

- (e) A chapter 7 trustee is authorized to pay, without prior Court approval, administrative expenses from funds of the estate for:
 - (1) filing fees for adversary proceedings;
 - (2) bond premiums as authorized by the United States Trustee;
 - (3) reasonable and necessary bank charges;
 - (4) additional routine administrative expenses incurred in the administration of the estate for the preservation of estate assets, such as locksmith charges and storage rental expenses payable to unrelated third-party vendors, in amounts not exceeding an aggregate of \$2,000.00 to any single entity.

Payments made pursuant to subsection 2016-1(e)(4) must be itemized and described in the Trustee's Request for Fees and Expenses and are subject to Court approval after notice and hearing. This Rule does not (x) apply to payments advanced by professionals retained by the estate; or (y) limit amounts that may be paid by a chapter 7 trustee who is authorized to operate the business of a debtor pursuant to § 721 of the Code.

Local Rule 3001-1. Proofs of Claim on Home Mortgages.

Nothing in these Rules or the Federal Rules of Bankruptcy Procedure precludes the Court from requiring additional disclosures or the production of supporting documents to verify the validity or amount of a claim.

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.
- (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.
- (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 (x) 180 days after the date of the order for relief and (y) 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.

Local Rule 3007-1. Objections to Claims.

- (a) An objection to claim must list the claimant, the date the proof of claim was

filed, the amount of the claim, and the classification of the claim as secured, priority unsecured or general unsecured. The legal and factual basis for the objection must be clear from the face of the pleading. The objection must include an affidavit signed by a person with personal knowledge supporting the objection.

- (b) An objection to claim may be filed without a hearing date. Objections to claims filed in accordance with this Rule, and to which no reply has been filed, may be considered without a hearing. If an objection to claim is filed without a hearing date, the objection must state in bold print immediately below the title:

This is an objection to your claim. This objection asks the Court to disallow the claim that you filed in this bankruptcy case. If you do not file a response within 30 days after the objection was served on you, your claim may be disallowed without a hearing.

- (c) An objection to claim may include an initial hearing date obtained from the judge's web page or case manager. If an initial hearing date is scheduled, the objection must state in bold print immediately below the title:

This is an objection to your claim. This objection asks the Court to disallow the claim that you filed in this bankruptcy case. If you do not file a response within 30 days after the objection was served on you, your claim may be disallowed without a hearing.

A hearing has been set on this matter on [date] at [time] in Courtroom _____, address].

- (d) Unless otherwise ordered by the Court or by consent of the parties, the initial hearing will be non-evidentiary and used as a scheduling conference. The parties should confer prior to the initial hearing regarding any required discovery and other issues necessary for a trial on the merits. Notwithstanding the foregoing, the failure of either party to appear at the initial hearing may result in the summary disposition of the objection. Agreed orders may be presented at the initial hearing or filed prior to the initial hearing.

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. Unclaimed Funds.

- (a) A request for unclaimed funds from the Court’s registry must utilize the approved form of application available on the Court’s website. The application (i) must be completed in its entirety; (ii) may not be modified; and (iii) must include all attachments as set forth below. Failure to comply with the foregoing will result in denial of the application.
- (b) Except as provided in subsection (f) below, unclaimed funds deposited in the Court’s registry by a trustee are presumed to be the property of the person who was named as the claimant in the order authorizing the deposit of funds by the trustee (the “Original Claimant”).
- (c) If the application is filed by the Original Claimant or by an attorney authorized to practice in this Court who is appearing on behalf of the Original Claimant, the completed application must attach:
 - (1) A copy of the order authorizing the deposit of the funds into the Court’s registry;
 - (2) A legible copy of the Original Claimant’s driver’s license or other form of government-issued ID that exhibits a photograph of the Original Claimant, redacted to comply with District Court General Order 2004-11; and
 - (3) A proposed form of order in the form on the Court’s website directing that payment be made directly to the Original Claimant.
- (d) If the application is filed by or on behalf of the Original Claimant and the Original Claimant has agreed to pay any compensation or reimbursement (whether in the form of a fee, a percentage interest in the recovery, or otherwise) with respect to the recovery of any unclaimed funds, the application must attach:
 - (1) A copy of the order authorizing the deposit of the funds into the Court’s registry;
 - (2) A legible copy of the Original Claimant’s driver’s license or other form of government-issued ID that exhibits a photograph of the Original Claimant, redacted to comply with District Court General Order 2004-11;
 - (3) An unredacted¹ copy of all agreements between the Original Claimant and the recipient of the proposed compensation or reimbursement; and

¹ Redactions are permitted only to the extent necessary to comply with District Court General Order 2004-11.

- (4) If the compensation or reimbursement to be paid exceeds 10% of the amount of unclaimed funds deposited into the Court's registry on behalf of the Original Claimant, a Notice, signed and dated by the Original Claimant, that states the following in at least 14-point bold type:

**NOTICE THAT YOU MAY CLAIM THESE
FUNDS WITHOUT OUR ASSISTANCE**

You may claim these funds directly from the United States Bankruptcy Court for the Southern District of Texas without our assistance.

The fees that we charge exceed the fees approved by the Court without an evidentiary hearing. Because the fees exceed that amount, you will be required to personally attend the hearing to receive your funds.

To file a claim without our assistance, you must complete the attached form and mail it to the address shown on the form. if you make the claim without our assistance, you will not be required to pay any fee to us or any other person.

Date: _____ **Signed:** _____

Sworn to and subscribed before me, the undersigned notary public.

Printed Name of Notary: _____
My Commission Expires: _____

Notary Public in and for the State of _____

The Notice must be the only writing on a single piece of paper and must be signed, dated and notarized before any agreement concerning compensation is executed by the Original Claimant.

- (5) A proposed order in the form on the Court's website directing that payment be to the Original Claimant at the Original Claimant's address.
- (e) If an application for unclaimed funds is made by an assignee of the Original Claimant, but the assignee has not yet paid in cash all consideration for the assignment, the assignee must attach each of the documents set forth in subparagraph (d) above to the application along with (1) a file-stamped copy of a Notice of Transfer for Other than Security filed in accordance with Bankruptcy Rule 3001; (2) unredacted² copies of all agreements between the assignee and the Original Claimant; (3) verified documentation reflecting the authority of the

² Redactions are permitted only to the extent necessary to comply with District Court General Order 2004-11.

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 and Signatures.

- (a) Except as set forth in this rule, the Administrative Procedures for the Filing, Signing, and Verifying of Documents by Electronic Means in Texas Bankruptcy Courts (as amended January 12, 2017) are adopted. The current version is available on the Court's website.
- (b) Signatures of debtors, attorneys, affiants and declarants may be either (i) received and maintained in "wet signature form"; or (ii) electronically signed utilizing a commercially available electronic signing technology (such as DocuSign) that (a) maintains an audit trail that allows the filing attorney to obtain the identification of the signer's computer or other electronic device from the commercial provider; and (b) complies with the requirements of the United States ESIGN Act.
- (c) 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.
- (d) 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 may be attached as an exhibit to the relevant pleading. 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 6007-1. Surrender of Collateral in Chapter 13 Cases.

- (a) If a chapter 13 plan³ requires the surrender of collateral that is subject to a debtor's possession or control, this Rule governs the implementation of the surrender, unless the Court orders otherwise.
- (b) Debtors and holders of security interests may enter into written agreements (including agreements made by email) providing for the orderly surrender of collateral under a confirmed plan. No agreement may impose personal liability on a debtor or limit a debtor's discharge. If a written agreement is made, the Court will enforce it according to its terms unless the agreement contravenes

³ This rule applies equally to modified plans.

applicable law. The balance of this Rule governs the method of surrender under a confirmed plan when there is not a written agreement.

- (c) The procedures for the surrender of collateral made pursuant to Paragraph 7 of the plan must commence not later than 7 days following entry of the order approving the plan.
- (d) The procedures for the surrender of collateral made pursuant to Paragraph 20 of a confirmed plan must commence no earlier than 21 days nor later than 28 days after a Surrender Notice is filed.
- (e) This subsection applies to the surrender of real property and for which no written agreement has been made under BLR 6007-1(b).
 - (1) The Debtor(s) must send a letter, substantially in the form set forth on the Court's website, offering immediate possession of the real property to each holder of a security interest on the real property that is listed as a secured creditor on the Debtor's Schedule D or that has filed a proof of claim asserting a secured claim in the real property to be surrendered.
 - (2) The letter must be sent by prepaid United States Mail to (i) the last known address of the security interest holder; and if a proof of claim has been filed, to the address for notices set forth on the proof of claim; or (ii) if the security interest holder has appeared through counsel in the case, to the counsel who has appeared.
 - (3) If there is more than one security interest holder and a dispute arises between the security interest holders as to the disposition of the property, the security interest holders must promptly notify the Debtor(s). In the event of such a dispute, the Debtor(s) must vacate the property within 14 days of receipt of the notice.
 - (4) If a security interest holder requests possession of the property, the Debtor(s) must fully cooperate in vacating the premises. This includes, without limitation, complying with a written request from the security interest holder to deliver all keys, garage door openers, alarm codes, and other information that will allow the security interest holder unfettered access to the property in a prepaid package supplied by the holder of the security interest holder. The premises must be vacated not later than the date set forth in writing by the security interest holder, which date may not be sooner than 14 days following delivery of the request. Any request must be (i) sent by email to the Debtor's counsel (if any), and (ii) served on the Debtor in accordance with FED. R. BANKR. P. 7004. Subject to FED. R. BANKR. P. 9006(f), delivery of the

request will be deemed to occur when the requirements of the preceding sentence have been satisfied.

- (5) The procedures set forth in subparagraphs (iii) and (iv) of this subparagraph may be implemented by a holder of a security interest immediately following the 7-day period set forth in subparagraph (c) of this Rule and without waiting for the sending or receipt of the letter required by subparagraph (e)(1) of this Rule.
 - (6) If a document is required to be sent under this Rule to the United States or its agencies, the document must additionally be sent (i) to the United States Attorney at 1000 Louisiana Street, Suite 2300, Houston, Texas 77002 (attention: Civil Process Clerk); or (ii) in accordance with Bankruptcy Rule 7004.
- (f) This subsection applies to the surrender of a vehicle that is permitted to operate on public roads and for which no written agreement has been made under BLR 6007-1(b).
- (1) The holder of a security interest must file a Delivery Notice. The Delivery Notice must instruct the Debtor(s) (i) to deliver the vehicle to a specific location; and (ii) as to the disposition of the keys to the vehicle at the time of delivery. The Delivery Notice must be served by United States mail on the Debtor(s) at their address as listed on the docket sheet. The Debtor(s) must deliver the vehicle within 14 days of the filing of the Delivery Notice.
 - (2) The specific location in the Delivery Notice must be within 25 driving miles of the Debtor(s)' home, as listed on the docket sheet.
 - (A) If the specific location is a public street address, the Debtor(s) must park the vehicle on the designated public street and within 2 city blocks of the address. No public street address may be designated by the security interest holder unless free parking is available on the public street. When the Debtor(s) park the vehicle, the Debtor(s) must photograph the exterior and interior of the vehicle. The exterior must be photographed such that the location is visible from the photograph. The car must be locked.
 - (B) After the vehicle is parked in accordance with this Rule, the security interest holder will have the sole risk of loss as to the vehicle and will be responsible for the payment of any traffic fines or other penalties arising out of compliance with the instructions in the Delivery Notice.

- (C) If the specified location is not an address on a public street, the location must be available for delivery of the vehicle and staffed with at least one person (i) not less than 4 days per week; (ii) at least one weekend day each week; (iii) by 7:00 a.m. on at least one day each week; and (iv) until at least 7:00 p.m. on at least one day each week. Upon delivery:
- (1) the staff person at the delivery location must execute and deliver a receipt to the Debtor(s), which receipt will reflect that the vehicle was delivered. The receipt will not be an acknowledgement that the vehicle was received in any particular condition.
 - (2) the Debtor(s) and the staff person at the delivery location must each take pictures of the interior and exterior of the vehicle. The pictures will be taken after delivery, but prior to the execution of the receipt.
- (D) If the holder of the security interest has not been provided with a current certificate of insurance, the vehicle is not operable, or the vehicle is not in the Debtor(s)' possession or control, the holder of the security interest may repossess the vehicle in accordance with applicable non-bankruptcy law. Additionally, the Debtor(s) must:
- (1) Within 7 days of the filing of a Delivery Notice, notify the security interest holder in writing of the circumstances that preclude the Debtor(s) from delivering the vehicle. The notification must inform the security interest holder of the location of the vehicle if known. Notices to the security interest holder must be sent to (i) the last known address of the security interest holder; and if a proof of claim has been filed, to the address for notices set forth on the proof of claim; or (ii) if the security interest holder has appeared through counsel in the case, to the counsel who has appeared;
 - (2) Fully cooperate in allowing the security interest holder to retrieve the vehicle, including agreeing to meet the security interest holder at a specific date and time to allow the retrieval of the vehicle; and,
 - (3) Not drive a vehicle that is uninsured.

(n) **Table 2.**

Scheduled Day for Emergency Hearing	Day of Exchange
Monday	Previous Friday
Tuesday	Previous Monday
Wednesday	Previous Tuesday
Thursday	Previous Wednesday
Friday	Previous Thursday

If the Day of Exchange is a legal holiday, the Day of Exchange would be the preceding Day of Exchange. For example, if the Scheduled Day for Emergency Hearing was a Wednesday and the Previous Tuesday was a legal holiday, the Day of Exchange would be the Previous Monday.

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

Local Rule 9027-2. Statement in Notice of Removal Regarding Consent to Entry of Orders or Judgment in Core Proceeding.

If, pursuant to Rule 9027(a)(1) of the Federal Rules of Bankruptcy Procedure, a notice of removal states that upon removal of the claim or cause of action the proceeding or any part of it is core, the notice shall also state that the party removing the proceeding does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

Local Rule 9027-3. Statement Regarding Consent to Entry of Orders or Judgment in Core Proceeding.

If a statement filed pursuant to Rule 9027(e)(3) by a party who filed a pleading in connection with a removed claim or cause of action, other than the party filing the notice of removal, states that the proceeding or any part of it is core, the party shall also state that the party does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

Local Rule 9033-1. Proposed Findings and Conclusions in Certain Core Proceedings.

If the Court determines that it cannot enter a final order or judgment consistent with Article III of the United States Constitution in a particular proceeding referred to the Court and designated as core under section 157(b) of title 28, and the Court hears the proceeding, Rule 9033(a), (b), and (c) of the Federal Rules of Bankruptcy Procedure shall apply as if it is a non-core proceeding.

Local Rule 9037-1. Sealed Documents.

- (a) The sealing of documents is discouraged.
- (b) Certain documents are routinely redacted to remove personal identifying information or other content that is not relevant to a decision by the Court. In those instances, (i) the document may be filed in redacted form only; (ii) no document should be filed that contains the redacted information; and (iii) the balance of this Rule 5003-1 does not apply.
- (c) A motion, reply, or other document may initially be filed under seal if the filing party simultaneously files a motion requesting that the document be maintained under seal. The document must be filed using the correct CM/ECF code for the filing of a sealed document. The filing party should notify the Case Manager if a motion to seal is filed.
- (d) In some instances, it may be practicable to redact relevant confidential information from a document, and to file the redacted document in the public record. In those instances, (i) a redacted document should be filed, not under seal; and (ii) the unredacted document should simultaneously be filed, under seal.
- (e) A document filed under seal will be kept by the clerk in electronic form but will be viewable only by the bankruptcy judges and staff.

- (f) Documents filed under seal must be served by the filing party by e-mail and conventional means on parties-in-interest entitled to receive the sealed document.
- (g) A motion to seal the document must be filed in the public record and served as any other motion. The motion to seal must state whether a redacted version of the document has been filed.
- (h) Instructions for filing documents under seal are on the Court's web site.
- (i) After reviewing the motion to seal, the Court may order appropriate relief, including the unsealing of the document.