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2 UNITED STATES BANKRUPTCY COURT
3 FOR THE WESTERN DISTRICT OF WASHINGTON

4 ADOPTION OF:

GENERAL ORDER NO. BAPCPA-4

5 INTERIM LOCAL RULES

(Rescinding Interim LBR 5003-1(a)(3))

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8 WHEREAS, on October 14, 2005, the Court adopted Interim Local Bankruptcy
9 Rules in order to implement provisions of the Bankruptcy Abuse Prevention and
10 Consumer Protection Act of 2005, including Interim Local Bankruptcy Rule 5003-1(a)(3),
11 which authorized the Clerk of the Court to enter orders granting an initial 30-day
12 extension of the time to file a certificate that the debtor has received a briefing from an
13 approved credit counseling agency as provided in 11 U.S.C. § 109(h)(3); and

14 WHEREAS, the purpose of Interim Local Bankruptcy Rule 5003-1(a)(3) was to
15 make sure that debtors had adequate time to comply with 11 U.S.C. § 109(h)(3) given the
16 limited number of approved credit counseling agencies as of October 17, 2005; and

17 WHEREAS, the requirements of 11 U.S.C. § 109(h)(3) have been widely publicized
18 and there now appear to be adequate approved counseling agencies available to service the
19 needs of the debtors in this district;

20 NOW THEREFORE, it is ORDERED that effective April 3, 2006, Interim Local
21 Bankruptcy Rule 5003-1(a)(3) is rescinded and the paragraphs of the rule shall be
22 renumbered as set forth in Exhibit A attached hereto.

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1 FURTHER ORDERED that effective April 3, 2006, any request for relief under 11
2 U.S.C. § 109(h)(3) must be approved by a judge.

3 DATED: March 21, 2006
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5 FOR THE COURT:

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8 Honorable Karen A. Overstreet
9 Chief Judge

9 Honorable Samuel J. Steiner
10 Honorable Thomas T. Glover
11 Honorable Philip H. Brandt
12 Honorable Paul B. Snyder
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Exhibit A

RULE 5003-1. CLERK - GENERAL/AUTHORITY [Cases filed on or after October 17, 2005]

(a) **Delegation of Ministerial Orders.** The clerk and such deputies as the clerk may designate are authorized to sign and enter without further direction the following orders, which are deemed to be of a ministerial nature:

- (1) orders on motions and applications of the type described in Rule 77, Fed.R.Civ.P., except that the clerk is not authorized to grant orders or judgments for default;
- (2) orders permitting the payment of filing fees in installments and fixing the number, amount, and dates of payment;
- (3) orders discharging a trustee and closing a case after such case has been fully administered;
- (4) orders reopening cases that have been closed due to administrative error;
- (5) orders authorizing the trustee to pay expenses of administration of \$500.00 or less in chapter 7 cases; and
- (6) orders requiring debtors to file amended schedules in a converted case.

(b) **Administrative Regulations.** The clerk is authorized to promulgate regulations governing administrative matters, including the submission of forms, content and format of creditor mailing lists, mode of payment of filing fees, and disposition of records. Such regulations shall be available for public reference, and shall be published in such publications and at such intervals as the clerk deems appropriate.

(c) **Custody and Disposition of Exhibits and Depositions.** CR 79(g), Local Rules W.D. Wash., controls the custody of exhibits and depositions.

(d) **Deposit of Funds in the Registry of the Bankruptcy Court.**

(1) *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. The application and a proposed order shall be delivered to the financial deputy clerk, who will review the proposed order for compliance with this rule prior to submitting the proposed order to the court.

(2) *Proposed Orders Directing Deposit of Funds by Clerk.* A proposed order directing the clerk to deposit funds into the registry of the court must include the following:

- (A) the amount to be deposited;
 - (B) a direction to the clerk to deposit registry funds of \$25,000 or more in accordance with 31 C.F.R. Part 202;
 - (C) a direction to the clerk to deposit funds of less than \$25,000 into a non-interest bearing account with the U.S. Treasury; and
 - (D) language directing the clerk 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.
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