



- a.  **No Hearing Scheduled; Notice Provided Under LBR 9013-1(o):** This Motion is filed by Debtor pursuant to LBR 9013-1(o), which provides for granting of motions without a hearing, unless a hearing is requested in writing. The full Motion is attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response and request for hearing with the court and serve it as stated above **no later than 14 days after the date stated on the Proof of Service of this Motion** plus 3 additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). Your opposition must comply with LBR 9013-1(f) and (o).
  
- b.  **Hearing Requested on Emergency Basis under LBR 9075-1(a): Hearing Requested on Emergency Basis under LBR 9075-1(a):** Debtor has contacted the court and requested an emergency hearing on less than 48 hours notice. If the court grants the request, you will receive a separate Notice of Hearing that identifies the deadline for the Debtor to file and serve the Motion and the deadline for you to file and serve a written response. If the court denies the request to set an emergency hearing, the Debtor will provide written notice of a regular hearing date or other disposition of this motion and the deadline for filing an opposition.
  
- c.  **Hearing Requested on Shortened Notice under LBR 9075-1(b):** Debtor has filed a separate application asking the court to set a hearing on shortened notice. The application is entitled Application for Order Setting Hearing on Shortened Notice (Application). If the court grants the Application, the Debtor will serve you with another document providing notice of the deadline to file and serve a written response. If the court denies the Application, the Debtor will provide written notice of a hearing date on regular notice or other proposed disposition of this motion.
  
- d.  **Hearing Set on Regular Notice; Notice Provided Under LBR 9013-1(d):** This Motion is set for hearing on regular notice pursuant to LBR 9013-1(d). The full Motion and supporting documentation are attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response with the court and serve it as stated above **no later than 14 days prior to the hearing**. Your response must comply with LBR 9013-1(f). The undersigned hereby verifies that the hearing date and time selected were available for this type of Motion according to the judge's self-calendaring procedures [LBR 9013-1(b)].
  
- e.  **Other (specify):** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

By: \_\_\_\_\_  
 Signature of Debtor

Name: \_\_\_\_\_  
 Printed name of Debtor

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

By: \_\_\_\_\_  
 Signature of attorney for Debtor, if any

Name: \_\_\_\_\_  
 Printed name of attorney for Debtor, if any

**MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER APPROVING A BUDGET FOR THE USE OF THE DEBTOR'S CASH AND POSTPETITION INCOME**

In order for the Debtor to reorganize effectively, and avoid the accrual of administrative-level expenses, the Debtor must pay for reasonable actual household, business, and administrative expenses as they come due.

1. The Debtor's cash existing as of the date of the filing of the Debtor's bankruptcy petition is property of the Debtor's estate pursuant to 11 U.S.C. § 541(a). The Debtor's postpetition income and earnings earned during the course of the bankruptcy case are also property of the estate pursuant to 11 U.S.C. § 1115(a).
2. The Debtor shall not use cash collateral without the permission of the secured creditor or a separate order of the court.
3. Pursuant to 11 U.S.C. § 363(c), a Debtor may use property of the estate other than cash collateral without the permission of the secured creditor and without the need for notice or a hearing in the "ordinary course" of its business. The Debtor requires the use of property of the estate to pay for reasonable and necessary living, business and other administrative expenses, including but not limited to food, clothing, taxes, insurance and administrative fees.
  - a. The Debtor filed with the court Schedules I and J showing projected gross income, tax withholdings, other deductions and necessary living and business expenses. Copies are attached as Exhibit A and Exhibit B, respectively, to the declaration accompanying this Motion. The Debtor's gross income, tax withholdings and other deductions are set forth in Exhibit A and the Debtor's budget of approximate expenses by category is set forth in Exhibit B.

**or**

  - b. Attached as Exhibit A is the Debtor's monthly budget showing the Debtor's projected cash on hand and gross income and its source(s), and all anticipated expenses, deductions and withholding.
4. The Debtor requests authority to pay all of the projected expenses and to make all of the tax withholding and other deductions described in the attached budget or in Schedules I and J from cash on hand and from the income and/or earnings described on Schedule I or the attached budget.
5. The Debtor understands that he/she is required to file timely monthly operating reports with the court and serve the original on the United States trustee. The Debtor further understands that the use of all estate property, including the amounts authorized to be used pursuant to an order of the court granting this Motion, must be described and detailed in the monthly operating reports.
6. In addition to the expenses that the Debtor seeks to pay and withholdings and deductions that the Debtor seeks to make as described in the attached Schedule J or budget, the Debtor seeks the following additional relief from the court:
  - a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - b. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - c. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the extent that court approval is required, the Debtor requests that the court authorize the Debtor to use property of the estate as defined in 11 U.S.C. §§ 541(a) and 1115(a) to pay his/her projected expenses and to make the withholding and other deductions as described in the attached budget or in Schedule J and that the court grant any additional relief sought in the Motion.

Date:

By: \_\_\_\_\_  
Signature of Debtor or attorney for Debtor, if any

Name: \_\_\_\_\_  
Printed name of Debtor or attorney for Debtor, if any

**DECLARATION OF DEBTOR IN SUPPORT OF MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER APPROVING A BUDGET FOR THE USE OF THE DEBTOR'S CASH AND POSTPETITION INCOME**

1. I am the Debtor in this chapter 11 bankruptcy case. The facts asserted in this declaration are of my own personal knowledge.
  
2. a. Attached as Exhibit A and Exhibit B, respectively, true and correct copies of my Schedule I and J as filed with the court.  
    **or**  
    b. Attached as Exhibit A a true and correct copy of my monthly budget showing my projected cash on hand and gross income and its source(s), and all anticipated expenses, deductions and withholding.
  
3. Based upon my knowledge and experience, the attached is a reasonable estimate of my average or projected household, business, and/or administrative expenses.
  
4. I understand that I am not authorized to use cash collateral without the permission of my secured creditor(s) or a separate order of the court.
  
5. I understand that I am required to timely file monthly operating reports with the court and serve them on the United States trustee. I further understand that the use of all estate property, including the amounts authorized to be used pursuant to an order of the court granting this Motion must be described and detailed in the monthly operating reports.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

---

*Date*

*Printed Name*

*Signature*

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER APPROVING A BUDGET FOR THE USE OF ESTATE PROPERTY AS DEFINED IN 11 U.S.C. § 1115** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) \_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (date) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

---

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.