



UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF FLORIDA

Local Rules

EFFECTIVE DATE: MARCH 1, 2020

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RULE 1001-1

INTRODUCTION AND GENERAL STATEMENT OF ADOPTION AND APPLICATION OF LOCAL RULES

(A) The title of these rules is "Local Rules, United States Bankruptcy Court, Northern District of Florida." They may be cited in citation sentences as "Bankr. N.D. Fla. Loc. R. [number]" or "N.D. Fla. LBR [number]."

(B) These rules ("Local Rule(s)") shall apply in all bankruptcy cases, including contested matters and adversary proceedings, to the extent applicable and to the extent not inconsistent with the Federal Rules of Civil Procedure ("Civil Rule(s)") and the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule(s)"). For cause, on motion of a party in interest or *sua sponte*, the Court may direct that one or more provisions of these rules not apply in a case, matter, or proceeding.

(C) The Local Rules of the United States District Court for the Northern District of Florida ("District Local Rule(s)") shall apply in all bankruptcy cases, including contested matters and adversary proceedings, to the extent applicable and to the extent not inconsistent with the Civil Rules, Bankruptcy Rules, and these Local Rules.

(D) Definitions: The terms "Court," "Clerk," and "Judge," when those appear in applicable District Local Rules, shall mean the Bankruptcy Court, Bankruptcy Clerk, and Bankruptcy Judge, respectively, unless inconsistent with the language or meaning of the particular District Local Rule.

(E) The term "self-represented" shall mean an individual that represents him or herself in court without an attorney having appeared on his or her behalf. The term "pro se," as may be used in any other set of applicable rules, is synonymous with "self-represented."

(F) All national "Official Forms" can be found at <http://www.uscourts.gov/forms/bankruptcy-forms/>. "Local Forms," as well as a link to the national forms page, can be found at www.flnb.uscourts.gov.

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Former subdivision B. is combined with former subdivision C. into new subdivision (B) and later subdivisions are correspondingly renumbered. Naming conventions for the various applicable procedural rules are added for convenience throughout these rules. New subdivision (E) is added to reflect a transition from the latin term *pro se* to a more readable counterpart. The definition of this term is not intended to effect any change in the substantive law, including the prohibition on corporations proceeding without counsel. *See, e.g., Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985). New subdivision (F) is added to differentiate between local and national forms throughout these rules.

RULE 1005-1

PETITION - CAPTION

A petition filed on behalf of an individual or an individual and such individual's spouse shall not include the name of any corporation, partnership, limited partnership, or joint venture.

RULE 1006-1

FILING FEE

The filing fee must be paid by an attorney's office or trust account, check, cash, money order, or preapproved credit card. Documents filed electronically require payment on-line by credit card at the time of filing. If paid by check, there should be a separate check for each petition or item filed. Direct payments from debtors may only be by cash, cashier's check or money order – no personal checks, credit cards or debit cards from debtors will be accepted.

RULE 1007-1

LISTS, SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS

The following shall be filed at the same time as, but separately from, the petition and submitted on the most current version of the prescribed form:

- (A) Chapter 7, 12, or 13:
- (1) List of Creditors (Names and Addresses).
 - (2) Master Mailing Matrix (see Local Rule 1007-2).
 - (3) Filing Fee.
 - (4) For individual debtors, unless the U. S. Trustee has determined that the credit counseling requirement of § 109(h) does not apply in the district, one of the following:
 - (a) a credit counseling Certificate and a debt repayment plan developed under Section 109(h) through the approved agency, if any, required by § 521(b);
 - (b) a Statement that the debtor has received the credit counseling briefing required by § 109(h)(1) but does not have the certificate required by § 521(b);
 - (c) a certification under § 109(h)(3); or
 - (d) a motion for waiver of credit counseling because of incapacity, disability (as defined in § 109(h)(4)) or active military duty in a combat zone, under § 109(h)(4).
 - (5) A Statement of No Employment Income, form available at www.flnb.uscourts.gov, if the debtor is unable to file copies of all payment advices or other evidence of payment received within 60 days before the petition date in accordance with 11 U.S.C. § 521(a)(1)(B)(iv) because he/she has no income.

- (6) If the debtor is a corporation other than a governmental unit, a Corporate Ownership Statement must be filed with the petition. This Statement should disclose all corporations that directly or indirectly own 10% or more of the class of the corporation's equity interests. The Statement must be provided even if there are no entities to report. This form is available at www.flnb.uscourts.gov.

Notes:

- **Statement of Social Security Number:** Failure of a self-represented debtor to submit the Statement of Social Security Number, form available at www.flnb.uscourts.gov, may lead to dismissal of the case. In cases filed electronically, the Statement is not required to be filed with the Court and shall be maintained by the registered user/attorney in accordance with Section II.L.1.b. of this Court's Administrative Procedures.
- **Format for Paper Filings:** With the exception of Official Forms or forms provided by this Court, all documents tendered for filing, or filed electronically, shall comply with District Local Rule 5.1.

(B) Chapter 9 or 11:

- (1) List of Creditors (Names and Addresses)
- (2) Form entitled "Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11," form available at www.flnb.uscourts.gov, if debtor is a corporation.
- (3) List of twenty largest unsecured creditors excluding insiders.
- (4) Master mailing matrix (see Local Rule 1007-2).
- (5) Filing fee.
- (6) For individual debtors, unless the U. S. Trustee has determined that the credit counseling requirement of § 109(h) does not apply in the district, one of the following:

- (a) A credit counseling Certificate and a debt repayment plan developed under Section 109(h) through the approved agency, if any, required by § 521(b);
 - (b) a Statement that the debtor has received the credit counseling briefing required by § 109(h)(1) but does not have the certificate required by § 521(b);
 - (c) a certification under § 109(h)(3); or
 - (d) a motion for waiver of credit counseling because of incapacity, disability (as defined in § 109(h)(4)) or active military duty in a combat zone, under § 109(h)(4).
- (7) A Statement of No Employment Income, form available at www.flnb.uscourts.gov, if the Chapter 11 individual debtor is unable to file copies of all payment advices or other evidence of payment received within 60 days before the petition date in accordance with 11 U.S.C. § 521(a)(1)(B)(iv) because he/she has no income.
- (8) If the debtor is a corporation other than a governmental unit, a Corporate Ownership Statement must be filed with the petition. This Statement should disclose all corporations that directly or indirectly own 10% or more of the class of the corporation's equity interests. The Statement must be provided even if there are no entities to report. This form is available at www.flnb.uscourts.gov.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Various subdivisions and the note regarding social security numbers are amended to maintain a consistent style for references to the court's website. The note regarding filing format is amended to incorporate the applicable district rule. Subdivision (B)(2) is revised to refer to the form by document title rather than number, following recent revisions to the numbers of Official Forms. Other subdivisions are edited for readability.

RULE 1007-2

MAILING LIST OR MATRIX

The debtor shall file separately, but at the same time as the petition, a list containing the name and address of each creditor which shall serve as a mailing matrix. The mailing matrix shall be signature verified and submitted in the format specified by the Clerk's Office, available at www.flnb.uscourts.gov.

Advisory Committee Notes

2020 Amendment

The amended rule includes two stylistic changes, deleting the name of the identified form and the website reference to maintain a consistent style for references to the court's website throughout the rules. At the time of this amendment, the form is titled "Instructions for Creating a Mailing Matrix."

RULE 1007-3

[Removed]

Advisory Committee Notes

2020 Amendment

This former rule required a statement of intention to "include the terms under which the stated intentions will be accomplished by the debtor." The Committee recognized that this rule is generally not enforced any further than the current Official Forms require.

RULE 1009-1

AMENDMENTS OF VOLUNTARY PETITIONS, LISTS, SCHEDULES and STATEMENTS

(A) Amendments to Voluntary Petitions, Lists, Schedules and Statements may be made by filing the original with the Clerk. Amendments must contain a caption which includes the case number, case name and the title of the document. The amendment must

be executed and acknowledged by the debtor and attorney of record, if any, in the same manner that the item being amended was originally executed. Amended schedules should be filed as complete versions of the schedules as opposed to merely identifying changes. Any changes, additions, or deletions must be clearly indicated, whether by separate notice or otherwise.

(B) The debtor shall notice the amendment to any person or entity affected thereby, the case trustee, and to the U.S. Trustee's office. A certificate of service shall be filed with the Clerk.

(C) Amendments adding additional creditors to the schedules require the appropriate filing fee and shall be accompanied by an additional mailing matrix which contains the names and addresses of only the creditors being added.

(D) Adding Creditors in a Closed No Asset Case: If the case is a closed Chapter 7 case with no distribution to creditors, a "Certificate and Affidavit for Adding Creditors to Schedules in a Closed Case" form available at www.flnb.uscourts.gov, must be completed and filed.

(E) An amended Statement of Social Security Number, form available at www.flnb.uscourts.gov, should be completed to correct a previously filed social security or individual taxpayer identification number and retained by the filer for four years after the case or proceeding is closed with a copy of the amended form mailed to the Clerk's Office.

Note to Self-Represented Debtors: As with the original Statement of Social Security Number, the amended Statement of Social Security Number should NOT be filed electronically or sent via e-mail. In addition, under the Bankruptcy Rules, notice of the correct Social Security number needs to be sent to all creditors, the United States Trustee, and the case trustee. A truncated or redacted copy of the notice showing only the last four digits should be filed with the Court.

Note to ALL Debtors: If the last four digits of the Social Security Number that appear on the petition are incorrect, the debtor shall file an amended petition with notice to all parties.

The amended rule only includes stylistic, non-substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivisions (D) and (E) are amended to maintain a consistent style for references to the court's website. The notes following the rule are amended to improve readability.

RULE 1014-1

CHANGE OF DIVISION WITHIN THIS DISTRICT

(A) **Divisions.** This district has four (4) divisions as follows:

- (1) **Pensacola Division** shall be composed of the following counties: Escambia, Santa Rosa, Okaloosa and Walton.
- (2) **Panama City** shall be composed of the following counties: Jackson, Holmes, Washington, Bay, Calhoun, and Gulf.
- (3) **Tallahassee Division** shall be composed of the following counties: Leon, Gadsden, Liberty, Franklin, Wakulla, Jefferson, Taylor, and Madison.
- (4) **Gainesville Division** shall be composed of the following counties: Alachua, Lafayette, Dixie, Gilchrist, and Levy.

(B) **Commencement of a Case.** Cases shall be commenced in any Division in which the domicile, residence, principal place of business, or principal assets of the person or entity that is the subject of such case have been located for the 180 days immediately preceding such commencement, or for a longer portion of the 180 day period that the domicile, residence, principal place of business or principal assets of such person were located in any other Division; or in which there is pending a case under the Bankruptcy Code concerning such person's affiliate.

(C) **Improperly Filed Cases.** If a case is filed in a Division other than as provided for in paragraph (B) above, the Court on its own, or on motion of any interested

party, may order that the case be transferred to the proper Division. The attorney for the debtor, or Clerk of Court if the debtor is self-represented, shall provide notice to all parties of record of the transfer if the case was filed other than as provided for in paragraph (B) above.

(D) **Cases Transferred Within This District.** A party that wishes a case to be transferred to a different Division within this district shall file a motion with, or within twenty-one (21) days of, the initial filing. A case will not be transferred absent a court order. The moving party, or Clerk of Court if the moving party is self-represented, shall provide notice to all parties of record of the transfer if the motion is granted by the court.

(E) **Cases Transferred to This District.** Cases or proceedings transferred to this District from another District shall be assigned to a Division in the following manner:

- (1) If the debtor is an individual, to the Division where any debtor lives, as opposed to the debtor's mailing address, according to the petition; or
- (2) If the debtor is a non-individual, to the division that the petition indicates is the location of the debtor's principal assets, if different from its principal place of business.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Rather than incorporating the applicable district rule by reference, as did the old rule, the amended rule creates a self-contained parallel of the district rule, altered as appropriate to a bankruptcy case under the standards of 28 U.S.C. § 1408. Subdivision (E) is amended to remove quoted descriptions of the living address and location of principal assets, which appear to have been consistent with prior forms. The revised language is consistent with current forms but is written without quotation in the event such forms change.

RULE 1015-1

JOINT ADMINISTRATION

(A) **Time for Filing Objection to Joint Administration.** All cases involving two or more related debtors may be jointly administered in accordance with Bankruptcy Rule 1015. A creditor or party in interest may file an objection to joint administration no later than thirty (30) days after the first date set for the meeting of creditors under 11 U.S.C. § 341(a).

(B) **Extension of Time.** On motion of any party in interest, after hearing on notice, the Court may for cause extend the time to file an objection to joint administration. The motion shall be filed before the time to file an objection has expired.

(C) Until the Order for joint administration is entered, all items are to be filed as applicable in each involved case.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A) is amended to remove mandatory language regarding joint administration. Subdivision (B) is amended to clarify the time period intended in the last sentence. Subdivision (C) is amended to remove a reference to consolidation as distinct from the joint administration contemplated by this rule.

RULE 1017-1

DISMISSAL - CASE OR PROCEEDINGS

Failure to comply with these Local Rules may be grounds for dismissal of a case or conversion to a case under Chapter 7 of Title 11.

Advisory Committee Notes
2020 Amendment

The amended rule includes a single stylistic change, distinguishing these from other applicable rules.

RULE 1019-1

CONVERSION

- (A) In cases converted to Chapter 7,
- (1) The debtor, or Chapter 11 trustee if one was appointed, shall file an original of all lists, schedules, statements, and other documents required by Bankruptcy Rule 1007, on the most current version of the Official Forms that accurately reflects the condition of the debtor's estate at the time of conversion.
 - (2) The lists, schedules, statements, and other documents shall be filed within the time provided in Bankruptcy Rule 1007 and 1019(1)(A). The final report and schedule of post-petition debts shall be filed within the time provided in Bankruptcy Rule 1019(5).
 - (3) If no debt or property was acquired after filing the case and prior to conversion, the debtor or Chapter 11 trustee, if one was appointed, may file a statement that no debts were incurred or property acquired since the case was filed instead of filing new or amended schedules.

Note: If there are changes or amendments to be made to the lists, schedules, statements, or other documents, this process is not applicable and the debtor shall comply with all other requirements of Bankruptcy Rule 1019.

- (B) The applicable current monthly income form, available at www.flnb.uscourts.gov, shall be filed in all cases within fourteen (14) days of conversion.

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A)(1) is amended to improve readability and is not intended to effect a substantive change. Subdivision (A)(2) is amended to correct the subdivision reference to the time to file a final report and schedule of post-petition debts. Subdivision (A)(3) is amended to improve readability and is not intended to effect a substantive change. Subdivision

(B) is amended to maintain a consistent style for references to the court's website and to remove references to specific official form numbers.

RULE 1070-1

JURISDICTION

Motions other than those filed in adversary proceedings shall be deemed to be core proceedings unless a response asserting that the matter should be treated as a non-core proceeding is filed within the time provided in Local Rule 9013-1.

RULE 2002-1

NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

(A) Any party in interest who desires to receive copies of pleadings and notices to which it is entitled under Bankruptcy Rule 2002 shall:

- (1) File a request with the Clerk;
- (2) Serve a copy of the request on the debtor, debtor's attorney, the attorney for the debtor-in-possession, the trustee, the attorney for the trustee and the U.S. Trustee; and
- (3) Attach to the request filed with the Clerk a certificate of service which states to whom a copy of the request has been given.

(B) Service copies of all pleadings and papers must be in the format provided by the District Local Rules, or alternatively, no more than two pages may be placed on one side of an 8 ½" x 11" page, unless otherwise authorized by the Court.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all

rules. New subdivision (B) is added to provide for an alternative mode of service of pleadings and papers intended to reduce printing costs.

RULE 2002-2

NEGATIVE NOTICE PROCEDURE

(A) The Court has established a list (the “Negative Notice List”) of motions, objections, and other papers that may be considered by the Court without an actual hearing under the negative notice procedure described in this rule if no party in interest files a response to the relief requested. The Negative Notice List is posted on the Court’s website, www.flnb.uscourts.gov, and may be supplemented or otherwise amended by the Court from time to time. If permitted by the presiding judge, other motions, objections, and other matters may be considered by the Court using the negative notice procedure.

(B) Motions, objections, and other matters filed pursuant to this negative notice procedure shall:

- (1) Be served in the manner and on the parties as required by the provisions of the Bankruptcy Rules, Local Rules, or any order of the Court applicable to motions, objections, or matters of the type made and shall be filed with the proof of such service in accordance with the provisions of Local Rule 7004-1; and
- (2) Contain a negative notice legend prominently displayed immediately following the title of the paper. The negative notice legend shall be in the

approved format on the Court's website as of the date of filing of the paper available at www.flnb.uscourts.gov.

(C) The number of days during which parties may object that is placed in the negative notice legend shall be twenty-one (21) days, unless otherwise specified in these Local Rules or any administrative or standing order of the Court.

(1) In the event a party in interest files an objection within the time permitted in this Rule, the Court may schedule a hearing on the motion, objection, or other matter upon notice to the movant's attorney, the objecting party or parties, and others as may be appropriate.

(2) In the event no party in interest files an objection within the time permitted in this Rule, the Court may consider the matter without further notice or a hearing. The movant shall submit a proposed order not later than fourteen (14) days after the expiration of the objection period. In the event the movant fails to submit a proposed form of order within this time, the Court may enter an order denying the relief requested without prejudice for lack of prosecution. In addition to any other requirements, the proposed form of order shall recite that:

(a) The movant has represented that the motion, objection, or other matter was served upon all interested parties with the Local Rule 2002-2 negative notice legend informing the parties of their opportunity to object within the proper days of the date of service;

(b) No party filed an objection within the time permitted; and

(c) The Court considers the matter to be unopposed.

(D) Nothing in this rule is intended to preclude the Court from conducting a hearing on the motion, objection, or other matter even if no objection is filed within the time permitted.

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Various subdivisions are amended to add references to these local rules applicable to certain filings in addition to the applicable Bankruptcy Rule. Subdivision (A) is amended to incorporate by reference the court's list of motions that may effect service by negative notice. Subdivision (A)(3) is amended to remove Rule 6004(c) sales free and clear of liens from the list. Subdivisions (A)(7)-(8) are added as additional filings susceptible to filing and resolution by negative notice. Additionally, the introduction in subdivision (A) provides for the maintenance of a separate court-approved list (commonly known as the "Negative Notice List") of other filings that can be filed on negative notice. Subdivision (B)(3) is renumbered to (B)(2) and modified to remove the printed legend in lieu of reference to a form maintained on the Court's website and to clarify that the format operative on the date of filing controls. Subdivision (C) adds reference to separate local rules or an administrative order that can override the default negative-notice period. Subdivision (C)(2) is amended to clarify that consideration without hearing is permissive. Other changes are intended as stylistic to improve clarity.

RULE 2002-3

PREFERRED ADDRESS NOTIFICATION

(A) An entity and a notice provider may agree that when the notice provider is directed by the Court to give notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

(B) The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by the creditor directly with the agency or agencies that provide noticing services for the Bankruptcy Court will constitute the filing of such notice with the Court.

(C) Registration with the National Creditor Registration Service must be accomplished through the Bankruptcy Noticing Center, the agency that provides noticing

services for the Bankruptcy Court for the Northern District of Florida. Refer to www.flnb.uscourts.gov for more information.

(D) A local form for use by creditors for filing the notice of preferred address under 11 U.S.C. § 342(e) is available at www.flnb.uscourts.gov.

Advisory Committee Notes
2020 Amendment

The amended rule only includes stylistic, non-substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivisions (C) and (D) are amended to maintain a consistent style for references to the court's website.

RULE 2003-1

MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS

Section 341 Meetings will not be continued except for good cause shown. All requests for continuances must be made through the U.S. Trustee's Office in Chapter 11 cases and through the trustee in Chapter 7, 12, or 13 cases.

RULE 2004-1

EXAMINATION OF DEBTOR AND OTHERS

(A) **This Rule Does Not Apply in Adversary Proceedings and Contested Matters.** This rule applies only to examinations conducted pursuant to Bankruptcy Rule 2004. The rules governing discovery in adversary proceedings and contested matters are set forth in Part VII of the Bankruptcy Rules and Local Rule 7026-1.

(B) **Manner of Setting Examination.** A Court order is not necessary to authorize an examination pursuant to Bankruptcy Rule 2004 or to require production of documents at the examination. Examinations may be scheduled upon notice filed with the Court and served on the trustee, the United States Trustee in Chapter 11 cases, the debtor, the debtor's attorney, if any, and the party to be examined.

(C) **Reasonable Notice.** The attendance of the examinee and the production of documents may not be required less than 21 days after service of the notice, except by agreement of the parties or order of the Court. To the extent that a request for production of documents under this rule may be construed as a request under Bankruptcy Rule 7034, the time to respond is shortened to 21 days. The notice of examination may provide for the production of documents in advance of the examination, but in no event shall the production of documents be required less than 21 days from service of the notice of examination, unless otherwise agreed to by the parties or ordered by the Court.

(D) **Who May Attend.** Any party in interest who wishes to attend an examination scheduled under this rule may do so by filing and serving a cross-notice of examination in advance of the scheduled examination according to the following schedule:

- (1) If the original notice is served at least 21 days before attendance is required, the later of 14 days after service of the original notice or 14 days before the scheduled examination; or
- (2) If by agreement of the parties the original notice is served less than 21 days before attendance is required, the earlier of 14 days after service of the original notice or 3 days before the scheduled examination, except that if service of the notice is first made within 3 days of the scheduled examination, any other party shall be entitled to attend the examination without filing and serving a cross-notice of examination.

(E) **Motion for Protective Order.** An interested party may file, prior to the date of the proposed examination or production of documents, a motion for protective order stating the reasons for prohibiting, limiting, or rescheduling the examination or production of documents. The examination and/or production of documents shall be stayed until the Court rules on the motion.

(F) **Subpoena.** No subpoena is necessary to compel the attendance of, or the production of documents by, the debtor at an examination of the debtor. A subpoena is necessary to compel the attendance of, or production of documents by, a witness other than the debtor. The provisions of Civil Rule 45, as made applicable by Bankruptcy Rule 9016, apply to subpoenas issued under this rule.

(G) **Videotaped Examinations.** Examinations may be videotaped if the notice of examination or subpoena states that the examination will be videotaped and whether it will also be recorded stenographically.

Advisory Committee Notes

2020 Amendment

This new rule is intended to formalize standard court practice, adding procedures and standards applicable to Rule 2004 examinations in the district. These procedures include initiation of examinations, standard time frames, protective orders, and the conduct of examinations.

RULE 2015-1

DEBTOR IN POSSESSION DUTIES

(A) A debtor-in-possession or a trustee who operates a business shall file signed monthly financial reports in the form and containing the information as set forth by the Office of the U.S. Trustee, available at www.flnb.uscourts.gov through a link to the U.S. Trustee Region 21 Forms Page.

(B) A debtor-in-possession in a Chapter 11 case who is an individual not engaged in business shall file signed monthly financial reports in the form and containing the information as set forth by the Office of the U.S. Trustee, available at www.flnb.uscourts.gov through a link to the U.S. Trustee Region 21 Forms Page.

(C) The monthly reports shall be filed no later than the twenty-first (21st) day of each month commencing with the month following the filing of the petition and shall reflect all transactions during the immediately preceding month.

(D) The attorney for the debtor-in-possession shall not be required to sign the monthly financial reports or file any notice of their filing.

(E) The debtor-in-possession or trustee in a Chapter 11 case shall file the original monthly financial report with the Clerk and serve a copy of the reports and financial statements upon the U.S. Trustee, the members of the creditors' committee, if one has been appointed, the attorney for the creditors' committee, if one has been

employed, and such other person or persons as the Court may from time to time direct. The debtor-in-possession in Chapter 12 and Chapter 13 business cases shall serve a copy of the reports and financial statements upon the trustee, the U.S. Trustee and upon such other person or persons as the Court may from time to time direct.

(F) In Chapter 12 cases the debtor shall file signed Monthly Cash Receipts and Disbursements Statements as set forth by the Office of the U.S. Trustee and available at www.flnb.uscourts.gov. The debtor shall file the original with the Clerk and provide a copy to the Chapter 12 Trustee and the U.S. Trustee beginning with the filing of the bankruptcy petition and ending when the payments under the Plan are complete. The reports shall be filed by the debtor no later than the twenty-first (21st) day following the end of the month and shall include all of the debtor's receipts or income, in cash or by check, received during the month. The receipts should be itemized by kind, quantity, and dollar amount. All expenses paid in cash or by check should be itemized.

(G) Failure to comply with this rule may be grounds for conversion to Chapter 7, if permitted by law, or for dismissal of the case.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivisions (A), (B), and (F) are amended to maintain a consistent style for references to the court's website. Subdivision (F) is also amended to extend the time for filing the reports from the 15th day to the 21st day following the end of the month, consistent with Chapter 11 practice.

RULE 2015-2

CHAPTER 7 TRUSTEE EXPENDITURES

(A) Chapter 7 Trustee's Limited Authority to Expend Funds for Administrative Expenses. Chapter 7 trustees may incur and pay expenses directly related to the administration of the estate not to exceed \$500 in the aggregate without order of the Court. The Trustee's Final Report shall itemize all expenses incurred and paid during the administration of the estate and shall be subject to review by the Court.

(B) **Bank Servicing Fees.** A trustee may pay bank servicing fees to the extent authorized by the Uniform Depository Agreement that exists between the bank used by the trustee as a depository for estate funds and the United States Trustee. These fees may be assessed against the trustee's bankruptcy accounts.

(C) **Court Filing Fees.** A trustee may pay any unpaid filing fees to the Court without order of the Court.

Advisory Committee Notes

2020 Amendment

This new rule is intended to offer flexibility to Chapter 7 Trustees by permitting Chapter 7 Trustees to pay minor expenses and filing fees without obtaining a court order. Subdivision (A) can be analogized to a per-case line of credit (the credit being authority to pay without prior court approval) that must be refreshed by eventually obtaining a court order authorizing any such transfers or approval of a trustee's final report.

RULE 2016-1

COMPENSATION OF PROFESSIONALS

(A) Applications for Compensation in Chapter 7 Cases:

(1)

(a) Final applications for fees and expenses of all professionals incurred during the administration of the Chapter 7 cases and allowable under 11 U.S.C. § 503(b) must be filed not later than twenty-one (21) days after service of notification by the trustee that the case is ready to close.

(b) In cases that have been converted to Chapter 7, all final applications of professionals for fees, costs, and expenses incurred in the superseded case must be filed within ninety (90) days after the date of the order converting the case.

(2) All applications for fees and expenses, whether interim or final, shall contain the amounts requested and a detailed itemization of the work performed including:

- (a) the name of the individual performing the work;
- (b) the amount of time expended for each item of work;
- (c) the hourly rate requested; and
- (d) a discussion of the criterion that are relevant in determining the compensation to be awarded.

(3)

- (a) Applications for fees and expenses totaling \$1,000 or less will be determined after notice and an opportunity for a hearing. Notice shall go to all creditors, the U.S. Trustee, and all other parties in interest. A hearing will not be held unless a timely objection is filed with the Court.
- (b) Applications for fees and expenses under 11 U.S.C. § 326 will be determined after notice and an opportunity for a hearing. Notice shall go to all creditors, the U.S. Trustee, and all other parties in interest. A hearing will not be held unless a timely objection is filed with the Court.

(B) Applications for Compensation in Chapter 11 Cases:

- (1) Applications of attorneys, accountants, auctioneers, appraisers, and other professionals for compensation from the estate of the debtor allowable under 11 U.S.C. § 503(b), must be accompanied by the cover sheet available at www.flnb.uscourts.gov and should be filed no later than twenty-one (21) days after the entry of an order scheduling the confirmation hearing, except for applications for fees and expenses totaling \$1,000 or less, which may be heard and determined pursuant to Local Rule 2016-1. A copy of the application shall be served upon the trustee and attorney for the trustee, if one has been appointed, the debtor-in-possession, the attorney for the debtor-in-possession, the attorney for the creditors' committee, if one has been appointed; if no creditor's committee has been appointed, on the 20 largest unsecured creditors (see Bankruptcy Rule 1007(d)) and the U.S. Trustee. Nothing herein shall preclude an application not filed pursuant to this rule; provided, however, that debtor shall not be required to pay for such services upon confirmation.

- (2) All applications for compensation of professionals, including interim applications, shall contain a detailed itemization of the work performed. Applications by attorneys and accountants shall include the individual performing the item of work, a description of the work performed for each item, the amount of time expended for each item, the hourly rate requested, and a discussion of the criteria that are relevant in determining the compensation to be awarded.
- (3) All disclosures required to be transmitted to the United States Trustee under Bankruptcy Rule 2016(b) shall be served on the case trustee within the time required for service on the United States Trustee.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (B)(1) is amended to require a cover sheet to be filed with applications for professional compensation sought in Chapter 11 cases and otherwise amended to improve readability. Subdivision (B)(3) is amended to correct a scrivener's error by changing the reference to Bankruptcy Rule 1026(b) to 2016(b).

RULE 2071-1

COMMITTEES

(A) Upon appointment of a committee of creditors pursuant to 11 U.S.C. § 1102, those creditors willing to serve shall have an organizational meeting and elect a chairman who shall preside at meetings of the creditors' committee.

(B) The meetings of the creditors' committee may be held by telephone.

(C) The U.S. Trustee shall notice the Clerk of the Bankruptcy Court of the names, addresses, email addresses, and telephone numbers of the members of the committee. If no committee is appointed, the U.S. Trustee's Office shall notice the Clerk

of the Bankruptcy Court that no committee has been appointed. A copy of the appropriate notice shall be served upon the attorney for the debtor and the members of the committee.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (C) is amended to require the U.S. Trustee's Office to provide the email addresses of all Committee members to the Clerk and other interested parties, in addition to mailing addresses.

RULE 2081-1

CHAPTER 11 - GENERAL

(A) Authority to Operate Business/Manage Financial Affairs:

- (1) The operation of a business by a debtor-in-possession in cases filed under Chapter 11 shall be subject to the terms and conditions of an order continuing the debtor-in-possession to be entered upon the filing of the petition or entry of the Order for Relief. The debtor-in-possession shall also deposit taxes and file tax returns in compliance with the terms of the Order to File Federal and State Employment Tax Returns and To Deposit State and Federal Taxes.
- (2) Individual Chapter 11 debtors not engaged in business shall be subject to the terms and conditions of the order authorizing individual debtors to manage financial affairs to be entered upon the filing of the petition or entry of the order for relief.
- (3) All Chapter 11 voluntary debtors must comply with the Administrative Order Establishing Initial Procedures in Chapter 11 Cases in effect as of the date of filing the petition, available at www.flnb.uscourts.gov.

(B) Post-Confirmation Matters:

(1) Within twenty-one (21) days after the hearing at which the plan is confirmed, the attorney for the proponent of the plan shall submit the Order of Confirmation to the Court. Copies of the proposed order shall be served upon the U.S. Trustee, any party in interest who filed an objection to the confirmation and to any other person designated by the Court. The proponent of the plan shall be responsible for the distribution of copies of

the Order Confirming the Plan and the confirmed plan to all creditors, the U.S. Trustee, and other parties as may be designated by the Court.

(2)

(a) In addition to the report required by Bankruptcy Rule 2015(a), in those instances where the plan requires longer than one hundred twenty (120) days for consummation, the plan proponent shall file a Confirmed Plan Status Report beginning the third month after the effective date of the plan and every three (3) months thereafter. This report shall disclose any distributions made, including the amount of each distribution to creditors as identified in the plan, as well as a description of all other matters which must be consummated in order to close the estate.

(b) If the plan provides for payments to any class of creditors over a period of time which is longer than one hundred eighty (180) days from the date of confirmation, the plan proponent shall execute an instrument evidencing the indebtedness and deliver such instrument to each creditor or other party interest. Such instrument shall provide for payment of the amount due under the plan upon the terms set forth in the plan. Delivery of instruments shall be deemed commencement of distribution under the plan for purposes of closing the estate pursuant to 11 U.S.C. § 1101(c). Such instruments shall be delivered to creditors in each class within thirty (30) days after all objections to claims in that class have been resolved or, if there are no objections to claims in any class, then within sixty (60) days after the entry of an Order of Confirmation.

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. The introductory note is removed as redundant since subdivision (A)(3) requires adherence to the Administrative Order Governing Initial Procedures in a Chapter 11 case. Subdivision (A)(3) is amended to remove the reference to a specific Administrative Order, replacing it with a website link that can be maintained up-to-date more promptly than the local rules. Subdivision (B)(1) is amended to require the plan proponent to serve the confirmation order rather than the Court. Subdivisions (B)(2)(c) and (d) have been relocated to Local Rule 3022-1. Any other changes not specifically discussed are stylistic.

RULE 2082-1

CHAPTER 12 - GENERAL

(A) Duties of the Chapter 12 Debtor

- (1) At least seven (7) days before the first meeting of creditors, the debtor must provide the Chapter 12 Trustee with the Summary of Operations for Chapter 12 Case, form available at www.flnb.uscourts.gov.
- (2) At least seven (7) days before the first meeting of creditors, the debtor must provide Income Tax Returns for the two (2) years immediately preceding the filing of the bankruptcy petition.
- (3) At least seven (7) days before the confirmation hearing, the debtor must file and provide a copy to the Chapter 12 Trustee of the Chapter 12 Plan for a three (3) year period indicating projected disposable income, and a liquidation analysis reflecting the distributions to unsecured creditors if the case proceeds as a Chapter 7.
- (4) The debtor shall file and provide a copy to the Chapter 12 Trustee the Monthly Cash Receipts and Disbursements Statement, form available at www.flnb.uscourts.gov, beginning with the filing of the bankruptcy

petition and ending when the payments under the plan are complete. The Statements shall be filed by the debtor no later than the twenty-first (21st) day following the end of the month and shall include all of the debtor's receipts and/or income, in cash or by check, received during the month. The receipts should be itemized by kind, quantity, and dollar amount. All expenses paid in cash or by check should be itemized.

- (5) Within sixty (60) days after the end of a calendar year (or fiscal year), the debtor must provide to the Chapter 12 Trustee Internal Revenue Service Form Schedule 1040 F together with all supporting schedules of Schedule F, and Form 4835, for any part of the calendar or taxable period ending after the date on which the Chapter 12 petition was filed. The Schedule F and Form 4835 must report all income and all expenses to the end of the calendar (or fiscal) year.
- (6) All payments to the Chapter 12 Trustee shall be in the form of a cashier's check or money order.

(B) Pre-Confirmation Matters in Chapter 12

- (1) In all cases filed under Chapter 12, the debtor shall file a statement which contains "adequate information" about: (a) the debtor's ability to make all of the payments under the plan and to comply with the plan, (b) the financial condition of the debtor, including assets and liabilities of the debtor as well as the income and expenses of the debtor for the preceding calendar year, (c) the value of any property of the estate, whether being retained by the debtor or surrendered, which is subject to a lien or security interest as well as a description of the basis for such value, (d) an analysis of the amount which would be received by unsecured creditors if the estate of the debtor were to be liquidated under Chapter 7 of Title 11, and (e) a projection of the net disposable income of the debtor for the term of the plan.
- (2) For purposes of this rule, "adequate information" shall mean information of a kind, and in sufficient detail, as far as reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that will enable creditors and the trustee to make an informed judgment about confirmation of the plan.

- (3) In a Chapter 12 case, the pre-confirmation statement shall be filed upon the filing of a plan. Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.
- (4) All Chapter 12 individual debtors shall file with the Court and serve on the Chapter 12 Trustee a certification that the debtor has paid all amounts to be paid under a domestic support obligation that first became payable after the date of the filing of the Chapter 12 petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts. This form is available at www.flnb.uscourts.gov.
- (C) Local Rules 2081-1(B) and 3022-1 shall apply in Chapter 12 cases.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Former Subdivisions (A)(1), (A)(3), and (B)(4) are amended to maintain a consistent style for references to the court's website. Former subdivision (A)(1) is divided into two subdivisions to separate the Summary of Operations and Income Tax Returns provisions. Former subdivision (A)(3) is further amended to extend the time for filing the reports from the 15th day to the 21st day following the end of the month, to be more consistent with Chapter 11 practice. Subdivision (C) is amended to conform to the separation of Rules 2081-1 and 3022-1. Other changes are stylistic and are not intended to effect a substantive change.

RULE 2083-1

CHAPTER 13 - GENERAL

(A) **Pre-Confirmation Matters in Chapter 13.** In all cases filed under Chapter 13 where the debtor is required to file monthly operating reports, the debtor shall file a statement which contains "adequate information" about:

- (1) the debtor's ability to make all of the payments under the plan and to comply with the plan,
- (2) the financial condition of the debtor, including assets and liabilities of the debtor as well as the income and expenses of the debtor for the preceding calendar year,
- (3) the value of any property of the estate, whether being retained by the debtor or surrendered, which is subject to a lien or security interest as well as a description of the basis for such value,
- (4) an analysis of the amount which would be received by unsecured creditors if the estate of the debtor were to be liquidated under Chapter 7 of Title 11, and
- (5) a projection of the net disposable income of the debtor for the term of the plan.

(B) For purposes of this rule, "adequate information" shall mean information of a kind, and in sufficient detail, as far as reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that will enable creditors and the trustee to make an informed judgment about confirmation of the plan.

(C) In business Chapter 13 cases, the pre-confirmation statement shall be filed twenty-one (21) days prior to the confirmation hearing. Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.

Note: Refer to Standing and Administrative Orders available at www.flnb.uscourts.gov regarding Chapter 13 procedures.

Advisory Committee Notes
2020 Amendment

The amended rule only includes stylistic, non-substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. The introductory notes have been replaced with a single note at the conclusion of the rule, removing references to a specific Administrative Order, replacing it with a website link that can be maintained up-to-date more promptly than the local rules.

RULE 2090-1

ATTORNEYS - ADMISSION TO PRACTICE

(A) **General Admission.** Except as provided herein, the District Local Rules govern the admission and appearance of attorneys before the Bankruptcy Court. (www.flnd.uscourts.gov)

(B) **Appearing Pro Hac Vice.** In order to obtain leave of this Court to appear in a case or an adversary proceeding, the attorney seeking to be admitted pro hac vice must file a motion pursuant to the District Local Rules. Such motion must also comply with any other Bankruptcy Court requirements identified at www.flnb.uscourts.gov.

(C) **Admission Not Required in Limited Circumstances.** An attorney who is not admitted to the United States District Court for the Northern District of Florida, but is an active member in good standing of the bar of a Court of general jurisdiction in any state or territory of the United States, may appear on behalf of a creditor in the following instances:

- (1) Preparation and filing of a notice of appearance and request for service of notices pursuant to Bankruptcy Rule 2002; and
- (2) The preparation and filing of a proof of claim.

(D) **Conduct.** All attorneys appearing in the Bankruptcy Court and all persons at counsel table are expected to observe the rules described in Addendum A.

(E) **Appearance and Withdrawal.** The following rules additionally govern appearances and withdrawals from representation in the Bankruptcy Court:

- (1) No attorney, having made an appearance for a creditor in a contested matter or adversary proceeding or having filed a petition on behalf of a debtor, shall abandon the case or proceeding in which the appearance was made or withdraw as counsel for any party, except by leave of Court obtained after giving fourteen (14) days notice to the party or client affected and to opposing counsel.
- (2)
 - (a) The disclosure statement required by Bankruptcy Rule 2016(b) shall include a statement as to whether the attorney has been retained to represent the debtor in discharge and dischargeability proceedings including those initiated via motion under Bankruptcy Rule 4004.
 - (b) If the disclosure statement recites that the attorney has not been retained to represent the debtor in proceedings as described in (E)(2)(a) above, the attorney shall not be required to represent the debtor in such proceedings.
 - (c) If the disclosure statement fails to recite whether the attorney has been retained to represent the debtor in proceedings as described in (E)(2)(a) above, the attorney shall be deemed to represent the debtor in such proceedings and shall not be allowed to withdraw from such proceedings except as provided in paragraph (E)(1) above.
- (3) Unless allowed to withdraw from a case, matter, or proceeding by order of the Court, counsel filing a petition on behalf of a debtor shall attend all hearings and meetings scheduled in the case or proceeding at which the debtor is required to attend under any provision of the Bankruptcy Code, the Bankruptcy Rules, or order of the Court; provided, however, counsel need not attend a hearing in regard to a matter in which the debtor is not a party and whose attendance has only been required as a witness.
- (4) Any party for whom a general appearance of counsel has been made shall not thereafter take any step or be heard in the case in proper person absent

prior leave of Court, nor shall any natural person, having previously elected to proceed in proper person, be permitted to obtain special or intermittent appearances of counsel except upon such conditions as the Court may specify.

- (5) An entity other than a natural person may not file any petition or pleading, except a proof of claim or a ballot, or otherwise appear except through an attorney; provided, however, that any creditor or party in interest may participate in a Section 341 Meeting of Creditors without an attorney.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A) and the note thereto have been amended to more generally incorporate the applicable District Local Rules, including deleting subdivision (A)(1) as duplicative of the district rule, and to separate pro hac vice admission into a new subdivision (B). Previous subdivision (B) is accordingly renumbered as subdivision (C) and includes other non-substantive changes. Previous subdivision (C) is similarly renumbered as subdivision (D) and is simplified to reference Addendum A, which itself incorporates the District Local Rules standards of conduct. All other changes are either stylistic or edits conforming to the subdivision renumbering.

RULE 3001-1

TRANSFER/ASSIGNMENT OF CLAIM

(A) **Scope of Rule.** This Local Rule applies to the transfer or assignment of any claim or interest filed pursuant to Bankruptcy Rules 3001, 3002, or 3003, or Local Rules 3002-1 or 3002.1-1. Nothing in this Local Rule shall be construed as an extension of any time limit for filing a Proof of Claim or Interest.

(B) **Required Form and Content.** Transfers or assignments of claim pursuant to Bankruptcy Rule 3001(e)(2) shall be filed using the Transfer of Claim Other Than For Security form, available at www.flnb.uscourts.gov, or a form that substantially conforms

to it. The transfer of claim form shall be accompanied by the appropriate fee and shall include at minimum the following evidence of the transfer:

- (1) The name and address of the transferee (person or entity that purchased or otherwise acquired the claim);
- (2) The name and address of the transferor (person or entity that sold or otherwise relinquished the claim);
- (3) The amount of the claim;
- (4) The date the claim was filed;
- (5) An actual or electronic signature(s) of the transferee; and,
- (6) A reference to the claim number for the claim to be transferred.

Note: When the transfer or assignment of claim is filed in CM/ECF on the main case docket, the filing event should also reference the claim number of the claim to be transferred so that information will appear on the claim register.

(C) Service and Notice Requirement.

- (1) Any person or entity filing a Transfer of Claim or Assignment of Claim pursuant to Bankruptcy Rule 3001(e)(2) shall immediately serve upon the transferor, the trustee and the debtor or debtor's attorney, if any, a copy of the Transfer of Claim Other Than For Security, form available at www.flnb.uscourts.gov, and supporting evidence of the transfer.
- (2) At the same time of service as required in subdivision (C)(1), the person or entity shall also immediately serve upon the transferor, the trustee and the debtor or debtor's attorney, if any, a Notice of Transfer of Claim Other Than For Security, form available at www.flnb.uscourts.gov.

(D) Objection and Hearing.

- (1) Any party objecting to the Transfer of Claim or Assignment of Claim shall file an objection no more than twenty-one (21) days from the filing of the Notice of Transfer of Claim. A timely objection will be set for hearing.
- (2) Failure to timely object will result in the transferee being substituted for the transferor as the holder of the claim without further notice or hearing.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The rule has been renumbered from Local Rule 3001-2 to 3001-1. The format of

subdivisions is changed to maintain a consistent style across all rules. Subdivision (A) is amended to add a reference to Local Rule 3002.1-1.

Subdivisions (B) and (C) have been amended to (1) clarify that both individuals and entities are affected by the rule equally, and (2) replace references to a specific bankruptcy form number and notice format with a reference to a specific named form on the Court's website. Subdivision (E) providing an alternative to standard notice is eliminated to ensure a consistent format for notice to interested parties.

RULE 3002-1

COLLATERAL RECOVERY AND DEFICIENCY CLAIMS IN CHAPTER 13

(A) Upon confirmation of a Chapter 13 Plan that provides for surrender of collateral:

- (1) The creditor shall have sixty (60) days from confirmation of the Chapter 13 Plan to amend a timely filed proof of claim regarding any unsecured deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of personal property that was not liquidated within the claims bar date period;

- (2) The creditor shall have ninety (90) days from confirmation of a Chapter 13 Plan to amend a timely filed proof of claim regarding any unsecured deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of real property that was not liquidated within the claims bar date period;
 - (3) The time periods provided above may be extended by Court Order upon the creditor filing an appropriate Motion stating the circumstances necessitating a need for a longer period of time and an estimated deficiency;
 - (4) If the creditor does not file an amended proof of claim asserting a deficiency balance within the given time period and does not file a timely Motion to Extend the Time, then the claim will be automatically disallowed and the Chapter 13 Trustee shall make no disbursement on such claim.
 - (5) If the Chapter 13 Plan provides for the surrender of collateral, that plan shall constitute the debtor(s)' consent to the immediate termination of the automatic stay.
- (B) If a Chapter 13 Plan does not provide for the surrender of property:
- (1) If the collateral consists of personal property that was not liquidated prior to the claims bar date, the secured creditor shall have sixty (60) days from the date of an Order terminating the automatic stay to amend a timely filed proof of claim regarding any unsecured deficiency balance that may occur upon the sale of the subject collateral;
 - (2) If the collateral consists of real property that was not liquidated prior to the claims bar date, the secured creditor shall have ninety (90) days from the date of an Order terminating the automatic stay to amend a timely filed proof of claim regarding any unsecured deficiency balance that may occur upon the sale of the subject collateral;
 - (3) The time periods provided above may be extended by Court Order upon the creditor filing an appropriate Motion stating the circumstances necessitating a need for a longer period of time and an estimated deficiency;

- (4) If no amended unsecured proof of claim is filed within the given time period and no Motion to Extend the Time is filed, any claim filed outside the time limits set forth in this Rule will be automatically disallowed and the Chapter 13 Trustee shall make no disbursement on such claim unless a Motion and Order allowing the filing of the claim has been entered.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Various subdivisions are amended for four key purposes. First, subdivision (A) is amended to allow for the possibility that surrender does not necessarily return property to the creditor, which is a legal question to be decided by the Court. Second, references to the “secured” creditor have been removed to avoid confusion in the circumstance where surrender of collateral renders a creditor unsecured; removal of the qualifier is appropriate because the term creditor sufficiently describes the originally secured party. Third, the amendments clarify the process for a secured creditor’s deficiency claim for surrendered collateral, clarifying that such claims should be filed as amendments to the original, timely filed secured claim. Fourth, the amendments remove any reference to filing by negative notice as exclusively within the scope of Local Rule 2002-2.

RULE 3002.1-1

**NOTICE RELATING TO CLAIMS SECURED BY SECURITY INTEREST IN
THE DEBTOR’S PRINCIPAL RESIDENCE**

(A) In addition to the relief provided in Bankruptcy Rule 3002.1(i)(1) and (2), the holder of the claim may not seek to collect any fees, expenses and/or charges included in the omitted information required by Bankruptcy Rule 3002.1(b), (c) or (g).

(B) All notices required pursuant to Bankruptcy Rule 3002.1 shall be provided to debtor, debtor’s counsel and trustee in accordance with Bankruptcy Rule 2002 and shall include a certificate of service. If filing the required notices as a supplement to the holder’s proof of claim does not result in notice to the debtor, debtor’s counsel and trustee via CM/ECF electronic service, the holder of the claim shall serve the unnoticed party by

alternative means and so indicate on the certificate of service filed with the notice. If the debtor is self-represented, the creditor must serve the debtor via United States Mail.

Advisory Committee Notes
2020 Amendment

The amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A) is amended to correct a typographical error. Subdivision (B) is amended to apply a consistent style for reference to the CM/ECF system and to clarify service on self-represented parties.

RULE 3007-1

CLAIMS OBJECTIONS

(A) Objections to timely filed claims shall be subject to Bankruptcy Rule 3007(a) and, if not incorporated into an adversary proceeding, Bankruptcy Rule 9014(c).

(B) Objections to claims shall be filed individually for each claim objected to and may name only one creditor.

(C) If no response to an objection to a claim is timely filed, the Court may sustain the objection without a hearing if relief is otherwise proper.

(D) All proposed orders on objections to claims shall recite in the ordering paragraph that the objection is either sustained or overruled, that the claim is either allowed or disallowed, and if allowed, the amount and class of each such allowed claim.

(E) In all cases filed under Chapter 13, unless extended by the Court, objections to timely filed claims shall be filed no later than sixty (60) days after the applicable claims bar date.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all

rules. Subdivisions (A) and new subdivision (C) are amended to remove the reference to Local Rule 9013-1 concerning memoranda of law, and former subdivision "C." is eliminated, because that local rule applies generally without the cross-reference. Other subdivisions are renumbered accordingly. Subdivision (A) is further amended to invoke the service rules of Bankruptcy Rule 3007(a), rather than those of 9014, and to clarify that the procedural elements of Bankruptcy Rule 9014(c) apply unless the claim objection is incorporated into an adversary proceeding in which case entire Rule 70xx series would apply. An example would be an objection to the nature and extent of lien in a claim filed as a secured claim. Subdivision (B) and new subdivision (C) are amended to remove any reference to filing by negative notice as exclusively within the scope of Local Rule 2002-2. The notes previously in the rule are deleted as redundant to the text of the either this rule or the applicable Bankruptcy Rule 3007. Subdivision (E) is amended to change the time to object to timely filed claims from the date of the confirmation hearing to a date based on the claims bar date to avoid stale objections. Subdivision (F) is deleted to allow for the process of objections to claims to be defined in conjunction with the Chapter 11 Plan.

RULE 3012-1

VALUATION OF COLLATERAL

- (A) In cases filed under Chapter 11:
- (1) If the plan proponent seeks to value collateral through the disclosure statement and confirmation process, other than by motion, the plan proponent shall serve all creditors a copy of any plan and disclosure statement and any amendment thereto filed in the case. The value of property set forth in the disclosure statement filed pursuant to 11 U.S.C. § 1125 shall be deemed at confirmation to be the value of the property for purposes of the plan and confirmation of the plan, including the treatment of creditors under the plan, unless not less than seven (7) days prior to the hearing on confirmation a party in interest has filed a motion pursuant to Bankruptcy Rule 3012, in which event such values shall be as determined by the Court.
 - (2) The disclosure statement shall include the plan proponent's basis or justification for all values shown.

- (3) If the plan proponent seeks to value collateral pursuant to subdivision (A)(1) of this rule, the title of the disclosure statement shall include a statement that provides “AND NOTICE OF PROPOSED VALUATION OF PROPERTY” or words to that effect.
- (B) In cases filed under Chapter 12 or 13:
- (1) Upon the filing of the plan or within seven (7) days thereafter, the debtor shall file a separate notice and serve it on each secured creditor whose claim(s) are being impaired under the plan of the value of the collateral that secures their claim. The notice shall contain the following information:
 - (a) The value of the collateral and the basis or justification for the value shown;
 - (b) In a case under Chapter 13, whether the collateral is or is not of a kind described in § 1325(a)(9);
 - (c) The proposed use or disposition of the collateral, i.e., retain or surrender; and
 - (d) If the debtor proposes to surrender the collateral in satisfaction of all or a portion of the claim based on the valuation, the notice shall so state.
 - (2) The debtor's attorney, or the debtor if the debtor is self-represented, shall file a certificate of service to evidence proper service of the notice. Service shall be made as provided by Bankruptcy Rule 7004. The value of property subject to liens or security interests as noticed shall be deemed to be the value of the property for purposes of confirmation and treatment of such creditor pursuant to a plan unless no later than thirty (30) days after proper service of such notice any party in interest files a motion to value collateral or motion to determine secured status pursuant to Bankruptcy Rule 3012.
 - (3) The notice sent to a secured creditor pursuant to this rule shall notify such creditor, in large, bold-face type appearing just under the title of the notice, that failure to file a timely motion to value collateral or motion to determine secured status will result in such collateral being valued at the amount

listed for purposes of confirmation of the plan and treatment of such creditor's claim pursuant to the plan.

- (4) No such notice is necessary to secured creditors whose claims are impaired only by a proposed change in the interest rate.

(C) A motion to value property or motion to determine secured status shall state the value of the property as alleged by the moving party and the facts or circumstances supporting such value and shall be accompanied by an appraisal or other evidence of value. A motion to value or motion to determine secured status shall include a certification as required by Local Rule 7007-1. The appraisal or other evidence of value shall be filed and a copy served upon all adverse parties who are required to be served with a copy of the motion. Any party who contests the motion and desires to appear and be heard on the issue of value shall file an objection to such motion within fourteen (14) days from the date of the service of the motion to value and shall file and serve not later than seven (7) days prior to the hearing an appraisal or other evidence of value, unless such party has already filed valuation evidence through a reasonably contemporaneous filing under this rule, such as a plan proponent's disclosure statement under subdivision (A) or a notice under subdivision (B).

(D) In any case or proceeding in which the value of real property is an issue and where a party intends to present appraisal testimony, the appraisal report and a statement of the qualifications of the appraisal witness shall be filed with the Court and served on all opposing parties as soon as the report first becomes available but in no case less than seven (7) days before the trial or hearing wherein the testimony is to be presented.

(E) All objections to the admissibility of the appraisal report or the qualifications of the appraiser as an expert shall be filed and served upon the appraisal's proponent no less than two (2) days prior to the trial or hearing at which the testimony is to be presented. Absent any objections, the report shall be admitted into evidence without further testimony.

(F) Admission into evidence of an appraisal report shall constitute the complete direct examination of an appraiser witness. Cross examination of the witness will begin immediately upon admission of the report followed by redirect and re-cross.

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A)(3) is added and subdivision (B) is amended to require prominent notice of valuation issues in Chapter 11 disclosure statements and Chapter 12 and 13 plans. Subdivision (B) is amended to relocate and include the former freestanding note regarding the inapplicability of notice when the only impairment is a modified interest rate. Subdivision (B) is also amended to remove any reference to filing by negative notice as exclusively within the scope of Local Rule 2002-2. Subdivision (B)(1) is amended to reduce the standard response time from fifteen to fourteen days, consistent with recent standardization of seven-day multiples of time limits in other procedural rules.

RULE 3012-2

MOTIONS TO DETERMINE SECURED STATUS AND STRIP JUNIOR LIEN ON DEBTOR'S HOMESTEAD IN CHAPTER 13

Notwithstanding the procedure for valuation of collateral of certain impaired claims in Chapter 12 and 13 plans pursuant to Rule 3012-1(B), actions to determine secured status and strip junior lien on the debtor's principal residence in Chapter 13 cases shall be brought by motion and subject to the following procedures:

(A) A motion filed under this Rule shall be docketed with an applicable "Motion to Determine Secured Status" event and shall be filed in the following manner:

(1) The motion shall include as part of the title "determine secured status and strip junior lien on the debtor's principal residence" and shall not be filed before the earlier of:

(a) the date the affected creditor has filed a proof of claim or

(b) the expiration of the time to file claims (claims bar date). A premature motion to value will be denied without prejudice.

(2) The motion shall:

(a) clearly state

- (i) if the secured claim consists of a mortgage, all known parties who may have an interest in the mortgage;
- (ii) the loan number (formatted as xxxx1234) and recording information of all mortgage lien(s) affected by the Motion;
- (iii) the legal description and street address of the subject property;
- (iv) the basis of the valuation - private appraisal, county valuation, or other; and
- (v) the balance due on and identity of the holder of all mortgages or liens senior or superior to the subject lien;

(b) be verified, or supported by an affidavit or declaration (pursuant to 28 U.S.C. § 1746) of the debtor;

(c) modify any applicable negative notice legend giving interested parties thirty (30) days, rather than twenty-one (21) days, to file an objection;

(d) certify proper service on the following parties:

- (i) all parties identified in Bankruptcy Rule 7004(b);
- (ii) the person or party designated to receive notices on any proof of claim filed by an interested party;
- (iii) the attorney of record, if any, for such creditor; and
- (iv) the Chapter 13 Trustee.

(B) The movant shall submit a proposed order no later than fourteen (14) days after the expiration of the thirty (30) day objection period.

(C) The debtor's Chapter 13 plan shall provide for the stripping off of the lien, conditioned on the debtor's obtaining a discharge or upon further Order of the Court.

(D) The movant must file a separate motion for each mortgage or lien it seeks to "strip."

The amended rule includes both stylistic and substantive changes to this narrow rule regarding “lien stripping” motions directed to the debtor’s principal residence in Chapter 13 cases. The rule title is amended to avoid confusion with Local Rule 3012-1. The format of subdivisions is changed to maintain a consistent style across all rules. Various subdivisions are amended to remove any reference to filing by negative notice as exclusively within the scope of Local Rule 2002-2, except for subdivision (A)(2)(c) which modifies the standard negative-notice period. Subdivision (A)(1)(e) is relocated to the subdivision (A) header and is amended to apply a consistent style for reference to the CM/ECF system. At the time of this amendment, there are two secured-status CM/ECF events, specifically titled “Motion to Determine Secured Status & Strip Jr Lien of Govt Agency on Dbtr's Principal Residence” and “Motion to Determine Secured Status & Strip Junior Lien on Dbtr's Principal Residence (Neg Ntc).” The rule requires additional information beyond prior practice and is clarified to require a separate motion for each lien to be stripped.

RULE 3015-1

CERTIFICATION REQUIRED BY CHAPTER 13 DEBTOR FOR CONFIRMATION

(A) Chapter 13 debtors shall file with the Court and serve on the Chapter 13 Trustee a certification that the debtor has paid all amounts to be paid under a domestic support obligation that first became payable after the date of the filing of the Chapter 13 petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

(B) Chapter 13 debtors shall file with the Court and serve on the Chapter 13 Trustee a certification that all applicable Federal, State and local tax returns as required by sections 1308 and 1325(a)(9) have been filed.

The amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules. Any other changes are not intended to effect any substantive change.

RULE 3017-1

DISCLOSURE STATEMENT - APPROVAL

(A) Upon the filing of the disclosure statement in cases under Chapter 11, the proponent of the plan shall serve copies of the disclosure statement and plan upon the debtor (if not the proponent), the debtor's attorney (if the debtor is not the proponent), the trustee (if any), the attorney for the creditors committee (if any), each member of the creditors committee, the 20 largest unsecured creditors if no creditor's committee has been appointed, the Internal Revenue Service, the Securities and Exchange Commission, the U.S. Trustee, and all parties in interest who have filed with the Clerk a request for notices pursuant to Bankruptcy Rule 2002. A certificate of such service shall be filed with the Clerk.

(B) The attorney for the plan proponent shall send copies of the disclosure statement and plan to any other party in interest who requests a copy.

(C) Objections to the proposed disclosure statement shall be filed and served on the debtor, the debtor's attorney, the attorney for the proponent of the plan (if other than the debtor), the U.S. Trustee, and all parties entitled to be served copies of the disclosure statement and plan as listed above at least seven (7) days prior to the hearing on the disclosure statement. Any objections not timely filed shall be deemed waived.

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A) is amended to remove any reference to the applicable department or office for the Internal Revenue Service, given the possibility of reorganization. At the time of this amendment, the appropriate office for

service on the IRS is either the Centralized Insolvency Operation or, if applicable, the appropriate local Field Insolvency office. The address information for the Securities and Exchange Commission has been removed for similar reasons. Governmental mailing addresses may be obtainable through the register identified in Bankruptcy Rule 5003(e), which includes a conclusive presumption of proper addressing if mailed to the address on the register. Subdivision (B) is amended to preclude the plan proponent from charging for delivery of the disclosure statement and plan.

RULE 3017.1-1

DISCLOSURE STATEMENT - SMALL BUSINESS

(A) In a small business case, a plan proponent may file a combined plan and disclosure statement, provided that the title of the document so indicates.

(B) **Objections and Hearing on Final Approval.** Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with Bankruptcy Rule 2002 and may be combined with notice of the hearing on confirmation of the plan. Objections to the disclosure statement shall be filed, transmitted to the U.S. Trustee, and served on the debtor, the plan proponent, if not the debtor, the trustee, any committee appointed under the Bankruptcy Code and any other person or entity designated by the Court at any time before final approval of the disclosure statement or by an earlier date as the Court may fix. If a timely objection to the disclosure statement is filed, the Court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.

(C) If a disclosure statement is conditionally approved under § 1125(f) subject to final approval after notice and a hearing, and no timely objection to the disclosure statement is filed, it is not necessary for the Court to hold a hearing on final approval.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Former subdivision (A) has been removed as duplicative of the applicable Bankruptcy Rule and all subdivisions have been correspondingly renumbered.

RULE 3018-1

CHAPTER 11 – ACCEPTANCE OR REJECTION OF PLANS

(A) Ballots shall be sent to the proponent of the plan at least seven (7) days prior to the confirmation hearing, and, if the plan proponent is not the debtor, a copy of all ballots shall be served upon the debtor. No later than three (3) days prior to the hearing on confirmation in Chapter 11 cases, the plan proponent or its attorney shall tabulate the ballots and file a Chapter 11 Ballot Tabulation form, available at www.flnb.uscourts.gov. The plan proponent or its attorney shall certify that the tabulation is accurate and that all ballots received have been accounted for in the tabulation. The attorney for the plan proponent shall retain the original ballots for the time period required under the Administrative Procedures Regarding Electronic Case Filing and will make the original ballots available in a format as directed by the Court for the confirmation hearing or other required proceeding if so requested.

(B) In tabulating the ballots, the following rules shall govern:

- (1) Ballots which are not signed or which do not identify the creditor will not count as either an acceptance or rejection;
- (2) Ballots which do not show a choice of either acceptance or rejection will not be counted either as an acceptance or a rejection;
- (3) Ballots submitted after the last date set for submission of ballots will not be counted as either an acceptance or rejection except upon leave of Court; and
- (4) Where duplicate ballots are submitted and one elects acceptance and one elects rejection, then, absent leave of the Court, neither ballot will be counted unless the later submitted ballot is designated as amending the prior one.

(C) The proponent of the plan shall file a summary of the ballots submitted, included in the form available at www.flnb.uscourts.gov, which shall list for each class: the total number of claims voting, total dollar amount of claims accepting, percentages of claims voting which accept the plan, and percentage of dollar amount of claims voting which accept the plan. Such summary shall also indicate for each class whether that class is or is not impaired and whether or not the requisite vote has been attained for each class.

This new rule reflects a transfer of certain portions of Local Rule 3020-1 into a separate local rule to better connect the plan balloting process to the applicable bankruptcy rule addressing the same matters, Bankruptcy Rule 3018.

RULE 3020-1

CHAPTER 11 - CONFIRMATION

(A) Objections to confirmation shall be filed and served not less than seven (7) days before the hearing on confirmation or within such time as may otherwise be ordered by the Court. A copy of any objection shall be served upon each of the persons set forth in Bankruptcy Rule 3020(b), the U.S. Trustee, and the proponent of the plan (if other than the debtor).

(B) All Chapter 11 individual debtors shall file with the Court and serve on the U.S. Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation that first became payable after the date of the filing of the Chapter 11 petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts. This form is available at www.flnb.uscourts.gov.

Excepting the relocation of former subdivisions (B)-(D) to new Local Rule 3018-1, the amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules. Former subdivision (E) is amended to maintain a consistent style for references to the court's website.

RULE 3022-1

CHAPTER 11 - FINAL REPORT/DECREE

(A) **Non-Individual Debtors.** Upon substantial consummation of the plan for cases other than those for an individual, the plan proponent shall file a motion for final decree which shall certify compliance with 11 U.S.C. § 1101.

(B) **Individual Debtors.**

(1) **Completed Plan Payments.** After the last plan payment has been made in an individual case, the debtor shall file:

(a) A certification that the final payment has been made, form available at www.flnb.uscourts.gov; and

(b) A motion for final decree which shall certify compliance with 11 U.S.C. § 1101.

(2) **Administrative Closing.** After the entry of an order of confirmation and the disposition of all adversary proceedings, contested matters, and objections to claims, individual debtors may file a motion to administratively close the Chapter 11 case. The debtor, any creditor, or any other party in interest may file a motion to reopen an administratively closed case at any time without the necessity of paying a filing fee.

(3) **Motion to Reopen for Purpose of Obtaining Discharge and Final Decree.** The debtor may move to reopen the case for the purpose of obtaining a discharge and entry of a final decree after the completion of all payments under the plan, or for the purpose of seeking a hardship discharge. The motion to reopen shall include the total amount of payments made to each creditor under the plan, shall be verified by the debtor, and shall be served upon each creditor.

This new rule reflects a transfer of certain portions of Local Rule 2081-1 into a separate local rule to better connect the content of final decrees to the applicable bankruptcy rule addressing the same matters, Bankruptcy Rule 3022. Provisions related to administrative closing and reopening are added to reflect local practice.

RULE 4001-1

AUTOMATIC STAY - RELIEF FROM

(A) Unless otherwise stated in the notice of hearing, a preliminary, non-evidentiary hearing under 11 U.S.C. § 362(e) will be restricted to the pleadings, affidavits, documents of record, and argument.

(B) The movant shall file with the Motion the following as appropriate in the circumstances:

- (1) An affidavit of indebtedness;
- (2) Copies of documents, including filing and recording information necessary to establish a perfected secured interest;
- (3) An appraisal or other evidence of value together with the qualifications of the appraiser;
- (4) An affidavit showing such facts as may be necessary to demonstrate the movant's right to relief from stay;
- (5) A statement showing the debtor's payment history.

(C) Unless the motion has been filed on negative notice with a specified response period, any party opposing the motion shall file an objection within fourteen (14) days after entry of the Court's order and notice of preliminary hearing. All objections shall be accompanied by such appraisals, affidavits and documents as may be necessary

to demonstrate the movant is not entitled to relief from the stay. If no objection is filed within the time provided by this rule, the Court may grant the motion without a hearing.

(D) In final hearings under 11 U.S.C. § 362(e), parties shall present competent evidence admissible under the Federal Rules of Evidence either in support of, or in opposition to, the motion.

(E) Not less than five (5) days prior to the final hearing, each party shall file with the Court and furnish to all other participating parties a list of the names and addresses of all witnesses (designating expert witnesses as such) and copies of all exhibits that such party intends to introduce at trial.

(F) A party who intends to introduce the testimony of an expert witness shall make such witness available for deposition upon reasonable notice.

(G) The moving party may, without leave of Court, take a deposition of the trustee, debtor, and debtor-in-possession fourteen (14) days after the date of service of the motion. Leave of Court must be obtained only if the moving party seeks to take the deposition of the trustee, debtor, or the debtor-in-possession prior to the expiration of fourteen (14) days after the date of service of the motion. Leave of Court is not required if a trustee, debtor, or debtor-in-possession has served a notice of taking deposition or otherwise sought discovery after service of the motion.

(H) Any party in interest shall be entitled to inspect the property which is the subject of a motion under this rule upon reasonable notice. The notice shall provide for inspection not less than seven (7) days from the date of service of such notice unless the time is shortened or extended by the Court.

(I) For the purpose of this rule, the time for responding under Bankruptcy Rules 7033, 7034 and 7036, is reduced to twenty-one (21) days unless otherwise directed by the Court.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (C) is amended to adjust the response deadline from

fifteen days to fourteen days. Subdivision (E) is amended to adjust the time for providing pre-hearing witness and exhibit lists from fourteen days to five days, consistent with general pre-evidentiary hearing practice in Local Rule 9070-1(C).

RULE 4001-2

AUTOMATIC STAY - CONFIRMATION OF NO STAY

If a party in interest contends the debtor is a repeat filer under § 362(c)(3) or § 362(c)(4), the party shall provide the following as appropriate in the circumstances for each prior case:

(A) If prior filing was in this Court, the complete case caption, date of filing and date of dismissal;

(B) If prior filing was in any other Court, then, in addition to the requirements of subdivision (A), the movant shall also file relevant copies of all Court records reflecting the information provided in subdivision (A).

Advisory Committee Notes

2020 Amendment

The amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules.

RULE 4001-3

AUTOMATIC STAY - IMPOSING OR EXTENDING

A motion to impose or extend the automatic stay under 11 U.S.C. § 362(c)(3) shall be filed within five (5) days of the filing of the petition. The debtor shall properly serve all interested parties simultaneously with the filing of the motion. Interested parties shall include, but not be limited to, the U.S. Trustee, the case trustee, any co-owner of affected property, and all lien holders of affected property.

The amended rule includes only stylistic changes, including amending the title to better parallel the titles of the other local rules applicable to Bankruptcy Rule 4001 and making other clarifications. Note that as of the time of the amendment, Administrative Order 15-002 provides a robust and detailed set of requirements over and above what this Local Rule provides.

RULE 4001-4

AUTOMATIC STAY - CO-DEBTOR RELIEF FROM

(A) The movant shall file with the Motion the following as appropriate in the circumstances:

(1) An affidavit of indebtedness;

(2) Copies of documents, including filing and recording information necessary to establish:

(a) as between the debtor and the individual protected under 11 U.S.C. § 1301(a), such individual received the consideration for the claim held by the movant;

(b) the plan filed by the debtor proposes not to pay such claim; or

(c) the movant's interest would be irreparably harmed by continuation of such stay.

(3) An affidavit showing such facts as may be necessary to demonstrate the movant's right to relief from stay.

(B) For the purpose of this rule, the time for responding under Bankruptcy Rules 7033, 7034 and 7036, is reduced to twenty-one (21) days unless otherwise directed by the Court.

The amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules.

RULE 4002-1

TAX RETURNS

(A) Except as otherwise provided, debtors in Chapters 7, 12, and 13 shall provide copies of income tax returns to the trustee. The trustee is authorized to dispose of such copies at such time and in such manner as the trustee deems appropriate. Nothing in this rule shall prohibit or limit the trustee from requesting original documents; provided, however, that in the event the trustee requires the debtor to turn over original income tax return documents, the trustee shall return the originals to the debtor on the debtor's request.

(B) Copies of tax information provided to the trustee by the debtor are confidential and dissemination of the tax information should be done only as appropriate under the circumstances of the particular case. At the discretion of the Court, sanctions may be imposed for improper use, disclosure, or dissemination of a debtor's tax information.

(C) For parties other than trustees, in order to obtain access to a debtor's tax information, the requesting party must file a motion that shall include:

- (1) A description of the movant's status in the case, to allow the Court to ascertain whether the movant may properly be given access to the required tax information;
- (2) A description of the specific tax information sought;
- (3) A statement indicating that the information cannot be obtained by the movant from any other sources;

- (4) A statement showing a demonstrated need for tax information; and
- (5) The name and address for mailing of confidential information.
- (6) Any order granting a motion for access to tax information will be submitted by the movant and:
 - (a) must include language that the tax information obtained is confidential;
 - (b) may condition or prohibit movant's dissemination of the tax information as appropriate under the circumstances of the particular case; and
 - (c) will state that sanctions may be imposed for improper use, disclosure, or dissemination of the tax information.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A) is amended to add an obligation that the trustee return original tax documents and other language is converted from the subdivision to an explanatory note. The prior note at the conclusion of the rule is converted to new subdivision (C)(6). The general intent of this rule is to relieve trustees of the burden of storage of documents such as tax returns and to further relieve the trustee from any need to return documents, except for original tax return documents as set forth in subdivision (A), to the debtor.

RULE 4003-1

LIEN AVOIDANCE

(A) A motion to avoid a lien under 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d) may name only one creditor as respondent. A separate motion is required for each creditor whose lien or transfer is sought to be avoided.

(B) The debtor shall serve a copy of the motion on the respondent in accordance with Bankruptcy Rule 7004.

(C) The motion shall describe with specificity the nature of the lien, recording information, if applicable, and the property affected with legal description, as appropriate.

(D) The respondent shall have twenty-one (21) days within which to file and serve on the debtor a response to the motion.

(E) If a timely response is filed or the motion does not include the negative notice legend required by Local Rule 2002-2(B)(3), the matter will be noticed for a hearing.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (C) is added to provide minimum requirements for lien-avoidance motions. Subdivision (E) is amended for clarity and to reduce redundancy with Local Rule 2002-2 and is clarified to allow for a preliminary, non-evidentiary hearing as appropriate under the circumstances.

RULE 4004-1

GRANT OR DENIAL OF DISCHARGE

(A) **Chapter 7 Debtors.** If a Chapter 7 debtor files a Certification of Completion of Instructional Course Concerning Personal Financial Management stating that no personal financial management course is required due to incapacity or disability as defined in 11 U.S.C. § 109(h) or being on active duty in a military combat zone, the debtor shall file with the Certification an affidavit that sets forth the details of the claimed incapacity, disability, or active military duty. Such affidavit shall be sworn and notarized, and shall be construed as being filed under penalty of perjury.

(B) **Chapter 13 Debtors.** In order to obtain a discharge, all Chapter 13 debtors shall file with the Court and serve on the Chapter 13 Trustee a certification that the debtor

has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were 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 Chapter 13 Plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification that so states. Chapter 13 debtors shall certify compliance with 11 U.S.C. § 1328(h) using the following language:

- (1) The debtor has not claimed an exemption under § 522(b)(3) in an amount which exceeds the specified § 522(q) dollar amount in value in property of the kind described in § 522(q)(1) [generally the Debtor's homestead]; or
- (2) The debtor has claimed an exemption under § 522(b)(3) in an amount which exceeds the specified § 522(q) dollar amount in value in property of the kind described in § 522(q)(1) but there is no pending proceeding in which the debtor may be found guilty of a felony of a kind described in § 522(q)(1)(A) or found liable for a debt of the kind described in § 522(q)(1)(B).

(C) **Individual Chapter 11 Debtors.** In an individual Chapter 11 the debtor shall certify compliance with 11 U.S.C. § 1141(d)(5)(C):

- (1) The debtor has not claimed an exemption under § 522(b)(3) in an amount which exceeds the specified § 522(q) dollar amount in value in property of the kind described in § 522(q)(1) [generally the Debtor's homestead]; or
- (2) The debtor has claimed an exemption under § 522(b)(3) in an amount which exceeds the specified § 522(q) dollar amount in value in property of the kind described in § 522(q)(1) but there is no pending proceeding in which the debtor may be found guilty of a felony of a kind described in § 522(q)(1)(A) or found liable for a debt of the kind described in § 522(q)(1)(B).

(D) **Chapter 12 Debtors.** All Chapter 12 debtors shall file with the Court and serve on the Chapter 12 Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were 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 Chapter 12 Plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not

required to pay said amounts. Chapter 12 debtors shall certify compliance with 11 U.S.C. § 1228(f) (Chapter 12):

- (1) The debtor has not claimed an exemption under § 522(b)(3) in an amount which exceeds the specified § 522(q) dollar amount in value in property of the kind described in § 522(q)(1) [generally the Debtor's homestead]; or
- (2) The debtor has claimed an exemption under § 522(b)(3) in an amount which exceeds the specified § 522(q) dollar amount in value in property of the kind described in § 522(q)(1) but there is no pending proceeding in which the Debtor may be found guilty of a felony of a kind described in § 522(q)(1)(A) or found liable for a debt of the kind described in § 522(q)(1)(B).

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. A requirement for delivery of an affidavit is added to subdivision (A).

RULE 5005-1

ELECTRONIC FILING

The Clerk of the Bankruptcy Court may accept for filing documents submitted, signed, verified or served by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes and that comply with the administrative procedures established by the Bankruptcy Court.

Note: Please see Standing Order #11 - *Relating to Electronic Case Filing AND Administrative Procedures for Filing, Signing, Verifying Pleadings and Papers by Electronic Means*, available at <http://www.flnb.uscourts.gov>, in conjunction with this Local Rule.

Advisory Committee Notes
2020 Amendment

The amended rule includes a single stylistic change, moving the note from before to after the rule text consistent with other notes in the local rules.

RULE 5007-1

TRANSCRIPTS

(A) Hard copy access to all transcripts provided to the Court by a court reporter or transcriber will initially be restricted to Court users and case participants for a period of ninety (90) days from the date of filing to allow interested parties the opportunity to review the transcript and file a request for redaction, requesting that personal data identifiers be redacted prior to the transcript being made available to the public. Such personal identifiers are:

- (1) Social security numbers
- (2) Financial account numbers
- (3) Names of minor children
- (4) Dates of birth
- (5) Home addresses of individuals

(B) The clerk's office will be prohibited from providing electronic access as well as paper and/or electronic copies of such transcripts until ninety (90) days from the date the transcripts were filed.

- (1) Individuals wishing to purchase a copy of the transcript within the 90-day period must contact the transcriber directly.
- (2) An attorney who purchases the transcript during the 90-day period will be given remote electronic access to the on-line transcript available at that time.
- (3) Members of the general public, including self-represented parties who purchase the transcript, will not be given remote electronic access to the transcript during the 90-day period.
- (4) After the 90-day period expires, transcripts will be available for public access through the PACER system.

(C) Within seven (7) calendar days of the filing of the official transcript on the docket, each party shall inform the Court, by filing a notice of intent to request redaction with the clerk and serving a copy on the transcriber, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The party then has twenty-one (21) calendar days from the date of the filing of the official transcript to file a request for redaction with a listing indicating where the personal identifiers to be redacted appear in the transcript and serve a copy on the transcriber. The transcriber will then have thirty-one (31) calendar days from the date of the filing of the official transcript to file a redacted version of the transcript. **Parties shall not include in their public filing the information they want redacted.** The transcriber must redact the identifiers as directed by the party as follows:

- (1) Social security numbers will be limited to the last four digits;
- (2) Financial account numbers;
- (3) Names of minor children;
- (4) Dates of birth; and
- (5) Home addresses of individuals.

(D) If no request for redaction is filed within the allotted time, the Court will conclude that the parties to the action have no objection to the inclusion of personal data identifiers in the transcript and the transcript will be made electronically available on the 91st calendar day, or as soon thereafter as may be practicable, unless the Court, for good cause, related to the application of the Judicial Conference policy on privacy and public access to electronic case files, finds that a transcript should not be made available.

(E) If a timely request for redaction is filed with the clerk's office by any party to the proceeding following the filing of the official transcript, the official un-redacted transcript will not be made available. However, the redacted transcript will be made electronically available to the general public on the 91st day following the filing of the official transcript, or as soon thereafter as may be practicable.

(F) During the 90-day period, or longer if the Court so orders, any attorney who wishes to redact information not covered in Bankruptcy Rule 9037(a), must file a motion for protective order pursuant to part (d) of Bankruptcy Rule 9037. A transcript will not

be electronically available until the Court has ruled on the intervening motions for extension of time or for protective orders related to the transcript.

(G) The cost of any redactions and the responsibility for monitoring the docket to know when the electronic transcript of their hearing has been filed shall be the sole responsibility of the parties to the hearing who have requested the redaction.

(H) It is the responsibility of the parties to avoid introducing personal identifier information into the record, and attorneys are instructed to avoid eliciting information from or formulating questions to witnesses during court hearings that include personal identifier data and are further directed to be sensitive to the importance of protecting such personal data during the conduct of hearings that are being transcribed.

Advisory Committee Notes
2020 Amendment

The amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules.

RULE 5011-1

WITHDRAWAL AND ABSTENTION FROM HEARING A PROCEEDING

(A) CASES:

- (1) A case referred to the Bankruptcy Court may be withdrawn by the District Court for cause shown on a timely motion filed by any party in interest. The motion to withdraw the reference of a case, in whole or in part, shall be filed with the Clerk of the Bankruptcy Court no later than thirty (30) days after the 11 U.S.C. § 341(a) Meeting of Creditors is concluded. Parties in interest without notice or actual knowledge of the pendency of the case may move to withdraw the reference not later than twenty-one (21) days after having acquired actual knowledge of the pendency of the case.
- (2) Upon filing of a Motion to Withdraw Reference, the Clerk of the Bankruptcy Court shall forthwith transmit the motion to the Clerk of the District Court together with the pertinent record and any subsequent responses.

- (3) The motion shall be served on counsel of record for the debtor or, if the debtor has no attorney, on the debtor and U.S. Trustee. The debtor shall have fourteen (14) days after service of the motion to file a response. The District Court may dispose of the motion with or without a hearing.
 - (4) Upon final disposition of a case transmitted to the District Court pursuant to an Order Withdrawing Reference of the case, the Clerk of the District Court shall transmit to the Bankruptcy Court a copy of the entire case file originally transmitted to the District Court together with the order, judgment, or decree entered by the District Court.
 - (5) In the event the Motion to Withdraw Reference is denied, the Clerk of the District Court shall forthwith transmit the motion to the Clerk of the Bankruptcy Court together with the matters originally transmitted.
- (B) PROCEEDINGS:
- (1) A proceeding arising in, under or related to a case referred to the Bankruptcy Court pursuant to the Order of General Reference may be withdrawn by the District Court for cause shown on a timely motion filed by a party in interest. The Motion to Withdraw Proceeding must be filed with the Clerk of the Bankruptcy Court not later than the date set for filing an answer under Bankruptcy Rule 7012 or within twenty-one (21) days after the Bankruptcy Court has made a determination that a proceeding is a non-core matter.
 - (2) A Motion to Withdraw Proceeding must specifically identify the proceeding sought to be withdrawn, setting forth the exact style, title, and adversary number where applicable.
 - (3) Immediately upon docketing the Motion to Withdraw Proceeding, the Clerk of the Bankruptcy Court shall forthwith transmit the motion to the District Court together with all papers pertaining to the proceeding sought to be withdrawn.
 - (4) A Motion to Withdraw Proceeding shall be served on counsel of record for the debtor or, if the debtor has no attorney, on the debtor. The debtor shall

have fourteen (14) days after service of the motion to file a response. The District Court may dispose of the motion with or without a hearing.

(5) Upon final disposition of a proceeding transmitted to the District Court pursuant to an Order Withdrawing Reference, the Clerk of the District Court shall transmit to the Bankruptcy Court a copy of the entire record originally transmitted to the District Court together with any order, judgment, or decree entered by the District Court.

(6) In the event that the reference of a proceeding is withdrawn by the District Court and the bankruptcy case is subsequently dismissed by order of the

Bankruptcy Court, the Clerk of the Bankruptcy Court shall immediately certify to the District Court that an order of dismissal has been entered.

(C) ABSTENTION:

(1) Unless otherwise ordered by the Bankruptcy Court, a Motion for Abstention under 11 U.S.C. § 305 shall not toll, suspend, or otherwise change the time period for filing responsive pleadings or motions in pending matters.

(2) An Order of Abstention shall have the effect of closing the file of the case.

(3) All requests for the Court to abstain in a case under Title 11 shall be filed no later than thirty (30) days after the 11 U.S.C. § 341(a) Meeting of Creditors is concluded.

Advisory Committee Notes

2020 Amendment

The amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules.

RULE 6004-1

SALE OF ESTATE PROPERTY

- (A) Sales of property of the estate, other than:
- (1) Sales free and clear of liens claims or encumbrances;
 - (2) Sales in the ordinary course of business; or
 - (3) Sales of personally identifiable information under § 363(b)(1)(B),

The trustee, or debtor, as appropriate, shall prepare, file, and serve pursuant to Bankruptcy Rule 7004 a Report and Notice of Intention to Sell Property of the Estate, form available at www.flnb.uscourts.gov. Where the value of the estate's interest in the property is less than \$1,000.00, notice need be given only to the debtor, debtor's attorney, any committee or its authorized agent, the U.S. Trustee's Office, and to any creditor and equity security holders who file a request that all notices be sent to them.

(B) Sales or leases of personally identifiable information under § 363(b)(1)(B) shall be governed by Bankruptcy Rule 6004(g).

(C) Sales of property free and clear of liens pursuant to 11 U.S.C. § 363(f) and Bankruptcy Rule 6004(c) shall be accomplished in the following manner:

- (1) The Trustee or Debtor, as appropriate, shall file a motion pursuant to Rule 6004(c) for authority to sell property free and clear of liens or other interests, and serve the motion on all parties who have liens or other interests in the property to be sold; and
- (2) Once the Clerk has scheduled a hearing on the motion, the movant shall file a Report and Notice of Intention to Sell Property of the Estate containing the date, time and place for the hearing on the motion. The moving party may serve the Report and Notice pursuant to the negative notice procedure under these rules (see local forms page on www.flnb.uscourts.gov) as provided in Rule 6004(a), and serve the notice on all creditors and parties in interest.

- (a) If an objection to the motion is timely filed, the objection will be set for hearing at the same time as the motion.

- (b) If no objection to the sale is filed within the negative notice period set forth in the notice, then the motion may be granted without a hearing. If an order is entered granting the motion, the sale may proceed without the necessity for the hearing. If no order granting the motion is entered, the hearing will proceed as scheduled.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A) is amended to maintain a consistent style for references to the court's website. Former subdivision D. is incorporated into subdivision (C) and references to service by negative notice have been changed to maintain a consistent style across all rules.

RULE 6007-1

ABANDONMENT

(A) Any party in interest, other than a trustee, who seeks to have the trustee or debtor in possession abandon property of the estate may do so by complying with the following:

- (1) Prepare a Report and Notice of Trustee's Intention to Abandon Property of Estate, form available at www.flnb.uscourts.gov, present the original to the trustee, and provide to the trustee the following documentation or information:
 - (a) Evidence of indebtedness, including promissory notes, statements of account or the like;

 - (b) Affidavit of amount due with calculations set forth in detail;

- (c) Evidence of perfection of the lien or encumbrance including mortgages, security agreements, UCC filings and copies of titles showing liens; and
- (d) Evidence as to value.

(2) Once the Trustee or debtor in possession has signed the Report and Notice of Trustee's Intention to Abandon Property of Estate, the party in interest seeking abandonment of the property shall serve the signed Report and Notice on all creditors and parties in interest, except:

(a) If the property to be abandoned is encumbered by liens greater than the value of the property, notice shall be given only to the debtor, debtor's attorney, any known lien holders, the creditors' committee, if any, and the U.S. Trustee's Office.

(b) If the property to be abandoned is not encumbered by any liens but has a value totaling less than \$500.00, notice shall be given to the debtor, debtor's attorney, the creditors' committee, if any, and the U.S. Trustee's Office.

(3) The party in interest who has requested the abandonment shall file the Report and Notice and a Certificate of Service with the Clerk.

(B) A trustee who seeks to abandon property of the estate may do so by complying with the following:

(1) Prepare a Report and Notice of Trustee's Intention to Abandon Property of Estate;

(2) Serve the Report and Notice of Trustee's Intention to Abandon Property of Estate on all creditors and parties in interest, except:

(a) If the property to be abandoned is encumbered by liens greater than the value of the property, notice shall be given only to the debtor, debtor's attorney, any known lien holders, the creditors' committee, if any, and the U.S. Trustee's Office.

(b) If the property to be abandoned is not encumbered by any liens but has a value totaling less than \$500.00, notice shall be given to the debtor, debtor's attorney, the creditors' committee, if any, and the U.S. Trustee's Office.

(3) File the Report and Notice and a Certificate of Service with the Clerk.

(C) The Report and Notice may be filed on negative notice pursuant to Local Rule 2002-2. Unless an objection is timely filed in accordance within the negative notice period set forth in the notice, or within such other time fixed by the Court, the abandonment will be deemed final and no order will be issued.

Advisory Committee Notes
2020 Amendment

The amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A)(1) is amended to maintain a consistent style for references to the court's website. Subdivision (C) is amended to clarify the applicability of the negative notice period.

RULE 7001-1

ADVERSARY PROCEEDINGS

An adversary proceeding governed by Part VII of the Bankruptcy Rules shall be commenced by the filing of a complaint. The filing shall include an Adversary Proceeding Cover Sheet, form available at www.flnb.uscourts.gov, and the appropriate filing fee. The caption of the complaint shall conform substantially with the applicable Official Form for Captions. Upon the filing of the adversary complaint and cover sheet, the Clerk's office shall issue the summons. The plaintiff's attorney shall receive the summons electronically and shall be responsible for printing and serving the summons along with a copy of the complaint upon the defendant(s) in accordance with Bankruptcy Rule 7004. If the plaintiff is self-represented, the Clerk's office will mail the summons to the plaintiff, who will be responsible for serving a copy of the summons and complaint upon the defendant(s) in accordance with Bankruptcy Rule 7004.

Advisory Committee Notes

2020 Amendment

The amended rule includes only stylistic changes. The rule is amended to maintain a consistent style for references to the court's website. The rule is also amended to remove references to specific official form numbers in light of the recent renumbering of forms (the rule previously referenced Form B 104, which was replaced by Form B 1040, and Form B 16D, which was replaced by Form B 416D).

RULE 7004-1

SERVICE OF PROCESS

Service is the responsibility of the plaintiff's attorney, or the plaintiff if the plaintiff is self-represented, and must be affected in accordance with Bankruptcy Rule 7004. Upon completion of service, the plaintiff's attorney, or the plaintiff if the plaintiff is self-represented, shall execute and file a certificate of service showing compliance with Bankruptcy Rule 7004, and serve a copy of the certificate to the defendant(s).

Advisory Committee Notes

2020 Amendment

The amended rule includes only stylistic changes, clarifying that the rule similarly applies to self-represented parties. The official form for a certificate of service is included with the summons as the second page; the rule's prior reference to the "back of the original Summons" has been deleted as current practice generally involves the certificate being printed as a separate page and not on the back of the summons as was done in the past.

RULE 7007-1

MOTION PRACTICE

For all motions filed in adversary proceedings and contested matters, the provisions of Local Rule 9013-1 shall apply.

Advisory Committee Notes

2020 Amendment

The amended rule reflects the migration of the previous rule's contents to the more generally applicable Local Rule 9013-1 and incorporates such rule by cross-reference.

RULE 7008-1

CORE/NON-CORE PROCEEDINGS

If an issue is raised under Bankruptcy Rule 7008 as to whether a proceeding is core or non-core, the party instituting the proceeding shall, within twenty-one (21) days after the service of the pleading creating the issue, file a motion seeking a determination as to whether the proceeding is core or non-core.

Advisory Committee Notes

2020 Amendment

The amended rule includes only a single stylistic change, broadening the reference to the entirety of Bankruptcy Rule 7008 rather than just subdivision (a) of that rule.

RULE 7016-1

PRE-TRIAL/MEDIATION PROCEDURES

(A) **Generally.** District Local Rule 16.3, concerning Mediation shall be applicable in all adversary proceedings and contested matters as directed by the Bankruptcy Court.

(B) **Mortgage Modification and Other Specialty Mediations.** For Mortgage Modification Mediations, see the Court's website for orders, procedures, forms and instructions, available at www.flnb.uscourts.gov. The Court may establish procedures, policies and orders to deal with other specialty mediations. Otherwise, other specialty mediations shall be conducted pursuant to orders or procedures adopted on a case by case basis.

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A) is amended to add a subdivision heading distinct from new subdivision (B) and to simplify the reference to the applicable district rule. New subdivision (B) is created to provide notice to practitioners of the Court's authority to craft mediation orders specific to meet systemic or recurring issues as they arise.

RULE 7026-1

DISCOVERY - GENERAL

(A) Before filing any motion related to discovery, counsel for the moving party shall confer with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised, and shall file with the Court at the time of filing the motion a statement certifying that counsel has so conferred with opposing counsel and that counsel have been unable to resolve this dispute ("Certification").

- (1) Consistent with District Local Rule 7.1(B), the requirement for the moving party to "confer" within the meaning of this rule requires such party to at a minimum afford counsel for the non-moving party twenty-four (24) hours to respond, absent extraordinary circumstances. Counsel for the moving party must make at least two attempts to contact the non-moving party, with a minimum of one telephonic attempt, before filing a motion without having actually conferred. In such an event, the Certification shall identify each attempt to reach the non-moving party, identifying the time of the attempt and the means employed for each attempt, as well as any applicable extraordinary circumstances.
- (2) As a general rule, exchanges of email or other correspondence alone do not constitute a proper conferral within the meaning of this rule.
- (3) The failure of a moving party to properly confer prior to filing a discovery motion pursuant to this rule may subject the filer to sanctions.

(4) The refusal of a non-moving party to engage in a conferral, when the moving party has attempted to confer in good faith, may subject the non-moving party to sanctions in the form of fees and costs incurred in filing the motion.

(B) Motions to compel discovery pursuant to Bankruptcy Rule 7037 shall:

(1) Quote in full each interrogatory, question on deposition, request for admission, or request for production to which the motion is addressed;

(2) The objection and grounds therefore as stated by the opposing party; and

(3) The reasons such objection should be overruled and the motion granted.

(C) For the guidance of counsel in preparing or opposing contemplated motions for protective order, related to the place of taking a party litigant's deposition, or the deposition of the managing agent of a party, it is the general policy of the Court that a nonresident plaintiff may reasonably be deposed at least once in this District during the discovery stages of the case; and that a nonresident defendant who intends to be present in person at trial may reasonably be deposed at least once in this District either during the discovery stages of the case or within a week prior to trial. A nonresident, within the meaning of this rule, is a person residing outside the Northern District of Florida.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. The discussion of what constitutes a proper conferral prior to the filing of a motion is substantially expanded to guide practitioners in the district.

RULE 7041-1

DISMISSAL - FAILURE TO PROSECUTE

In any adversary proceeding, whenever it appears that no activity by filing of pleadings, orders of the Court or otherwise has occurred for a period of ninety (90) or more days, the Court may, on motion of any party in interest or on its own initiative, enter an order to show cause why the action should not be dismissed. If no satisfactory cause is shown, the Court may dismiss the action for want of prosecution without any further notice or hearing.

Advisory Committee Notes

2020 Amendment

The amended rule includes only stylistic changes.

RULE 7042-1

CONSOLIDATION OF ADVERSARY PROCEEDINGS

- (A) Civil Rule 42 applies in adversary proceedings.
- (B) Until an order consolidating adversary proceedings is entered, all items are to be filed as applicable in each separate adversary proceeding.

Advisory Committee Notes

2020 Amendment

The amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules.

RULE 7054-1

COST - TAXATION/PAYMENT

District Local Rules 54.1 and 54.2 apply to motions for attorney's fees and the taxation of costs, respectively, in adversary proceedings.

Advisory Committee Notes

2020 Amendment

The amended rule includes one substantive change, removing the original 30-day time period for taxing costs and the filing of fee motions. In its place, the current rule confirms that the standard District Local Rules will apply, which provide procedural requirements in addition to timing details. Of particular note is the standard time period under the District Local Rules, as of the time of this amendment, is 14 days from the entry of judgment or closing of the case. This reflects a significant reduction in the time period under the previous local rule but is now more consistent with standard federal practice.

RULE 7055-1

DEFAULT

(A) When a party fails to respond after being timely served with a summons and complaint, cross-complaint, or third-party complaint, the party that filed the complaint shall seek entry of a clerk's default and default final judgment. A party seeking entry of a Clerk's default shall file a motion that states:

- (1) Upon whom, how, and when service was made, with reference to the applicable Bankruptcy Rule;
- (2) The date on which a responsive pleading was due;
- (3) That no extension of time was sought or obtained by the adverse party; and
- (4) That the movant seeks an entry of a Clerk's default.

- (B) The party seeking a judgment by default shall:
- (1) File a verified motion or a motion with a sworn affidavit attached, requesting entry of a default final judgment and containing facts in support of the allegations set forth in the complaint, cross-complaint, or third-party complaint;
 - (2) File an affidavit of non-military service (where applicable); and
 - (3) Submit a proposed order granting the motion for entry of default final judgment; and a proposed final judgment.

Advisory Committee Notes
2020 Amendment

The amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules. Additional changes are intended to improve readability.

RULE 7067-1

REGISTRY FUND

(A) Whenever a party seeks a Court order for money to be deposited by the Clerk in an interest-bearing account or investment, the party shall file with the Clerk's Office a motion and submit a proposed order.

(B) If the Court issues the order, the Clerk is authorized and directed to deduct from the income earned on the deposit a fee not to exceed that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office of the U.S. Courts in accordance with the schedule which shall be published periodically by the Director in the Federal Register. This fee shall apply to all registry fund investments regardless of the nature of the case underlying the investment at the conclusion of the case.

Note: See Standing and Administrative Orders, available at www.flnb.uscourts.gov, regarding procedures, fee information, and tax administration policies specific to registry funds.

Advisory Committee Notes
2020 Amendment

The amended rule includes only stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules. An advisory note has been added directing parties to current information located on the court's website for registry-fund policies.

RULE 9001-1

GENERAL DEFINITIONS

The definitions of words and phrases in §§ 101, 902, 1101, and 1502 of the Bankruptcy Code, and the rules of construction in § 102, shall also apply in these rules. The following words and phrases used in these rules have the meaning indicated:

(A) "CM/ECF" means the court's online case management and electronic filing system.

(B) "Electronic Filing User" means an attorney or other entity given a Court-issued login and password, who is thereby given authority to file papers through CM/ECF. As set forth in Local Rule 1001-2(h), Electronic Filing Users are deemed to have consented to electronic service via CM/ECF.

(C) "Electronic Transmission" or "Email" means delivery through electronic communication of papers to be filed with the Court or to be served on creditors or other parties in interest.

(D) "File" or "Filed" means the legal receipt of documents by the Court; by paper, acknowledged by date stamp affixed to the paper by the Clerk or Judge; or by electronic transmission, acknowledged by the date verified by CM/ECF.

(E) "Electronic Means" or "Electronic Methods" means a non-paper system of delivering documents to and from the Court and to and from attorneys and other parties, the original form of which may also be electronic. Such systems include the use of

facsimile machines, Internet email systems, and CM/ECF.

(F) “Notice of Electronic Filing” means an electronic document produced by CM/ECF that certifies each filing with the Court.

Advisory Committee Notes

2020 Amendment

This new rule is intended as a parallel to Bankruptcy Rule 9001 to clarify that these rules employ the same conventions and definitions generally applicable in the Federal Rules of Bankruptcy Procedure. Additional subdivisions are added to define terms applicable to electronic filing.

RULE 9004-1

CAPTION - DOCUMENTS

(A) The first page of all petitions, pleadings, motions, and other papers filed with the Court shall contain a caption as in the Official Forms. In addition shall state in the title the designation of the party, and the party’s name if the designation is insufficiently specific, by whom or on whose behalf the paper is filed. The document title shall also describe the paper’s contents or the relief requested. If the filing contains a memorandum, the caption shall so state. For example, "*TRUSTEE'S MOTION TO COMPROMISE AND SETTLE CONTROVERSY, AND MEMORANDUM.*"

(B) If a pleading contains a prayer for injunctive relief pursuant to Bankruptcy Rule 7065, the title of the pleading shall include the words: "*AND PRAYER FOR INJUNCTIVE RELIEF.*"

(C) Unless otherwise directed by the Court, any party permitted to amend a pleading, motion, or other document filed with the Court shall file the amended pleading in its entirety, designating “Amended” in the title and relating it to the docket number of the original filing.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivisions (A) and (B) have been reversed as injunctive relief is less common than the general document title rules. New subdivision (A) is expanded to reference the official form and note the possibility that a party's designation (e.g., creditor) may be insufficient to expressly identify the party. Subdivision (C) is amended to remove the explicit reference to the CM/ECF system.

RULE 9006-1

TIME PERIODS

(A) All time periods established in these rules may be extended or shortened by the Court upon a showing of cause, unless otherwise prohibited by Bankruptcy Rule 9006(b).

(B) In computing any period of time prescribed or allowed by an order of this Court, the date such period shall commence is the date the order is docketed by the Clerk pursuant to Bankruptcy Rule 5003, unless otherwise stated in the order.

Advisory Committee Notes

2020 Amendment

The amended rule includes stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (B) is clarified to allow for the possibility that the order may itself provide express timing rules, which would control over this default rule.

RULE 9013-1

MOTIONS, BRIEFS AND MEMORANDA OF LAW

(A) **Motions.**

- (1) Each motion shall contain no more than one claim or request for relief unless the prayer is seeking alternative relief provided for in a single section of the Bankruptcy Code or Rules.
- (2) In adversary proceedings and contested matters, counsel for the moving party shall confer with counsel for the opposing party and shall file with the Court at the time of filing a motion a statement certifying that he has conferred with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised and the result thereof. If certain of the issues have been resolved by agreement, the certificate shall specify the issues resolved and those remaining for resolution. All motions which are consented to in their entirety shall contain "Agreed" or "Consent" in the title.

(B) **Legal Support for Motion.** A moving party shall serve and file with every motion or application in a contested matter or adversary proceeding a memorandum of law or other citation of authority in support of the motion.

(C) **Opposition to Motions and Applications.**

- (1) **Deadline to File Response in Opposition.** Each party objecting to the relief being sought shall file and serve, within fourteen (14) days after service of the motion or application, a response and memorandum with citation of authority. Failure to file such a response shall indicate that the party against whom the motion or application is filed does not contest the relief requested, and shall be sufficient cause for granting the motion or application without further notice or a hearing.
- (2) **Certificate of No Objection.** If the objection deadline has passed with no objection having been filed or served, counsel for the movant, or the movant if the movant is self-represented, may file a Certificate of No Objection that shall constitute a representation to the Court that the movant and its

counsel are unaware of any objection to the motion or application and have verified that no objection appears on the Court's docket. Upon receipt of the Certificate of No Objection, the Court may enter the Order submitted by the movant without further pleading or hearing. The proposed order shall specify that any hearing on the motion or application is canceled.

(D) **Length of Briefs and Memoranda.** All briefs and legal memoranda shall comply with the limitations set forth in the District Local Rules, absent prior permission of the Court.

(E) **Paper Copy for Lengthy Filings Requiring Hearing.** Any party that files a paper in a contested matter or adversary proceeding that, together with any memoranda, attachments, affidavits, exhibits, or depositions referenced, exceeds fifty (50) pages, must supply to chambers a full paper copy thereof. The paper copy shall be supplied contemporaneously with filing in matters in which the filing party reasonably expects opposition, such as non-consent dispositive motions. Where a paper filed in an administrative case does not become a contested matter until another party files its opposition, the paper copy shall be supplied no fewer than seven (7) days before the scheduled hearing.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. New Subdivision (A) is a new rule reflects a transfer of certain portions of Local Rule 7007-1 into a local rule applicable to contested matters as well as adversary proceedings. Subdivision (B)(1) is amended to reduce the standard response time from fifteen to fourteen days. Subdivision (C) is amended to incorporate the district's length limitations, consistent with these rules generally incorporating the district's font-size limitations. As of this amendment, District Local Rule 5.1(C) requires at least 14-point font, District Local Rule 7.1(F) sets a limit of 8,000 words for supporting and opposing memoranda, and District Local Rule 7.1(I) limits reply memoranda to 3,200 when replies are allowed. Practitioners should also note the requirement for a certificate stating the number of words in the memorandum.

RULE 9014-1

[Removed]

Advisory Committee Notes
2020 Amendment

This local rule previously required movants to estimate the amount of time necessary for an evidentiary hearing. The rule was removed as inconsistent with local practice, where preliminary non-evidentiary hearings are held and all interested parties propose the amount of time necessary at that time, after any narrowing of the issues has occurred.

RULE 9015-1

JURY TRIAL

(A) **Applicability of Certain Federal Rules of Civil Procedure.** Civil Rules 38, 39, 47-49 and 51, and Civil Rule 81(c) insofar as it applies to jury trials, apply in all cases and proceedings, except that a demand made under Civil Rule 38(b) shall be filed in accordance with Bankruptcy Rule 5005.

(B) A demand for a jury trial shall include a statement indicating the demanding party's consent or non-consent to have the jury trial conducted by a bankruptcy judge. The adverse party shall file a statement of consent or non-consent within twenty-one (21) days after the demand is made.

Note: This rule is not intended to expand or create any right to trial by jury where such right does not otherwise exist.

Advisory Committee Notes
2020 Amendment

The amended rule includes both substantive and stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules. Former subdivision C. is deleted as an unnecessary reference to the general order of designation. Subdivision (B) is amended to remove an alternative time frame for filing the statement of consent or non-consent.

RULE 9020-1

CONTEMPT PROCEEDINGS

(A) A party moving for an order of contempt shall file:

- (1) A verified motion for contempt, or a motion for contempt with an accompanying affidavit sworn under penalty of perjury, stating with specificity the grounds, act or violation alleged to have been committed by the party the movant seeks to be held in contempt.
- (2) Any other documents or evidence attached as exhibits which support the motion for contempt.
- (3) A certificate of service reflecting service on the party sought to be held in contempt, in compliance with Bankruptcy Rule 7004.

(B) A party moving for contempt shall submit a proposed Order to Show Cause directing the opposing party to appear at an evidentiary hearing, date and time to be left blank, and show cause as to why the Court should not grant the motion and find the opposing party in contempt for the alleged conduct that is the grounds for the motion.

Advisory Committee Notes

2020 Amendment

The amended rule includes stylistic changes. The format of subdivisions is changed to maintain a consistent style across all rules.

RULE 9037-1

PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT

Procedures to protect personal identifiers and information are governed in accordance with Bankruptcy Rule 9037 and this Court's *Administrative Procedures for Electronic Filing, Signing and Verifying Pleadings and Papers by Electronic Means*, available at www.flnb.uscourts.gov. Bankruptcy Rule 9037(h) applies if a document containing

information in violation of those provisions is filed.

Advisory Committee Notes

2020 Amendment

The amended rule includes one substantive change, removing the prior procedure for restricting information in favor of the December 1, 2019 amendment to Bankruptcy Rule 9037.

RULE 9070-1

EXHIBITS

(A) **Submission of Exhibits in Electronic or Paper Format.** Unless the Court orders otherwise, if all parties in an adversary proceeding or contested matter are represented by counsel, exhibits shall be exchanged and submitted to the Court in electronic format through CM/ECF and shall be text-searchable when possible. In Adversary proceedings or contested matters in which any party is self-represented, participating counsel shall file exhibits with the Court electronically through CM/ECF and self-represented parties shall file in paper. Participating counsel shall also provide paper copies of electronically filed exhibits to self-represented parties in advance of the hearing as set forth below.

(B) **Redaction of Personal Data Identifiers.** Exhibits must be redacted prior to electronic or paper filing in accordance with Local Rule 9037-1.

(C) **Exhibit Filing.** No later than five (5) calendar days prior to trial or a non-emergency evidentiary hearing, counsel for the parties and self-represented parties shall mark, list, file, and exchange all exhibits they plan to introduce into evidence. If for some reason the exhibit or a facsimile of the exhibit cannot be filed, clarifying information for the non-filed exhibit is to be provided with the items that are filed. All exhibits must be listed in order on a separate Exhibit List, form available at www.flnb.uscourts.gov. The time requirements set forth herein shall not apply to exhibits for hearings on Motions for Relief from the Automatic Stay, which shall be governed by Local Rule 4001-1(E).

(D) **Exhibit Cover Sheet.** Each exhibit shall be preceded by an 8 1/2 x 11-inch Exhibit Cover Sheet, form available at www.flnb.uscourts.gov, and numbered

sequentially beginning with the number 1.

(E) **Original and Hard Copy Exhibits.** A minimum of four (4) copies of the original, hard copy, and/or printable version of the documentary exhibits and Exhibit List shall be furnished to the Courtroom Deputy prior to the commencement of the hearing or trial. Counsel are encouraged to utilize the Court's electronic exhibit display equipment.

(F) **Additional Exhibits.** In the event that additional exhibits that were not filed in CM/ECF are offered or introduced into evidence during the evidentiary hearing or trial, the party responsible shall file a complete set of such additional exhibits via CM/ECF within seven (7) days following the conclusion of the evidentiary hearing or trial.

(G) **Large Items and Exhibits Other Than Paper Documents.** Items to be introduced into evidence other than paper documents should be photographed, accompanied by an Exhibit Cover Sheet, and listed on the Exhibit List. Paper documents larger than 8 ½ x 14 inches should be listed on the Exhibit List and accompanied by a reduced 8 ½ x 11-inch copy ("substitute") and an Exhibit Cover Sheet. Counsel shall attach Exhibit Cover Sheets to exhibits and substitutes, identifying corresponding exhibits and substitutes with the same number. At the conclusion of the trial or hearing, upon request by the offering party granted in open court or with a separate order, the Courtroom Deputy may return original exhibits to counsel. If possible, the physical object shall be brought to court for trial. If an appeal is taken, the substitute exhibit will be included in the record on appeal, unless otherwise ordered by the bankruptcy or appellate court.

(H) **Use of Electronically Stored Exhibits in Court.** Exhibits filed through CM/ECF are the official exhibits for purposes of the evidentiary hearing or trial, except that electronically stored exhibits shall not be used in adversary proceedings or contested matters in which any of the parties are self-represented.

(I) Upon the expiration of thirty (30) days after entry of an order or judgment concluding a contested matter or adversary proceeding, including the entry of an order disposing of any post-judgment motions, and provided that no appeal is pending, or if an appeal is taken, upon filing of the mandate, the Clerk shall give notice to all parties to reclaim their exhibits. The parties shall have thirty (30) days from the date of said notice to either reclaim their exhibits or to make arrangements with the Clerk to do so. Exhibits

which are not reclaimed shall be discarded or destroyed.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Various additional subdivisions are added to update the rule to better define required practices for electronic filing, including subdivisions (A), (B), (F), (G), and (H). The amended rule establishes the general primacy of electronic filing, including making the electronically-filed exhibits as “official” for the purpose of evidentiary hearings and trials except where any of the parties is self-represented. This rule also amends the time frame for filing exhibits from three business days to five calendar days before an evidentiary hearing, except for the possibility of separate time requirements under Local Rule 4001-1(E). Note that in this revision cycle the Local Rule 4001-1(E) time period was reduced to the same five-day period in this rule but the possible distinction has been left in this rule. The amended rule substitutes a pre-exhibit cover sheet for the requirement of “tagging” exhibits that was time-consuming for electronic documents. Subdivision (H)(2) was removed as duplicative of Subdivision (C). Other changes are stylistic in nature.

RULE 9071-1

STIPULATIONS

All factual and procedural stipulations must either be in writing and filed with the Court or stated on the record in open court.

Advisory Committee Notes
2020 Amendment

The amended rule includes only a stylistic change for readability and is not intended to be a substantive change. While the previous rule expressly required execution by both the party and attorney, the revised rule treats the presentation to the Court as the effective equivalent.

RULE 9072-1

ORDERS - PROPOSED

(A) All proposed orders shall comply with the Court's Proposed Orders Guidelines, available at www.flnb.uscourts.gov, and shall be otherwise formatted in accordance with the District Local Rules.

(B) No order or judgment will be entered where the date or signature of the Court is the only text on a page.

(C) Proposed orders and judgments shall be submitted electronically as instructed in the ECF User Manual, available at www.flnb.uscourts.gov. Paper copies may be submitted only by self-represented parties.

(D) The proposed order shall be furnished electronically to the parties in interest affected by the order. If parties disagree on the form of an order, they must follow the Proposed Orders Guidelines, available at www.flnb.uscourts.gov.

(E) All orders should be submitted within three (3) business days after the date of the hearing or expiration of the response deadline, unless directed otherwise by the Court or under a separate order-related provision contained within these rules.

Advisory Committee Notes

2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Various subdivisions were amended to direct parties to the currently applicable standing orders regarding, and guidelines for, proposed orders. Subdivision (A) concerning the required elements of proposed orders has been eliminated as addressed by the guidelines.

RULE 9073-1

HEARINGS

(A) Motions Requesting Emergency Hearings.

- (1) When filing a motion, response to a motion, or pleading which seeks an emergency hearing, the docket text should be modified to include the words "*Emergency Motion.*" After filing the emergency motion and the statement of need described in subdivision (B)(3) below, counsel for the moving party may contact the Judge's chambers by telephone if an emergency hearing is requested. Counsel for the moving party shall follow any other instructions that are provided by the ECF filing system when docketing an emergency motion.
- (2) Emergency hearings shall ordinarily be held only where direct, immediate, and substantial harm will occur to:
 - (a) the interest of a person or entity in property;
 - (b) the estate; or
 - (c) the debtor's ability to reorganize if the parties are not able to obtain an immediate resolution of the dispute.
- (3) A motion seeking an emergency hearing shall be accompanied by a "*Statement of Need For Emergency Hearing*" containing:
 - (a) An explanation as to why the relief requested requires an emergency hearing;
 - (b) A certification that the need for an emergency hearing is not caused by lack of due diligence by the party, or its counsel, seeking the relief; and
 - (c) A certification that the movant or its counsel have made diligent efforts to confer with any opposing party or its counsel to resolve the issue without an emergency hearing.

All hearings may be adjourned or continued from time to time by announcement made in open Court without further written notice.

Advisory Committee Notes
2020 Amendment

The amended rule includes both stylistic and substantive changes. The format of subdivisions is changed to maintain a consistent style across all rules. Subdivision (A) has been removed as current local practice ordinarily uses preliminary non-evidentiary hearings in situations where a party would otherwise request a hearing.

ADDENDUM A

CUSTOMARY AND TRADITIONAL CONDUCT AND DECORUM IN THE UNITED STATES BANKRUPTCY COURT

Consistent with Local Rule 1001-1, the addendum found in the District Local Rules titled “Customary and Traditional Conduct and Decorum in the the United States District Court” is incorporated as though all relevant references were made to the Bankruptcy Court.

Advisory Committee Notes

2020 Amendment

The amendment shifts from reproducing the conduct and decorum rules of the district court in full to incorporating those rules by reference.

ADDENDUM B

STANDING ORDER AND ADMINISTRATIVE PROCEDURES RELATING TO ELECTRONIC CASE FILING

Standing Order #11 and the Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means, as well as any amendments to either document as available at www.flnb.uscourts.gov, are incorporated as though stated herein for the purpose of establishing procedures related to electronic case filing and use of CM/ECF in the Bankruptcy Court.

Advisory Committee Notes

2020 Amendment

The original Addendum B has been deleted in favor of Local Rule 7016-1. Former Addendum C has been redesignated Addendum B. The amendment shifts from reproducing the standing order on electronic case filing to incorporating the applicable standing orders by reference.

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