

LOCAL BANKRUPTCY RULE 3001-1**NOTICES OF CLAIMS BAR DATES IN CHAPTER 11 CASES**

In all chapter 11 cases where the court orders a bar date for the filing of claims, the debtor in possession or the chapter 11 trustee shall serve notice of the claims bar date on all creditors and on other parties entitled to notice. The following language shall be used in the notice:

NOTICE OF CLAIMS DEADLINE

The Bankruptcy Court has set a deadline of _____, 20____ for creditors of and holders of ownership interests in the above-referenced debtor to file proofs of claim against or proofs of interest in the debtor's estate.

The exceptions to this deadline for filing proofs of claim or interest are: (1) claims arising from rejection of executory contracts or unexpired leases, (2) claims of governmental units, and (3) claims arising as the result of transfer avoidance pursuant to chapter 5 of the Bankruptcy Code.

For claims arising from rejection of executory contracts or unexpired leases pursuant to 11 U.S.C. § 365, the last day to file a proof of claim is (a) 30 days after the date of entry of the order authorizing the rejection, or (b) **[repeat the bar date set for all other claims here]**, whichever is later.

For claims of "governmental units," as that term is defined in 11 U.S.C. § 101(27), proofs of claim are timely filed if filed: (a) before 180 days after the date of the Order for Relief in this case, or (b) by **[repeat the bar date set for all other claims here]**, whichever is later. 11 U.S.C. § 502(b)(9).

For claims arising from the avoidance of a transfer under chapter 5 of the Bankruptcy Code, the last day to file a proof of claim is 30 days after the entry of judgment avoiding the transfer, or (b) **[repeat the bar date set for all other claims here]**, whichever is later.

If you are listed on the Schedules of Assets and Liabilities of [debtor] and your claim or interest is not scheduled as disputed, contingent, unliquidated or unknown, your claim or interest is deemed filed in the amount set forth in the schedules, and the filing of a proof of claim or interest is unnecessary if you agree that the amount scheduled is correct and that the category in which your claim or interest is scheduled (secured, unsecured, preferred stock, common stock, etc.) is correct. 11 U.S.C. § 1111(a).

If your claim or interest is not listed on the schedules or is scheduled as disputed, contingent, unliquidated or unknown, or you disagree with the amount or description scheduled for your claim or interest, you must file a proof of claim or interest.

Failure of a creditor or interest holder to file timely a proof of claim or interest on or before the deadline may result in disallowance of the claim or interest or subordination under the terms of a plan of reorganization without further notice or hearing. 11 U.S.C. § 502(b)(9). Creditors and interest holders may wish to consult an attorney to protect their rights.

LOCAL BANKRUPTCY RULE 3007-1

OBJECTIONS TO CLAIMS

(a) OBJECTIONS

- (1) Objections to claims are “contested matters” under F.R.B.P. 9014. Except to the extent otherwise provided in this Local Bankruptcy Rule, an objection to claim must comply with the requirements of Local Bankruptcy Rule 9013-1.
- (2) If a claim objection is joined with a demand for relief of a kind specified in F.R.B.P. 7001, it becomes an adversary proceeding subject to Local Bankruptcy Rule 7004-1, *et. seq.*
- (3) A claim objection must include the number, if any, assigned to the disputed claim on the court’s claims register.
- (4) A separate objection must be filed to each proof of claim unless
 - (A) the objection pertains to multiple claims filed by the same creditor;
 - (B) the objection is an omnibus claim objection; or
 - (C) the court orders otherwise.
- (5) An omnibus claim objection asserts the same type of objection to claims filed by different creditors, e.g., claims improperly filed as priority claims, duplicate claims, claims filed after the bar date. An omnibus claim objection must
 - (A) Identify the name of each claimant and the claim number in the caption of the objection; and
 - (B) Include as exhibits the documents supporting each claim objection organized and indexed by claim number.
- (6) If more than 20 objections in a case are noticed for hearing on a single calendar, the objector must comply with the supplemental procedures available in the clerk’s office and on the court’s website <www.cacb.uscourts.gov>.

(b) NOTICE AND HEARING

- (1) A claim objection must be set for hearing on notice of not less than 30 days.
- (2) The claim objection must be served on the claimant at the address disclosed by the claimant in its proof of claim and at such other addresses and upon such parties as may be required by F.R.B.P. 7004 and other applicable rules.
- (3) A Notice of Objection to Claim must be served with the claim objection. The notice must advise the claimant of the date, time and place of hearing, and state:
 - (A) A response must be filed and served not later than 14 calendar days prior to the date of hearing set forth in the notice; and
 - (B) If a response is not timely filed and served, the court may grant the relief requested in the objection without further notice or hearing.
- (4) The court will conduct a hearing on a claim objection to which there is a timely response.
- (5) If the claimant timely files and serves a response, the court, in its discretion, may treat the initial hearing as a status conference if it determines that the claim objection involves disputed fact issues or will require substantial time for presentation of evidence or argument.
- (6) If the claimant does not timely file and serve a response, the court may sustain the objection and grant the relief requested without a hearing.
 - (A) The objector may then lodge a proposed order, together with a declaration attesting that no response was served upon the objector. The declaration must identify the docket number and filing date of the objection to claim, notice, and proof of service of the notice and objection to claim, and be served on the claimant.
 - (B) The objector must also lodge a notice of entry of order which provides for service on the claimant, and any other party in interest served with the objection to claim. The notice of entry must be accompanied by sufficient copies of the order and stamped, addressed envelopes for all parties entitled to notice of entry of the order.

(c) EVIDENCE REQUIRED

- (1) An objection to claim must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim executed and filed in accordance with F.R.B.P. 3001. The evidence must demonstrate that the proof of claim should be disallowed, reduced, subordinated, re-classified, or otherwise modified.

- (2) A copy of the complete proof of claim, including attachments or exhibits, must be attached to the objection to claim, together with the objector's declaration stating that the copy of the claim attached is a true and complete copy of the proof of claim on file with the court, or, if applicable, of the informal claim to which objection is made.

- (3) If the complete proof of claim is not readily available from the court file, the objector may formally request a copy from the holder of the claim by serving the creditor with a Notice of Request for Copy of Claim.
 - (A) The request must advise the holder of the claim that failure to supply a complete copy of the proof of claim, including all attached documentation, within 30 days of the notice may constitute grounds for objection to the claim based on inadequate documentation.
 - (B) If an objection is filed on this basis, it must be accompanied by a declaration providing evidence that the proof of claim was not readily available from the court file or otherwise.

- (4) If the basis for the objection is that the proof of claim was filed after the bar date, the objection must include a copy of each of the following:
 - (A) The bar date order, if any;
 - (B) The notice of bar date; and
 - (C) Proof of service of the notice of bar date.

- (5) If the basis for the objection is that there are duplicate proofs of claim, the objection must include a complete copy of each proof of claim.

LOCAL BANKRUPTCY RULE 3011-1

PROCEDURE FOR OBTAINING ORDERS
RELEASING UNCLAIMED FUNDS

(a) FORM OF MOTION REQUIRED

A request for an order releasing unclaimed funds pursuant to 28 U.S.C. § 2042 shall be made by written motion in compliance with Local Bankruptcy Rule 9013-1, either using the court-approved form “Motion for Order Releasing Unclaimed Funds,” or containing all of the information and supported by all of the evidence required by the court-approved form. Failure to comply with this requirement may result in the motion being denied without hearing under Local Bankruptcy Rule 9013-1(a).

(b) NOTICE REQUIRED

A motion for an order releasing unclaimed funds shall be served on at least the following parties:

- (1) United States Attorney for the Central District of California;
- (2) United States trustee for the Central District of California;
- (3) Any trustee (and the trustee’s counsel, if any) appointed in the case;
- (4) The debtor, debtor in possession, reorganized debtor, or other fiduciary appointed to supervise the distribution of funds and assets of the estate (and their counsel, if any); and
- (5) If movant is not the original creditor or an employee thereof, on the original creditor, addressed to the attention of the managing officer or person of that creditor, if applicable, and upon the creditor’s counsel, if any.

Failure to serve such a motion on the required parties shall result in its denial.

LOCAL BANKRUPTCY RULE 3015-1**PROCEDURES REGARDING CHAPTER 13 CASES****(a) APPLICABILITY**

Except as provided herein, this Rule relates to chapter 13 cases in all divisions of the bankruptcy court and supersedes any previous orders in conflict with the provisions hereof. The definitions set forth in the Local Bankruptcy Rules effective July 1, 1998, and any amendments thereafter, apply to all terms used in this Rule. To the extent that this Rule conflicts with any other provisions of the Local Bankruptcy Rules, the provisions of this Rule prevail. In all other respects, the Local Bankruptcy Rules apply in all chapter 13 cases.

(b) FILING AND SERVICE OF PETITIONS, PLANS, PROOFS OF CLAIM, AND OTHER FORMS

- (1) Filing of Petition. An original and one copy of the petition, schedules and all other documents required to initiate the case must be filed with the court. If the petition is electronically filed, the debtor must provide court copies as required by the electronic filing rules on the court's website.

If the chapter 13 schedules, plan and all other required documents are not filed with the petition, the clerk will issue an order notifying the debtor that, if the missing documents are not filed within 15 days from the date of the filing of the petition, the court may dismiss the case, unless the court grants a motion to extend time filed within the 15 days.

- (2) Time Extension. A motion for extension of time must be accompanied by a declaration showing specific cause for an extension of time, the amount of additional time requested, the date the petition was filed, and a proof of service evidencing that the motion and declaration were served on the chapter 13 trustee. The court may consider the motion without a hearing. If any schedule, the statement or the plan is not filed within the initial 15 days or within such additional time as the court may allow in response to a timely motion for extension of time, the court may dismiss the case.
- (3) Notice and Service. The debtor or debtor's attorney must serve a notice of the plan confirmation hearing, along with a copy of the chapter 13 plan, on all creditors and the chapter 13 trustee at least 28 days before the date first set for the § 341(a) meeting of creditors. A proof of service must be filed with the court and served on the chapter 13

trustee at least 10 days prior to the date first set for the meeting of creditors. Chapter 13 papers should not be served on the United States trustee, except as provided in section (q) herein or when the United States trustee serves as chapter 13 trustee.

- (4) Forms. The chapter 13 petition, schedules and statement of financial affairs and proofs of claim must be prepared as prescribed by the appropriate official form, as required by F.R.B.P. 1007(b)(1). All other chapter 13 papers filed by the debtor or debtor's attorney must be submitted on applicable Central District court-mandated forms, if any, or be prepared in the same format.

If the debtor does not use a court-mandated form, the debtor or debtor's attorney must include a statement under penalty of perjury that the document contains all of the language of the approved form, or that specifies each respect in which it differs (apart from filling in blanks). The court-approved forms can be obtained from the clerk's office or downloaded from the court's website located at <www.cacb.uscourts.gov>.

- (5) Proof of Claim. Each proof of claim must be in conformity with F.R.B.P 3002 and must be served on the debtor's attorney, or on the debtor if the debtor is not represented by counsel, and on the chapter 13 trustee. Each proof of claim must include a proof of service.
- (6) Domestic Support Obligations. In all cases in which there is a domestic support obligation, regardless of the entity holding such claim, the debtor must provide to the chapter 13 trustee within 15 days of the filing of the petition the name, current address and current telephone number of the holder of the claim along with any applicable case number and account number. Throughout the duration of the case, the debtor must inform the chapter 13 trustee of any new or changed information regarding this requirement. Should a domestic support obligation arise after the filing of the petition, the debtor must provide the required information to the chapter 13 trustee as soon as practicable but no later than 15 days after the duty to pay the domestic support obligation arises.

(c) MEETING OF CREDITORS - § 341(a)

- (1) Notice and Service. Notice of the § 341(a) meeting of creditors and initial confirmation hearing date along with a proof of claim form will be served on all creditors by the court at least 28 days before the date first set for the § 341(a) meeting of creditors.
- (2) Attendance Requirement. The debtor and debtor's attorney must attend the § 341(a) meeting of creditors. If the case is a joint case, both debtors must appear.

- (3) Evidence of Income. The debtor must provide evidence of current income (pay stubs, tax return or other equivalent documentation) to the chapter 13 trustee at least 8 days before the § 341(a) meeting of creditors. If income from third party contributors will be used to fund the plan, the debtor must also provide evidence (declarations and pay stubs or other appropriate evidence) of the commitment and ability of the third party to make payments.
- (4) Required Reports in a Business Case. If the debtor is operating a business or is otherwise self-employed, the debtor must submit to the chapter 13 trustee, at least 8 days before the § 341(a) meeting of creditors, the following reports required to investigate the acts, conduct, assets, liabilities, and financial condition of the debtor, the operation of the debtor's business, and the feasibility of such business:
 - (A) Projection of average monthly income and expenses for the next 12 months;
 - (B) Evidence of appropriate business insurance;
 - (C) Inventory of goods as well as a list of business furniture and equipment as of the date of the filing of the petition;
 - (D) Monthly income and expense statements for at least the 6 months preceding the date of the filing of the petition, or for such shorter time if the business has been in operation for less than the requisite 6 months, signed by the debtor under penalty of perjury, including a statement regarding incurred and unpaid expenses;
 - (E) Tax returns for at least 5 years or since the start of the business, whichever period is shorter; and
 - (F) The chapter 13 trustee may request additional evidence, including but not limited to bank statements, canceled checks, contracts, or any other evidence to support the ability to fund the proposed plan.
- (5) Other Required Documents. The debtor must submit to the chapter 13 trustee, at least 8 days before the § 341 (a) meeting of creditors, the Declaration re Payment of Domestic Support Obligation (Preconfirmation), the Declaration re Tax Returns (Preconfirmation), and any other required documents.
- (6) Failure to Comply. If the debtor fails to comply with any of the requirements of this subsection (c), such failure may result in
 - (A) disgorgement of attorneys fees if the failure is attributed to the debtor's attorney;

- (B) continuance of the § 341(a) meeting or confirmation hearing; and/or
- (C) dismissal of the case with or without a 180-day bar to refile pursuant to 11 U.S.C. § 109(g), if the court finds willful failure of the debtor to abide by orders of the court or to appear before the court in proper prosecution of the case.

(d) CONFIRMATION HEARING

The debtor's attorney or the debtor, if not represented by counsel, must appear at the confirmation hearing unless specifically excused by court order or by the trustee prior to the confirmation hearing in conformance with procedures of the judge to whom the case is assigned.

- (1) Varied Calendaring and Appearance Procedures. The judges of this district do not have a uniform policy governing calendaring and appearance at a confirmation hearing. Some judges allow confirmation to take place as early as the date of the § 341(a) meeting and without court appearance by any party if there are no timely objections to confirmation or all such objections have been resolved. Some judges require a hearing on all plan confirmations but excuse appearances by the debtor and his or her attorney if there are no timely objections to confirmation or all such objections have been resolved. Some judges require a hearing on all plan confirmations and appearance by the debtor and his or her attorney, regardless of whether there are unresolved objections to confirmation.

Because of this variance in procedure, parties in interest are advised to contact the chapter 13 trustee assigned to the case.

- (2) Preparation of Order Confirming Plan. Unless otherwise ordered by the court, the chapter 13 trustee will prepare and file the Order Confirming Plan ("Order"). The Order will state the amount of the debtor's attorney's fees and costs allowed by the court. If a Rights and Responsibilities Agreement has been signed by the attorney and debtor, filed and served on the responsible chapter 13 trustee, the order will provide for the amount set forth in that agreement, unless the court orders otherwise.

(e) PERSONAL PROPERTY, INCLUDING VEHICLES

- (1) Post Petition Payments. The plan may provide that postpetition contractual payments on leases of personal property and claims secured by personal property, including but not limited to vehicles, will be made directly to the creditor. All such direct payments must be made as they come due postpetition. If there are arrearages or the plan changes the amount of payment, duration, or interest rate for any reason, including the fact that a portion of the claim is deemed unsecured, then all payments so provided in the plan must be paid through the chapter 13 trustee. If the plan provides for postpetition contractual payments to be made through the chapter 13 trustee, the debtor must pay the lease and adequate protection payments required by 11 U.S.C. §§ 1326(a)(1)(B) and 1326(a)(1)(C) through the chapter 13 trustee.

- (2) Property Surrendered in Confirmed Plan. When the confirmed plan provides for the surrender or abandonment of property, the trustee is relieved from making any payments on the creditor's related secured claim, without prejudice to the creditor's right to file an amended unsecured claim for a deficiency when appropriate.

(f) DOMESTIC SUPPORT OBLIGATIONS

The plan may provide for current payments of domestic support obligations directly to the creditor. Arrearages must be paid through the chapter 13 trustee unless specific cause is shown and supported by declaration.

(g) OBJECTIONS TO PLANS

Objections, if any, to the confirmation of the plan must be in writing, supported by appropriate declarations or other admissible evidence, filed with the court and served on debtor's attorney, the debtor and the chapter 13 trustee not less than 8 days before the § 341(a) meeting of creditors. As required by Local Bankruptcy Rule 1002-1(d)(8)(E), any written objection must state in the caption the date, time, and place of the § 341(a) meeting of creditors, and the date, time, and place of the confirmation hearing. However, the chapter 13 trustee may accept an oral objection to confirmation of the plan if said objection is made at the § 341(a) meeting of creditors. Failure to file either a written objection on a timely basis or to appear at the § 341(a) meeting to present the basis for the objection may be deemed a waiver of the objection.

Any creditor who objects to confirmation of the plan should attend both the § 341(a) meeting of creditors and the confirmation hearing if the objection is not resolved. If the objecting creditor does not appear at the confirmation hearing, the court may overrule the objection.

(h) AMENDMENTS TO PLANS PRIOR TO CONFIRMATION

- (1) Filing and Service. If a debtor wishes the court to confirm a plan other than the plan originally filed with the court, an amended plan must be received by the chapter 13 trustee and filed with the court at least 8 days before the confirmation hearing. If the amended plan will adversely affect any creditors (for example, if it treats any creditor's claim less favorably than the previously filed plan), the amended plan must also be served on all such creditors at least 25 days before the confirmation hearing. Failure to comply with these requirements may result in continuance of the confirmation hearing or dismissal of the case.

The caption of all amended plans must identify the pleading as an amended plan ("First Amended Plan," "Second Amended Plan," etc.) and must state the date, time, and place of the confirmation hearing at which the debtor will seek confirmation.

- (2) Amended Plan Payments. If the debtor has filed an amended plan prior to confirmation, the plan payments that come due after the date the amended plan is filed must be made in the amount stated in the amended plan, which may be higher or lower than the amount stated in the original plan. Where successive amended plans are filed, any plan payment that comes due must be made in the amount stated in the most recently filed amended plan.

(i) AMENDMENTS TO PLANS AT THE CONFIRMATION HEARING

Amendments to a plan which do not adversely affect creditors may be made at the confirmation hearing by interlineation in the confirmation order (prior review by the chapter 13 trustee is preferred).

(j) OBJECTIONS TO CLAIMS

Any objections to claims must be filed with the court and served on the chapter 13 trustee and affected creditors. Such objections must identify the claim by both the claim number on the court's docket and the claim number on the chapter 13 trustee's docket. Objections to claims must give notice of the date, time, and courtroom of hearing on the face of the objection and must comply with Local Bankruptcy Rule 3007-1. Pending resolution, the chapter 13 trustee will make payments on only the uncontroverted portion of claims subject to an objection, until such time as the court orders otherwise.

(k) PLAN PAYMENTS TO CHAPTER 13 TRUSTEE

(1) Plan Payment Procedure.

- (A) Plan payments are due on the same day of each month beginning not later than 30 days after the petition is filed. If the case was converted from chapter 7, the first plan payment is due 30 days from the date of conversion. However, if the plan payment due date falls on the 29th, 30th, or 31st of the month, then the plan payment is due on the 1st of the following month. Unless otherwise instructed by the assigned chapter 13 trustee, all plan payments that accrue before the § 341(a) meeting of creditors must be tendered, in the form described in subsection (3) below, to the chapter 13 trustee or the trustee's representative at the § 341(a) meeting of creditors.
- (B) All plan payments that accrue after the § 341(a) meeting of creditors but prior to confirmation must be tendered on a timely basis to the chapter 13 trustee, per the instructions given by the chapter 13 trustee at the § 341(a) meeting;
- (C) All plan payments that accrue after confirmation of the plan must be sent to the address provided by the chapter 13 trustee.

- (2) Adequate Protection Payments. The debtor cannot reduce the amount of the plan payments to the chapter 13 trustee under 11 U.S.C. § 1326(a)(1)(B) or (C) without an order of the court.
- (A) Pending confirmation of the plan, the chapter 13 trustee will promptly transmit payments received from the debtor as proposed in the debtor’s chapter 13 plan to a creditor holding an allowed claim secured by personal property where such security interest is attributable to the purchase of such property.
- (B) The chapter 13 trustee may assess an administrative fee for effecting the payments required in paragraph (A) above and may collect such fee at the time of making the payment. The allowed expense fee must be no more than the percentage fee established by the Attorney General pursuant to 28 U.S.C. § 586 (e)(1)(B) in effect at the time of the disbursement.
- (C) Should the case be dismissed or converted prior to or at the hearing for confirmation of the plan, any portion of the balance on hand which has been tendered to the chapter 13 trustee for adequate protection must be disbursed to the creditor to whom those adequate protection payments are owed as soon as practicable.
- (3) Form of Payment. Unless and until a payroll deduction order is effective, all plan payments must be tendered by the debtor in the form of cashier’s check, certified funds, or money order made payable to the “Chapter 13 Trustee” and provided to the chapter 13 trustee as instructed. The court may require plan payments through a payroll deduction order. If a payroll deduction order is not issued upon confirmation of a plan or already authorized in the confirmation order, whenever a plan payment is more than 20 days late, the chapter 13 trustee may bring a noticed motion requesting the court to issue such an order. The issued order must be served upon the debtor’s employer, the debtor and the debtor’s counsel.
- (4) Dismissal or Conversion for Non-Payment. If the debtor fails to make plan payments, the case may be dismissed or converted to a case under chapter 7. If the case is dismissed for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case, the court may impose a 180-day bar to refiling in accordance with 11 U.S.C. § 109(g).

(l) CHAPTER 13 TRUSTEE’S FEES

The minimum trustee’s fee for a chapter 13 in which a plan is not confirmed is \$100. The minimum trustee’s fee in a case where the plan is confirmed is \$200.

(m) PAYMENTS ON MORTGAGES OR TRUST DEEDS

- (1) Scope of Rule. The term “Real Property” as used in this section includes both (i) commercial and residential real property and undeveloped land owned by the debtor and

- (ii) mobile and manufactured homes owned by the debtor and installed on a permanent foundation or used as a dwelling, but does not include any property that the debtor's filed plan specifically states will be surrendered.
- (2) Postpetition Payment Procedure. Except for plans in which the debtor elects to make postpetition mortgage payments through the plan, until a plan is confirmed, a debtor must pay in a timely manner directly to his or her secured creditors all payments that fall due postpetition on debt secured by Real Property, as defined above, and must provide evidence of such payments on Official Form F 3015-1.4 in the manner set forth below.
- (3) Payment Through Plan. If the debtor elects to pay postpetition mortgage payments through the plan, then the amount of this payment must be included in each monthly plan payment tendered both pre and post confirmation to the chapter 13 trustee.
- (4) Determination of Due Date. With the exception of the payment due for the month in which the petition is filed (the "Filing Month Payment"), the due date of a payment for the purpose of this section is the last day that the payment may be made without a late charge or penalty. The due date of the Filing Month Payment will be the date on which such payment first becomes due under the terms of the applicable promissory note. If that date falls on or before the petition date, the Filing Month Payment will be considered prepetition and need not be paid in order to comply with this section.
- (5) Form of Payment. The payments required by paragraph (2) above must be in the form of money order, cashier's check, wire transfer (including direct payments over the internet or by automatic withdrawals from the debtor's checking account), or other certified funds and must indicate on each item the debtor's name, the bankruptcy case number, and the appropriate loan number or credit account number.
- (6) Evidence of Payment. On or before each of the following dates, the debtor must file with the court and serve on the chapter 13 trustee and all secured creditors to whom the debtor is required to make payments under this section a declaration executed under penalty of perjury, on Official Form F 3015-1.4, evidencing that the debtor has made all of the payments required by paragraph (2) above: (i) the date scheduled for each meeting of creditors under Bankruptcy Code § 341(a); and (ii) the date of each hearing to consider confirmation of a chapter 13 plan in the case. Copies of all money orders, cashier's checks or other instruments used to make the payments must be attached to the form.
- (7) Submission of Declarations. The debtor must bring a copy of an executed Official Form F 3015-1.4, together with a proof of service reflecting service of the form in accordance with this section, to the initial § 341(a) meeting of creditors. This Official Form F 3015-1.4 must reflect all payments made between the date of the petition and the date of the initial § 341(a) meeting of creditors. Thereafter, the debtor must bring an updated Official Form F 3015-1.4 to each continued § 341(a) meeting of creditors and each confirmation hearing, together with a proof of service reflecting service of the form in accordance with this section. Each updated Official Form F 3015-1.4 must reflect,

cumulatively, all payments made between the date of the petition and the date of the form. If the debtor owns more than one piece of Real Property, the debtor must prepare and submit a separate Official Form F 3015-1.4 for each piece of Real Property.

- (8) Failure to Make Postpetition Payments. Failure to make all of the payments required by paragraph (2) of this section in a timely manner will generally result in dismissal of the case. In determining whether a debtor has complied with this section at a confirmation hearing, the court will disregard payments as to which a late penalty has not yet accrued or which are due on the date of the confirmation hearing. Failure to submit Official Form F 3015-1.4 at each § 341(a) meeting of creditors and each confirmation hearing, with all required attachments, may result in dismissal of the case, and the court may impose a 180-day bar against refiling pursuant to 11 U.S.C. § 109(g).

(n) MODIFICATION OF CONFIRMED PLANS OR SUSPENSION OF PLAN PAYMENTS

After a plan has been confirmed, its terms can be modified only by court order. A motion to modify the plan or to suspend plan payments must be in accordance with sections (w) and (x) below and must be on court-mandated forms.

(o) TAX RETURNS

For each year a case is pending after the confirmation of a plan, the debtor must provide: (1) copies of his or her federal and state tax returns, (2) any request for extension of the deadline for filing a return; and (3) forms W-2 and 1099 to the chapter 13 trustee within 10 days after the return is filed with the appropriate tax agencies.

(p) SALE OR REFINANCING OF PROPERTY

Any sale or refinancing of the debtor's principal residence or other real property must be approved by the court. A motion for such approval may be made in accordance with section (w) herein. All such motions must be submitted to the chapter 13 trustee for the trustee's comments before filing with the court.

(q) MOTIONS FOR DISMISSAL OR CONVERSION

- (1) Case Dismissal. If the case has not been converted from another chapter, the debtor may seek dismissal of the case by filing a request to dismiss. If the case has been converted from another chapter, dismissal must be sought by motion. For all such requests or motions, notice must be given to all creditors and the chapter 13 trustee. In addition, the request or motion must disclose by a statement under penalty of perjury whether the debtor or the debtor's spouse has had any other bankruptcy cases pending within the previous 8 years, whether the present case has been converted from another chapter of the Bankruptcy Code, and whether any motion for relief from, annulment of, or conditioning of the automatic stay has been filed against the debtor in the present case. The motion must comply with Local Bankruptcy Rule 9013-1(b).

- (2) Debtor Conversion of Chapter 13 to Chapter 7. Pursuant to F.R.B.P. 1017, the conversion of a chapter 13 case to a case under chapter 7 will be effective upon:
- (A) The filing by the debtor with the clerk of the bankruptcy court of both a notice of conversion pursuant to 11 U.S.C. § 1307(a) and a proof of service evidencing that the notice of conversion was served upon the chapter 13 trustee, the United States trustee, and all creditors; and
- (B) Payment of any fee required by 28 U.S.C. § 1930(b).

Any distributions of estate funds made by the chapter 13 trustee in the ordinary course of business for the benefit of the debtor's estate prior to receipt of notice of dismissal or conversion will not be surcharged to the chapter 13 trustee.

- (3) Debtor Conversion of Chapter 13 to Chapter 11. A motion by the debtor to convert a chapter 13 case to a case under chapter 11 must be noticed for hearing.
- (4) Interested Party Conversion of Chapter 13 to Chapter 7, 11, or 12. A motion by any other party in interest to convert a chapter 13 case to a case under chapter 7, 11, or 12 must be noticed for hearing by the moving party. This notice must be given to the debtor, debtor's attorney, all creditors, the chapter 13 trustee, and the United States trustee.
- (5) Service of Order. When an order is required, the moving party must transmit an original and one copy of the proposed order of dismissal or conversion to the court for entry and service on the chapter 13 trustee. Additional copies of the order plus notice of entry for all contesting parties must accompany the proposed order if notice of entry is required by F.R.B.P. 9022.

(r) MOTIONS FOR RELIEF FROM STAY

- (1) Required Format and Information. Motions for relief from the automatic stay must conform with the Local Bankruptcy Rules forms and must comply with Local Bankruptcy Rule 9013-1.
- (2) Default Motions.
- (A) Preconfirmation Default. A motion for relief from stay based solely upon a preconfirmation payment default is premature until a late charge has accrued under the contract on the postpetition obligation that the creditor seeks to enforce. If no late charge is provided, the motion may be brought 10 days after the postpetition payment is due. A motion for relief from stay based on other grounds may be brought at any time.

- (B) **Postconfirmation Default.** A motion for relief from stay based solely on postconfirmation payment default is premature until a late charge has accrued under the contract on the obligation that the creditor seeks to enforce. If no late charge is provided, the motion may be brought 10 days after payment is due.
- (3) **Stipulations.** A stipulation for relief from stay or to modify the stay does not require the consent or signature of the chapter 13 trustee.
- (4) **Payments After Relief From Stay.** If an order for relief from stay is granted, unless otherwise specified in the order, the chapter 13 trustee is relieved from making any further payments to the secured creditor that obtained such relief. The secured portion of that creditor's claim is deemed withdrawn upon entry of the order for relief, without prejudice to filing an amended unsecured claim for a deficiency when appropriate. The secured creditor that obtains relief from stay must return to the chapter 13 trustee any payments the creditor receives from the chapter 13 trustee after entry of the order unless the stipulation or order provides otherwise.
- (5) **Shortened Notice Hearing.** A hearing on a motion for relief from stay on shortened notice, pursuant to Local Bankruptcy Rule 9075-1(b), may be sought for cause.
- (6) **No Surcharge of Chapter 13 Trustee.** The chapter 13 trustee will not be surcharged for any distribution of funds in the ordinary course of business prior to receiving written notice that the automatic stay is not in effect or a claim should not be paid.

(s) POSTCONFIRMATION ADEQUATE PROTECTION ORDERS

After confirmation of a plan, if the debtor and a secured creditor propose to modify the payments by the chapter 13 trustee to the secured creditor by way of an adequate protection/relief from stay agreement, the debtor or creditor must file and serve a motion for an order approving the modification of the plan by said agreement pursuant to sections (w) and (x).

Notwithstanding court approval of an adequate protection/relief from stay agreement, the trustee will continue to make payments and otherwise perform his or her duties in accordance with the plan as confirmed unless: (1) the debtor receives a separate court order approving a modification to the plan, or (2) the adequate protection/relief from stay agreement specifically modifies the treatment of the claim under the confirmed plan.

(t) DISCHARGE PROCEDURES

When the chapter 13 trustee has completed payments under the plan and all other plan provisions have been consummated, the Clerk of the Court will give to the debtor and the debtor's attorney, if any, a Notice of Requirement to File a Debtor's Certification of Compliance Under 11 U.S.C. § 1328 and Application for Entry of Discharge. Before any discharge may be entered, the debtor must comply with the requirements of the Certification of Compliance and file the Certification with the court. In addition, debtor must also file a

Certification that an instructional course concerning personal financial management, as required by 11 U.S.C. § 1328(g)(1), has been completed or that completion of such course is not required under 11 U.S.C. § 1328(g)(2). If these certifications have not been filed within 60 days of notice, then the case may be closed without an entry of discharge.

(u) ATTORNEY REPRESENTATION

- (1) Scope of Employment. Local Bankruptcy Rule 2090-1 is modified in chapter 13 cases as follows: Any attorney who is retained to represent a debtor in a chapter 13 case is responsible for representing the debtor on all matters arising in the case, other than adversary proceedings, subject to the provisions of a “Rights and Responsibilities Agreement Between Chapter 13 Debtors and Their Attorneys”, into which the debtor and the attorney have entered and which complies with the Local Bankruptcy Rules.
- (2) Debtor Unavailable or Unopposed to Hearing. If an attorney for a debtor is unable to contact the debtor in connection with a proceeding (e.g., a motion for relief from stay), the attorney may file and serve a statement informing the court of this fact.

If a debtor does not oppose a proceeding, the attorney may file a statement so informing the court and need not appear at the hearing.

- (3) Change of Address. An attorney representing a chapter 13 debtor must provide written notice to the chapter 13 trustee and to the court of any change to the attorney’s address during the pendency of the case.

(v) ATTORNEY’S FEES

- (1) Rights and Responsibilities Agreement. The court has adopted Official Form F 3015-1.7 entitled “Rights and Responsibilities Agreement Between Chapter 13 Debtors and Their Attorneys” (RARA). The use of the RARA in any case is optional. However, if the debtor’s attorney elects to proceed under the RARA, the RARA form is mandatory. If the RARA form is signed by the attorney and the debtor, filed, and served on the responsible chapter 13 trustee in any case, the fees outlined therein may be approved without further detailed fee application or hearing, subject to the terms of both the RARA and the Guidelines for Allowance of Attorneys’ Fees in Chapter 13 Cases (Guidelines) attached to the Local Bankruptcy Rules.
- (2) Duties of Debtors and their Attorneys if the RARA is Signed, Filed, and Served. The RARA sets forth the duties and obligations that must be performed by the debtors and their counsel, both before and after the case is filed and before and after confirmation of a plan, if the parties elect to use the RARA. The RARA also specifies the fees that the attorney will charge and the procedures for seeking and objecting to payment of fees. An attorney who elects to use the RARA may not charge more than the maximum fees outlined in paragraph (1) above for performing services described in bold face type in the RARA. If the attorney performs tasks on behalf of the debtor not set forth in bold face, the attorney may apply to the court for additional fees and costs, but such

applications will be reviewed by both the chapter 13 trustee and the court. Counsel may apply for additional fees if and when justified by the facts of the case.

Unless sought by noticed motion pursuant to Local Bankruptcy Rule 9013-1, applications for additional fees and costs must be submitted to the chapter 13 trustee for comment before being filed with the court, and must be supported by evidence of the nature, necessity, and reasonableness of the additional services rendered and expenses incurred. When additional fees are sought, the court may, in its discretion, require additional supporting information or require a hearing, even though no opposition is filed. In such application, the attorney must disclose to the court any fees paid or costs reimbursed by the debtor and the source of those payments.

If the parties elect to utilize the RARA, the lists of duties and obligations set forth in the RARA may not be modified by the parties. Other portions of the RARA may be modified in the following respects only: (1) the attorneys' fees provided for in the RARA may be reduced; (2) the agreement may be supplemented to include any additional agreements that may exist between the parties concerning the fees and expenses that the attorney will charge for performing services required by the RARA that are not in bold face type.

- (3) Debtor's Signature. The debtor's signature on the RARA certifies that the debtor has read, understands and agrees to the best of his or her ability to carry out the terms of the RARA, and has received a signed copy of the RARA.
- (4) Attorney's Signature. The attorney's signature on the RARA certifies that before the case was filed the attorney personally met with, counseled, and explained to the debtor all matters set forth in the RARA and verified the number and status of any prior bankruptcy case(s) filed by the debtor or any related entity, as set forth in Local Bankruptcy Rule 1015-2. The RARA does not constitute the written fee agreement contemplated by the California Business and Professions Code.
- (5) An Attorney May Elect to be Paid Other than Pursuant to the RARA and the Guidelines. At any time, whether or not a RARA is on file in any case, the debtor's attorney may elect to seek an allowance of fees and costs other than pursuant to the RARA and the Guidelines. In that event, the attorney shall file and serve an application for fees in accordance with 11 U.S.C. §§ 330 and 331, Rules 2016 and 2002 of the F.R.B.P. and Local Bankruptcy Rules 2016-1 and 3015-1, as well as the "Guide to Applications for Professional Compensation" issued by the United States Trustee for the Central District of California.
- (6) Court Review of any Attorney's Fee. On its own motion or the motion of any party in interest, the court may order a hearing to review any attorney's fee agreement or payment, in accordance with 11 U.S.C. § 329 and Rule 2017 of the F.R.B.P.

(7) Payment of Fees Upon Dismissal.

- (A) If a RARA is signed by the debtor's attorney and the debtor, filed, and served on the responsible chapter 13 trustee in the debtor's case, and
- (B) if the debtor's case is dismissed prior to or at the hearing on confirmation of the plan, any portion of the balance on hand which has been tendered to the chapter 13 trustee for payment of the RARA Fees must be disbursed by the chapter 13 trustee to the debtor's attorney as soon as practicable, unless otherwise ordered by the court.

(w) MOTIONS AND APPLICATIONS WITHOUT HEARING

The following motions and applications may be made on notice without a hearing pursuant to Local Bankruptcy Rule 9013-1(g):

- (1) Applications for additional attorney's fees (subject to sections (u) and (v) herein);
- (2) Motion for suspension of plan payments (subject to section (x));
- (3) Motions by the debtor or the trustee to modify a confirmed plan;
- (4) Motions for approval of sale or refinancing of debtor's residence, if the entire equity therein is exempt from the claims of creditors; provided, however, notice is not required if the sale or refinance will pay off the plan and the plan allows 100% to the unsecured claims; and
- (5) Chapter 13 trustee's motion to dismiss or modify the plan. Notwithstanding Local Bankruptcy Rule 9013-1(g), a party who responds to a trustee's motion to dismiss or a trustee's motion to modify the plan must obtain a hearing date from the court and give notice thereof with the response.

(x) SERVICE OF MOTIONS AND APPLICATIONS

All motions and applications must be served on the chapter 13 trustee, debtor, debtor's attorney and all creditors, with the following exceptions:

- (1) Motions for relief from the automatic stay (See notice requirements in Local Bankruptcy Rule 9013-1(a)(5));
- (2) An application by debtor's counsel for additional fees and costs not exceeding \$1,000 over and above the limits set forth in the RARA and Guidelines need be served only on the chapter 13 trustee and the debtor. All applications for additional fees and costs must be submitted to the chapter 13 trustee for comment before filing with the court;

- (3) All motions for modification, suspension or extension of plan payments must be submitted to the chapter 13 trustee for comment prior to filing but need not be served on creditors if (i) the proposed modification does not have an adverse effect on the rights of creditors, or (ii) the proposed suspension or extension, combined with any prior approved suspensions or extensions, does not exceed 90 days of suspended payments or 90 days of extensions to the plan's term. All other motions for modification, suspension or extension must be served on all creditors pursuant to Local Bankruptcy Rule 9013-1(g), in addition to being submitted to the chapter 13 trustee for comment;
- (4) An objection to a claim need only be served on the chapter 13 trustee, the claimant and the claimant's attorney. If the claimant is the United States or an officer or agency of the United States, the objection must be served as provided in F.R.B.P. 7004(b)(4) and (5) and Local Bankruptcy Rule 2002-2; and
- (5) A trustee's motion to dismiss need be served only on the debtor, debtor's attorney, and any prior chapter 7 trustee and that trustee's attorney, if any.

LOCAL BANKRUPTCY RULE 3017-1

**CHAPTER 11 DISCLOSURE STATEMENT FOR CASES OTHER THAN
SMALL BUSINESS CASES**

(a) NOTICE REQUIRED FOR DISCLOSURE STATEMENT HEARINGS

Hearings on approval of disclosure statements shall be set on not less than 36 days notice, unless the court, for good cause shown, prescribes a shorter period. Objections to disclosure statements shall be filed and served on proponents not less than 11 days before the hearing.

(b) FORM OF DISCLOSURE STATEMENT

Unless otherwise ordered, a disclosure statement may, but need not conform with court-approved Form F 3017-1, "Chapter 11 Disclosure Statement Form."

LOCAL BANKRUPTCY RULE 3017-2

**COURT CONSIDERATION OF DISCLOSURE STATEMENT
IN A SMALL BUSINESS CASE**

(a) APPROVAL OF DISCLOSURE STATEMENT

- (1) Fixing Dates. If any disclosure statement is conditionally approved pursuant to 11 U.S.C. § 1125(f), F.R.B.P. 3017(a), (b), (c), and (e) shall not apply, and the plan proponent shall submit an order consistent with F.R.B.P. 2002(b) and stating:
 - (A) A date by which the holders of claims and interests may accept or reject the plan.
 - (B) A date for filing objections to the disclosure statement.
 - (C) A date for final approval of the disclosure statement and confirmation of the plan consistent with Local Bankruptcy Rule 3017-1.
- (2) Objections and Hearing on Final Approval. The debtor shall file and serve a notice of the dates set forth above, together with a copy of the disclosure statement and plan, on all creditors and the United States trustee. Final approval of the disclosure statement shall only be required when an objection has been filed and served. Any objection filed pursuant to subsection (a)(2) of this Local Bankruptcy Rule shall be filed and served on the debtor, debtor's counsel, any committee appointed under the Bankruptcy Code and any other entity as ordered by the court.

LOCAL BANKRUPTCY RULE 3018-1

FORM OF CHAPTER 11 PLAN

Unless otherwise ordered, a plan of reorganization submitted to the court may, but need not conform with court-approved Form F 3018-1, “Form of Chapter 11 Plan.”

LOCAL BANKRUPTCY RULE 3020-1

CHAPTER 11 CONFIRMATION

(a) PAYMENT OF SPECIAL CHARGES

The proposed plan confirmation order shall be accompanied by proof of payment of any and all special charges due to the clerk's office. The amount of the charges to be paid may be obtained from the courtroom deputy of the judge hearing the case.

(b) POSTCONFIRMATION REQUIREMENTS

Unless otherwise provided in the plan, every order confirming a chapter 11 plan shall contain the following language:

“Within 120 days of the entry of this order, _____ shall file a status report explaining what progress has been made toward consummation of the confirmed plan of reorganization. The initial report shall be served on the United States trustee, the 20 largest unsecured creditors, and those parties who have requested special notice. Further reports shall be filed every ___ days thereafter and served on the same entities, unless otherwise ordered by the court. [Optional depending on practices of particular judge: A postconfirmation status conference will be held on _____, 20__ at __.m. in Courtroom _____.]

The Report shall include at least the following information:

- (1) A schedule listing for each debt and each class of claims: the total amount required to be paid under the plan; the amount required to be paid as of the date of the report; the amount actually paid as of the date of the report; and the deficiency, if any, in required payments;
- (2) A schedule of any and all postconfirmation tax liabilities that have accrued or come due and a detailed explanation of payments thereon;
- (3) Debtor's projections as to its continuing ability to comply with the terms of the plan;

- (4) An estimate of the date for plan consummation and application for final decree; and
- (5) Any other pertinent information needed to explain the progress toward completion of the confirmed plan.

Reporting entities whose equity securities are registered under Section 12(b) of the Securities Exchange Act of 1934 may provide information from their latest 10Q or 10K filing with the S.E.C., if it is responsive to the requirements of this subsection.

[Unless otherwise provided in the plan] If the above-referenced case is converted to one under chapter 7, the property of the reorganized debtor shall be revested in the chapter 7 estate, except that, in individual cases, the postpetition income from personal services and proceeds thereof, and postconfirmation gifts or inheritances pursuant to 11 U.S.C. § 541(a)(5)(A) or (a)(6) shall not automatically revest in the chapter 7 estate.”

(c) EFFECT OF FAILURE TO FILE POSTCONFIRMATION REPORTS

Failure to file timely the required reports shall constitute grounds for noticing the case for conversion to a case under chapter 7 or dismissal under 11 U.S.C. § 1112(b).

See also Local Bankruptcy Rule 1017-2: DENIAL OR DISMISSAL FOR WANT OF PROSECUTION.

(d) FINAL DECREE IN CHAPTER 11 CASE

After an estate is fully administered in a chapter 11 reorganization case, a party in interest may file a motion for a final decree without the need for a hearing in accordance with the requirements set forth in Local Bankruptcy Rule 9013-1, except that notice of such a motion shall be served upon all parties upon whom the plan was served.