This Application for Unclaimed Funds, dated \_\_\_\_\_ was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_ who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to within the instrument. WITNESS my hand and official seal.

(SEAL) Notary Public \_\_\_\_\_

My commission expires: \_\_\_\_\_

**6. Notarization**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This Application for Unclaimed Funds, dated \_\_\_\_\_ was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_ who signed above and is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to within the instrument. WITNESS my hand and official seal.

(SEAL) Notary Public \_\_\_\_\_

My commission expires: \_\_\_\_\_