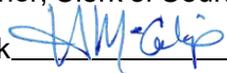


ENTERED

May 19, 2022

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

Nathan Ochsner, Clerk of Court

By Deputy Clerk 

Re: ADOPTION OF BANKRUPTCY
LOCAL RULES

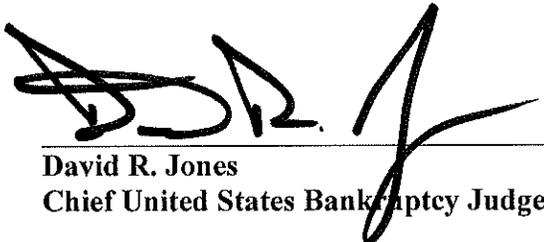
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GENERAL ORDER 2022-3

ORDER

The Court earlier proposed amending Bankruptcy Local Rules 1002-1 Commencement of Case and Divisional Filing Locations and 3003-1 Deadline for Filing Proofs of Claim and Proofs of Interest in Chapter 9 and Chapter 11 Cases. The proposed amendments having now been approved by the Judicial Council for the Fifth Circuit through its Rules Committee, the Court permanently adopts the Bankruptcy Local Rules effective May 19, 2022.

Signed May 19, 2022.



David R. Jones
Chief United States Bankruptcy Judge

Local Rule 1002-1. Commencement of Case and Divisional Filing Locations.

- (a) Corporate or partnership parties must be represented by counsel at all times.
- (b) Cases ~~should~~must be filed in the division of the debtor's "principal location", as defined in subparagraphs (c) and (d). Nothing in this rule precludes a party-in-interest from filing a motion to transfer a case to another division under BLR 1014-1. Absent good cause, cases filed outside of the debtor's principal location will be transferred by the court sua sponte or on motion of a party.
- (c) For an individual debtor, the debtor's principal location is the county of the debtor's principal residence or domicile for the longest portion of the 180 days preceding the date of the petition. If an individual debtor did not have a principal residence or domicile within the Southern District of Texas for at least 91 days before the filing of the petition, the individual debtor's principal location is the county of the debtor's principal assets within the Southern District of Texas.
- (d) For a debtor that is not an individual, the debtor's principal location is the county of the debtor's principal executive offices or principal assets for the 180 days immediately preceding the filing of the petition, or for a longer portion of such 180-day period than the principal executive offices or principal assets were located in any other county in this District. ~~If there are no principal executive offices or principal assets within the District, the principal location shall be the Houston division if either has been located within the Southern District of Texas for at least 91 days prior to the filing of the petition.~~
- (e) Notwithstanding anything herein to the contrary, Complex Cases as defined under the Procedures for Complex Cases in the Southern District of Texas are governed by General Order 2018-1, as it may be subsequently amended.

Local Rule 3003-1. Deadline for Filing Proofs of Claim and Proofs of Interest in Chapter 9 and Chapter 11 Cases.

- (a) Unless otherwise ordered, In chapter 9 cases and chapter 11 cases (other than cases filed under subchapter V of chapter 11), a proof of claim or proof of interest is timely filed if the proof of claim or proof of interest is filed not later than 90 days after the first date set for the § 341(a) meeting of creditors.; unless otherwise ordered by the court or governed by BLR 3003-1(b), proofs of claim and proofs of interest must be filed within 90 days after the first date set for the meeting of creditors under section 341(a), except that a proof of claim filed by a governmental unit must be filed within 180 days after the order for relief.
- (b) In cases filed under subchapter V of chapter 11, a proof of claim or proof of interest is timely filed if that proof of claim or proof of interest is filed not later than 70 days after the date of the order for relief.
BLR 3003-1(a) does not apply to chapter 11 cases that (1) are ordered treated as complex cases, or (2) transferred from another judicial district.
- (c) The following exceptions apply to subsections (a) and (b) of this rule:
- (1) A proof of claim filed by a governmental unit is timely filed if it is filed not later than 180 days after the date of the order for relief. A proof of claim filed by a governmental unit for a claim resulting from a tax return filed after the order for relief is timely filed if it is filed no later than the longer of 180 days after the date of the order for relief and 60 days after the date of the filing of the tax return. The court may, for cause, enlarge the time for a governmental unit to file a proof of claim only upon motion of the governmental unit made before expiration of the period for filing a timely proof of claim.
- (2) In the interest of justice and if it will not unduly delay the administration of the case, the court may extend the time for filing a proof of claim by an infant or incompetent person or the representative of either.
- (3) A claim arising from the rejection of an executory contract or unexpired lease of the debtor may be filed within such time as the court may direct.
- (4) On motion filed by a creditor before or after the expiration of the time to file a proof of claim, the court may extend the time by not more than 60 days from the date of the order granting the motion. The motion may be granted if the court finds that:
- (A) the notice of the commencement of the case was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim because the debtor failed to timely list the creditor's name and address as required by Rule 1007(a); or

(B) the notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim, and the notice was mailed to the creditor at a foreign address.

(5) In a case in which the debtor is an individual, a proof of claim filed by the holder of a claim that is secured by a security interest in the debtor's principal residence is timely filed if:

(A) the proof of claim, together with the attachments required by Rule 3001(c)(2)(C), is filed not later than 70 days after the order for relief is entered; and

(B) any attachments required by Rule 3001(c)(1) and (d) are filed as a supplement to the holder's claim not later than 120 days after the order for relief is entered.

~~(6) BLR 3003-1(a) and BLR Rule 3003-1(b) do not apply to a case that is (i) ordered treated as a complex case or (ii) transferred to this district from another judicial district.~~

~~(d) In every case, the initial creditor matrix required by Bankruptcy Rule 1007(a)(1) must be timely filed, and in no event must be filed not later than the 14th day after the date of the order for relief.~~