UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

Re:	**ADOPTION OF BANKRUPTCY LOCAL RULES**	§ § § §	**GENERAL ORDER 2011-2**

ORDER

The Court earlier proposed amending the Bankruptcy Local Rules and posted them for public comment. The Court adopted the amendments effective January 24, 2011, subject to abrogation by the Judicial Council for the Fifth Circuit. The proposed amendments having now been approved by the Judicial Council for the Fifth Circuit through its Rules Committee, the Court permanently adopts the attached Bankruptcy Local Rules.

March 18, 2011.

Marvin Isgur
Chief Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

In re:	**§**	
	§	**By the Court**
Bankruptcy Local Rules	**§**	

Bankruptcy Local Rules
Effective January 24, 2011

Local Rule 1001-1. General.

(a) These rules may be cited as the "Bankruptcy Local Rules" or "BLR".

(b) In addition to these rules, the Local Rules of the District Court, the Administrative Procedures for CM/ECF, and the standing and general orders govern practice in the bankruptcy court.

(c) The court's website, www.txs.uscourts.gov contains:

(1) Judges' schedules
(2) Dates for setting hearings
(3) Forms referenced in these rules
(4) Judges' individual court procedures
(5) Rules for chapter 11 cases designated as complex cases
(6) General and standing orders

(d) A judge may modify the application of the rules in any case.

(e) The forms referenced in these rules are on the court's website (www.txs.uscourts.gov). "Official Forms" referenced in these rules are nationally promulgated forms and may be found via a link on the court's website.

(f) All citations to statutory sections are to Title 11 of the United States Code (*i.e*, the Bankruptcy Code) unless otherwise specified.

Local Rule 1002-1. Commencement of Case.

(a) Corporate or partnership parties must be represented by counsel at all times.

(b) Cases should be filed in the division of the debtor's "principal location", as defined in subparagraphs (c) and (d). 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, if either has been located within the Southern District of Texas for at least 91 days prior to the filing of the petition.

Local Rule 1007-1. Supporting Documents.

(a) On schedules D, E, and F of Official Form 6, creditors must be in alphabetical order.

(b) In individual or joint cases, Schedules B and C of Official Form 6 must contain a detailed inventory of the debtor's personal property, with each item valued separately.

(c) Official Form 21 must be submitted to the clerk with conventionally filed petitions and must be submitted to the clerk within 7 days of electronically filed petitions.

(d) In all Chapter 13 Cases, the debtor must file with the plan:

(1) If the debtor is a wage or salary employee, the debtor must file a wage order with service on the Trustee; or

(2) If the debtor is not a wage or salary employee, the debtor must complete the information for the submission of an electronic funds transfer order providing that funds may be drafted by the Trustee; or

(3) If the debtor feels there are extraordinary circumstances justifying an exception to (1) or (2) above, file a motion to allow direct payment of funds to the Trustee.

Local Rule 1009-1. Amendments of Voluntary Petitions and Their Supporting Documents.

(a) If an amendment or supplement is filed to add a creditor or to change the status, classification, or amount owed a creditor, no later than the second day, excluding intermediate weekends and holidays, after the filing the debtor must:

(1) Serve the amendment by first class mail, postage prepaid, on the trustee, U.S. trustee, and all creditors affected by the amendment,

(2) File a certificate of service,

(3) File an amended mailing list in the form directed by the clerk, and

(4) Pay the filing fee.

(b) Amendments to schedules must be marked to identify added, deleted or changed information.

(c) If it appears to the court or trustee that the supporting documents need to be amended, the court or trustee may notify the debtor, specifying the items, documents, and time for amendment.

(d) If the debtor moves to correct an erroneous social security number, the debtor must serve all parties in interest. The proposed form of order must extend the deadline for objecting to exemptions and discharge if necessary.

Local Rule 1014-1. Intradistrict Transfer.

On motion of a party in interest or on its own motion, the judge may transfer a case, an adversary proceeding, or a contested proceeding to another judge or division in this district. This rule does not apply to the reassignment of a judge following a recusal.

Local Rule 1015-1. Joint Administration.

(a) Motions and proposed orders for joint administration should itemize the requested relief. The motion and order must be in the form published on the court's website.

(b) A motion for joint administration must be made to the judge with the lowest case number.

Local Rule 1017-2. Dismissals.

(a) Among the reasons a case may be dismissed for want of prosecution under FED. R. BANKR. P. 1017 are:

(1) Incomplete or late schedules filed by the debtor;

(2) The failure of a non-individual debtor to act through counsel in the filing of a bankruptcy petition or the prosecution of a case;

(3) Unpaid or late filing fees by the debtor;

(4) Failure by the debtor to timely file mailing lists of creditors in the prescribed format;

(5) Failure by the debtor to include the required creditors list with the petition;

(6) Failure by the debtor to timely file the forms required by BLR 1007-1;

(7) The debtor's lack of diligent, prompt prosecution through filing of a plan late, missing or incomplete disclosure statement or other document required by the code, rules, or orders;

(8) The debtor's failure to attend the § 341 creditors meeting;

(9) The debtor's failure to timely amend schedules requested by the trustee or the U. S. trustee; and

(10) Unpaid U.S. trustee quarterly fees.

(b) Chapter 13 trustees may file motions to dismiss for non-payment, in the exercise of their discretion, at any time. Chapter 13 trustees must timely file motions to dismiss if the debtor is two monthly payments behind. The hearing must be set at the first panel following the expiration of 28 days after the motion is filed. The form of motion shall be in a form promulgated from time-to-time by the Bankruptcy Court. Responses and requests for hearings on motions to dismiss must be filed not later than 21 days after service. If no timely response is filed, the Court may dismiss the case without a hearing, at its discretion.

(c) In chapter 13 cases, federal tax issues will be governed by the following procedures:

(1) At or before 7 days before the date first set for the first § 341 meeting of creditors, the Internal Revenue Service must send a tax transcript to the chapter 13 trustee, the debtor and debtor's counsel.

(2) Within 7 days after the § 341 meeting of creditors, the trustee must file a motion to dismiss any chapter 13 case in which the IRS transcript reflects a delinquent return for a period in which taxes would be entitled to a priority. The motion shall be in a form published from time-to-time on the Court's website.

(3) Within 21 days after the chapter 13 trustee has filed a motion to dismiss a case based on delinquent tax returns, the debtor must file a response to the motion.

(4) If all tax returns that are the subject of a motion under BLR 1017-2(b) have not been filed, the plan will not be confirmed. If all tax returns have been filed, the court may confirm the plan or may deny confirmation based on an estimate of the IRS's claim pursuant to § 502(c). The order confirming the plan will provide that the plan has been confirmed based on an estimate of the debtor's tax liability and that the actual amount payable by the debtor in order to discharge the tax liability will be the actual amount determined based on the allowance of the tax claim, without regard for any provision in the plan to the contrary.

(5) The proposed order dismissing for failure to file tax returns will provide for dismissal with prejudice until all delinquent returns have been filed and must be in the form published from time-to-time on the Court's website.

Local Rule 1019-1. Supplemental Schedules in Converted Cases.

Within 14 days after entry of an order converting a case from one chapter to another, the debtor must file: (1) supplemental schedules itemizing changes from the original schedules in property of the estate and in creditor lists, or (2) a statement that there are no changes.

Local Rule 1075-1. Complex Cases.

Procedures for the administration of complex cases are governed by the Procedures for Complex Cases as posted on the Court's website. Those procedures govern the extent to which the Texas Procedures for complex Chapter 11 Cases (also posted on the Court's website) apply.

Local Rule 2002-1. Notices to Creditors, Equity Security Holders, and United States.

Notices given under Bankruptcy Rule 2002 must be given as ordered by the court. If the court does not enter a separate order directing the method of notice, this governs:

(a) Under Bankruptcy Rule 2002(a), the court directs that notices that are governed by that rule must be given:

(1) With respect to the matters in Bankruptcy Rule 2002(a)(1), notice will be given by the clerk.

(2) With respect to the matters in Bankruptcy Rule 2002(a)(2), notice must be given by the proponent of the proposed use, sale, or lease of property.

(3) With respect to the matters Bankruptcy Rule 2002(a)(3), notice must be given:

(A) In a chapter 7 case with a compromise involving exempt property, by the debtor; in all other chapter 7 matters, by the trustee.

(B) In a chapter 11 case with a debtor in possession, by the debtor in possession; in a chapter 11 case with a trustee, by the trustee.

(C) In a chapter 13 case when the proponent of the compromise is the chapter 13 trustee, by the chapter 13 trustee; in all other chapter 13 matters, by the debtor.

(4) With respect to the matters in Bankruptcy Rule 2002(a)(4), notice must be given by the proponent of the dismissal or conversion.

(5) With respect to the matters in Bankruptcy Rule 2002(a)(5), notice must be given by the proponent of the proposed plan modification.

(6) With respect to the matters in Bankruptcy Rule 2002(a)(6), notice must be given by the applicant.

(7) With respect to the matters in Bankruptcy Rule 2002(a)(7), notice must be given by the clerk if the notice is sent with the notice of the initial § 341 meeting of creditors. All other notices for matters in Bankruptcy Rule 2002(a)(7) must be given by the proponent of the setting of a date for the filing of proofs of claim.

(8) With respect to the matters set forth in Bankruptcy Rule 2002(a)(8), notice must be given by the proponent of the proposed plan.

(b) With respect to the matters in Bankruptcy Rule 2002(b), notices must be given by the proponent of a proposed plan under chapters 9 and 11. With respect to a chapter 13 plan, notice must be given by the clerk as set forth in BLR 2002-1(c).

(c) The clerk must send a notice promptly after a chapter 13 case is filed. The notice must:

(1) Set the initial meeting of creditors under § 341 (the "§ 341 Meeting") on the first available date (available dates are dates on which the chapter 13 trustee is conducting meetings) that is not less than 35 days after the petition date.

(2) Set the initial confirmation date for the debtor's proposed plan. The initial confirmation date will be set at the last available date (available dates are dates on which the court has scheduled chapter 13 confirmation hearings) that is not more than 45 days after the § 341 meeting. If the plan is filed on the petition date, the notice shall include a copy of the plan or the "Plan Summary and Statistical Cover Sheet" (the "plan summary"). If the plan is not filed on the petition date, the debtor will be responsible for mailing a new notice along with the plan and the plan summary on the same day that the debtor's proposed plan is filed. In order to maintain early confirmation, judges may have to schedule not less than two confirmation panels per month. The notice shall advise creditors that the deadline for filing objections to confirmation of the plan is 7 days before the date set for confirmation. Failure to send the notice with the plan and the plan summary in a timely manner may be grounds for dismissal of the case at the confirmation hearing.

(3) Set a hearing on § 506 valuations. The hearing on § 506 valuations will occur at the hearing on confirmation.

Local Rule 2003-1. Section 341 Meetings of Creditors or Equity Security Holders.

(a) The debtor must attend creditors' meetings unless excused by the court from attendance.

(b) With trustee's consent, a debtor may participate at the creditors meeting by telephone in accordance with procedures established by the U.S. trustee. Any

other requested participation requires a court order. The U.S. trustee's procedures are available on the Court's website.

(c) The chapter 13 trustee will file a recommendation regarding confirmation of the debtor's proposed plan at the conclusion of the debtor's § 341 meeting. If no timely confirmation objection is filed and the trustee recommends confirmation, then the judge may confirm the plan without a hearing or conduct a hearing on confirmation of the plan. The trustee may withdraw a recommendation in favor of confirmation at any time. If the trustee withdraws the confirmation recommendation less than 7 days before confirmation, the confirmation hearing will be rescheduled.

Local Rule 2004-1. Examination.

(a) The purpose of this rule is to avoid a motion and court order for a 2004 examination unless an objection is filed and to encourage agreements on an examination schedule.

(b) A written agreement between the proponent, opposing counsel, and the person or entity to be examined of date, time, and place of a 2004 examination is enforceable by a motion to compel or for sanctions without necessity of court order or subpoena.

(c) Conferences to arrange for an agreeable examination schedule are required. Failure to confer is grounds for a motion to quash and sanctions.

(d) Not fewer than 14 days written notice of a proposed examination must be given to the person or entity to be examined, its counsel, and to affected parties under BLR 9013-1(a). The notice must apprise the party of the scope of the examination and categories of documents to be produced. The notice must be filed.

(e) If no response is served, the notice to conduct an examination under this rule is deemed ordered, without requiring the entry of an order.

(f) If a party to be examined has objections, that party has the burden to seek relief from the court by filing a motion to quash or for a protective order. The motion must comply with BLR 9013-1. The entity to be examined and affected parties have 7 days to respond or object to the proposed examination.

(g) If anyone has been unreasonable in seeking or resisting discovery under FED. R. BANKR. P. 2004, the court may impose sanctions.

Local Rule 2006-1. Trustee Election.

A party seeking to conduct an election of a trustee must give written notice to the U. S. trustee not later than 7 days before the commencement of the § 341 meeting of creditors.

Local Rule 2014-1. Employment of Professionals.

(a) An application for employment by an attorney for the debtor or a motion for substitution of counsel for the debtor must have attached the statement required by FED. R. BANKR. P. 2016(b) and § 329 of the Bankruptcy Code.

(b) *Nunc Pro Tunc* Application.

(1) If an application for approval of the employment of a professional is made within 30 days of the commencement of that professional's provision of services, it is deemed contemporaneous.

(2) If an application for the approval of the employment of a professional is made more than 30 days after that professional commences provision of services and the application seeks to make the authority retroactive to the commencement, the application must include:

(A) An explanation of why the application was not filed earlier;

(B) An explanation why the order authorizing employment is required *nunc pro tunc*;

(C) An explanation, to the best of the applicant's knowledge, how approval of the application may prejudice any parties-in-interest.

(3) Applications to approve the employment of professionals *nunc pro tunc* shall be approved only on notice and opportunity for hearing. All creditors in the case must be served with notice of the application. The notice must include the negative notice language of BLR 9013-1(b).

(c) An *ex parte* application to employ accountant combined with application to pay compensation may be allowed without further application or notice and hearing, under this rule, when the compensation will not exceed $300 per annum and employment will not exceed three years.

(1) In chapter 7 cases, the trustee may make an *ex parte* application to employ combined with application to compensate an accountant for the estate for

the purpose of tax preparation and accounting services, without further notice or hearing if it limits payment to less than $300 per year for each year's tax returns payable at the completion of a return, and which employment shall be for no longer than three years;

(2) This *ex parte* procedure is available only where no earlier application to employ an accountant has been made and no later applications are contemplated by the trustee;

(3) The trustee must indicate to the court that the administration of the estate is expected to be completed within three years; and

(4) Employment beyond tax preparation and attendant accounting services where compensation in excess of $300 per year or a duration longer than three years is sought requires separate applications to employ and for compensation with notice to all creditors and other parties in interest under FED. R. BANKR. P. 2016 and BLR 2016-1.

(d) Service of applications to employ professionals is governed by BLR 9003-1.

Local Rule 2015-3. Reports.

Periodic reports required by FED. R. BANKR. P. 2015 must be filed monthly.

Local Rule 2016-1. Professional Fees.

(a) Each judge's web page contains fee application procedures.

(b) In chapter 11 cases, retainers may be deposited with attorneys or accountants only (i) prior to the filing of the petition; or (ii) pursuant to a Court order, if paid after the filing of the petition.

(c) In chapter 11 cases, attorneys and accountants must deposit retainer funds in trust accounts, whether the retainer is received from the debtor or from anyone else. A retainer may be applied to fees and expenses only if no objection has been filed and 21 days have elapsed from the filing and service of a notice for the distribution of a retainer. The notice must describe the services rendered, time spent, hourly rates charged, and the name of the professional or paraprofessional doing the work. A notice of distribution may not be filed more frequently than once a month. Compensation withdrawn under this rule is interim until a final fee application is approved.

(d) Chapter 13 debtor's attorneys may seek attorneys' fees on a fixed fee basis or a lodestar basis as follows:

(1) Fixed fee agreements must be filed within 21 days of the petition date and be in the form promulgated from time-to-time by the Bankruptcy Court.

(2) Lodestar applications must include (A) a cover sheet in the form promulgated from time-to-time by the Bankruptcy Court, (B) attached, detailed, contemporaneous time records; (C) a statement setting forth the basis of the retention (i.e., whether the retention was on a fixed or hourly fee basis and any other pertinent details); and (D) a narrative description setting forth any unique, unusual or time consuming issues particular to the chapter 13 case. A copy of the lodestar fee application, with required attachments, must be sent to the court's case manager.

Local Rule 3001-1. Proofs of Claim on Home Mortgages. [THIS RULE IS EFFECTIVE FOR CASES FILED ON OR AFTER APRIL 1, 2010].

(a) A proof of claim in a chapter 13 bankruptcy case that asserts a claim secured by a mortgage or deed of trust on a home owned by a chapter 13 debtor must contain a Loan History Form, in a form approved by the Court. This Rule 3001-1 does not apply to a claim (i) that is filed by a person that owns, holds or services four or fewer loans secured by a home; (ii) that is filed by a property owners' association; (iii) that is filed by a governmental unit for ad valorem taxes; or (iv) for which no arrearage is asserted. Persons who are excepted from this Rule 3001-1 on the basis that the person owns, holds, or services four or fewer loans secured by a home must attach a complete, legible and self-explanatory history form reflecting amounts charged against the debtor and paid by the debtor.

(b) The Court will approve Loan History Forms and publish them on the Court's website, in spreadsheet form with all formulae.

(c) Any person may request the approval of an additional form by submitting a request for approval, with a copy of the proposed form, to the Clerk of the Court. The Clerk will present the request for approval to the Court not later than the Court's next regularly scheduled meeting. In determining whether to approve a proposed form, the Court will consider whether (a) the form is readily understandable; (b) the form contains information that is substantially equivalent to the information contained in the Loan History Form published on the Court's website; and (c) the form sets forth loan data that is substantially equivalent to the loan data contained in the Loan History Form published on the Court's website.

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

(a) In chapter 9 and chapter 11 cases, 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) 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.

Local Rule 3007-1. Objections to Claims.

(a) A proof of claim filed under the court's electronic procedures has the same evidentiary effect as one filed under FED. R. BANKR. P. Rule 3001.

(b) An objection to claim must identify the claim by claimant, date filed, amount, secured or unsecured, and priority. The legal and factual basis must be clear from the face of the objection.

(c) The objection must include a scheduling conference hearing date from the judge's web page or from the case manager and must state immediately below the title:

> This is an objection to your claim. The objecting party is asking the court to disallow the claim that you filed in this bankruptcy case. You should immediately contact the objecting party to resolve the dispute. If you do not reach an agreement, you must file a response to this objection and send a copy of your response to the objecting party within 21 days after the objection was served on you. Your response must state why the objection is not valid. If you do not file a response within 21 days after the objection was served on you, your claim may be disallowed.
>
> A hearing has been set on this matter on [date] at [time] in courtroom _____, [address].

(d) The objecting party must serve the objection on the claimant, the claimant's counsel, the debtor, the debtor's counsel, and the trustee at least 30 days before the hearing date.

(e) Failure of either party to appear at the initial hearing may result in summary disposition of the objection. If no defense to the objection is raised, the court may adjudicate the claim at the initial hearing on affidavits filed by the objecting party. Agreed orders must be submitted in court when the case is called or earlier. If a defense is raised, an evidentiary hearing will be scheduled at the initial hearing, unless the parties consent to an immediate hearing.

(f) Omnibus objections to claims are permitted with prior court approval. A motion should be filed with a proposed procedure for the handling of omnibus objections.

(g) Objections to certain claims in chapter 13 cases are governed by BLR 3015-1. Objections governed by BLR 3015-1 are not governed by this rule.

Local Rule 3010-1. Date of Distribution in Dismissed Chapter 13 Cases.

Distributions in dismissed cases should be made by the chapter 13 trustee at the earliest practicable date following the disposition of all motions for administrative expenses that are timely filed or that are deemed allowed pursuant to BLR 4001-1. Timely filed motions for administrative expenses will be those filed within 21 days of the dismissal order.

Local Rule 3011-1. Notice of Application for Withdrawal of Unclaimed Funds from Registry of the Court.

Applications to withdraw unclaimed funds that were deposited into the registry of the court by a trustee under 11 U.S.C. § 347(a) must be served on the United States Attorney for the Southern District of Texas and on the United States trustee.

Local Rule 3015-1. Confirmation of Chapter 13 plans.

(a) **Uniform Plan and Motion for Valuation of Collateral**. From time-to-time, the Bankruptcy Court will promulgate a uniform form of "Chapter 13 Plan and Motion for Valuation of Collateral" and a uniform "Chapter 13 Plan Summary."

(1) The motion for valuation for collateral will be incorporated into the title and the substance of any proposed plan.

(2) Except as set forth in the following sentence, use of the form of plan and plan summary are mandatory. Any debtor wishing to use a plan and plan summary that vary from the uniform plan and uniform plan summary must file a motion along with the petition seeking leave from this requirement. The court will conduct a hearing on the motion at the next chapter 13

panel. Absent exceptional circumstances related to the particular chapter 13 case, leave will not be granted.

(3) If a debtor fails to file plan or a completed plan summary within the time allowed by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, the trustee must file a motion to dismiss the case for delay that is unreasonable to creditors pursuant to BLR 1017-2.

(4) The uniform plan is structured to pay based on allowed claims rather than on claims as set forth in the plan. Accordingly, if a claim is allowed in an amount greater than the amount set forth in the plan, no plan modification will be required unless the allowance of a larger claim leaves the plan with insufficient funds to pay claims.

(5) The following provisions of the plan will be binding, notwithstanding any provision in a proof of claim to the contrary: (i) the interest rate to be paid on claims; (ii) the valuation of collateral; (iii) the priority of payment of claims under the plan.

(6) Valuation issues must be noticed for and resolved at confirmation.

(b) **Mortgage Payments Through the Chapter 13 Trustee.** Home mortgage payments will be made through the chapter 13 trustee, in accordance with Home Mortgage Payment Procedures. Home Mortgage Payment Procedures shall be procedures adopted by the chapter 13 trustees and approved by the court.

(c) **Confirmation Hearings.** Confirmation will be set with a uniform notice, in the form promulgated from time to time by the Bankruptcy Court. The notice will provide that the court will consider confirmation and will also consider valuation of security pursuant to FED. R. BANK. P. 3012. If confirmation is denied, the court will consider whether to dismiss or convert the case or to enter other appropriate orders in the case. If a plan is confirmed, the court will use (i) the uniform form promulgated from time-to-time by the Bankruptcy Court; or (ii) a form proposed by the trustee in a particular case that requires the use of a non-uniform confirmation order.

(d) **Plan Modifications.** Debtor's motions to modify a confirmed plan must include:

(1) A revised plan, in the form of the uniform plan.

(2) A revised plan summary, in the form of the uniform plan summary.

(3) A side-by-side comparison of payments under the prior plan and the proposed plan.

(4) A description of the following:

(A) The reason why the debtor's current plan must be modified.

(B) If the debtor's plan must be modified because of a payment default to the trustee or to a creditor, a description of the reason why the payment default occurred.

(C) If the reason was a temporary loss of employment, the motion must describe whether new employment was obtained.

(D) The changes in the debtor's fixed expenses (e.g., whether an asset has been abandoned, a less expensive car has been purchased, or other events have occurred that affect the feasibility of the proposed modification).

(E) A copy of the debtor's current Schedules I and J must be attached to the motion to modify the plan.

(F) At the time of the filing of a motion to modify a plan, the Debtor must either (i) file an amended wage order that is consistent with the proposed modification; or (ii) amend the Debtor's electronic payment mechanism with the Trustee to be consistent with the proposed modification.

(e) This rule applies only to chapter 13 plan amendments that (i) are filed after a plan is confirmed and before the expiration of 6 months after the claims bar date; and (ii) propose to amend a confirmed plan solely to treat or pay for claims filed prior to the claims bar date that make the confirmed plan deficient.

(1) From time-to-time, the Court will promulgate a "Uniform Motion To Amend Confirmed Chapter 13 Plan to Satisfy Recently Filed, Timely Proofs of Claim".

(2) Use of the promulgated form is mandatory. The form may not be altered except with leave of Court.

(3) The motion to amend the plan must be set for hearing on a date scheduled for Chapter 13 hearings and on not less than 35 days notice. Notice of

the amendment and hearing date must be provided by the Debtor to all creditors and all parties requesting notice.

(4) The deadline for the filing of objections is 30 days after service of the motion.

(5) If no timely objection is filed, the Court may grant the relief without an actual hearing.

(6) Along with the filing of the motion to amend, the Debtor(s) must file an amended wage order or must amend their electronic payment to reflect the increased payment required by the amendment.

(7) Any party in interest may object to the use of a chapter 13 plan amendment in lieu of a chapter 13 plan modification based on a Debtor's change in circumstances or for other good cause shown.

Local Rule 3016-1. Injunctions Under Plans. If a proponent of a plan seeks to impose an injunction of the type referenced in FED. R. BANKR. P. 3016(c), the proponent must orally notify the court at the disclosure statement hearing of the proponent's intent to seek the injunctive relief.

Local Rule 3021-1. Payments by Chapter 13 Trustee. Payments by the chapter 13 trustee will only be made as follows:

(a) Payments on claims that are for future mortgage payments shall be in the amount paid by the debtor with respect to the future mortgage payments. The debtor must make the payment in the amount required by the debtor's note and security agreement.

(b) Payments on vehicle claims shall be made based on the valuation and interest rate contained in the confirmed plan.

(c) Payments on claims that are filed shall be reserved in the amount payable under the plan until the filed claim is an allowed claim. The deadline for filing objections to filed claims is 21 days after the proof of claim deadline. If no objection is filed by the deadline, the claim is an allowed claim and should be paid in accordance with the plan. Nothing in this rule precludes the reconsideration of the allowance of a claim pursuant to § 502(j) of the Bankruptcy Code

(d) Payments of § 507(b) claims shall be made following confirmation, without the requirement of further court order.

(e) Payment of claims for attorneys' fees shall be made only on allowed claims for attorneys' fees. No reserve shall be established for payment of lodestar attorneys' fees that are not yet allowed except for applications for payment filed at least 21 days before the confirmation hearing. If an application for payment is filed at least 21 days before the confirmation hearing, (i) the fees shall be reserved in the amount set forth in the application until allowed or disallowed by the court; and (ii) the court at the confirmation hearing may establish such additional reserves as equity requires. Under fixed fee orders, attorneys' fees are allowed on entry of the order approving the fixed fee agreement.

(f) The priority of payments by the chapter 13 trustee will be the priority set forth in the confirmed plan.

(g) Each chapter 13 trustees will place information on the chapter 13 trustee's website regarding all payments made under the plans. This information shall be updated not less than quarterly.

(h) Distributions in dismissed cases should be made by the chapter 13 trustee at the earliest practicable date following the disposition of all motions for administrative expenses that are timely filed or that are deemed allowed pursuant to BLR 4001-1. Timely filed motions for administrative expenses will be those filed within 21 days of the dismissal order.

(i) In addition to filing proofs of claim on the proof of claim registry, proofs of claim for priority claims and secured claims must be served on the debtor, the debtor's counsel and the chapter 13 trustee. A certificate of service reflecting service must be filed with a copy of the proof of claim attached to the certificate of service.

Local Rule 4001-1. Relief from Automatic Stay.

(a) Motions for relief from stay:

(1) Motions for relief from the stay must contain a certificate that the movant has conferred with opposing counsel (or, in the event of *pro se* parties, opposing parties) and been unable to reach an agreement on the requested relief. If no conference has been conducted, movant must certify the dates and times on which movant has attempted to confer. Notwithstanding the foregoing, no conference is required if the movant files a certification that a confirmed plan provides for the surrender of the collateral that is the subject of the motion.

(2) A motion for relief from stay must include a hearing date from the judge's web page. Failure to obtain a hearing date from the judge's web page and to include the notice in BLR 4001-1(a)(3) is a waiver of the automatic termination of the automatic stay under 11 U.S.C. § 362(e) or 1301(d).

(3) The motion must state immediately below the title:

> This is a motion for relief from the automatic stay. If it is granted, the movant may act outside of the bankruptcy process. If you do not want the stay lifted, immediately contact the moving party to settle. If you cannot settle, you must file a response and send a copy to the moving party at least 7 days before the hearing. If you cannot settle, you must attend the hearing. Evidence may be offered at the hearing and the court may rule.
>
> Represented parties should act through their attorney.
>
> There will be a hearing on this matter on [date] at [time] in courtroom _____, [address].

(4) In addition to service as required by FED. R. BANKR. P. 4001(a)(1), on the same day that it is filed, the motion must be served on debtor, debtor's attorney, parties requesting notice, parties with an interest in collateral that is the subject of the requested relief, co-debtors under 11 U.S.C. § 1301, parties who are identified as a party against whom relief is sought in the motion, and the trustee.

(5) If the moving party schedules a hearing on a motion for relief from stay or agrees to continue the hearing to a date more than thirty (30) days after the date the motion was filed (21 days for motions to lift the co-debtor stay), the party shall be deemed to have waived the automatic termination under 11 U.S.C. § 362(e) and/or 1301(d).

(6) All motions to lift stay that request foreclosure on improved real property must be accompanied by documents evidencing the debt and lien perfection, and a payment history, including an explanation of transaction codes. Responses disputing the payment history must specify payments made that are not reflected in the payment history, the dates of payment, the amounts, and the mode. Evidence not accompanying the motion or response may be inadmissible in an evidentiary hearing.

(7) Failure of the movant to prosecute the motion at a preliminary hearing may result in dismissal of the motion for want of prosecution unless there is (i) an order continuing the hearing and waiving the 30-day requirement; (ii) a stipulation of the parties to continue the hearing and waive the 30-day requirement; or (iii) an agreed order resolving the motion that is entered prior to or is signed at the hearing.

(8) Motions for relief from the stay may never be combined with a request for other relief.

(9) In addition to other procedures applicable to motions for relief from the stay, a chapter 13 debtor must timely respond to motions for relief from the stay. A timely response includes the filing of an agreed order, a denial that conforms with FED. R. BANKR. P. 7008, a statement of non-opposition, or another accurate statement reflecting the current status of the motion. If no timely response is filed, the court may grant the motion for relief from the stay with or without a hearing, at its discretion.

(10) Responses should state the efforts of respondent to reach an agreement with movant and either (i) itemize each disputed issue of law or fact; or (ii) comply with FED. R. CIV. P. 8 as applied by FED. R. BANKR. P. 7008.

(11) In any evidentiary hearing conducted on a motion for relief from the automatic stay, all counsel shall certify before the presentation of evidence (1) that good faith settlement discussions have been held or why they have not been held; (2) that all exhibits, appraisals and lists of witnesses (the debtor is presumed to be a witness and need not be identified) have been exchanged at least 2 days, excluding intermediate weekends and holidays, in advance of the hearing date; and (3) the anticipated length of the hearing. Exhibits must be marked in advance of the hearing and a bound, marked set of exhibits must be presented to the court at the commencement of the hearing.

(b) Motions filed under BR 4001(b), 4001(c), or 4001(d) for the use of cash collateral, obtaining credit, or for approval of agreements on BR 4001 matters, must state immediately below the title:

> This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 14 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.
>
> Represented parties should act through their attorney.

If a hearing has been set on the motion, this language must be added at the end of the notice:

There will be a hearing on this motion on [date] at [time] in courtroom _____, [address].

(c) Motions to approve agreements governed by Bankruptcy Rule 4001(d) must be served:

(1) If the agreement is in an individual chapter 7 case or a chapter 13 case and concerns consumer goods, the debtor's homestead or a non-business-use vehicle, notice should be given to the chapter 13 trustee, the debtor, any co-obligor, and any party with an interest in the collateral.

(2) Motions to approve all other agreements governed by Bankruptcy Rule 4001(d) shall be served under BLR 2002-1(a)(3).

(d) Attorneys' fees will be awarded to creditors for filing motions for relief from the stay as follows:

(1) Undersecured creditors will not be awarded attorneys' fees for the filing of a motion for relief from the stay in a chapter 13 bankruptcy case.

(2) With respect to motions by oversecured creditors or by home lenders filing post-confirmation motions governed by § 1322(b)(2), the court will approve agreed orders (i) providing for attorneys' fees and costs not to exceed $500.00 plus statutory filing fees; and (ii) providing for attorneys' fees and costs exceeding that sum only upon a submission of fee statements reflecting actual time incurred. All requests for attorneys' fees must (i) include a certification that the amount requested is less than or equal to the amount that will be paid by the holder of the lien to the holder's counsel; and (ii) be reasonable under the facts and circumstances.

(3) Attorneys' fees in matters not resolved by agreed orders will be considered on an evidentiary basis.

(e) In each chapter 13 case, the Court will issue an order that authorizes the use of estate vehicles under § 363 and provides adequate protection to the holders of liens on the vehicles.

(1) The adequate protection order will require the debtor to (i) maintain insurance on the vehicle in the amount required by the debtor(s) prepetition contract; (ii) provide proof of insurance to the lien holder; and (iii) enter into a wage order or EFT Order not later than 14 days after the petition date.

(2) As additional adequate protection, the lien holder will be given an administrative claim, with priority under § 507(b), in an amount equal to

1.25% of the value of the vehicle for each 30 days that elapses from the date of the adequate protection order. For example, if the vehicle is valued at $10,000, a § 507(b) adequate protection claim in the amount of $125 will accrue each month. In the event of a dismissal or conversion of the chapter 13 case, the trustee will distribute the proceeds in accordance with § 1326(a)(2). This will result, in most cases, in payments being made in the following order of priority:

(A) First, to the vehicle lien holders in the amount of the adequate protection reserve;

(B) Second, to debtor's counsel for unpaid fees for which an application is filed on or before 21 days after entry of the order of dismissal and that have been allowed by court order;

(C) Third, to the debtor (directly and not through counsel).

(D) Payments under paragraph "1" shall be made following the expiration of 14 days of entry of the dismissal order, unless the dismissal order is stayed.

(3) The debtor or any other party in interest may object to the adequate protection order not later than 30 days after entry of the court's order. The objecting party must state the date that the hearing will be conducted, which date will be the next chapter 13 panel after the expiration of 14 days from the date of the objection. The objection must be served on the debtor, the debtor's counsel, the chapter 13 trustee, and any party holding security interest in the vehicle. The objecting party must attend the hearing and present evidence in support of the objection.

(4) For purposes of valuation in the absence of any objection, the vehicle value will be determined as of the date of the filing of the chapter 13 petition and will be equal to the average wholesale and retail value listed by NADA (without options or mileage adjustments) . In determining the principal amount due to the lien holder under the plan, the § 507(b) payments will be (i) deducted from the value of the vehicle, if the value of the vehicle is less than the lien; and (ii) applied to interest if the value of the vehicle is greater than the lien. If the value of the vehicle is less than the lien, interest will begin to accrue on the confirmation date.

(5) The adequate protection order will not provide protection to a vehicle lender if the debtor voluntarily surrenders the vehicle by delivering the vehicle to the vehicle lender within 28 days of the petition date.

(6) If a debtor proposes to make direct, post-petition payments to a lender on a vehicle loan that was not in default as of the petition date, no additional adequate protection payments are required, unless otherwise ordered by the Court. If a debtor defaults on direct payments, the debtor must make a cash payment to the lien holder at or before the time of any plan modification. The cash payment must equal or exceed 1.25% of the vehicle's value (determined in the manner set forth in paragraph 4 above) for each one month of missed direct payments.

(f) Motions for relief from the automatic stay that pertain to exempt residences or exempt vehicles ("Consumer Lift Stay Motions") are governed by this BLR 4001-1(f).

(1) Parties who file motions for relief from the stay on exempt residences or exempt vehicles in chapter 7 and chapter 13 cases must comply with this BLR 4001-1(f) and must use the forms promulgated by the court from time to time.

(2) Variance from this rule is allowed, if exceptional circumstances exist.

(A) Exceptional circumstances include:

(1) A motion for relief from the stay filed against a repeat bankruptcy case filer for which the movant seeks relief other than a routine termination of the stay; or

(2) A motion for relief from the stay on which there are disputes regarding the extent, validity, or priority of liens on the collateral that is the subject of the motion.

(B) A party believing that are other exceptional circumstances justifying exemption from this rule must allege the exceptional circumstances with particularity in the motion.

(3) Variance from this rule is allowed, if exceptional circumstances exist. When exceptional circumstances are alleged, the court may conduct an evidentiary hearing at which time the exceptional circumstances must be demonstrated by a preponderance of the evidence.

(4) Prior to filing a Consumer Lift Stay Motion, the movant must attempt to contact the debtor(s)' counsel to discuss whether an agreement can be reached utilizing the court's a agreed order forms. If such an agreement can be reached, the parties may submit a Motion for Entry of Agreed Order under FRBP 4001. Conferences may be attempted by telephone or by e-mail. In all conferences, movant's counsel must provide a contact

person with a direct telephone number for future discussions. The motion may be filed by the movant if settlement is not concluded in writing within 2 days, excluding intermediate weekends and holidays, of the initial attempt to confer.

(5) If the parties cannot reach agreement to submit an agreed order in the court's format, the party seeking relief from the stay may file a Consumer Lift Stay Motion in the court's format along with a proposed order, also in the court's format. Responses by the debtor must be one of the following and must be filed at least 7 days before the hearing:

(A) Submission of an agreed order terminating the stay utilizing a form from the court's website. If an agreed order is filed in accordance with these procedures, the court usually will issue the order prior to the hearing. Attendance at the originally scheduled hearing is not necessary, by either party. If the court declines to issue the order, the court will issue an order for further proceedings.

(B) Submission of an agreed order conditioning the stay utilizing a form from the court's website. If an agreed order is filed in accordance with these procedures, the court will usually issue the order prior to the hearing. Attendance at the originally scheduled hearing is not necessary, by either party. If the court declines to issue the order, the court will issue an order for further proceedings.

(C) Filing an answer or other response. Answers must comply with FRBP 9011. Responses must be based on reasonable investigation and must not be filed for delay or other improper purpose. A response stating that the debtor(s)' attorney has not been able to contact the debtor(s) or a general denial not based on reasonable investigation may not be sufficient to prevent default relief. If a timely response is filed, attendance at the hearing by both parties is required.

(6) If a sufficient response has not been timely filed, the movant must submit a proposed form of default order with a certification of default. The proposed form of default order and certification must comply with the court's form as promulgated from time to time. The court may issue a default order if an adequate response is not filed at least 7 days before the hearing. If the court issues a default order prior to the hearing, counsel need not appear at the hearing. If the court has not issued a default order and a party who has failed to respond appears at the hearing, the court may nevertheless grant default relief or may set a date for an evidentiary hearing.

Local Rule 4002-1. Duties of Debtor-in-possession.

(a) A debtor in possession is responsible for strict compliance with the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and standing orders. Counsel for the debtor-in-possession is responsible for instructing the debtor about the U. S. trustee guidelines for a debtor-in-possession and insuring compliance with those guidelines.

(b) The debtor, its officers, and agents hold and manage the debtor's assets as fiduciaries for the estate; they must strictly comply with court orders and Bankruptcy Code §§ 363 and 1107. The debtor must prevent the depletion of the assets of the business during the proceedings, and it must notify its counsel immediately of a depletion or potential depletion.

(c) If the debtor becomes aware of facts indicating that the continued operation of its business may not be in the best interest of the creditors or of the estate, it must immediately notify its counsel, who may immediately notify the court and recommend a solution.

(d) The debtor may not use property of the estate to pay any prepetition unsecured obligation except on order.

(e) The debtor must not transfer (sell, give, move, encumber) an asset outside of the ordinary course of business except on order.

(f) The debtor must not incur administrative and priority expenses unless funds are reasonably expected to be generated to pay them.

(g) The debtor must comply fully with Title 11's tax provisions, with the deposit requirements of the Internal Revenue Code and Regulations, and with all state tax laws.

(h) The debtor must pay on a current basis all obligations incurred by it in operating its business.

(i) The debtor must not use cash collateral without prior written consent of the secured creditor or an order.

(j) This list of duties is not exclusive, and it does not exclude unenumerated obligations imposed by law. Counsel for the debtor-in-possession is responsible to instruct the debtor of this rule immediately on filing the case.

(k) Counsel may advise the court of any knowing violation by debtor.

Local Rule 4003-1. Exemptions.

(a) If an amendment or supplement to the list of exemptions is filed after the § 341(a) meeting of creditors, it must be served by the party claiming the exemption under BLR 9013-1.

(b) When a hearing date on an objection to an amended or supplemented list of exemptions is established, the objector must give notice as if the objection were a motion with service under BLR 9013-1.

Local Rule 4008-1. Reaffirmation Agreements.

The filing of a reaffirmation agreement will be a request for a hearing if the reaffirmation agreement is not accompanied by a § 524(c)(3) declaration or affidavit of debtor's counsel. No motion is required to invoke the reaffirmation procedures of § 524(c).

Local Rule 5005-1. Filing of Papers.

(a) The Texas statewide procedures for electronic filing are adopted by this court and are published on the Court's website.

(b) Except as expressly provided or unless permitted by the presiding Judge, the Court requires documents being filed to be submitted, signed or verified by electronic means that comply with the procedures established by the Court. The notice of electronic filing that is automatically generated by the Court's electronic filing system constitutes service of the document on those registered as filing users of the system.

(c) Depositions, interrogatories, answers to interrogatories, requests for production or inspection, responses to those requests, and other discovery material may not be filed. When a discovery document is needed in a pretrial proceeding, those portions that are needed will be an exhibit to it. When this material is needed at trial, it may be introduced under the Federal Rules of Evidence.

Local Rule 5011-1. Withdrawal of Reference.

A motion to withdraw a case, contested matter, or adversary proceeding to the district court must be filed with the clerk. Unless the district court orders otherwise, the matter will first be presented to the bankruptcy judge for recommendation.

Local Rule 5074-1. Communication and Cooperation With Foreign Courts and Foreign Representatives.

Except for communications for scheduling and administrative purposes, the court in any case commenced by a foreign representative shall give at least 21 days' notice of its intent to

communicate with a foreign court or a foreign representative. The notice shall identify the subject of the anticipated communication and shall be given in the manner provided by Rule 2002(q). Any entity that wishes to participate in the communication shall notify the court of its intention not later than 7 days before the scheduled communication.

Local Rule 7007-1. Motions in Adversary Proceedings.

Motion practice in adversary proceedings is governed by BLR 9013-1.

Local Rule 7016-1. Pretrial Adversary Proceeding Case Management.

Parties must comply with pretrial procedures on the website of the judge to whom the adversary proceeding has been assigned.

Local Rule 7041-1. Settlement.

When a motion to approve a compromise of controversy is required, the motion must be filed in the main case, accompanied by a proposed order in the main case and by a proposed final judgment in the adversary proceeding.

Local Rule 7067-1. Registry of the Court and Costs.

A proposed order for the deposit or withdrawal of funds from the court registry must contain the approval stamp of the Finance Department of the Office of the Clerk of Court. Unless the court orders otherwise, a motion to deposit funds will be considered *ex parte*.

Local Rule 9003-1. Matters Heard *Ex Parte*.

Motions for admission *pro hac vice* may be considered *ex parte*. Applications to retain general counsel or accountants need be served only on the U. S. trustee or as ordered. Applications to retain special counsel pursuant to § 327(e) must be served under BLR 9013-1 or as ordered.

Local Rule 9013-1. Pleadings, Hearings, and Service.

(a) Pleadings must include a title that identifies the party filing the pleading and a brief description of the nature of the pleading. Example: XYZ Finance Company Motion for Relief From the Stay for 2003 Ford Explorer. Responses, other pleadings, and proposed orders filed after the initial motion should state the title and the docket number of the motion to which it applies. Example: Joe Debtor Response to XYZ Finance Company Motion for Relief from the Stay for 2003 Ford Explorer (docket 17).

(b) Except as noted in (e), each pleading seeking an order must include this immediately below the title:

> This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.
>
> Represented parties should act through their attorney.

(c) Movants should check the individual judge's web page to determine whether the motion may be self calendared. If the motion may be self-calendared, this language must be added at the end of the notice:

> There will be a hearing on this motion on [date] at [time] in courtroom _____, [address].

(d) In addition to service required by the FED. R. BANKR. P., and except as noted in (e), the movant must serve the entities with pleadings requesting an order, notices, and hearing settings:

Main case

Party against whom relief is sought and its counsel, if known;
Debtors;
Debtors' counsel;
Trustee, if one has been appointed;
Examiner, if one has been appointed;
Committees, if any have been appointed;
Parties who have filed a notice of appearance;
Twenty largest unsecured creditors;
Parties claiming an interest in any property that is affected by the motion;
Parties claiming a lien on any property that is affected by the motion;
United States trustee;
Parties on whom the court has ordered notice.

Adversary Proceedings

Parties to the proceeding.

(e) The notice language, hearing settings, and service requirements for the following matters are governed by the rules noted, instead of BLR 9013-1(a-d):

Claim Objections, Rule 3007
Motions for Relief from Stay, Rule 4001
Employment Applications, Rule 2014 and Rule 9003
Pro Hac Vice Applications, Rule 9003

(f) Whenever service of a pleading, notice, or other document is required under these rules or the Fed. R. Bankr. P, the serving party must serve it within one day, excluding intermediate weekends and holidays, after the pleading is filed. The serving party must file a certificate of service including the name and address of those served.

(g) Responses to Motions.

(1) Responses to motions to lift the automatic stay are governed by BLR 4001-1. Responses to all other motions are governed by FED. R. BANKR. P. 7008. Prior to filing a response, counsel (or unrepresented parties) shall confer with movant to attempt to resolve the relief requested in the motion without the necessity of a hearing. Responses must include a certificate either that (i) a conference was held and that the parties were unable to resolve the matter; or (ii) the specific dates that the respondent attempted to contact the movant and the reason why no conference was held.

(2) If no timely response is filed, the court may grant the motion without a hearing.

(h) Each motion, application, objection, and response filed with the court must be accompanied by a proposed order.

(i) Some judges allow self-calendaring of emergency motions through the judge's web page. If self-calendaring is not authorized, requests for emergency hearings may be made in the pleading requesting the relief. No separate motion requesting an emergency hearing is required. The emergency motion must contain the word "Emergency" in the title of the motion. The motion must include a detailed statement why an emergency exists and the date relief is needed to avoid the consequences of the emergency. The motion seeking an emergency hearing must be certified for its accuracy by the party seeking the emergency relief or by its counsel.

In addition to the notice required by BLR 9013-1(b), the movant must include the following paragraph:

Emergency relief has been requested. If the Court considers the motion on an emergency basis, then you will have less than 21 days to answer. If you object to the requested relief or if you believe that the emergency consideration is not warranted, you should file an immediate response.

Local Rule 9027-1. Removal.

(a) A party removing a civil action to the bankruptcy court must comply with FED. R. BANKR. P. 9027 and must (i) list all names and addresses of the parties, (ii) designate on which parties service of process has been accomplished, and (iii) list the name, address, and telephone number of the counsel for every party.

(b) The notice of removal must be accompanied by copies of all papers that have been filed in the court from which the case is removed.

(c) Removals under 28 U.S.C. § 1452 must contain this caption:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
_____ DIVISION