

RULE 1007-1. LISTS, SCHEDULES, STATEMENTS

(a) Extension of Time to File Schedules and Statements.

(1) A motion for extension of time to file schedules, statements, and documents required by Fed. R. Bankr. P. 1007(b)(1)(A), (B), (C), (D), (F), (b)(4), (b)(5) and (b)(6) shall be filed prior to the expiration of the deadline for filing. ~~Such a motion shall be made on 7 days' notice to those specified in Fed. R. Bankr. P. 1007(e), and to entities requesting notice pursuant to Fed. R. Bankr. P. 2002(i). If no objection is timely filed, an order may be presented ex parte.~~ The motion shall contain:

- (A) the date the petition was filed;
- (B) the date the schedules and statements are due;
- (C) the date set for the 11 U.S.C. § 341 meeting of creditors; and
- (D) the reason for the delay.

(2) The court shall not extend the date for filing schedules, statements, and documents to a date within 7 days of the 11 U.S.C. § 341 meeting of creditors, unless the debtor has arranged with either the trustee or the United States trustee for a continuance of the meeting and mails to all creditors notice of the continuance of the meeting and the extension of time to file schedules and statements.

(3) Debtors on active military duty must so indicate on Schedule I, and those going on active duty or being deployed for a period of 14 days or more after the filing of the petition must file notice setting forth the beginning and end dates of the active duty or deployment, and any new or additional address, attaching a copy of the orders to or official documentation of the active duty or deployment with social security numbers redacted to show only the last four digits, and the names (other than the issuing official) and social security numbers of any non-debtors completely redacted.

(b) Schedules Required in Converted Cases. Where a chapter 7, chapter 13, chapter 12, or individual chapter 11 case is converted to another chapter, the debtor ~~is~~ shall be required to file either:

(1) -amended amendments to all of the schedules, statements, and documents required by Fed. R. Bankr. P. 1007(b)(1), (4), (5), and (6) ("Required Documents"); ~~or a declaration under penalty of perjury that there has been no change in the schedules, statements, and documents~~

(2) amendments to only the Required Documents that have changed and a declaration under penalty of perjury that there are no changes to the other Required Documents; or

(3) a declaration under penalty of perjury that there are no changes to any of the Required Documents.

RULE 1009-1. AMENDMENTS TO PETITION, LISTS, SCHEDULES AND STATEMENTS

(a) Case Name and Number; Verification. The debtor's name and the case number shall appear on the first page of any amended petition, or amended or supplemental schedule, statement, or list. Any amendment or supplement shall be verified in the same manner as required for the original document.

(b) Amendment of Petition to Change a Debtor's Name. The name of an original debtor, as stated in the case caption, may be amended by *ex parte* motion.

(c) Addition of Creditors.

(1) *Duty to Supplement Master Mailing List.* A supplemental mailing list shall be filed with any schedule that contains additions to a prior list or schedule of creditors or other interested parties.

(2) *Notice of Amendment of Schedules in Chapter 7, 12, and 13 Cases.* If the debtor in a chapter 7, 12, or 13 case amends the schedules of creditors after the 11 U.S.C. § 341 meeting notice has been mailed, but before the 11 U.S.C. § 341 meeting occurs, the debtor shall serve on any creditors added by the amendment a notice of the amendment, together with a copy of the 11 U.S.C. § 341 meeting notice. ~~The notice of amendment shall inform the creditor that, on motion by the creditor made before the expiration of any applicable deadlines set forth in the 11 U.S.C. § 341 meeting notice, the court may for cause extend the time for filing (A) proofs of claim, (B) objections to the debtor's exemptions, (C) complaints objecting to discharge, and (D) complaints to determine the dischargeability of a debt.~~ The debtor shall file proof that service has been effected on ~~all non-ECF participants~~ the added creditors.

(3) *Notice of Amendment of Schedules in Chapter 11 Cases.* If the debtor or trustee in a chapter 11 case amends the debtor's schedules to add a creditor's claim or change the amount, nature, classification or characterization of a debt owing to a creditor, the debtor or trustee shall, within 14 days, transmit notice of the amendment to the creditor and notice of the creditor's right to file a proof of claim by the later of the bar date (if any) or 21 days from the date of the notice. The debtor or trustee shall file a certificate of service of the notice with the Clerk within 7 days

(4) *Fee for Amending Schedules.* Every amendment to a debtor's schedules of creditors or equity security holders shall be accompanied by the fee prescribed by the Judicial Conference of the United States.

(d) Amendment to Exemptions. If the debtor amends the claim of exemptions listed on Schedule C, the debtor shall serve a copy of the amendment on the trustee and on any entity affected thereby. The debtor shall file proof that service has been effected on all non-ECF participants.

RULE 1017-1. DISMISSAL OF CASE

(a) Dismissal for Failure to Include Debtor's Signature.

(1) ~~A Electronically filed petitions filed by a rRegistered ECF fFiler must indicate include the signature of the debtor (-and joint debtor if applicable); in accordance with Local Bankruptcy Rule 5005-1(c)(1) or -An electronically filed voluntary petition that does not reflect the signature of the debtor, and joint debtor if applicable, be -is subject to dismissal within 1 business day, without further notice, as to the nonsigning debtor whose signature is not provided.-~~

(2) ~~A pPetitions that are submitted for filing by an unrepresented individual must include the signature of the debtor (and joint debtor if applicable) in accordance with Local Bankruptcy Rule 5005-1(c)(2) or be subject to rejection on paper and do not contain the original signature of the debtor may be rejected by the clerk of court and returned to the debtor with no bankruptcy case opened. For jJoint petitions filed without the soriginal signature of a joint debtor will be issued, the court will issue a 7-day deficiency notice to provide the missing signature.-~~

(b) **Dismissal for Failure to File Statement of Social Security Number or Individual Taxpayer Identification Number with the Petition.** ~~An individual~~ debtor shall file or submit with the voluntary petition a verified statement setting out the debtor's social security number, ~~individual~~ taxpayer identification number, or a statement that the debtor does not have a social security number or taxpayer identification number. ~~An electronically filed~~ voluntary petition filed by a registered ECF filer that is not accompanied by this verified statement may be dismissed after 1 business day without further notice. Petitions that are submitted for filing on paper and not accompanied by the verified statement may be rejected by the clerk. For joint petitions accompanied by a verified statement of only one of the joint debtors, the court will accept the petition and generate a 7-day deficiency notice.

(c) **Dismissal for Failure to File List of Creditors.** A debtor in a voluntary case shall file or submit a list of creditors in the format required by the Clerk's Office office of the clerk of court, containing the names and addresses of each entity included or to be included on Schedules D, E/F, G and H, as required by 11 U.S.C. § 521(a)(1)(A) and Fed. R. Bankr. P. 1007(a)(1), no later than 7 days from the date of the filing of the petition. Failure to timely file or submit the creditor list may result in dismissal of the debtor's case.

(d) **Dismissal for Failure to File Schedules and Statements.** A debtor in a voluntary case shall file or submit with the petition the items required by Fed. R. Bankr. P. 1007(b) and 11 U.S.C. § 521(a), as applicable; provided, however, that payment advices or other evidence of payment are governed by Local Bankruptcy Rule 4002-1. Failure to file or submit these schedules and statements may result in dismissal of the debtor's case, provided that the docket shows that the debtor was given 15 days' notice of this provision. The 15-day notice of dismissal for failure to file schedules and statements may be provided with the Official Form B309 Notice of Bankruptcy Case. The United States Trustee may designate the chapter 13 trustee to apply for dismissal pursuant to this rule in chapter 13 cases.

(e) **Dismissal for Failure to Attend 11 U.S.C. § 341 Meeting of Creditors.** If a debtor in a voluntary case fails to appear at the 11 U.S.C. § 341 meeting of creditors, the debtor's case may be subject to *ex parte* dismissal on application of the United States trustee. If, in a joint case, only one spouse appears at the 11 U.S.C. § 341 meeting, the United States trustee may apply for an order dismissing the case as to the nonappearing spouse. The United States Trustee may designate the chapter 13 trustee to apply for dismissal pursuant to this rule in chapter 13 cases. Notice of the United States trustee's ability to seek dismissal for failure to appear at the 11 U.S.C. § 341 meeting of creditors may be provided with the Official Form B309 Notice of Bankruptcy Case .

(f) **Small Business Debtors Cases.** If a debtor in possession in a small business debtor case fails to comply with its obligations under 11 U.S.C. § 1116(1), the court may dismiss the case, provided that the docket contains proof that the debtor in possession was given 7 days' notice of this provision.

(g) Motions to Vacate--Notice Requirement. Unless the court orders otherwise, a motion to vacate an order of dismissal entered pursuant to this rule shall be noted for hearing pursuant to Local Bankruptcy Rule 9013-1 and shall be served on any trustee appointed in the case and all additional parties in interest.

(h) Applicability of Rule. This rule shall not apply in cases converted from one chapter to another.

RULE 1072-1. PLACES OF HOLDING COURT

(a) **Case Filings.** All cases in which the debtor resides, or has its principal place of business or principal assets, in the counties of Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Pierce, Skamania, Thurston and Wahkiakum, shall be filed at Tacoma. All other cases shall be filed at Seattle.

(b) **Filing of Papers.** All pleadings and papers shall be filed where the case is filed.

(c) **Calendaring.** Unless otherwise ordered by the court, motions shall be noted for hearing as follows:

Debtor's County of Residence/ Principal Place of Business or Assets	Calendar
1. Chapter 7 Cases	
Island, San Juan, Skagit, Snohomish, Whatcom	Marysville Everett
Clallam, Jefferson, Kitsap	Port Orchard
King	Seattle
Grays Harbor, Lewis, Mason, Pierce, Thurston	Tacoma
Clark, Cowlitz, Pacific, Skamania, Wahkiakum	Vancouver
2. Chapter 9, Chapter 11, Chapter 12 and Chapter 15 Cases	
Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	Seattle
Grays Harbor, Lewis, Mason, Pierce, Thurston	Tacoma
Clark, Cowlitz, Pacific, Skamania, Wahkiakum	Vancouver
3. Chapter 13 Cases	
King	Seattle
Island, San Juan, Skagit, Snohomish, Whatcom	Marysville Everett
Clallam, Jefferson, Kitsap	Port Orchard
Mason, Grays Harbor, Lewis, Pierce, Thurston,	Tacoma
Clark, Cowlitz, Pacific, Skamania, Wahkiakum	Vancouver

(d) **Change of Hearing Location.** The place of hearing may be changed for a case or adversary proceeding on notice and hearing, with notice to all creditors or all parties in an adversary proceeding. The place of hearing may also be changed by the court in the event that the case is reassigned to another judge.

(e) **Telephone Hearings.** Local Bankruptcy Rule 9074-1 applies.

RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

(a) Entities Responsible for Giving Notice. Unless otherwise ordered by the court, or required by local or national bankruptcy rules, all notices shall be given by the party or entity requesting relief.

(b) Service of Particular Notices.

(1) *§ 341 Meeting of Creditors.* The clerk of court shall prepare and serve notice of the 11 U.S.C. § 341 meeting of creditors in each new and converted case, pursuant to Fed. R. Bankr. P. 2002(a)(1).

(2) *Notice of Continued or Rescheduled § 341 Meeting.* Local Bankruptcy Rule 2003-1(b)(4) applies.

(3) *Chapter 11 Ballots.* The proponent of the plan ~~and disclosure statement~~ in a chapter 11 case shall give notice of the time fixed for accepting or rejecting a plan.

(4) *Chapter 11 Claims Deadline.* The debtor or trustee, if applicable, in a chapter 11 case shall give notice of the deadline for filing claims.

(5) *Notice of Trustee's Final Report and Application for Compensation.* In chapter 7 cases in which the net proceeds realized exceeds the amount in Fed. R. Bankr. P. 2002(f)(8), the chapter 7 trustee shall provide notice of the trustee's final report, fee application and objection deadline using the form "Notice of Trustee's Final Report and Applications for Compensation." (UST Form 101-7 (NFR)).

(6) *Chapter 15, Intention to Communicate.* The clerk of court shall provide notice pursuant to Fed. R. Bankr. P. 2002(q) of the court's hearing on a petition for recognition of a foreign proceeding, and of the court's intention to communicate with a foreign court or foreign representative as prescribed by Fed. R. Bankr. P. 5012.

(c) Delivery of Clerk of Court's Notices. The clerk of court may give notice through the electronic filing system ("ECF"), the Bankruptcy Noticing Center, or similar service.

(d) Large Chapter 11 Cases. In a large chapter 11 case involving numerous parties in interest,⁵ the court may require the party initiating the case, or subsequently appointed trustee or examiner, to retain a claims and noticing agent under 28 U.S.C. § 156(c). Application to retain a claims and noticing agent is made by motion under Local Bankruptcy Rule 9013-1. Counsel is encouraged to contact the clerk of the court prior to filing a large chapter 11 case.

(e) Use of Master Mailing List for Noticing. Parties may obtain copies of a master mailing list, as well as a list containing the names and addresses of each entity requesting special notice pursuant to Fed. R. Bankr. P. 2002(i), updated in accordance with Fed. R. Bankr. P. 2002(g), from ECF, or through the court's public information access service ("PACER"). Alternatively, parties may obtain a master mailing list from the clerk of court for a fee in an amount prescribed by the Judicial Conference of the United States. Notice is presumed to be adequate if mailed to all entries on the master mailing list, *provided* that the list is current to within 21-7 days of mailing ~~as evidenced by (1) the notation on the list showing the date it was extracted from ECF or PACER, (2) counsel's verification in the affidavit of service, or (3) clerk of court's certification.~~ Parties shall attach a copy of the master mailing list used for noticing to the proof of service filed with the court.

(f) Notices in Chapter 7 Cases. In a chapter 7 case, after expiration of the deadline for filing claims and entry of an order allowing or disallowing claims, all notices required to be given to creditors pursuant to Fed. R. Bankr. P. 2002(a)(2), (3), and (6), and 2002(f)(8), may be limited to creditors whose claims have been filed and creditors who are still permitted to file claims by reason of an extension granted by the court.

(g) Notice of Motion. Local Bankruptcy Rule 9013-1(c) applies.

(h) Special Notice to Taxing Agencies. Local Bankruptcy Rule 4001-3(b) applies.

(i) Preferred Mailing Address under 11 U.S.C. § 342.

(1) Pursuant to 11 U.S.C. § 342(f), an entity may specify a preferred mailing address to be used by all bankruptcy courts or particular bankruptcy courts when providing notice. Such request must be made by registering directly with the National Creditor Registration Service at <https://ncrs.uscourts.gov/>.

(2) A creditor that has supplied a notice of preferred address may designate a different address to be used in a particular bankruptcy case pursuant to 11 U.S.C. § 342(e) by filing a notice with the court containing the debtor's name, case number and the creditor's complete service address to be used for that particular case.

(j) Electronic Notice. Notice given electronically shall comply with Local Bankruptcy Rule 5005-1 and the court's Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means ("Electronic Filing Procedures"), as each is amended from time to time.

(k) Request for Special Notice. A person or entity filing a request for notice pursuant to Fed. R. Bankr. P. 2002(i) must use Local Bankruptcy Form 11 and include in the request the following information:

- (1) the name of the person or entity requesting notice;
- (2) mailing address, including street address for overnight delivery or personal service;
- (3) telephone number;
- (4) a statement that the requesting party is a creditor or equity security holder of the debtor and the court has limited notice; and
- (5) a statement that the request is limited to notices required to be provided under Fed. R. Bankr. P. 2002(a)(2), (a)(3) and (a)(6) and does not include any moving or responsive or reply documents, any evidence, or any proposed orders or entered orders.

Committee Comment

The practice of requesting special notice has become pervasive and is generally redundant. Counsel who appear in a given case receive electronic notification of all documents filed in that case without the need for filing a request for special notice. Appearing in a case also places counsel on the mailing matrix for the purposes of any notices or documents required to be served conventionally.

RULE 2014-1. EMPLOYMENT OF PROFESSIONALS

(a) **Requirements.** Applications for the appointment of professionals shall disclose whether the professional is a pre-petition creditor of the debtor, and if so, the nature of services rendered, amount owed, whether counsel claims a security interest in property of the estate to secure fees, and identify the collateral subject to the security interest, if any. The application shall also state whether any retainer has been paid or promised, and the anticipated method of compensation, and sources thereof, including third parties and guarantors. Copies of any fee agreements and security interests shall be attached as exhibits. Retainers may not be drawn from trust or compensation paid by any source absent an order approving compensation and/or reimbursement and authorizing application of the retainer. Each application for employment shall contain a certification that the applicant has read Local Bankruptcy Rule 2016-1.

(b) **Ex Parte Applications.** Professionals seeking appointment on an *ex parte* basis shall, prior to filing the application ~~for approval to with~~ the court ~~through the electronic case filing system or by filing an document~~, (1) obtain the written endorsement of the United States Trustee's Office of the application, or (2) certify that at least 7 days have passed since the application was served upon and received by the United States Trustee's office, and no objection has been made by the United States Trustee's office to the application. For purposes of this rule, the United States Trustee's Office will accept service by facsimile or electronically at USTPRegion18.SE.ECF@usdoj.gov. *Ex parte* orders authorizing the appointment of professionals do not constitute approval of the terms of any fee agreement or arrangement.

(c) **Chapter 13 Cases.** Local Bankruptcy Rule 2014-1(a) and (b) shall not apply to general counsel for the debtor in a chapter 13 case. The rule shall apply to applications for employment of professionals submitted by the chapter 13 trustee. All other *ex parte* applications for employment in a chapter 13 case shall comply with these provisions, except that the applications shall be submitted to the chapter 13 trustee's office rather than the United States Trustee's office. *Ex parte applications for employment shall be sent to the Seattle chapter 13 trustee at courtmail@seattlech13.com and to the Tacoma chapter 13 trustee at specialcounsel@chapter13tacoma.org.*

RULE 2015-1. DEBTOR IN POSSESSION DUTIES

(a) Chapter 11 Monthly Financial Reports.

~~(1)~~ ~~(1)~~ A non-small business or non-subchapter V chapter 11 debtor in possession or trustee shall file with the court ~~and serve~~ a monthly financial report, ~~and shall serve the same~~ on counsel for any committees elected or appointed pursuant to the Bankruptcy Code, or if a committee has no counsel, on each member of the committee. Each report shall be due by the ~~14th-21st~~ day of the subsequent month and, except as otherwise ordered by the court, shall be filed on the form for financial reporting established by the United States Trustee in accordance with 28 U.S.C. § 589b, attaching bank statements for the reported month for any bank accounts used by the debtor.

~~(1)(2)~~ A small business or subchapter V chapter 11 debtor in possession or trustee shall file with the court a monthly financial report using Official Form B 425C, available on the U.S. Courts' website (www.uscourts.gov) or such other form as the Court may direct or as may be established by the United States Trustee in accordance with 28 U.S.C. § 589b. include the following:

~~— balance sheet;~~

~~— (2) — income statement or profit and loss statement;~~

~~— (3) — statement of cash receipts and disbursements;~~

~~— (4) — statement of accrued receivables, including disclosure of amounts considered to be uncollectible;~~

~~— (5) — statement of post-petition accrued payables, including professional fees, United States trustee quarterly fees, and listing the name of each creditor and the amounts owing and remaining unpaid for over 30 days;~~

~~— (6) — tax disclosure statement listing post-petition taxes due or tax deposits required, the name of the taxing agency, the amount due, the date due, and an explanation for any failure to make such payments or deposits;~~

~~— (7) — compensation statement disclosing the amount of compensation paid to all insiders, as defined in 11 U.S.C. § 101(31);~~

~~— (8) — monthly bank statements for any debtor in possession bank accounts, as received;~~

~~— (9) — statement of all transactions between the debtor and an affiliate, as defined in 11 U.S.C. § 101(2).~~

(b) Other Reporting Requirements. The chapter 11 debtor in possession or chapter 11 trustee shall serve copies of the following on the United States trustee and any committee:

(1) the debtor's federal income tax returns. The debtor in possession shall provide the most recently filed return within 14 days after the entry of the order for relief, and its returns for each subsequent year whenever such returns are submitted to the Internal Revenue Service;

(2) proof of insurance covering estate assets and liability, if applicable. The debtor in possession shall provide initial proof of insurance within 7 days after entry of the order for relief and proof of insurance renewals thereafter as obtained; and

(3) monthly bank statements for any debtor in possession bank accounts, as received.

(c) Projected Budget for Individual Chapter 11 Debtor. An individual debtor in possession shall file a projected budget of income and expenses for the ~~six-~~month period following the petition date within 14 days after entry of the order for relief.

(d) **Insurance.** If the debtor in possession fails timely to provide the United States trustee with proof of insurance or insurance renewal, the United States trustee may move to convert or dismiss the case on 7 days' notice to the debtor, parties who have requested notice, and any committee, unless the court allows a shorter period on a showing of exigent circumstances.

(e) **Chapter 11 Post-Confirmation Reports.** If an application for a final decree has not been filed within 3 months after confirmation of a chapter 11 plan, then the party designated in the plan as the responsible party, such as the reorganized debtor, liquidating trustee, plan proponent, or plan administrator, shall file with the court a post-confirmation quarterly report every three months until a final decree is entered. The first such report shall include the quarter in which the plan was confirmed. Each report shall be due by the 21st day of the month after the quarter ends and, except as otherwise ordered by the court, shall be filed on UST Form 11-PCR.

~~within 3 months after entry of the order confirming the plan of reorganization, and every 3 months thereafter until a final decree has been entered. The post-confirmation report shall disclose progress of the plan toward consummation and shall include the following:~~

~~(a) (1) a summary, by class, of amounts distributed or property transferred to each recipient under the plan, and an explanation of the failure to make any distributions or transfers of property under the plan;~~

~~(b)~~

~~(c) (2) the plan proponent's projections as to the debtor in possession's continuing ability to comply with the terms of the plan;~~

~~(3) a report of any pending or anticipated litigation, including the nature of each matter, the parties involved, and an estimated date when the matter will be resolved;~~

~~(4) a description of any other factors that may materially affect the debtor in possession's ability to consummate the plan; and~~

~~(5) an estimated date when an application for final decree will be filed with the court.~~

RULE 2016-1. COMPENSATION OF PROFESSIONALS

(a) **General.** Unless otherwise ordered by the court, all applications for compensation, except chapter 13 attorney applications, shall ~~be served on the debtor, trustee, and, when required by Fed. R. Bankr. P. 2002(a)(6), on all parties in interest, and shall be accompanied by an affidavit or declaration~~ containing the following:

- (1) the date of entry of the order approving the applicant's employment;
- (2) a statement, by date, of the amounts of compensation and reimbursement of expenses previously allowed and amounts paid;
- (3) the source of payment for requested compensation and reimbursement of expenses;
- (4) the amount of unencumbered funds in the estate;
- (5) a narrative summary of the services provided, results obtained and benefit to the estate;
- (6) an itemized time record of services for which any time-based award of compensation is sought, including:
 - (A) the date the service was rendered;
 - (B) the identity of the person who performed the service and the hourly rate of such individual;
 - (C) a detailed description of the service rendered and the time spent performing the service;
 - (D) the total number of hours spent and the total amount of compensation requested; and
- (7) a statement of expenses, by category, for which reimbursement is sought. For extraordinary expenses, state:
 - (A) the date the expense was incurred;
 - (B) a description of the expense;
 - (C) the amount of the expense requested; and
 - (D) the necessity of the expense.

(b) **Counsel for Trustees and Debtors in Possession.** Where compensation is sought by general counsel for a trustee or debtor in possession, the application shall include the following additional information:

- (1) a list of names and functions of all other professionals whose employment has been authorized in the case;
- (2) the financial condition of the estate with respect to payment of post-petition expenses, including taxes and the United States trustee's quarterly fees, and any other anticipated expenses that could impact the estate's ability to meet post-petition expenses;
- (3) the status of the case, and the progress of the case toward closing or proposal of a plan of reorganization, identifying any significant impediments to closing or confirmation that are expected. If a plan has been filed, the statement shall include a projected date for confirmation. If a plan has been confirmed, the statement shall describe what progress has been made toward consummation of the plan and what remains to be done to close the case.

(c) **Requests for Interim Compensation.** In any case in which interim compensation is sought, except a

chapter 13 case, the application shall also include a description of the tasks remaining to be done and a projection of the applicant's future expenses and fees and the anticipated source of their payment.

(d) Applications of \$15,000 or More. Where the cumulative applications for an applicant are projected to equal or exceed \$15,000, the narrative summary required by subsection (a)(5) and itemized time entries required by subsection (a)(6) shall be divided into categories according to the nature of the tasks performed, with the total hours, fees, and expenses broken down for each category. Categories include but are not limited to: ~~time spent prior to the filing for which the applicant was not paid~~; general administration; claims analysis and objections to claims; financing and cash collateral; sales of assets; disclosure statement and plan, including drafting and confirmation; and adversary proceedings.

(e) Chapter 13 Attorney Applications.

(1) *Presumptive Fee.* Attorneys representing debtors in chapter 13 cases may be awarded fees of up to ~~\$3,500~~ (or such other amount as may be set by general order) (the "presumptive fee") without having first filed a written application. The fee shall be compensation for all services rendered to the debtor(s) through entry of the order confirming plan and shall include, without limitation: the filing of a chapter 13 plan in the form required by Local Bankruptcy Rule 3015-1; filing with the chapter 13 trustee the Chapter 13 Information Sheet together with the documents required by Fed. R. Bankr. P. 1007; appearing at the 11 U.S.C. § 341 meeting of creditors; responding to objections to confirmation and motions for relief from stay that are resolvable without argument before the court; negotiating and presenting unopposed or agreed orders assuming or rejecting leases; resolving disputes regarding the valuation of collateral or providing for pre-confirmation adequate protection payments to creditors; amending the initial plan as necessary to obtain an order confirming the plan; adding creditors to the schedules and plan; negotiations with the Department of Licensing; and review of claims. Attorneys subsequently requesting compensation above the presumptive fee shall comply with Local Bankruptcy Rule 2016-1(e)(3) and file an itemized time record for all services provided for representation of the debtor in any capacity whatsoever in connection with the case.

(2) *Fees in Excess of Presumptive Fee.* Pre-confirmation attorneys' fees in excess of the presumptive fee may be requested by application filed with the court not more than 21 days after the entry of the order of confirmation. The application shall comply with Local Bankruptcy Rule 2016-1(e)(3).

(3) *Applications.* All applications shall conform to Local Bankruptcy Form 13-9. All applications for compensation for services and for reimbursement of necessary costs and expenses shall be served on the debtor and the chapter 13 trustee. A notice of hearing on the application shall be served on the debtor, the chapter 13 trustee, and all creditors holding allowed claims ~~and all parties requesting notice pursuant to Fed. R. Bankr. P. 2002(i)~~. The application shall include an itemized time record that identifies the date the service was rendered, the identity of the person who performed the service and the hourly rate of the person, a detailed description of the service rendered and the time spent performing the service, and the total number of hours spent and the total compensation requested. A copy of a proposed order approving the application shall be attached to the application as a separate document and the order shall conform to Local Bankruptcy Form 13-10. If compensation is requested as part of a motion that seeks other relief, an application and proposed order that conform to Local Bankruptcy Forms 13-9 and 13-10, respectively, shall be attached to the motion.

(f) Provision of Rights & Responsibilities Disclosure. Attorneys representing debtors in chapter 13 cases shall provide debtors with a copy of Local Bankruptcy Form 13-5 entitled "Rights and Responsibilities of Chapter 13 Debtors and Their Attorney" ("Rights and Responsibilities Disclosure"). The Rights and Responsibilities Disclosure shall be signed by each debtor, certifying receipt, and by the debtor's attorney. Failure to provide a copy of the Rights & Responsibilities Disclosure may result in denial or disgorgement of attorney fees.

Committee Comment

The categories listed in Local Bankruptcy Rule 2016-1(b) and used in the fee application should be tailored to the services performed in a given case. For a list of additional suggested project categories, see the United States trustee's "Guidelines for Reviewing Applications for Compensation & Reimbursement of Expenses filed under 11

U.S.C. § 330, Exhibit A – Project Categories,” published in 28 C.F.R. Part 58, Appendix, found at:
www.justice.gov/ust/eo/rules_regulations/guidelines/docs/exhibita.htm

RULE 3003~~4~~-1. CLAIMS AND EQUITY SECURITY INTERESTS - BAR DATE

Except in small business cases and cases proceeding under subchapter V of chapter 11 of the Bankruptcy Code, prior to the first date set for hearing on a disclosure statement, a chapter 11 plan proponent shall apply for an order fixing a deadline by which proofs of claim or interest must be filed. The plan proponent in a small business case shall apply for said order no later than ~~upon application for conditional approval of the disclosure statement~~the date the first plan is filed. The court will fix the deadline without an application in cases proceeding under subchapter V of chapter 11 of the Bankruptcy Code. Upon entry of ~~the order~~an order fixing the deadline, the plan proponent shall transmit to each creditor and equity security holder a copy of the order or notice containing such deadline. Unless otherwise ordered, ~~N~~notice of the deadline shall be a separate document.

RULE 3015-1. CHAPTER 13 PLANS

(a) **Mandatory Form Plan.** All plans shall conform to Local Bankruptcy Form 13-4. All appropriate blanks on the form shall be completed. The debtor and the debtor's attorney (if represented by counsel) shall sign and date where indicated.

(b) **Nonstandard Plan Provisions.** Any nonstandard provisions included in Section X of the plan which modify any of the provisions contained in Sections I through IX shall begin by specifically referencing the section(s) modified, such as "Section IV.A.3 is modified as follows... ."

(c) **Notice of the Plan.**

(1) If the plan is filed at the same time as the petition, the clerk of court shall mail a copy of the plan to all creditors.

(2) If the plan is filed after the petition, the debtor shall serve copies of the plan on all creditors not less than 14 days prior to the originally scheduled meeting of creditors. Nothing in this subsection excuses compliance with Fed. R. Bankr. P. 3015(b).

(d) **Objections to Confirmation.** The original plan is treated as a motion; an objection to confirmation is treated as a response. If an objection to confirmation is filed and served on the debtor's counsel, the debtor, the trustee, and any other party requesting notice at least 14 days prior to the hearing on plan confirmation the following provisions shall apply.

(1) *Mandatory Reply.* The debtor shall file a reply to the objection to confirmation no later than 7 days prior to the hearing on plan confirmation. (Note: Local Bankruptcy Rule 9013-1(d)(8) governs the timing of a reply, if any, in all chapter 13 proceedings except plan confirmations subject to this subsection). The filing of an amended plan shall not be considered a reply.

(2) *Default.* If the debtor does not file and serve a reply to the objection to confirmation in accordance with subsection (d)(1), the court may enter an order sustaining the objection to confirmation and denying confirmation of the plan prior to the time set for the confirmation hearing, upon the objecting party's uploading of an order accompanied by proof of service and a declaration of no reply stating the date of service of the objection to confirmation and that no reply was timely received. The uploaded order sustaining an objection to and denying confirmation of the plan shall:

(A) Require that a feasible amended plan be filed no later than 14 days from the date of entry of the order and that the debtor note said amended plan for hearing, with the requisite notice required by Fed. R. Bankr. P. 2002(b) on the next available chapter 13 motion calendar;

(B) Include the following term:

"The failure to file a feasible amended plan and note it for hearing in accordance with the terms of this Order authorizes the trustee or objecting party to submit an order dismissing this case without further notice."

and;

(C) Require the party uploading the order to serve the order entered by the Court on the debtor's counsel, the debtor, the trustee, and any other party requesting notice.

(e) **Deviation from Means Test.** If the debtor asserts that the debtor is unable to pay the projected disposable income figure that results from the means test, the debtor shall:

(1) provide the trustee with evidence of the change in circumstances;

(2) include in Section IV.E of the plan the minimum amount the debtor shall pay to allowed nonpriority unsecured claims; and

(3) include the following statement in Section X of the plan:

“The debtor is unable to pay all or part of the debtor’s \$ _____ projected disposable income (the monthly disposable income shown on line 45 of Official Form B 122C-2 multiplied by the sixty month applicable commitment period), and instead proposes to pay to allowed nonpriority unsecured claims at least the amount listed in Section IV.E.”

(f) Request for Valuation of Security and Modification of Secured Claim in a Plan under 11 U.S.C. § 506. If the debtor seeks to modify a secured claim under 11 U.S.C. § 506 in a plan, the debtor shall:

(1) complete Section IV.C. of the plan and include both "See X" on the line titled "Collateral" before describing the collateral and the proposed monthly payment on the line titled “Monthly Payment” (if the plan completely strips the lien, the monthly payment will be \$0);

(2) include the following language in Section X of the plan:

" _____ [creditor] holds a security interest or lien against _____ [collateral]. The value of the collateral is \$ _____. The claims of other creditors holding higher priority security interests or liens against the collateral total \$ _____. Accordingly, the amount of _____ [creditor's] secured claim is \$ _____ [collateral value minus total amount of higher priority secured claims]. The balance of _____ [creditor's] claim is an unsecured claim. The monthly payment on the secured claim under the plan is \$ _____.

The final avoidance and/or determination of the secured status of a creditor’s lien in this plan is contingent upon the debtor’s completion of the plan. If this case is converted to another chapter of the Bankruptcy Code or if this case is dismissed, the relevant provisions of 11 U.S.C. §§ 348 and 349 control the validity of the lien avoidance and/or determination."

(3) file, with the plan, evidence (e.g. a declaration) supporting the debtor's factual assertions regarding the value of the collateral and the amount of the relevant liens;

(4) serve the plan on the holder of the claim in the manner provided for service of a summons and complaint by Federal Rule of Bankruptcy Procedure 7004; and

(5) file, with the plan, a proof of service showing compliance with subsection (f)(4).

(g) Request to Avoid a Judicial Lien or Security Interest in a Plan under 11 U.S.C. § 522(f). If the debtor seeks to modify a judicial lien or security interest using 11 U.S.C. § 522(f) in a plan, the debtor shall:

(1) complete Section IV.C. of the plan and include both "See X" in the line titled "Collateral" before describing the collateral and the proposed monthly payment on the line titled “Monthly Payment” (if the plan completely avoids the lien, the monthly payment will be \$0);

(2) include the following language in Section X of the plan:

" _____ [creditor] holds a judicial lien or security interest avoidable under 11 U.S.C. § 522(f) against _____ [collateral]. The value of the collateral is \$ _____. The claims of other creditors holding higher priority security interests or liens against the collateral total \$ _____. The Debtor is entitled to an exemption under 11 U.S.C. § 522(b) of \$ _____. Accordingly, the amount of _____ [creditor's] secured claim is \$ _____ [collateral value minus total amount of higher priority secured claims minus the Debtor’s exemption]. The balance of _____ [creditor's] claim is an unsecured claim. The monthly payment on the secured claim under the plan is \$ _____."

(3) file, with the plan, evidence (e.g. a declaration) supporting the debtor's factual assertions regarding the value of the collateral, the amount of the debtor's exemption and the amount of relevant liens;

(4) serve the plan on the holder of the claim in the manner provided for service of a summons and complaint by Federal Rule of Bankruptcy Procedure 7004; and

(5) file, with the plan, a proof of service showing compliance with subsection (g)(4).

(h) Chapter 13 Information Sheet. At the time the petition is filed, the debtor shall submit to the trustee a complete Chapter 13 Information Sheet (Local Bankruptcy Form 13-2).

(i) Plan Modification. A debtor seeking post-confirmation plan modification shall file an amended plan, a motion requesting approval of the amended plan, and a declaration of the debtor explaining the need for the modification. The debtor shall identify in the motion all proposed changes by reference to the plan section number and with the specific changes listed. Contemporaneously with filing the motion and declaration, the debtor shall file supplemental Schedules I and J and provide the trustee copies of all payment advices or other evidence of proof of income received within the last 30 days. A proposed order approving the amended plan shall be attached to the motion as a separate document and shall substantially comply with Local Bankruptcy Form 13-6.

(j) Direct Plan Payments. Unless the court orders otherwise after the debtor justifies an exception, all payments to creditors, including pre-confirmation adequate protection payments made pursuant to 11 U.S.C. § 1326(a)(1)(C), shall be disbursed by the trustee, provided, however, that the debtor may make direct payments on the following obligations: domestic support obligation payments made by an assignment from a debtor's wages or that are in a current status as of the date of the petition, leases of real and personal property, and deeds of trust/mortgages that are in a current status as of the date of the petition. The trustee shall commence pre-confirmation adequate protection payments on claims secured by personal property provided in Section IV.C. ~~103~~ of the plan after the creditor files a proof of claim.

(k) Domestic Support Obligations. The trustee shall commence payment on filed claims for current domestic support obligations as soon as unencumbered funds become available, unless otherwise directed by the terms of the proposed plan.

(l) Domestic Support Certification. Within 30 days of completion of all plan payments, debtors must file certifications stating either (1) that they are not liable for any domestic support obligation; or (2) that all domestic support obligations payable by them that became due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) under any judicial or administrative order, or by statute, have been paid. Failure to file the certification will result in the case being closed without a discharge.

Committee Comment

A "supplemental" schedule means a schedule with current information as opposed to petition date information.

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 ~~section~~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 ~~section~~rule, the debtor is not precluded from submitting the request to the court ~~pursuant to, and in the manner provided by, Fed. R. Bankr. P. 4001(c), including noting the~~by motion ~~for hearing~~ pursuant to Local Bankruptcy Rule 9013-1~~(d)(2)(E)~~.

RULE 3020-1. CHAPTER 11 - CONFIRMATION

(a) **Pre-confirmation Report.** The plan proponent shall, not less than 3 days prior to the confirmation hearing, file a memorandum containing the proponent's response to any objections, and a statement as to how each applicable requirement of 11 U.S.C. §§ 1129 and 1191 is satisfied. The plan proponent shall attach, as an exhibit to the memorandum, a version of the plan showing the difference between the version of the plan distributed to creditors in the solicitation package and the version of the plan proposed for confirmation (e.g. redline version). The memorandum shall be served on the debtor, any committee appointed pursuant to the Bankruptcy Code or their authorized agents, and any party that has filed an objection to confirmation. If the confirmation hearing is continued, a revised pre-confirmation report shall likewise be filed and served not less than 3 days prior to the continued hearing.

(b) **Objections to Confirmation.** Unless otherwise ordered by the court, objections to confirmation of a plan shall be filed and served at least 7 days before the hearing on confirmation of the plan.

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)(a)~~ **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 ~~by certified mail/return receipt requested,~~ 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~~ lessor to use a different address.

~~(e)(b)~~ **Relief from Stay.**

(1) *Motions and Related ~~Pleadings Documents.~~* - 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. Waiver of automatic termination.* 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).

~~(2)(3) *Notice of Motions.*~~ 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)(4) *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 4001-2. VOLUNTARY MODIFICATION OF DEBT SECURED BY REAL PROPERTY

(a) Definition of Mortgage Creditor and Temporary or Trial Mortgage Modification. For purposes of this rule, the term “mortgage creditor” includes any creditor secured by a mortgage, deed of trust, or land sale contract on real property. For purposes of this rule, the term “temporary or trial mortgage modification” means a short term modification offered by a mortgage creditor as a precursor to a permanent mortgage modification

(b) Negotiation Does Not Violate Stay. A mortgage creditor is authorized to negotiate with the debtor for a modification of the secured obligation at any time during the pendency of the debtor’s case. Any such modification is voluntary on the part of the mortgage creditor and the debtor. If the debtor is represented by counsel, that counsel may consent to allow the mortgage creditor to communicate directly with the debtor. A mortgage creditor’s contact with the debtor and/or the debtor’s counsel for the purpose of negotiating a loan modification shall not be considered a violation of the automatic stay imposed by 11 U.S.C § 362. If a debtor consents in writing (through counsel if the debtor is represented), participation by a secured creditor in a mediation, either pursuant to state law or by agreement of the parties, shall not constitute a violation of the automatic stay imposed by 11 U.S.C § 362.

(c) Approval of a Temporary or Trial Mortgage Modification in a Chapter 13 Case. A debtor may make a written request directly to the chapter 13 trustee for authority to enter a temporary or trial modification of a debt secured by real property. The debtor’s request shall include a copy of the proposed modification agreement. If the debtor was delinquent on the mortgage at the petition date, the trustee is authorized to and shall disburse the modified mortgage payments from debtor’s plan payments whether or not the court has confirmed a plan. The debtor shall make plan payments in an amount sufficient (including the trustee’s fee) so that the trustee can timely disburse the modified mortgage payments. A debtor receiving the chapter 13 trustee’s approval to enter into a modification under this section does not need to also obtain a court order authorizing the modification. If the chapter 13 trustee denies the debtor’s request to enter a modification under this section, the debtor is not precluded from submitting the request to the court pursuant to Local Bankruptcy Rule 9013-1(d)(2)(F).

(d) Approval of a Permanent Mortgage Modification in a Chapter 13 Case. A debtor seeking approval to enter a permanent modification of a debt secured by real property shall obtain the court’s prior approval on the debtor’s own motion or that of the mortgage creditor. The debtor-moving party shall include a copy of the modification agreement with the request, in compliance with Fed. R. Bankr. P. 9037.

RULE 4002-1. DUTIES OF DEBTOR

(a) Delivery of Documents to Trustee.

(1) *Timing of Production and Declaration.* Unless otherwise ordered, all documents required to be provided to the trustee by the debtor pursuant to 11 U.S.C. §§ 521(a)(1)(B)(iv) and(e)(2)(A)(i) and Fed. R. Bankr. P. 4002(b)(2) and (3) shall be submitted at least 7 days prior to the date first set for the 11 U.S.C. § 341 meeting of creditors. These documents are not to be filed with the court but instead these documents shall be delivered to the trustee in the manner described in subsection (2) below. The documents shall be attached to the debtor's declaration, signed under penalty of perjury, stating that the documents are true copies of the originals.

(2) *Method of Production.* Unless otherwise instructed by the trustee, and except as provided in subsection (3) below, the declaration and documents described in subsection (1) shall be transmitted to the trustee pursuant to the instructions for the individual trustee as listed on the court's website at www.wawb.uscourts.gov/united-states-trustee. If documents are sent to the trustee by email, the email shall reference the case number and the debtor's last name. The debtor's attorney shall retain the original, signed declaration pursuant to the rules governing pleadings filed electronically.

(3) *Exceptions to Production by Electronic Means.* Copies of the declaration and documents may be delivered to the trustee in conventional form by *pro se* debtors and where production of the documents electronically would be unduly burdensome.

(b) Tax Returns. Tax information filed with the court, whether pursuant to 11 U.S.C. § 521 or for any other reason, shall be subject to the procedures for safeguarding confidentiality established by the Director of the Administrative Office of the United States Courts, established pursuant to Fed. R. Bankr. P. 4002(b)(5), and as may be amended from time to time. Any proposed order granting access to a debtor's tax information must contain the following language:

Movant is hereby advised that the tax information obtained is confidential and may not be disseminated except as appropriate under the circumstances of the case. Movant is further advised that substantial monetary sanctions (up to \$10,000 per disclosure without further notice) and other sanctions may be imposed by the Court for an improper use, disclosure, or dissemination of the tax information.

Requests for tax information filed with the court should be accompanied by a self-addressed, stamped envelope bearing sufficient postage.

Committee Comment

For reference purposes only, the debtor's duties to produce documents are summarized in the chart below:

Type of Document	Definition/Reference	Deadline for Production to Trustee
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Payment Advices/Pay Stubs	11 U.S.C. §521(a)(1)(iv), Fed. R. Bankr. P. 1007(b)(1)(E), 1007(c) , and 4002(b)(2)(A)	<ul style="list-style-type: none"> •<u>Chapter 7 Cases</u>: no later than 7 days prior to the 11 U.S.C. § 341 meeting of creditors •<u>Chapter 13 Cases</u>: no later than 14 days after the filing of the petition
Bank and Investment Account Statements	Fed. R. Bankr. P. 4002(b)(2)(B)	No later than 7 days prior to the 11 U.S.C. § 341 meeting of creditors
Federal Tax Returns	11 U.S.C. § 521(e)(2)(A), Fed. R. Bankr. P. 4002(b)(3)	No later than 7 days prior to the 11 U.S.C. § 341 meeting of creditors

The procedures established by the Administrative Office, referenced in Rule 4002-1(b), may be viewed here: https://www.uscourts.gov/sites/default/files/vol04_ch08.pdf

RULE 4004-1 MOTIONS FOR HARDSHIP DISCHARGE

(a) Content of Motion. Motions for discharge under 11 U.S.C. § 1328(b) shall be filed with the court and served on the trustee, United States trustee, and all creditors at least 21 days preceding the date fixed for hearing. The motion shall set forth the basis for the discharge and provide evidence (including a sworn declaration from the debtor) in support of the motion. Contemporaneously with filing the motion and declaration, the debtor shall file supplemental Schedules I and J and provide the trustee copies of all payment advices or other evidence of proof of income received within the last 30 days. A copy of a proposed order shall be attached as an exhibit to the motion as a separate document and the order shall conform with Local Bankruptcy Form 13-7.

(b) Notice to Creditors. Within 7 days of entry of the hardship discharge order, debtor or debtor's counsel shall serve both the entered order and a notice on all creditors in the manner provided in Fed. R. Bankr. P. 2002 and shall file a certificate of service that service has been effected. The notice shall clearly state that creditors shall have 30 days from the date of service of the entered order and notice to file a complaint to determine the dischargeability of any debt under 11 U.S.C. § 523(a)(6). The notice shall substantially comply with Local Bankruptcy Form 13-8 (Notice of Deadline to File Complaint Under 11 U.S.C. § 523(a)).

Committee Comment

A "supplemental" schedule means a schedule with current information as opposed to petition date information.

RULE 4008-1. REAFFIRMATION

(a) **Time of Filing.** All reaffirmation agreements must be filed with the court prior to the ~~date set in the notice of commencement of the case as the~~ deadline for filing complaints to determine dischargeability or to deny discharge.

(b) **Form of Agreement, Cover Sheet.** The Administrative Office of the United States Courts has issued Director's Reaffirmation Agreement forms (available on the court's website) which must be completed for all reaffirmation agreements, and shall be filed with the Reaffirmation Agreement Cover Sheet, Official Form B 427.

(c) **Documentation.** Copies of any agreements which the debtor has agreed to continue to perform or pay, together with any modifications of those agreements, shall be attached to the reaffirmation agreement together with documentation of any security interest and the perfection of such security interest or a memorandum setting forth why perfection is unnecessary and supporting declaration(s) establishing any required facts. If the reaffirmation is of a debt claimed to be nondischargeable, the creditor shall file a memorandum setting forth the basis for the nondischargeability, together with a declaration(s) establishing a prima facie case.

~~—~~ **RULE 5001-1. DEPOSIT OF FUNDS IN THE REGISTRY OF THE BANKRUPTCY COURT**

(a) Order for Deposit into Court Registry. Except for deposits required by law or court order, a party desiring to deposit funds into the registry of the court must file an application, which shall include a detailed explanation of the facts and circumstances necessitating the deposit of estate funds into the registry.

~~—~~ **(b) Form of Proposed Orders Directing Deposit of Funds into the Court Registry.** A proposed order directing the clerk of court to deposit funds into the registry of the court must include the following:

(1) the amount to be deposited;

(2) a direction to the clerk of court to deposit registry funds ~~of totaling~~ \$25,000 or more into an interest-bearing account ~~in accordance with 31 C.F.R. Part 202;-; and~~

(3) a direction to the clerk of court to deposit registry funds ~~of totaling~~ less than \$25,000 into a non-interest-bearing account with the U.S. Treasury; ~~and. ———(4)~~

~~(1) ——— language directing the clerk of court to deduct from the income earned on the deposit a fee as prescribed by the Judicial Conference of the United States, without further order of the court.~~

~~(c) **Payments from the Registry.** Payments authorized by the court and payable by negotiable instrument from funds held in an interest-bearing account in the court registry, must be negotiated within one-year. Negotiable instruments drawn on funds in the court registry and not tendered within one year will be transferred into noninterest-bearing registry accounts.~~

Committee Comment

~~Where funds deposited with the court are to be placed in some form of interest-bearing account or invested in a court-approved interest-bearing instrument in accordance with Fed. R. Civ. P. 67 or Fed. R. Bankr. P. 7067, the court is required to deposit said funds into the Court Registry Investment System (CRIS), administered by the Administrative Office of the U.S. Courts. 28 U.S.C. § 2045. Funds held in CRIS are assessed an annualized management fee of 10% of the interest earnings.~~

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.~~

~~(a) — (2) Electronic Filing Procedures.~~

~~(1) — The procedures governing electronic case filing are established by the Administrative Procedures and Technical Requirements for Electronic Filing ("Electronic Filing Procedures"), as adopted by the court and modified from time to time.~~

~~(2) — Attorneys and trustees must file all documents with the court using the court's Case Management and Electronic Case Filing system ("ECF") and are referred to as a "registered ECF filer."~~

~~(3) — 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 proofs of claim and claims claim-related documents.~~

~~(3) — Each ECF participant is responsible for maintaining current contact information in ECF, including a primary and alternate email address, a current mailing address and phone number. Contact information can be reviewed and/or modified through the Maintain User Account function in ECF (Utilities > Your Account > Maintain ECF Account).~~

~~(b) —~~

~~**Electronic Filing.** Unless otherwise ordered by the court, Constitutes an Appearance. The 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.~~

~~(b) — (2) — The electronic filing of a pleading or other paper a document in ECF (other than a ballot or a proof of claim) will constitute by a registered ECF filer constitutes an appearance in the case for the attorney whose ECF account is used to complete the filing. Additionally, the electronic filing will automatically add the registered ECF filer's 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 the registered ECF filer and the party they represent. ~~It is not necessary to file a represented. A separate notice of appearance.~~ is not necessary.~~

~~(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) ——— 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), 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, notwithstanding Fed. R. Bankr. P. 9036, in accordance with Fed. R. Civ. P. 5(b)(2)(E) and Fed. R. Civ. P. 5(b)(3), service by electronic means is complete on transmission unless the party making service learns that the attempted service did not reach the person to be served. A party may make service pursuant to Fed. R. Civ. P. 5(b) 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/."~~

~~———— (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/"; (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) and 9013-1(i) 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 pleading and in the docket entry if they are being filed without notice in accordance with Local Bankruptcy Rule 9013-1(g).~~

(c) Authorized Signatures.

(1) Signatures Submitted by a Registered ECF Filer.

(A) A filing made through a registered ECF filer's account and authorized by that registered ECF filer, together with that registered ECF filer's name on the signature block, constitutes the registered ECF filer's signature.

(B) A document filed by a registered ECF filer that includes signatures of other people (e.g., a stipulation or agreed order) shall be submitted with either: (i) the digitally scanned image of a physical signature; or (ii) an "/s/" and the typed name of the person, which is a representation that the registered ECF filer has obtained authorization to sign on their behalf.

(C) When filing a document that requires an original signature or verification, the registered ECF filer complies by filing: (i) a digitally scanned image of the original signed document containing the original ink signature; (ii) the signatory's digital signature created using a commercially available digital signature software product that provides signature authentication; or (iii) a document indicating a signature with "/s/" and the typed name of the person provided the registered ECF filer maintains the original signed document, in hard copy or electronic form, for a period of not less than 5 years.

(2) Signatures Submitted by Unrepresented Individuals.

(A) When an unrepresented individual presents a document to the clerk's office over-the-counter, via the postal system, or via the clerk's lobby dropbox, the document must contain an original ink signature.

(B) When an unrepresented individual electronically submits a document to the clerk's office for the purpose of filing, the signature requirement is met by including: (i) the typed name of the unrepresented individual followed by "/s/" on the document's signature page which represents that the signer read and signed the document, (ii) a digitally scanned image or photo of the document's signature page with the original ink signature which represents that the signer read and signed the actual document; or (iii) a digital signature created using a commercially available digital signature software product that provides signature authentication.

Committee Comment

The Electronic Filing Procedures can be found at: <https://www.wawb.uscourts.gov/ElectronicFilingProcedures>

RULE 5005-2. SUBMISSIONS ON PAPER (DOCUMENTS NOT SUBMITTED ELECTRONICALLY)

(a) **Trial Exhibits ~~Submitted On Paper~~.** Exhibits for trials and evidentiary hearings shall only be submitted on paper ~~or as~~unless otherwise ordered by the court.

~~(b) **Return Copies of Documents Filed.** A person seeking the return by mail of a claim or voluntary petition submitted on paper shall supply an additional copy of the document requested, together with a self-addressed, stamped envelope. Copies of all other documents, including copies of orders, must be printed from the ECF system or through the court's public access service, PACER.~~

~~(e)(b) **Facsimile Filing Documents Not Allowed.** The court will not accept documents transmitted by facsimile. No documents may be transmitted directly to the court or the clerk of the court by facsimile for filing on the court's docket. Any documents so transmitted shall be rejected and not filed.~~

~~(1) **Definition.** A facsimile transmission is the transmission of a copy of a document by a system that encodes a document into electronic signals, transmits these electronic signals over a telephone line, and reconstructs the signals to print a duplicate of the original document at the receiving end.~~

~~(c)(d) **Submissions on Paper exceeding 50 Pages.** When documents submitted on paper and exceeding exceed 50 pages, including exhibits, are submitted on paper, the filer shall also be provided to the clerk's office an electronic in electronic PDF version of the document format on a USB flash drive or CD-Rom disk at the time of filing. USB flash drives and CD-Rom disks provided to the court will not be returned to the filer. If the PDF file is more than two-ten megabytes in size, it must be separated into ten-two-megabyte segments. Each PDF file shall be clearly labeled to identify the sequence of documents to be filed.~~

~~(1) **Service.** Pleadings or other documents that are submitted on paper or on a USB flash drive or on a CD-Rom disk rather than electronically shall be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Bankruptcy Procedure and these Local Bankruptcy Rules except as otherwise provided by order of the court.~~

RULE 7012-1. NOTICE REGARDING FINAL ADJUDICATION AND CONSENT TO ENTRY OF FINAL ORDERS OR JUDGMENTS BY BANKRUPTCY JUDGE IN AN ADVERSARY PROCEEDING

(a) **Notice Regarding Final Adjudication and Consent.** In an adversary proceeding before a bankruptcy judge, in addition to the statements in the pleadings required by Fed. R. Bankr. P. 7008(a) and 7012(b), each party shall file a separate document with its initial pleading (the complaint, counterclaim, cross-claim, third party complaint, answer or other responsive pleading) to be entitled Notice Regarding Final Adjudication and Consent. The Notice Regarding Final Adjudication and Consent shall include a repetition of the statements required by Fed. R. Bankr. P. 7008(a) and 7012(b) ~~and shall include a statement that the party does or does not consent to entry of final orders or judgments by the bankruptcy judge.~~

(b) **Removed Actions.** A party filing a notice of removal pursuant to Fed. R. Bankr. P. 9027, shall file with the notice of removal a separate document entitled Notice Regarding Final Adjudication and Consent containing the information set forth in (a) above. Not later than 14 days after the filing of the notice of removal and the Notice Regarding Final Adjudication and Consent, any party who has filed a pleading in connection with the removed claim or cause of action, other than the party filing the notice of removal, shall file, in addition to the statements required by Fed. R. Bankr. P. 9027 (e)(3), a separate document entitled Notice Regarding Final Adjudication and Consent containing the information set forth in (a) above.

(c) **Deemed Consent.** Failure by a party to file a Notice Regarding Final Adjudication and Consent as required by this rule or by a date certain fixed by court order shall constitute that party's consent to entry of final orders or judgments by the bankruptcy judge.

(d) **Hearing.** The bankruptcy judge may set a hearing at any time prior to trial regarding the ability of the bankruptcy judge to enter final orders or judgments.

RULE 7016-1. PRE-TRIAL PROCEDURES

(a) **Pretrial Conferences.** Unless excused by the court, counsel and any unrepresented parties shall attend a pretrial conference at the date and time set forth on the summons. The purpose of the pretrial conference shall be to review the nature of the case, the prospects for settlement or alternative dispute resolution, to set a trial date and deadlines for discovery, dispositive motions, pretrial orders, and trial briefs, and to resolve any other matters appropriate to the circumstances of the case, including determinations required under Fed. R. Bank. P. 7016(b).

(b) **Pretrial Orders.** If the court requires a pretrial order, Local Rules W.D. Wash. LCR 16(h) through (m) and CR 16.1 shall apply, with the exception that the following deadlines shall be observed unless otherwise ordered by the court:

(1) *Plaintiff's Pretrial Statement.* The plaintiff's pretrial statement shall be filed no later than 21 days prior to the filing of the proposed pretrial order.

(2) *Defendant's Pretrial Statement.* The defendant's pretrial statement shall be filed not later than 14 days prior to the filing of the proposed pretrial order.

(3) *Conference of Attorneys.* The conference of attorneys shall be held not later than 7 days prior to the filing of the proposed pretrial order.

(4) *Date for Proposed Pretrial Order.* The proposed pretrial order, signed by all parties or their counsel, shall be filed no later than 7 days prior to the scheduled trial date.

Committee Comment

A form pre-trial order may be found in Local Civil Rules W.D. Wash. No. 16-1.

RULE 7055-1. DEFAULT; DEFAULT JUDGMENT

(a) Entry of Default Upon motion by a party and supported by affidavit or otherwise, the court shall enter the default of any party against whom a judgment for affirmative relief is sought in an Adversary Proceeding but who has failed to plead or otherwise defend. The affidavit shall specifically show that the defaulting party was served in a manner authorized by Fed. R. Bankr. P. 7004. A motion for entry of default need not be served on the defaulting party. However, in the case of a defaulting party who has entered an appearance, the moving party must note the motion for an order of default in compliance with LBR 9013-1.

(b) Judgment on Default

- (1) No Default Judgment Absent a Default. No motion for judgment by default should be filed against any party unless the court has previously granted a motion for default against that party pursuant to subsection (a). A party may seek the entry of both an order of default and default judgment in the same motion, provided that the order of default and the default judgment are submitted as separate documents for entry.
- (2) Supporting Evidence Required. The party seeking a default judgment must support a motion for default judgment with a declaration and other evidence establishing that party's entitlement to a sum certain and/or to any nonmonetary relief sought.

 - (A) The party shall provide a concise explanation of how all amounts were calculated, and shall support this explanation with evidence establishing the entitlement to and amount of the principal claim, and, if applicable, any liquidated damages, interest, attorney's fees, or other amounts sought. If the claim is based on a contract, plaintiff shall provide the court with a copy of the contract and cite the relevant provisions.
 - (B) If the party is seeking interest and claims that an interest rate other than that provided by 28 U.S.C. § 1961 applies, plaintiff shall state the rate and the reasons for applying it. For prejudgment interest, the party shall state the date on which prejudgment interest began to accrue and the basis for selecting that date.
 - (C) If the party seeks attorney's fees, the party must state the basis for an award of fees and include a declaration from the party's counsel establishing the reasonable amount of fees to be awarded, including, if applicable, counsel's hourly rate, the number of hours worked, and the tasks performed.
- (3) When Appearance Has Been Received. Where a defaulting party has entered an appearance, is an infant or incompetent, or is or may be in the military service, a motion for entry of a judgment by default shall be noted in accordance with LBR 9013-1.
- (4) When Appearance Has Not Been Received. Where a defaulting party has not made an appearance, is not an infant or an incompetent, and is not in military service, a motion for the entry of an order of default and for the entry of judgment by default may be made pursuant to LBR 9013-1(g). The court may conduct such hearing or inquiry upon a motion for entry of judgment by default as it deems necessary under the circumstances of the particular case.

RULE 9003-1. STATUS CONFERENCES IN CHAPTER 11 CASES

If a party in interest believes that a conference with the parties and the court would be beneficial in a chapter 11 case, other than a case under subchapter V of chapter 11, that party may file a request for a status conference pursuant to 11 U.S.C. § 105(d), stating the reasons for the request. No further action is necessary unless ordered by the court.

RULE 9013-1. MOTION PRACTICE

(a) **Applicability.** As used herein, the term "motion" includes any motion, application, objection, or other request for an order or determination of the court, except one required to be commenced by complaint pursuant to Fed. R. Bankr. P. 7001. The provisions of this rule apply to all motions filed in cases, contested matters, and adversary proceedings, except as otherwise provided by law or by order of the court. In addition to the procedures set forth herein, practitioners should review General Orders addressing issues of electronic filing practice, as well as the court's website, for practices and procedures for individual judges.

(b) Placing a Motion on the Court's Calendar.

(1) *Hearing Judge.* Motions shall be set on the calendar of the judge to whom the case or adversary proceeding has been administratively assigned, unless counsel is specifically directed otherwise by the judge's chambers.

(2) *Motion Calendars.* Motion calendars shall be held regularly in Seattle and Tacoma, and elsewhere as determined by the judges of the court (See Local Bankruptcy Rule 1072-1). Each judge will maintain a regular motion calendar. A schedule of the motion dates, times, and places for each judge's calendar shall be posted at the office of the clerk of court and on the court's website, and shall be published in such publications and at such intervals as the clerk of court deems appropriate.

(3) *Special Settings.* A party desiring an evidentiary hearing with live testimony shall ~~obtain request~~ a special setting from the judge's ~~secretary or scheduling clerk~~ chambers.

(4) *Party Responsible for Obtaining Hearing Date.* The moving party shall be responsible for obtaining a hearing date.

(5) *Confirmation of Hearings.* ~~If oral argument on a motion is desired, counsel for any party shall docket~~ If an objection or response is filed to a motion that has been set for a hearing, a party must confirm the hearing for argument, including a hearing on a continued or rescheduled motion. A registered ECF filer shall confirm a hearing by docketing a notice to court of intent to argue linked to the motion prior to the scheduled hearing date in accordance with the deadlines set forth in subsection (d)(8) below. An unrepresented individual shall confirm a hearing by calling the judge's chambers by the deadlines set forth in subsection (d)(8) below. Failure to confirm a hearing where confirmation is required may result in the motion being stricken, ~~unless an agreed order is filed, or a default order has been signed pursuant to subsection (f)(2) of this rule.~~

(6) *Settlement.* Parties shall docket a notice to the court of settlement or withdrawal of a motion as soon as practicable. This provision does not excuse compliance with Fed. R. Bankr. P. 2002(a)(3) or Fed. R. Bankr. P. 7041.

(7) *Continuance.* A party who docket a ~~n~~Notice ~~to Court r~~Requesting a ~~c~~Continuance of a ~~h~~Hearing on a ~~m~~Motion is affirmatively representing to the court that consent to the continuance has been obtained from all parties who have filed an ~~objection or response~~responsive pleading.

(8) *Striking or Withdrawing a Motion.* The moving party shall not strike or withdraw a motion after an ~~responsive pleading~~objection or response has been filed without first obtaining the consent of the responding party.

(c) Notice of Motion.

(1) *By Whom Given.* Except as otherwise provided in Local Bankruptcy Rule 2002-1(b) or other applicable rules, notice of a motion shall be given by the moving party.

(2) *To Whom Given.* The types of notices specified in Fed. R. Bankr. P. 2002(a), must be given to the debtor, the debtor's attorney, the trustee, all creditors, all indenture trustees, and any persons requesting special notice under Fed. R. Bankr. P. 2002(i). As to notices not specified in Fed. R. Bankr. P. 2002(a), notice of motions

shall be given to all parties in interest. Motions for relief from stay, use of cash collateral and financing shall also comply with Local Bankruptcy Rule 4001-1 and 4001-3, respectively.

(3) *Contents of Notice.* Every motion shall be set for hearing, and the moving party shall give notice of the motion and the hearing.

(A) The notice may be combined with the motion, provided that (i) the caption so indicates, (ii) the notice is the first part of the text of the pleading, and (iii) the parts are separately headed.

(B) The notice shall clearly state (i) the date, time and place of hearing, (ii) the nature of relief requested and the grounds therefor, unless the notice and motion are combined, (iii) that any party opposing the motion must file and serve a written response by the response date, which shall be set out, and (iv) that if no response is filed by the response date, the court may in its discretion grant the motion prior to the hearing, without further notice. The notice shall substantially comply with Local Bankruptcy Form 1 (Notice of Motion and Hearing).

(d) Motions - Requirements.

(1) *Form of Motions, Briefs, or Memoranda*

(A) Required **Pleadings Documents**. The moving party shall include in or with its motion (i) a statement of all reasons in support thereof, together with a memorandum of points and authorities as is necessary to support such motion, and (ii) all affidavits, declarations and photographic or documentary evidence to be presented in support of the motion.

(B) Notation of Judge, Chapter, Location, Date, Time of Hearing, and Response Date. The name of the assigned judge, the chapter under which the case is pending, and the location, date and time of hearing, and the response date shall be noted on the top right-hand corner of ~~all papers filed in connection with and in response to the motion~~ **the motion, notice of hearing, response, and reply.**

(C) Length of Memoranda. Without prior court approval, opening and responsive memoranda relating to motions for summary judgment or other dispositive motions shall not exceed 24 pages, and opening and responsive memoranda for all other motions shall not exceed 12 pages. A reply brief shall not exceed ½ the permitted length of the opening brief without prior approval of the court.

(D) Proposed Orders. A copy of a proposed order, except one requested *ex parte* or by stipulation, shall be attached as an exhibit to the motion as a separate document. Opponents may propose alternative orders in the same fashion. Orders and judgments shall be formatted in accordance with Local Bankruptcy Rule 9021-1. Original orders should not be filed in advance of the hearing nor electronically uploaded in the court's electronic case filing system, except as permitted in Local Bankruptcy Rule 9013-1(f)(2).

(2) *Filing and Service - Time.*

(A) Service of Motion and Supporting Papers. In adversary proceedings, in addition to service of the motion, notice and similar papers as specified in Fed. R. Bank. P. 7005, all supporting memoranda of law, briefs, and other documentation shall be filed and served upon every party. In contested matters, in addition to service of notice and the motion as specified in Fed. R. Bank. P. 9014, all supporting memoranda of law, briefs, and other documentation shall be filed and served upon the parties against whom relief is sought.

(B) Filing of Proof of Service. Proof of any conventional (non-ECF) service of the notice and the motion shall be filed by the response date.

(C) Claims Objections. Objections to claims shall be filed and served at least 30 days preceding the date fixed for hearing. Objections to claims shall also comply with Local Bankruptcy Rule 3007-1.

(D) Motions for Summary Judgment and Lien Avoidance. Motions for summary judgment and lien avoidance shall be filed and served at least 28 days preceding the date fixed for hearing.

(E) Cash Collateral Motions. Emergency motions for authorization to use cash collateral or to obtain credit shall be scheduled for hearing with such notice as the court shall prescribe, in accordance with 11 U.S.C. § 363(c)(3) and Fed. R. Bankr. P. 4001(b) and (c).

(F) All Other Motions. All other motions and/or notice thereof shall be filed and served upon the appropriate parties at least 21 days preceding the date fixed for hearing unless a longer period of notice is ordered by the court or prescribed by the Federal Rules of Bankruptcy Procedure or these Local Bankruptcy Rules.

(3) *Motions to shorten time or limit notice.*

(A) Grounds. Motions to shorten time or limit notice are disfavored.

(B) Notice Required. The motion requesting an order shortening time or limiting notice along with the underlying motion papers and a proposed form of order shortening time or limiting notice, shall be filed and served on all parties entitled to notice of the underlying motion unless otherwise ordered by the court.

(C) *Ex Parte* Applications. A motion requesting an order shortening time or limiting notice may be granted *ex parte* in the court's discretion. In the absence of a stipulation signed by counsel for all parties having an interest in the motion including the trustee, the applicant's attorney shall certify in writing the efforts that have been made to give notice to those parties and the reasons why further notice should not be required.

(D) Hearing on the Motion to Shorten Time or Limit Notice. Hearing on the motion to shorten time or limit notice may be scheduled at the court's discretion.

(4) *Copies to be Served on Chambers.* ~~Copies of filed documents are required to be delivered to chambers in accordance with each Judge's procedures, which can be found on the court's website. Copies of the original motion, response, and reply, including affidavits or certificates of service, whether said originals are filed conventionally or by electronic means, do not need to be provided to the chambers of the judge before whom the motion will be heard or delivered to the clerk of court's office unless the papers, together with supporting documents, in total exceed 25 pages in length, or as otherwise ordered by the court. In the event the papers and supporting documents exceed 25 pages, and unless otherwise ordered, two copies shall be timely served on the chambers of the judge before whom the motion will be heard, or delivered to the appropriate box in the office of the clerk of court. Copies shall be clearly identified with the word "COPY" appearing conspicuously on the first page.~~

(5) *Responses.*

(A) Response Required. Unless otherwise ordered by the court, each party opposing a motion shall file and serve responsive papers not later than 7 days prior to the date set for hearing subject to the provisions of subsection (d)(5)(B) below. See also subsection (d)(8) below.

(B) Effect of Continuance on Timing of Response. If a hearing date is continued prior to the deadline to respond, the response date shall be continued to not later than 7 days prior to the continued hearing date, unless otherwise ordered by the court. If a hearing date is continued after the deadline to respond, the response date will not be continued absent express consent by the movant.

(6) *Reply Permitted.* The moving party may file and serve papers in strict reply to any response. The deadline for filing a reply is set forth in section (d)(8) below. No additional replies will be considered by the court, unless otherwise ordered.

(7) *Noncompliance.* Failure of a party to file and/or serve the papers as required by this rule may be deemed by the court to be an admission that the motion, or opposition to the motion, as the case may be, is without merit.

(8) *Briefing Schedule on Motions.* Unless otherwise ordered by the court, responsive papers, replies, and confirmation of hearings shall be filed as set forth below:

Hearing Date	Response*	Confirmation*	Reply*
Friday	Friday	noon Monday	Tuesday
Thursday	Thursday	noon Friday	Monday
Wednesday	Wednesday	noon Thursday	Friday
Tuesday	Tuesday	noon Wednesday	Thursday
Monday	Monday	noon Wednesday <u>Tuesday</u>	Wednesday

* All references in these columns are to days of the week preceding the hearing date. In the event any of the days falls upon a legal holiday, then the deadline for the event shall be determined by counting backward until a day that is not a Saturday, Sunday or legal holiday.

(e) Hearings.

(1) *Appearance at Hearings Required.* Except as provided in subsection (f)(2) of this rule, appearance is required at all scheduled hearings. Failure to appear at the date and time appointed for hearing may be deemed by the court to be an admission that the motion, or the opposition to the motion, as the case may be, is without merit.

(2) *Motion Calendars Shall Not Include Oral Testimony.* The court will not hear oral testimony on the regularly-scheduled motion calendars unless approved in advance by the court. Parties desiring to submit oral testimony must seek a special setting as set forth in subsection (b)(3) herein.

(f) Default. With the exception of motions subject to Fed. R. Bankr. P. 7056, if no opposition to a motion has been timely filed and served, in accordance with Local Bankruptcy Rule 9013-1(d)(5), the court in its discretion may:

(1) grant the motion by default at the hearing, or

(2) grant the motion prior to the time set for hearing, upon the moving party's uploading of an ~~an ex parte~~ received unsigned order, accompanied by proof of the service and a declaration of no objection stating the date of service of the notice of the motion and that no objections were timely received.

(g) Ex Parte Motions.

(1) *Contents of Motion.* Every *ex parte* motion, except those for routine administrative orders, shall (A) allege specific facts forming the basis of the request, (B) cite the statute or rule authorizing the court to act, and (C) state specific reasons why the court should proceed without notice or a hearing. If the motion arises in an adversary proceeding or a contested matter as defined in Fed. R. Bankr. P. 9014, the moving party shall, in addition, describe (D) what immediate and irreparable injury, loss or damage will result to the movant before the adverse party or his attorney can be heard in opposition; and (E) the efforts, if any, which have been made to give notice to the adverse party and his attorney.

(2) *Ex Parte Orders.* An *ex parte* order shall contain the words "*ex parte*" in its title.

(3) *Appointment of Professionals.* Ex parte motions for the appointment of professionals must also comply with Local Bankruptcy Rule 2014-1.

(h) **Motions for Reconsideration.** Local Rules W.D. Wash. LCR 7(h) governs motions for reconsideration, except that such motions shall be filed and served within 14 days after entry of the judgment or order, and shall not be noted for hearing unless oral argument is requested by the court. The opposing party shall not respond to a motion for reconsideration unless requested to do so by the court.

(i) **Presentation of Orders.** Unless the court directs otherwise, a party presenting an order for entry after the hearing on a motion shall serve copies on the parties that were present at the hearing and, unless agreement is reached as to the form of the order, shall give at least 7 days' notice of the time, date and place of presentation. Any party opposing entry of the order shall file and serve an objection not later than 3 days prior to the date set for presentation. Any such objection shall state with particularity the reasons for the objection and shall include as an attachment an alternate order. If no objections are timely filed, a declaration of no objection may be filed and the order noted for presentation may be submitted as a received unsigned order.

(j) **Motions for Post-Confirmation Plan Modification.** Motions for post-confirmation plan modification in chapter 13 cases shall comply with Local Bankruptcy Rule 3015-1(j).

(k) **Chapter 13 Voluntary Dismissal Orders.** An order dismissing a chapter 13 case on motion by the debtor shall conform to Local Bankruptcy Form 13-1. If the motion is ex parte, (1) the words "ex parte" shall be added to the title of the order and (2) the debtor shall obtain the chapter 13 trustee's authorization prior to filing the order as a received unsigned order. Ex parte dismissal orders shall be sent to the Seattle chapter 13 trustee at courtmail@seattlech13.com and to the Tacoma chapter 13 trustee at specialcounsel@chapter13tacoma.org.

(l) **Chapter 13 Real Property Sales.** A chapter 13 debtor seeking to sell real property shall file a motion requesting approval to sell the property, the purchase and sale agreement and any amendments, and a declaration of the debtor indicating whether the sale is an arm's length transaction for fair market value. The debtor shall also file an estimated settlement statement prior to the response date for the motion.

Committee Comment

Federal Rule of Bankruptcy Procedure 9006(f), which requires an additional three days of notice in certain circumstances, does not apply to motions governed by Local Bankruptcy Rule 9013-1. Federal Rule of Bankruptcy Procedure 9006(f) is not applicable because a respondent's deadlines under Local Bankruptcy Rule 9013-1(d)(5) and (8) are based on the hearing date, not the date the motion was filed. There is no "right or requirement to act...within a prescribed period after being served."

Regarding Local Bankruptcy Rule 9013-1(f), practitioners should consult applicable authority, including *Heinemann v. Satterburg*, 731 F.3d 914 (9th. Cir 2013), to determine the appropriate procedure to resolve uncontested motions for summary judgment.

RULE 9021-1. JUDGMENTS & ORDERS - FORM AND ENTRY OF

Unless the court directs otherwise,

(a) Findings of Fact/Conclusions of Law. All orders, findings of fact and conclusions of law, and judgments shall be prepared by the prevailing party and submitted electronically.

(b) Order as Separate Document. A proposed form order or judgment, including one requested *ex parte* or by stipulation, must be filed on a document separate from its attendant motion or stipulation.

(c) Orders Signed Electronically. The judges of the court sign orders, findings of fact and conclusions of law, judgments, and other pleadings requiring their signatures by electronic means, and such electronic signatures shall have the same effect as a handwritten signature. Any ~~document~~pleading signed by a judge that is not dated shall be deemed to be dated as of the date the pleading is entered on the docket.

(d) Formatting Specifications.

(1) *Top 4 Inches for Court Use Only.* For all orders, the first page of the order must have a 4 inch top margin that is left blank for court use only.

(2) *General Formatting Requirements.* Orders shall be in 8-1/2 x 11 inch document format, using a standard embedded font, 11 or 12 point, and shall be double spaced. Each order shall bear line numbers in the left margins.

(3) *“End of Order” Designation, No Date or Signature Line.* The designation “///End of Order///” shall be placed after the final line of text on the order. No date or signature line is to be provided for the judge. The attorney(s) presenting the order shall so indicate in the lower left hand corner of the last page of the order by stating “Presented by” with their name, bar identification number and signature line.

(4) *Text.* Orders and judgments shall contain at least two lines of text on each page.

(e) Text Only Docket Orders. The court reserves the right to enter a Text Only Docket Order in any instance. A Text Only Docket Order is an order or judgment of the court that is electronically entered on the case docket without an attached document and is as official and binding as if the judge had signed a document containing the text. A Text Only Docket Order shall include the name of the judge authorizing the entry of said order and shall be deemed to be dated as of the date it is entered on the docket. A Text Only Docket Order, together with the Notice of Electronic Filing, shall constitute the evidence of an order.

(1) *Service of Text Only Docket Order.* If a party is required to serve notice of a Text Only Docket Order to parties who are not ECF participants, the party shall send a copy of the Notice of Electronic Filing to such recipients. Only those pages of the Notice of Electronic Filing that contain the filing information, the docket entry and the document descriptions need to be served.

(f) Orders Submitted Electronically.

(1) Proposed orders filed in accordance with Local Bankruptcy Rule 9013-1(d)(1)(D) and 9013-1(i) 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 as a “Received Unsigned Order”.

(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).

Committee Comment

A sample form of order reflecting the above formatting requirements is posted on the court's website, www.wawb.uscourts.gov.

RULE 9027-1. REMOVAL/REMAND

(a) Notice of Removal. Except as provided in section (e) below, a notice of removal required to be filed in the Western District of Washington pursuant to Fed. R. Bankr. P. 9027 shall be filed with the clerk of court of the Bankruptcy Court, and shall be accompanied by a filing fee as required for adversary proceedings.

(b) Motions to Remand; Further Pleadings. Any motion to remand shall be served and filed within ~~44~~ 30 days of the notice of removal, and noted for hearing in accordance with Local Bankruptcy Rule 9013-1. Unless a motion for remand is filed, those parties who have not answered shall do so within 21 days of the notice of removal and all parties shall promptly reply to any cross- or counter-claims.

(c) Report of Proceedings. The removing party shall, within 21 days of the notice of removal, or, if a motion to remand is filed prior to the expiration of such 21-day period, 14 days after the entry of an order denying the motion to remand, file a report of the proceedings in the court from which the action was removed. The report shall list the operative pleadings, including the complaint, answer, and any other pleadings framing the issues to be decided (complaints, answers, etc., superseded by amended pleadings shall not be listed), any summary judgment or other orders which dispose of all or part of the action, and any pending unresolved motions which the parties intend to present to this court (and supporting and opposing pleadings). The following documents are to be attached to the report as separate exhibits (Local Bankruptcy Rule 9004-1(d) applies):

- (1) a copy of the docket of the removed action;
- (2) each identified pleading; and
- (3) the certificate of service required by Local Rule W.D. Wash. CR 101(b).

(d) Supplementing the Report. Other parties may supplement the removing party's report in the same format within 14 days of its filing. At any time during the pendency of the removed action, the court may require the parties to file additional pleadings from the proceedings in the court from which the action was removed.

(e) Cases Pending in District Court. Removal of a case that is pending in the U.S. District Court, W.D. Washington, shall be by filing a motion in the district court case requesting the district court to enforce the referral of the case to this bankruptcy court pursuant to Local Rules W.D. Wash. LCR 87. Enforcement of the referral shall be at the sole discretion of the district court.

Committee Comment

The addition of subsection (e) is necessitated by the decision in *Stafford v. Suntrust Mortgage, Inc., et al.*, 13-01531-KAO (Bankr. W.D. Wash., January 14, 2014).

RULE 9029-1. LOCAL BANKRUPTCY RULES - GENERAL

(a) Promulgation and citation. These Local Bankruptcy Rules govern practice and procedure in the United States Bankruptcy Court for the Western District of Washington. The rules shall be cited as “Local Rules W.D. Wash. Bankr. XXXX-X” and the forms cited as “Local Forms W.D. Wash. Bankr.” To comply with the uniform numbering system prescribed by the Judicial Conference of the United States, the numbering sequence generally coincides with that of the Federal Rules of Bankruptcy Procedure.

(b) Application of local rules. These rules supersede all previous local rules and general ~~rules-orders~~ of the United States Bankruptcy Court for the Western District of Washington to the extent of any inconsistency. Except to the extent inconsistent with these rules, general orders, administrative orders, and administrative regulations are not superseded and remain in effect. These local rules, as amended, shall apply to every bankruptcy case pending in the Western District of Washington, without regard to when the case was filed.

(c) Effect of future general orders. These local rules may be modified by future general orders as necessitated by changes to federal law, the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, or exigent circumstances.

RULE 9029-2. LOCAL RULES - DISTRICT COURT

~~—The Local Rules of the United States District Court for the Western District of Washington ("Local Rules W.D. Wash.") are rules of the United States Bankruptcy Court for the Western District of Washington, except as (1) they may be inconsistent with Title 11, United States Code ("Bankruptcy Code"), the Federal Rules of Bankruptcy Procedure, or these Local Bankruptcy Rules, or (2) otherwise ordered by the court.~~

(a) In addition to the specific Local Civil Rules of the United States District Court for the Western District of Washington ("Local Civil Rules") incorporated elsewhere in these Local Bankruptcy Rules, Local Civil Rules Nos. 54, 78, and 83.3 are rules of the United States Bankruptcy Court for the Western District of Washington.

(b) Any reference to Local Civil Rule 7 in Local Civil Rules that are incorporated into these Local Bankruptcy Rules shall be replaced with a reference to Local Bankruptcy Rule 9013-1.

(c) Any reference to Local Civil Rule 83.1(b) in Local Civil Rules that are incorporated into these Local Bankruptcy Rules shall be replaced with a reference to Local Bankruptcy Rule 9083-1(a).

RULE 9042-1. PANEL OF MEDIATORS

(a) **Panel Maintained by the Court.** The court shall establish and maintain a panel of qualified professionals (the “Panel”) who have volunteered and have been chosen to serve as Mediators for the possible resolution of matters referred to the Program. A list of Mediators will be maintained on the court’s website.

(b) **Two Year Term.** Mediators shall serve as members of the Panel for an initial two year term. Mediators may, at their election, and subject to approval by the Executive Committee (as described in Local Bankruptcy Rule 9043-2), be reappointed to additional two year terms.

(c) **Application Process.** Applications to serve as a member of the Panel, and for reappointment to the Panel, shall be submitted to the Program Administrator by the deadlines established by the court each year, shall set forth the qualifications described below, and should conform to forms promulgated by the court.

RULE 9045-2. ATTENDANCE AT MEDIATION CONFERENCE

(a) **Counsel.** Counsel for each party who is primarily responsible for the Matter shall personally attend the Mediation Conference and any adjourned sessions of that Mediation Conference. Counsel for each party shall come prepared to discuss all liability issues, all damage issues, and the position of the party relative to settlement, in detail and in good faith.

(b) **Parties.** All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, shall personally attend the Mediation Conference unless the parties and the Mediator have agreed otherwise or a party is excused by the Mediator for cause.

RULE 9083-1. PRO HAC VICE

(a) Eligibility. To be eligible to practice before the United States Bankruptcy Court for the Western District of Washington, an attorney must be a member in good standing of the bar of the United States District Court for the Western District of Washington. See Local Civil Rules W.D. Wash. 83.1 for the procedure for admission. Any attorney so admitted wishing to practice before the Bankruptcy Court shall obtain electronic filing credentials as outlined in the court's Electronic Filing Procedures. No further action shall be necessary for admission to practice before the Bankruptcy Court.

(b) Permission to Participate in a Particular Case *Pro Hac Vice*; Responsibility of Local Counsel.

(1) Admission Pro Hac Vice.

(A) Any member in good standing of the bar of any court of the United States, or of the highest court of any state, or of any organized territory of the United States, and who neither resides nor maintains an office for the practice of law in the Western District of Washington normally will be permitted upon application and upon a showing of particular need to appear and participate in a particular case pro hac vice. The party must also be represented by local counsel, who shall fulfill the responsibilities set forth below. Attorneys who are admitted to the bar of this court but reside outside the district need not associate with local counsel.

(B) An application for leave to appear pro hac vice, and order thereon, shall be promptly filed with the clerk using the required local forms, and shall set forth: (1) the name and address of the applicant's law firm; (2) the basis upon which "particular need" is claimed; (3) a statement that the applicant understands that he or she is charged with knowing and complying with all applicable local rules; (4) a statement that the applicant has not been disbarred or formally censured by a court of record or by a state bar association; and (5) a statement that there are no pending disciplinary proceedings against the applicant.

(2) Responsibilities of Local Counsel.

(A) To qualify to serve as local counsel, an attorney must have a physical office within the geographic boundaries of the Western District of Washington and be admitted to practice before the Bankruptcy court.

(B) Local counsel must review, sign, and electronically file the applicant's pro hac vice application. By agreeing to serve as local counsel and by signing the pro hac vice application, local counsel attests that he or she is authorized and will be prepared to handle the matter in the event the applicant is unable to be present on any date scheduled by the court.

(C) Unless waived by the court, in addition to the responsibilities in subsection (B) and any assigned by the court, local counsel must review and sign all motions and other filings, ensure that all filings comply with all applicable rules, and remind pro hac vice counsel of the court's commitment to maintaining a high degree of professionalism and civility from the lawyers practicing before the Bankruptcy Court.

Committee Comment

The form motion and order for pro hac vice admission can be found at <https://www.wawb.uscourts.gov/pro-hac-vice>.

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8 IN THE UNITED STATES BANKRUPTCY COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

10
11 In re:

Case No.

ORDER DISMISSING CASE

12
13 _____ Debtor(s).

14 THIS MATTER came before the Court on the Debtor(s) motion to dismiss this Chapter 13
15 bankruptcy case (“Motion”). The Court has considered the Motion, the records and files in this
16 case, and the oral argument, if any, and found good cause to grant the Motion.

17 Now, therefore, it is ORDERED that this case is dismissed.

18 // /End of Order/ //

19
20
21 Presented by:

22 _____
23 Counsel, WSBA #
24 Attorney for Debtor(s)
25
26
27
28

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:	Case No.
Debtor(s).	CHAPTER 13 PLAN __ Original __ Amended

I. Disclosure of Nonstandard Provisions and Plan’s Modification of Secured Debt:

- A. Does this plan contain any nonstandard provisions (check one)?
 Yes
 No
- B. Does this plan limit the amount of a secured claim based on a valuation of the collateral for the claim (check one)?
 Yes
 No
- C. Does this plan avoid a security interest or lien (check one)?
 Yes
 No

If the Debtor has either not indicated “yes” in the applicable section above or made no selection, any nonstandard provision or language in this plan purporting to limit the amount of a secured claim based on a valuation of the collateral or to avoid a security interest or lien is void. Even if the Debtor indicated “no” in Section I.B or Section I.C, the Debtor may seek to limit the amount of a secured claim based on a valuation of the collateral for the claim or avoid a security interest or lien through a motion or an adversary proceeding.

II. Means Test Result and Plan Duration:

The Debtor is (check one):
 a below median income debtor with a 36 month applicable commitment period.
 an above median income debtor with a 60 month applicable commitment period.

The plan’s length shall not be less than the Debtor’s applicable commitment period unless the plan either provides for payment in full of allowed unsecured claims over a shorter period or is modified post-confirmation. If the Debtor is below median income, then the plan’s length shall automatically be extended up to 60 months after the first payment is due if necessary to complete the plan.

III. Plan Payments to the Trustee:

No later than 30 days after the order for relief, the Debtor shall commence making payments to the Trustee as follows:

- A. AMOUNT: \$ _____
- B. FREQUENCY (check one):
 Monthly
 Twice per month
 Every two weeks
 Weekly
- C. TAX REFUNDS: The Debtor (check one):
 commits all tax refunds to funding the plan. Committed refunds shall be paid in addition to the plan payment amount stated above.
 does not commit all tax refunds to funding the plan.
 If no selection is made, tax refunds are committed.
- D. PAYMENTS: Plan payments shall be deducted from the Debtor’s wages unless otherwise agreed to by the Trustee or ordered by the Court.
- E. OTHER: _____

IV. Distribution of Plan Payments by the Trustee:

The provisions of Section IV govern the Trustee’s distribution of funds unless otherwise ordered by the court or provided in Section X.

The Trustee shall disburse funds on a proof of claim whether filed timely or late, unless otherwise ordered by the court following an objection to the claim. If this case is dismissed or converted, the Trustee shall turn over funds on hand to the debtor care of the debtor’s attorney, unless otherwise ordered by the court.

Upon confirmation of the plan, the Trustee shall disburse funds received in the following order and creditors shall apply them accordingly, provided that disbursements for domestic support obligations and federal taxes shall be applied according to applicable non-bankruptcy law:

A. ADMINISTRATIVE EXPENSES:

1. Trustee: The percentage set pursuant to 28 U.S.C. § 586(e).
2. Other administrative expenses: As allowed pursuant to 11 U.S.C. §§ 507(a)(2) or 707(b).
3. The Debtor’s Attorney’s Fees: Pre-confirmation attorney’s fees and/or costs and expenses are estimated to be \$_____. \$_____ was paid prior to filing.

Approved attorney compensation shall be paid after ongoing domestic support obligations and then as follows (check one):

- Prior to all creditors.
- Monthly payments of \$_____.
- All ~~remaining funds~~ available funds after designated ~~monthly payments~~ “Monthly Payment” amounts to the following creditors: _____.
- Other: _____.

If no selection is made, approved compensation will be paid ~~after the monthly payments specified in Sections IV.B and IV.C~~ at the Trustee’s discretion.

B. ~~CURRENT~~ONGOING DOMESTIC SUPPORT OBLIGATIONS:

<u>Creditor</u>	<u>Monthly Amount Payment</u>
_____	\$ _____
_____	\$ _____

C. SECURED CLAIMS: Only creditors holding allowed secured claims specified below or provided in Section X will receive payment from the Trustee. ~~Unless ranked otherwise, payments to secured creditors will be disbursed at the same level. If the plan provides for a claim to be paid as a secured claim and the creditor files the claim as unsecured, the claim will be treated as an unsecured claim.~~ Secured creditors shall retain their liens until the earlier of payment of the underlying debt, determined under nonbankruptcy law, or discharge under 11 U.S.C. § 1328. ~~Secured creditors shall not assess any late charges, provided payments from the plan to the secured creditor are current, subject to the creditor’s rights under state law if the case is dismissed.~~

The Trustee shall disburse funds to secured claims in the following order:

1. “Monthly Payment” amounts for “Ongoing Payments” in Section IV.C.8. and Section IV.C.9.
2. “Monthly Payment” amounts in Section IV.C.10.
3. “Monthly Payment” amounts for “Cure Payments” in Section IV.C.8. and Section IV.C.9.
4. All available funds pro rata to creditors listed under “910 Collateral” and “Non-910 Collateral” in Section IV.C.10.
5. All available funds pro rata to “Cure Payments” accruing interest in Section IV.C.8. and Section IV.C.9.
6. All available funds pro rata to “Cure Payments” not accruing interest in Section IV.C.8. and Section IV.C.9.
7. If the plan provides for the Trustee to disburse any funds to a creditor secured by real property, all available funds for the amounts included in a Notice of Fees, Expenses and Charges related to that creditor.

If the received plan payment funds are insufficient, the Trustee shall make the secured claim payments pro rata in the same order.

The interest rates in the plan control except that (a) ~~a lower~~the interest rate for ongoing payments included in a creditor's proof of claim ~~shall control; and (b) the interest rate included in a creditor's proof of claim for a claim secured by~~ secured by a mortgage or deed of trust on real property shall control, ~~unless otherwise provided in Section X or ordered following an objection to a proof of claim or in an adversary proceeding. If the interest rate is left blank, the interest rate shall be 12% except that the interest rate for;~~ and (b) the interest rate for pre-petition arrearages on claims secured by a mortgage or deed of trust on real property shall be 0%. If the interest rate in the plan controls, but the interest rate is left blank, the interest rate shall be the lesser of 12% or the interest rate included in a creditor's proof of claim.

For claims secured by personal property, the monthly payment amounts in the plan control.

For claims secured by real property, the monthly payment and pre-petition arrearage amounts in the creditor's proof of claim and notice of payment change control ~~unless otherwise provided in Section X.~~

For claims secured by real and / or personal property, the Trustee shall cease making payments to a creditor if the creditor is granted relief from the automatic stay; and the funds that would have been paid to that creditor shall be disbursed per the plan.

If overall plan payments are sufficient, the Trustee may increase or decrease post-petition installments for ongoing mortgage payments, homeowner's dues and/or real property tax holding accounts based on changes in interest rates, escrow amounts, dues and/or property taxes.

†

8. Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured Only by Security Interest in the Debtor's Principal Residence (Interest included in payments at contract rate, if applicable):

Ongoing Payments:

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

Ongoing Payments:

<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>
\$ _____	_____	_____
\$ _____	_____	_____
\$ _____	_____	_____
\$ _____	_____	_____

Cure Payments:

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>	<u>Arrears to be Cured</u>	<u>Interest Rate</u>
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%

\$ _____ \$ _____ %

9. Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured by Real Property Other than the Debtor's Principal Residence:

Ongoing Payments:

<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>
\$ _____	_____	_____
\$ _____	_____	_____
\$ _____	_____	_____

~~Ongoing Payments:~~

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>	<u>Interest Rate</u>
_____	\$ _____	_____	_____	_____%
_____	\$ _____	_____	_____	_____%
_____	\$ _____	_____	_____	_____%

Cure Payments:

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>	<u>Arrears to be Cured</u>	<u>Interest Rate</u>
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%

10. Payments on Claims Secured by Personal Property:

a. 910 Collateral:

The Trustee shall pay the contract balance stated in the allowed proof of claim for a purchase-money security interest in any motor vehicle acquired for the personal use of the Debtor within 910 days preceding the filing date of the petition or in other personal property acquired within one year preceding the filing date of the petition as specified below. The Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee in the amounts stated as the "Pre-Confirmation Adequate Protection Monthly Payment" or, if blank, in the amounts stated as the "Monthly Payment" as specified below after the creditor files a proof of claim.

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Collateral</u>	<u>Pre-Confirmation Adequate Protection Monthly Payment</u>	<u>Interest Rate</u>
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%

b. Non-910 Collateral:

The Trustee shall pay the value of ~~collateral~~ the property or the asserted secured amount, whichever is greater, stated in the proof of claim, ~~unless otherwise provided in Section X or ordered following a timely objection to a proof that the Trustee shall not pay more than the amount of the claim or in an adversary proceeding,~~ for a security interest in personal property which is non-910 collateral. The Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee in the amounts stated as the "Pre-Confirmation

Adequate Protection Monthly Payment” or, if blank, in the amounts stated as the “Monthly Payment” as specified below after the creditor files a proof of claim.

<u>Rank</u>	<u>Monthly Payment</u>	<u>Creditor</u>	<u>Debtor's Value of Collateral</u>	<u>Collateral</u>	<u>Pre-Confirmation Adequate Protection Monthly Payment</u>	<u>Interest Rate</u>
_____	\$ _____	_____	\$ _____	_____	\$ _____	% _____
_____	\$ _____	_____	\$ _____	_____	\$ _____	% _____
_____	\$ _____	_____	\$ _____	_____	\$ _____	% _____
_____	\$ _____	_____	\$ _____	_____	\$ _____	% _____

D. PRIORITY CLAIMS: Payment in full, on a pro rata basis, of filed and allowed claims entitled to priority in the order stated in 11 U.S.C. § 507(a)-.)

E. NONPRIORITY UNSECURED CLAIMS: ~~No funds shall be paid to nonpriority Nonpriority unsecured creditors until all secured, administrative and priority unsecured creditors are paid in full, provided that no claim shall be paid before it is due~~ claims may receive more than the “At least” amount below. The Trustee shall pay filed and allowed nonpriority unsecured claims as follows (check one):

- _____ 100%
- _____ At least \$ _____.

The Trustee shall pay the following specially classified nonpriority unsecured claims prior to other nonpriority unsecured claims:

<u>Rank</u>	<u>Creditor</u>	<u>Amount of Claim</u>	<u>Percentage To be Paid</u>	<u>Reason for Special Classification</u>
_____	_____	\$ _____	_____ %	_____
_____	_____	\$ _____	_____ %	_____

V. Direct Payments to be made by the Debtor and not by the Trustee:

The following claims shall be paid directly by the Debtor according to the terms of the contract or support or withholding order, and shall receive no payments from the Trustee. ~~(Payment~~The payment stated shall not bind any party-).

A. DIRECT PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS:

<u>Creditor</u>	<u>Current Arrearage Payment</u>	<u>Monthly Support Obligation</u>	<u>Monthly</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

B. OTHER DIRECT PAYMENTS:

<u>Creditor</u>	<u>Nature of Debt</u>	<u>Amount of Claim</u>	<u>Monthly Payment</u>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

VI. Secured Property Surrendered:

The secured property described below will be surrendered to the following named creditors on confirmation. The Debtor requests that upon confirmation, each creditor (including successors and assigns) to which the Debtor is surrendering property pursuant to this section be granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) to enforce its security interest against the property including taking possession and sale.

<u>Creditor</u>	<u>Property to be Surrendered</u>
_____	_____

VII. Executory Contracts and Leases:

The Debtor will assume or reject executory contracts or unexpired leases as specified below. Assumption ~~will~~shall be by separate motion and order entered prior to or at confirmation, and any cure and/or continuing payments will be paid ~~directly by the Debtor under Section V, unless otherwise~~as specified in the plan. Any executory contract or unexpired lease not assumed pursuant to 11 U.S.C § 365(d) is rejected. If rejected, upon confirmation the creditor is granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) with respect to the property which is the subject of the rejected contract or lease, and any allowed unsecured claim for damages shall be paid under Section IV.E.

Contract/Lease

Assumed or Rejected

VIII. Property of the Estate:

Property of the estate is defined in 11 U.S.C. § 1306(a). Unless otherwise ordered by the Court, property of the estate in possession of the Debtor on the petition date shall vest in the Debtor upon confirmation. However, the Debtor shall not lease, sell, encumber, transfer or otherwise dispose of any interest in real property or personal property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) without the Court’s prior approval, except that the Debtor may dispose of unencumbered personal property with a value of \$10,000 or less without the Court’s approval. Property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) acquired by the Debtor post-petition shall vest in the Trustee and be property of the estate. The Debtor shall promptly notify the Trustee if the Debtor becomes entitled to receive a distribution of money or other property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) with a value in excess of \$2,500, unless Section X specifically provides for the Debtor to retain the money or property.

IX. Liquidation Analysis Pursuant to 11 U.S.C. § 1325(a)(4):

The liquidation value of the estate is \$_____. To obtain a discharge, the Debtor must pay the liquidation value or the total of allowed priority and nonpriority unsecured claims, whichever is less. Under 11 U.S.C. §§ 1325(a)(4) and 726(a)(5), interest on allowed unsecured claims under Section IV.D and IV.E shall be paid at the rate of _____% per annum from the petition date (no interest shall be paid if left blank).

X. Nonstandard Provisions:

All nonstandard provisions of this plan are set forth in this section and separately numbered. Any nonstandard provision placed elsewhere in this plan is void. Any modifications or omissions to the form plan not set forth in this section are void.

By filing this plan, the attorney for the Debtor(s) or the Debtor(s) if not represented by an attorney certify that the wording and order of the provisions in this plan are identical to those contained in Local Bankruptcy Form 13-4, other than any nonstandard provisions included in Section X.

Attorney for Debtor(s)

DEBTOR

Date

Date

DEBTOR

Date

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

In re:

Debtor(s).

Case No.
Chapter 13

ORDER RE: DEBTOR(S)' MOTION FOR
HARDSHIP DISCHARGE

THIS MATTER came before the Court on the Debtor(s)' Motion for Hardship Discharge. The Court finds that the Debtor(s) has satisfied the three conditions of 11 U.S.C. § 1328(b). Based on the motion and the record, it is

ORDERED that:

1) Within seven days of entry of this order, the Debtor(s)' or Debtor(s)' attorney shall (a) serve ~~both~~ this order ~~and a notice~~ on all creditors in the manner provided in Federal Rule of Bankruptcy Procedure 2002 and (b) file a certificate of service that service has been effected.

2) The deadline to file a complaint to determine the dischargeability of any debt under 11 U.S.C. § 523(a)(6) is [40 days from today's date]~~Creditors shall have thirty days from the date of service of this order and a notice to file a complaint to determine the dischargeability of any debt under 11 U.S.C. § 523(a)(6).~~

3) Absent the filing of a discharge complaint as described above, and upon the determination that the Debtor has met the remaining conditions of a hardship discharge, the Clerk shall enter a hardship discharge order.

// /End of Order/ //

Presented by:

/s/
Counsel, WSBA
Attorney for Debtor(s)