

Pleading Type	Method of Service <sup>1</sup>	Time <sup>2</sup>	Rule
PLAN	*if filed with petition, clerk will serve *if not filed with petition, Debtor must mail out to matrix	21 days notice required of deadline to object to confirmation of plan; 28 days notice required for confirmation hearing	*3015(d) *2002(g) *2002(a)(9) *2002(b) *BLR 2002-1(c)
Plan with cramdown; creditor not insured depository institution	*first-class mail to an officer of the company or an agent authorized to receive service of process	Same as time for confirmation	*3012(b) *7004(b)(3)
Plan w/ cram- down; creditor is insured depository institution	*certified mail to an officer of the institution; or by first-class mail to atty who has entered an appearance	Same as time for confirmation	*3012(b) *7004(h)
Plan with lien avoidance; creditor not insured depository institution	*first-class mail to an officer of the company or an agent authorized to receive service of process	Same as time for confirmation	*3012(b) *7004(b)(3)
Plan w/ lien avoidance; creditor is insured depository institution	*certified mail to an officer of the institution; or by first-class mail to atty who has entered an appearance	Same as time for confirmation	*3012(b) *7004(h)
Amended plan	*as above, to any secured creditor whose <u>treatment</u> is changed	Notice for next Chapter 13 panel; judge will determine if additional time is needed for notice.	*§1323(c)

Plan Modification	*method of service is the same as for a plan or amended plan	*21 days notice required for modification hearing	*2002(a)(5) *3015(h) *BLR 2002-1(a)(5) *
Objection to POC; not federal gov't or insured depository institution <sup>3</sup>	*first-class mail to address on proof of claim *include Form 420 B	30 days before hearing or deadline for a response (plus 3 days for service by mail)	*3007(a)(2)(A) *BLR 3007-1
Objection to POC; insured depository institution <sup>3</sup>	*first-class mail to address on POC <u>and</u> *certified mail to an officer or first-class mail to attorney *include Form 420 B	30 days before hearing or deadline for a response (plus 3 days for service by mail)	*3007(a)(2)(A)(ii) *7004(h) *BLR 3007-1
Objection to POC; federal gov't <sup>3</sup>	*first-class mail to address on POC <u>and</u> *first-class mail to AG in Washington, DC and to officer or agency involved (practice tip: also to local Asst US Atty) *include Form 420 B	30 days before hearing or deadline for a response (plus 3 days for service by mail)	*3007(a)(2)(A)(i) *7004(b)(4) *7004(b)(5) *BLR 3007-1
Motion for Relief from Automatic Stay <sup>4</sup>	*first-class mail debtor, debtor's attorney, parties requesting notice, parties with an interest in the collateral, co-debtors, any other parties against whom relief is requested, trustee *first class mail to an officer or agent of any of the above that is a corporation or partnership *certified mail to an officer of any of the above that is an insured depository institution	At least 7 days prior to the hearing (plus 3 days for service by mail) (see judge's website for calendaring procedures)	*4001(a) *9014(b) *7004(b) *7004(h) *BLR 4001-1(a)(4)

Motion to Use Cash Collateral <sup>5</sup>	<ul style="list-style-type: none"> <li>*first class mail to any entity with an interest in the cash collateral</li> <li>*first class mail to an officer or agent of any of the above that is a corporation or partnership</li> <li>*certified mail to an officer of any of the above that is an insured depository institution</li> </ul>	At least 14 days prior to the hearing (plus 3 days for service by mail)	<ul style="list-style-type: none"> <li>*4001(b)</li> <li>*9014(b)</li> <li>*7004(b)</li> <li>*7004(h)</li> </ul>
Motion to Incur Debt <sup>5</sup>	<ul style="list-style-type: none"> <li>*first class mail to party against whom relief is sought, debtor, debtor's counsel, trustee, parties requesting notice, 20 largest unsecured creditors, parties claiming an interest in any property affected by the motion, parties claiming a lien on any property affected by the motion, US Trustee, any other party on whom the court has ordered notice</li> </ul>	At least 14 days prior to the hearing (plus 3 days for service by mail)	<ul style="list-style-type: none"> <li>*BLR 9013-1</li> <li>*4001(c)</li> <li>*9014(b)</li> <li>*7004(b)</li> <li>*7004(h)</li> </ul>
Agreed Motions under Rule 4001 <sup>5</sup> concerning consumer goods, debtor's household, or non-business use vehicle	<ul style="list-style-type: none"> <li>*first class mail to chapter 13 trustee, debtor, any co-obligor, any party with interest in the collateral</li> <li>*first class mail to an officer or agent of any of the above that is a corporation or partnership</li> <li>*certified mail to an officer of any of the above that is an insured depository institution</li> </ul>	At least 14 days prior to the hearing (plus 3 days for service by mail)	<ul style="list-style-type: none"> <li>*4001(d)</li> <li>*9014(b)</li> <li>*7004(b)</li> <li>*BLR 4001-1(c)(1)</li> </ul>
Other Agreed Motions under Rule 4001 <sup>5</sup>	<ul style="list-style-type: none"> <li>*first class mail to debtor, chapter 13 trustee, and all creditors (POC address) &amp; other parties requesting notice</li> </ul>	At least 14 days prior to the hearing (plus 3 days for service by mail)	<ul style="list-style-type: none"> <li>*4001(d)</li> <li>*BLR 4001-1(c)(2)</li> <li>*2002(a)(3)</li> </ul>

Motions to Sell Estate Property <sup>6</sup>	*first class mail to debtor, trustee, and all creditors (POC address) & other parties requesting notice	At least 21 days prior to the hearing	*2002(a)(2)
Motion to Approve Compromise <sup>6</sup>	*first class mail to debtor, trustee, and all creditors (POC address) & other parties requesting notice	At least 21 days prior to the hearing	*2002(a)(3)
(Almost) Everything Else <sup>6</sup>	*first class mail to party against whom relief is sought, debtor, debtor's counsel, trustee, parties requesting notice, 20 largest unsecured creditors, parties claiming an interest in any property affected by the motion, parties claiming a lien on any property affected by the motion, US Trustee, any other party on whom the court has ordered notice	No later than day after filing motion, at least 21 days prior to response deadline	*9014 *7004(b), (h) *BLR 9013-1

<sup>1</sup>Note: the Rules Committee recently published for comment a substantial re-writing of Rule 9036 which broadens the scope of permissible electronic notice. Keep an eye out for publication of the final rule & effective date. In the meantime, service on ECF filers may be accomplished by electronic notice rather than personal service or service by mail (except for a summons & complaint under Rule 7004 or a subpoena under Rule 9016). Administrative Procedures for Electronic Filing

<sup>2</sup>When notice is by first-class mail, add 3 days to all deadlines & notice requirements. Rule 9006(f).

<sup>3</sup>These pleadings must begin with the notice language contained in BLR 3007-1

<sup>4</sup>These pleadings must begin with the notice language contained in BLR 4001-1(a)(3)

<sup>5</sup>These pleadings must begin with the notice language contained in BLR 4001-1(b).

<sup>6</sup>These pleadings must begin with the notice language contained in BLR 9013-1

Rule	Changes	Notes
<p><b>3002</b>  <b>NOTICES TO CREDITORS, EQUITY SECURITY HOLDERS, ADMINISTRATORS IN FOREIGN PROCEEDINGS, PERSONS AGAINST WHOM PROVISIONAL RELIEF IS SOUGHT IN ANCILLARY AND OTHER CROSS-BORDER CASES, UNITED STATES, AND UNITED STATES TRUSTEE</b></p>	<p>(a) TWENTY-ONE-DAY NOTICES TO PARTIES IN INTEREST. Except as provided in subdivisions (h), (i), (j), (p), and (q) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees at least 21 days' notice by mail of:</p> <p style="padding-left: 40px;">(7) the time fixed for filing proofs of claims pursuant to Rule 3003(c);</p> <p style="padding-left: 40px;">(8) the time fixed for filing objections and the hearing to consider confirmation of a chapter 12 plan; <b>and</b></p> <p style="padding-left: 40px;"><b>(9) the time fixed for filing objections to confirmation of a chapter 13 plan.</b></p> <p>(b) TWENTY-EIGHT-DAY NOTICES TO PARTIES IN INTEREST. Except as provided in subdivision (j) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees not less than 28 days' notice by mail of the time fixed (1) for filing objections and the hearing to consider approval of a disclosure statement or, under §1125(f), to make a final determination whether the plan provides adequate information so that a separate disclosure statement is not necessary; (2) for filing objections and the hearing to consider confirmation of a chapter 9, <b>or</b> chapter 11 plan; <b>and (3) for the hearing to consider confirmation of a chapter 13 plan.</b></p>	<ul style="list-style-type: none"> <li>• Changes notice deadlines and requirements</li> <li>• (a)(9) was added to require at least 21 days' notice of the time for filing objections to confirmation of a chapter 13 plan</li> <li>• (b)(3) was added to provide separately for 28 days' notice of the date of the confirmation hearing in a chapter 13 case</li> <li>• These changes work in conjunction with amendments under Rule 3015 (which governs time for presenting objection to confirmation of a chapter 13 plan)</li> </ul>

Rule	Changes	Notes
<b>3002</b> <b>FILING PROOF OF CLAIM OR INTEREST</b>	<p><b>(a) NECESSITY FOR FILING.</b> A secured creditor, unsecured creditor or equity security holder must file a proof of claim or interest for the claim or interest to be allowed, except as provided in Rules 1019(3), 3003, 3004, and 3005. A lien that secures a claim against the debtor is not void due only to the failure of any entity to file a proof of claim.</p>	<ul style="list-style-type: none"> <li>• Clarifies that a secured creditor must file a proof of claim in order to have an allowed claim.</li> <li>• Failure to file secured POC does not void lien.</li> <li>• New SDTX plan language binds secured creditors to numbers set forth in plan, if a timely POC is not filed (Proper notice is important)</li> </ul>
	<p><b>(c) TIME FOR FILING.</b> In a voluntary chapter 7 case, chapter 12 case, or chapter 13 case, a proof of claim is timely filed if it is filed not later than <b>70 days after the order for relief under that chapter or the date of the order of conversion to a case under chapter 12 or 13.</b> In an involuntary chapter 7 case, a proof of claim is timely filed if it is filed not later than 90 days after the order for relief under that chapter is entered. But in all these cases, the following exceptions apply:</p>	<ul style="list-style-type: none"> <li>• New dead line to file a proof of claim is 70 days after petition date. (changed from 90 days after the §341)</li> <li>• Government deadline is 180 days after petition date <ul style="list-style-type: none"> <li>- VA mortgages</li> <li>- HUD Loans</li> <li>- County taxes</li> <li>- SS overpayments</li> <li>- Comptroller</li> <li>- Child support (AG's office)</li> <li>- IRS (for taxes under §1308 has 180 days or 60 days after the date of filing the tax return)</li> </ul> </li> </ul>
	<p><b>(c)(6)</b> 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:</p> <p><b>(A)</b> the notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim because the debtor failed to timely file the list of creditors' names and addresses required by Rule 1007(a); or</p> <p><b>(B)</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.</p>	<ul style="list-style-type: none"> <li>• Creditor can request more time to file a poc via motion extension of not more than 60 days if: <ul style="list-style-type: none"> <li>- notice was not correct because debtor failed to timely file a creditor matrix (reflecting name and address of each entity on Schedules D, E, F, G &amp; H, on date of petition)</li> <li>- notice was insufficient under circumstances to give a reasonable time to file poc and if notice was mailed outside the U.S.</li> </ul> </li> <li>• Motion for extension can be after the bar date</li> <li>• What happens if you amend poc after petition date, what is reasonable time? (still requires motion)</li> </ul>

Rule	Changes	Notes
<b>3002</b> (CONTINUED)	<p><b>(C)(7)</b> 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:</p> <p><b>(A)</b> 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</p> <p><b>(B)</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.</p>	<ul style="list-style-type: none"> <li>• Creditors with secured liens on the homestead have up to 120 days after the petition date to supplement their poc with the attachments required under 3001(c)(1) and (d)</li> <li>• (essentially, POC with mortgage attachment and escrow account statement must be filed within 70 days, creditors have an additional 50 days to attach note, deed of trust, or other supporting documents upon which writing is based)</li> </ul>
<b>3007</b> <b>OBJECTIONS TO CLAIM</b>	<p>(a) <b>TIME AND MANNER OF SERVICE.</b></p> <p>(1) <b>Time of Service.</b> An objection to the allowance of a claim and a notice of objection that substantially conforms to the appropriate Official Form shall be filed and served at least 30 days before any scheduled hearing on the objection or any deadline for the claimant to request a hearing.</p>	<ul style="list-style-type: none"> <li>• Requires 30 days' notice prior to hearing on objections</li> <li>• No longer requires that a hearing be scheduled or held on every objection             <ul style="list-style-type: none"> <li>- Negative notice is enough If no response is filed, order entered without a hearing (make sure you attach enough information to allow judge to make determination, and that your order is specific as to relief you want)</li> </ul> </li> </ul>
	<p>(2) <b>Manner or Service.</b></p> <p>(A) The objection and notice shall be served on a claimant by first-class mail to the person most recently designated on the claimant's original or amended proof of claim as the person to receive notices, at the address so indicated; and</p> <p>(i) if the objection is to a claim of the United States, or any of its officers or agencies, in the manner provided for service of a summons and complaint by Rule 7004(b)(4) or (5); or</p> <p>(ii) if the objection is to a claim of an insured depository institution, in the manner provided by Rule 7004(h).</p>	<ul style="list-style-type: none"> <li>• Clearly states service to address on POC where notices should be sent is sufficient notice except for three instances where adversary notice is required:             <ul style="list-style-type: none"> <li>- U.S. (requires 7004 (b)(4) notice – need to serve civil process clerk at the office of US attorney in SDTX, AG of US at Washington, DC office, and officer or agency directly)</li> <li>- Officer or agency of U.S. (requires 7004(5) notice)</li> <li>- Insured depository institution (requires 7004 (h) notice via certified mail to an office of the institution unless – notice of appearance is on filed by attorney, if so first class mail to attorney sufficient)</li> </ul> </li> </ul>

Rule	Changes	Notes
<b>3007</b> (CONTINUED)	(B) Service of the objection and notice shall also be made by first-class mail or other permitted means on the debtor or debtor in possession, the trustee, and, if applicable, the entity filing the proof of claim under Rule 3005.	<ul style="list-style-type: none"> <li>• (B) Requires first-class mail notice on:               <ul style="list-style-type: none"> <li>- debtor</li> <li>- trustee, and</li> <li>- if creditor did not file POC, the entity filing proof of claim under Rule 3005</li> </ul> </li> </ul>
<b>3012</b> <b>DETERMINING THE AMOUNT OF SECURED AND PRIORITY CLAIMS</b>	<p>(a) <b>Determination of Amount of Claim.</b> On request by a party in interest and after notice—to the holder of the claim and any other entity the court designates—and a hearing, the court may determine:</p> <p>(1) the amount of a secured claim under §506(a) of the Code; or</p> <p>(2) the amount of a claim entitled to priority under § 507 of the Code.</p>	<ul style="list-style-type: none"> <li>• Change allows a party in interest to seek a determination of the amount of a claim entitled to priority, still allows determination of amount of secured claim</li> <li>• §506(a) is the cram down provision - allowed claim is secured to the extent of the value of such creditor's interest in property or the amount subject to set off</li> <li>• §507 is priorities, child support obligations, administrative expenses,</li> </ul>
	<p>(b) <b>Request for Determination; How Made.</b> Except as provided in subdivision (c), a request to determine the amount of a secured claim may be made by motion, in a claim objection, or in a plan filed in a chapter 12 or chapter 13 case. When the request is made in a chapter 12 or chapter 13 plan, the plan shall be served on the holder of the claim and any other entity the court designates in the manner provided for service of a summons and complaint by Rule 7004. A request to determine the amount of a claim entitled to priority may be made only by motion after a claim is filed or in a claim objection.</p> <p>(c) <b>Claims of Governmental Units.</b> A request to determine the amount of a secured claim of a governmental unit may be made only by motion or in a claim objection after the governmental unit files a proof of claim or after the time for filing one under Rule 3002(c)(1) has expired.</p>	<ul style="list-style-type: none"> <li>• Sets forth that the request for determination of amount of priority or secured claim may be made by motion, objection or in the chapter 13 plan</li> <li>• <b>NOTE:</b> if the request is made via the plan, the plan must be served on the creditor and any other party the court designates according to Rule 7004</li> <li>• Specifies that a request against governmental units may only be made by motion or objection AFTER a POC is filed or deadline to file has passed (180 days or more)</li> </ul>



Rule	Changes	Notes
<b>3015</b> <b>FILING, OBJECTION TO CONFIRMATION, EFFECT OF CONFIRMATION, AND MODIFICATION OF A PLAN IN A CHAPTER 12 OR A CHAPTER 13 CASE</b>	(b) <b>Filing a CHAPTER 13 PLAN.</b> The debtor may file a chapter 13 plan with the petition. If a plan is not filed with the petition, it shall be filed within 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct. If a case is converted to chapter 13, a plan shall be filed within 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct.	<ul style="list-style-type: none"> <li>Plan must be filed on date of petition or within 14 days thereafter (time may only be extended for cause)</li> <li>Per SDTX local rules clerk will service out the plan if it is filed on the petition date</li> </ul>
	(c) <b>Form of Chapter 13 Plan.</b> If there is an Official Form for a plan filed in a chapter 13 case, that form must be used unless a Local Form has been adopted in compliance with Rule 3015.1. With either the Official Form or a Local Form, a nonstandard provision is effective only if it is included in a section of the form designated for nonstandard provisions and is also identified in accordance with any other requirements of the form. As used in this rule and the Official Form or a Local Form, "nonstandard provision" means a provision not otherwise included in the Official or Local Form or deviating from it.	<ul style="list-style-type: none"> <li>Amended to require the use of an official form, the SDTX has adopted a local form consistent with Rule 3015.1</li> <li>Requires nonstandard provisions to be set forth only in the section of the form designated for the nonstandard provision. The nonstandard language will be void if paragraph 1 and 29 of the local plan are not filled in properly (no separate motion to allow non-conforming provision is necessary)</li> </ul>
	(d) <b>NOTICE.</b> If the plan is not included with the notice of the hearing on confirmation mailed under Rule 2002, the debtor shall serve the plan on the trustee and all creditors when it is filed with the court.	<ul style="list-style-type: none"> <li>Requires debtor to serve plan on trustee and all creditors if it is not filed with the petition (SDTX local rule 2002-1(c)(2) sets forth that the clerk must include a copy of the plan with the other required notices, if its filed on petition date)</li> </ul>

Rule	Changes	Notes
<b>3015</b> (CONTINUED)	(f) OBJECTION TO CONFIRMATION; DETERMINATION OF GOOD FAITH IN THE ABSENCE OF AN OBJECTION. An objection to confirmation of a plan shall be filed and served on the debtor, the trustee, and any other entity designated by the court, and shall be transmitted to the United States trustee, <b>at least seven days before the date set for the hearing on confirmation, unless the court orders otherwise.</b> An objection to confirmation is governed by Rule 9014. If no objection is timely filed, the court may determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on such issues.	<ul style="list-style-type: none"> <li>• Amended to require service of an objection to confirmation at least even days before the hearing to consider confirmation of a plan, unless the court orders otherwise</li> <li>• EFFECT – if Debtor amends the plan less than 7 days before confirmation and it significantly changes treatment of a creditor, confirmation may be reset to allow for proper notice</li> </ul>
	(g) <b>Effect of Confirmation. Upon the confirmation of a chapter 12 or chapter 13 plan:</b>  <b>(1) any determination in the plan made under Rule 3012 about the amount of a secured claim is binding on the holder of the claim, even if the holder files a contrary proof of claim or the debtor schedules that claim, and regardless of whether an objection to the claim has been filed; and</b>  <b>(2) any request in the plan to terminate the stay imposed by § 362(a), § 1201(a), or § 1301(a) is granted.</b>	<ul style="list-style-type: none"> <li>• (g)(1) provides that the amount of a secured claim under §506(a) may be determined in the plan (see rule 3012)               <ul style="list-style-type: none"> <li>- This amount is binding on a creditor despite a timely filed POC</li> </ul> </li> <li>• Provides for termination of automatic stay under §§ 362 (automatic stay provisions) and 1301 (co-debtor stay provisions)               <ul style="list-style-type: none"> <li>- Surrender paragraph 7 of SDTX plan has this language</li> <li>- No longer requires a creditor to file a lift stay action on surrendered property</li> </ul> </li> </ul>
	(H) MODIFICATION OF PLAN AFTER CONFIRMATION. A request to modify a plan <b>under</b> §1229 or §1329 of the Code shall identify the proponent and shall be filed together with the proposed modification. The clerk, or some other person as the court may direct, shall give the debtor, the trustee, and all creditors not less than 21 days' notice by mail of the time fixed for filing objections and, if an objection is filed, the hearing to consider the proposed modification, unless the court orders otherwise with respect	<ul style="list-style-type: none"> <li>• Amended to reflect the party proposing the plan modification is responsible for service</li> <li>• Retains the option to serve summary (Note: SDTX local forms have a Certificate of Service and Notice of Objection Deadline, that implies service of entire modification is required)</li> </ul>

Rule	Changes	Notes
<b>3015 (H)</b> (CONTINUED)	<p>to creditors who are not affected by the proposed modification. A copy of the notice shall be transmitted to the United States trustee. A copy of the proposed modification, or a summary thereof, shall be included with the notice. Any objection to the proposed modification shall be filed and served on the debtor, the trustee, and any other entity designated by the court, and shall be transmitted to the United States trustee. An objection to a proposed modification is governed by Rule 9014.</p>	<ul style="list-style-type: none"> <li>Unless required by another rule, service under this subdivision does not need 7004 notice.</li> </ul>
<b>3015.1</b> <b>REQUIREMENTS FOR A</b> <b>LOCAL FORM FOR</b> <b>PLANS FILED IN A</b> <b>CHAPTER 13 CASE</b>	<p>Notwithstanding <u>Rule 9029(a)(1)</u>, a district may require that a Local Form for a plan filed in a <u>chapter 13</u> case be used instead of an Official Form adopted for that purpose if the following conditions are satisfied:</p> <p>(a) a single Local Form is adopted for the district after public notice and an opportunity for public comment;</p> <p>(b) each paragraph is numbered and labeled in boldface type with a heading stating the general subject matter of the paragraph;</p> <p>(c) the Local Form includes an initial paragraph for the debtor to indicate that the plan does or does not:</p> <p style="padding-left: 20px;">(1) contain any nonstandard provision;</p> <p style="padding-left: 20px;">(2) limit the amount of a secured claim based on a valuation of the collateral for the claim; or</p> <p style="padding-left: 20px;">(3) avoid a security interest or lien;</p> <p>(d) the Local Form contains separate paragraphs for:</p> <p style="padding-left: 20px;">(1) curing any default and maintaining payments on a claim secured by the debtor's principal residence;</p> <p style="padding-left: 20px;">(2) paying a domestic-support obligation;</p> <p style="padding-left: 20px;">(3) paying a claim described in the final paragraph of § 1325(a) of the Bankruptcy Code; and</p>	<ul style="list-style-type: none"> <li>This is the new rule that sets forth the features required for all Local Form plans in chapter 13 cases.</li> </ul>

Rule	Changes	Notes
<b>3015.1</b> (CONTINUED)	<p>(4) surrendering property that secures a claim with a request that the stay under §§ <u>362(a)</u> and 1301(a) be terminated as to the surrendered collateral; and</p> <p>(e) the Local Form contains a final paragraph for:</p> <p>(1) the placement of nonstandard provisions, as defined in <u>Rule 3015(c)</u>, along with a statement that any nonstandard provision placed elsewhere in the plan is void; and</p> <p>(2) certification by the debtor's attorney or by an unrepresented debtor that the plan contains no nonstandard provision other than those set out in the final paragraph.</p>	
<b>4003</b> <b>EXEMPTIONS</b>	<p>(d) AVOIDANCE BY DEBTOR OF TRANSFERS OF EXEMPT PROPERTY. A proceeding <u>under § 522(f)</u> to avoid a lien or other transfer of property exempt under Code shall be <u>commenced</u> by motion <u>in the manner provided by Rule 9014, or by serving a chapter 12 or chapter 13 plan on the affected creditors in the manner provided by Rule 7004 for service of a summons and complaint.</u> Notwithstanding the provisions of subdivision (b), a creditor may object to a <u>request</u> under §522(f) by challenging the validity of the exemption asserted to be impaired by the lien.</p>	<ul style="list-style-type: none"> <li>Amended to provide that a request to avoid a lien on exempt property under §522 (f) or other transfer of exempt property may be made by motion or by a chapter 13 plan.             <ul style="list-style-type: none"> <li>A plan that proposes lien avoidance must be served in accordance with Rule 7004</li> </ul> </li> </ul>
<b>5009</b> <b>CLOSING CHAPTER 7, CHAPTER 12, CHAPTER 13, AND CHAPTER 15 CASES; ORDER DECLARING LIEN SATISFIED</b>	<p><b>(d) Order Declaring Lien Satisfied.</b> In a chapter 12 or chapter 13 case, if a claim that was <u>secured by property of the estate is subject to a lien under applicable nonbankruptcy law, the debtor may request entry of an order declaring that the secured claim has been satisfied and the lien has been released under the terms of a confirmed plan. The request shall be made by motion and shall be served on the holder of the claim and any other entity the court designates in the manner provided by Rule 7004 for service of a summons and complaint.</u></p>	<ul style="list-style-type: none"> <li>Provides that via a Motion (not an adversary) a debtor in a chapter 13 may request an order declaring a secured claim satisfied and a lien released under the terms of a confirmed plan.             <ul style="list-style-type: none"> <li>Requires 7004 notice</li> <li>If a lien was stripped under the old plans, another tool that can be used ensure the debtor receives a release of lien</li> </ul> </li> </ul>

Rule	Changes	Notes
<b>7001</b>  <b>SCOPE OF RULES OF PART VII</b>	<p>An adversary proceeding is governed by the rules of this Part VII. The following are adversary proceedings:</p> <p>(2) a proceeding to determine the validity, priority, or extent of a lien or other interest in property, <b>but not</b> a proceeding under <b>Rule 3012</b> or Rule 4003(d);</p>	<ul style="list-style-type: none"> <li>Amended to provide that a determination of a secured claim under Rule 3012 does not require an adversary <ul style="list-style-type: none"> <li>E.g. a strip lien under the plan does not require an adversary</li> </ul> </li> </ul>
<b>9009</b>  <b>FORMS</b>	<p>(a) Official Forms. <b>The</b> Official Forms prescribed by the Judicial Conference of the United States shall be used <b>without alteration, except as otherwise provided in these rules, in a particular Official Form, or in the national instructions for a particular Official Form. Official Forms may be modified to permit minor changes not affecting wording or the order of presenting information, including changes that:</b></p> <p>(1) <b>expand the prescribed areas for responses in order to permit complete responses.</b></p> <p>(2) <b>delete space not needed for responses; or</b></p> <p>(3) <b>delete items requiring detail in a question or category if the filer indicates—either by checking "no" or "none" or by stating in words—that there is nothing to report on that question or category.</b></p> <p>(b) <b>Director's Forms.</b> The Director of the Administrative Office of the United States Courts may issue additional forms for use under the Code.</p> <p>(c) <b>Construction.</b> The forms shall be construed to be consistent with these rules and the Code.</p>	<ul style="list-style-type: none"> <li>This rule states you cannot alter an official form, except to add more or delete excess space for a response</li> </ul>

Local Rule	Changes	Notes
<b>2002-1</b> <b>NOTICES TO CREDITORS, EQUITY SECURITY HOLDERS, AND THE UNITED STATES.</b>	<p>(c) The clerk must send a notice promptly after a chapter 13 case is filed. The notice must:</p> <p>(1) Set the initial meeting of creditors under § 341 (the “§ 341 Meeting”).</p> <p>(2) Set the initial confirmation date for the Debtor(s)’ proposed plan <b>and a hearing on §506 valuations</b> on the last available date 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.</p>	<ul style="list-style-type: none"> <li>• Requires clerk to send notice of 341, and notice of confirmation date and hearing on §506 valuations not more than 45 days form §341 meeting.</li> <li>• Sets forth that the clerk will service plan if it is filed on the petition date</li> </ul>
<b>3007-1</b> <b>OBJECTIONS TO CLAIMS</b>	<p>(a) An objection to claim must <b>list</b> the claimant, <b>the date the proof of claim was filed, the amount of the claim, and the classification of the claim as</b> secured, priority <b>unsecured or general unsecured</b>. 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.</p> <p>(b) <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:</b></p> <p><b>This is an objection to your claim. This objection asks the Court to disallow the claim that you filed</b></p>	<ul style="list-style-type: none"> <li>• An objection must list: <ul style="list-style-type: none"> <li>- the claimant</li> <li>- date the POC was filed</li> <li>- amount of the claim</li> <li>- classification (secured, priority unsec, gen. unsec)</li> </ul> </li> <li>• Must clearly state legal and factual basis for objection</li> <li>• Must contain an affidavit signed by a person with personal knowledge</li> <li>• <b>NEW NOTICE LANGAUGE</b> (make sure to update your flash docs/ templates)</li> <li>• New federal rules allow ruling on claim without a hearing, important to ensure objections are complete and can be ruled on with what is filed, and that proper service has been executed.</li> </ul>

**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	Changes	Notes
<p><b>3015-1</b>  <b>CONFIRMATION OF</b>  <b>CHAPTER 13 PLANS</b>  <b>AND RULE 3015.1</b>  <b>OPT-OUT</b></p>	<p>(a) Uniform Plan and Motion for Valuation of Collateral. Pursuant to FED. R. BANKR. P. 3015.1, the Court requires that a Local Form Plan must be used instead of the Official Form Plan. The Local Form Plan is posted on the Court's website.</p> <p>(b) Mortgage Payments Through the Chapter 13 Trustee. Home mortgage payments will be made through the chapter 13 trustee, in accordance with Chapter 13 Trustee Procedures for Administration of Home Mortgage Payments ("Home Mortgage Payment Procedures"). The Home Mortgage Payment Procedures adopted by the Court are posted on the Court's website.</p> <p>(c) Plan Modifications. To obtain a modification of a confirmed chapter 13 plan:</p> <p>(1) The party seeking to modify the plan must file</p> <p style="padding-left: 40px;">(i) a proposed modified plan and a proposed modified plan summary, each utilizing the official forms posted on the Court's website; and</p> <p style="padding-left: 40px;">(ii) a proposed amended wage order or electronic payment mechanism consistent with the proposed modification.</p> <p>(2) The proposed modified plan must be self-calendared for a hearing on the next available date as scheduled on the Chapter 13 Trustee's website.</p> <p>(3) If the proposed modified plan is filed by the Debtor(s), the Debtor(s) must simultaneously file amended schedules I and J.</p>	<ul style="list-style-type: none"> <li>• (a) sets forth that Local Form Plan is required</li> <li>• (b) references that mortgage payments will be paid in accordance with Chapter 13 Trustee Procedures for Administration of Home mortgage Payments posted on the Court's website</li> <li>• (c) states that the party seeking modification of confirmed plan must: <ul style="list-style-type: none"> <li>- File a proposed modified plan and summary, and</li> <li>- File an amended wage order or ECF/ACH order</li> <li>- Self-calendar a hearing on the next available date (at least 31 days from the day mod is mailed – 24 days per certificate of service plus 7 days for objection)</li> <li>- Amended Sched I &amp; J (if proposed by debtor)</li> <li>- Debtor's counsel remember to file as separate docket entry the Certificate of Service and Notice of Objection Deadline on court's website (make sure to include the entire mod as Ex. A)</li> </ul> </li> </ul>



Local Rule	Changes	Notes
<b>3021-1</b> <b>PAYMENTS BY</b> <b>CHAPTER 13 TRUSTEE</b>	<p>(a) Chapter 13 trustees must make payments in accordance with confirmed plans.</p> <p>(b) Payment of Debtor(s)' attorneys' fees shall be made only after entry of an order allowing the fees. Under fixed fee agreements, attorneys' fees are allowed on entry of the order approving the fixed fee agreement.</p> <p>(c) The priority of payments to be made under a plan is established by the confirmed plan.</p> <p>(d) Each chapter 13 trustee will place information on the chapter 13 trustee's website regarding all payments made under Plans.</p>	<ul style="list-style-type: none"> <li>• (a) payments will be made in accordance with confirmed plan – make sure you review plan</li> <li>• (b) attorneys' fees will only be paid after entry of order allowing fees. (Fixed fee agreement – fees are allowed on entry of order) – follow up on order</li> </ul>
<b>6007-1</b> <b>SURRENDER OF</b> <b>COLLATERAL IN</b> <b>CHAPTER 13 CASES</b>	<p>(a) If a chapter 13 plan 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.</p> <p>[See Attachment for Full Rule]</p>	<ul style="list-style-type: none"> <li>• Applies only in Chapter 13 cases</li> <li>• (b) If you surrender <b>SEND AN EMAIL</b> (fax or paper) to opposing counsel and make sure you get a response, if not <u>see Rule 6007 chart.</u> <ul style="list-style-type: none"> <li>- No agreement can impose personal liability on debtor or limit a debtor's discharge</li> </ul> </li> <li>• (j) The Debtors may use the collateral (if insured) pending retrieval</li> <li>• (h) if a Debtor fails to comply creditor may seek an order to: <ul style="list-style-type: none"> <li>- Compel compliance</li> <li>- Recover reasonable costs and attorney's fees</li> </ul> </li> <li>• (i) if a creditor fails to comply on personal property a debtor may seek an order to: <ul style="list-style-type: none"> <li>- Compel compliance</li> <li>- Impose a monthly storage fee 0.5% of FMV secured by first priority lien and enforce such lien, essentially get title to property after 228 days from surrender (Form on Court's website – Motion to Enforce Lien)</li> </ul> </li> </ul>

Local Rule	Changes	Notes
<b>6007-2</b> <b>ABANDONMENT OF</b> <b>PROPERTY IN</b> <b>CHAPTER 7 CASES</b>	<p>Upon the filing by the chapter 7 trustee of a Notice of Proposed Abandonment and Report of No Distribution, the clerk shall promptly send the Notice to all persons listed on the CM/ECF list of creditors. If no objection is filed within 14 days of the sending of the notice by the clerk, property scheduled by the Debtor(s) is abandoned without further Court order.</p>	<ul style="list-style-type: none"> <li>If no objection is filed 14 days after clerk's service of Notice of Abandonment, property scheduled by Debtor is abandoned without further order.</li> </ul>
<b>9013-2</b> <b>Exchange of</b> <b>Exhibits, Exhibit</b> <b>Lists and Witness</b> <b>Lists in all</b> <b>Contested Matters</b> <b>and Adversary</b> <b>Proceedings</b>	<p>(i). Contested Hearings in Chapter 13 and 7 Cases Involving less than Ten Exhibits. In other contested matters in chapter 13 and 7 cases where a party intends to offer ten or fewer exhibits, counsel are not required to provide bound exhibits and may exchange exhibits with opposing counsel by electronic mail. All other requirements and deadlines will apply.</p> <p>(j). Contested Hearings in Complex Chapter 11 Cases. In contested matters in complex chapter 11 cases, counsel may deliver exhibits via an internet-based distribution service that does not assess a charge to the party performing the download. The website address along with instructions for downloading the exhibits shall be made available in accordance with Table 1 or Table 2 as appropriate. If a party elects to deliver exhibits in accordance with this paragraph, counsel are not required to provide bound exhibits to counsel. All other requirements and deadlines will apply.</p>	<ul style="list-style-type: none"> <li>Sets forth that all other requirements and rules apply to exceptions to bound exhibits under subsections (i) and (j)</li> </ul>

## SURRENDER OF PROPERTY VIA CHAPTER 13 PLAN – LOCAL RULE 6007 -1 (E)&(F)

PARAGRAPH OF PLAN	TYPE OF PROPERTY	TIME FRAME FOR DEBTOR'S INITIAL DISCLOSURE	DEBTOR MUST COMPLETE THE FOLLOWING DISCLOSURE	TIME FRAME FOR CREDITOR	CREDITOR MUST COMPLETE THE FOLLOWING	TIME FRAME FOR DEBTOR'S RESPONSE/ACTION	DEBTOR MUST COMPLETE THE FOLLOWING
7	Real property	Within 7 days of confirmation order	1) Send Letter Offering Immediate Possession under 6007(e)(1) [on court's website] 2) Serve via 1 <sup>st</sup> class mail on <i>all security interest holders</i> * at - last known address or - address on poc or - to atty who filed an appearance	Anytime immediately following the 7 days post entry of confirmation order	Send a written request for possession that sets forth date to deliver real property (that may not be before the 14 <sup>th</sup> day after delivery) to: 1) Debtors' counsel via email; and 2) to Debtor served in accordance with 7004	No sooner than 14 days following deliver of request for possession and no later than date set forth in request (written request date of delivery may not be sooner than 14 days from receipt)	Vacate property upon receipt of request from a secured interest holder or in the case of a dispute between interest holders
7	Vehicle	Within 7 days of confirmation order	Keep vehicle insured if Debtor is using  (Practice tip: If applicable, send an Impossibility Notice right away)	Anytime immediately following the 7 days post entry of confirmation order	File a Delivery Notice in the Case, on the docket that sets forth 1) location where vehicle is to be delivered (designated location must conform with 6007(f)(ii)) 2) disposition of the keys at the time of delivery	Within 14 days of the filing of a delivery notice	Must deliver the vehicle to the specific location set forth in the notice, and turn over keys as set forth in notice (delivery must conform with 6007(f)(ii))
						OR	Within 7 days of the filing of a delivery notice  Send impossibility notice [on court's website] Informing creditor that vehicle cannot be delivered because uninsured, does not run, debtor doesn't have possession, etc.
7	Other property			Within the 28 days following confirmation of a plan	Make reasonable efforts to take possession of the surrendered property		

\*If the United States or its agencies (e.g. IRS) is a party then additional notice must be sent to US Attorney in Houston, or give the US notice according to 7004

# SURRENDER OF PROPERTY VIA CHAPTER 13 PLAN – LOCAL RULE 6007 -1 (E)&(F)

PARAGRAPH OF PLAN	TYPE OF PROPERTY	TIME FRAME FOR DEBTOR'S INITIAL DISCLOSURE	DEBTOR MUST COMPLETE THE FOLLOWING DISCLOSURE	TIME FRAME FOR CREDITOR	CREDITOR MUST COMPLETE THE FOLLOWING	TIME FRAME FOR DEBTOR'S RESPONSE/ACTION	DEBTOR MUST COMPLETE THE FOLLOWING
20	Real property	Within 28 days of Notice of surrender being filed	1) Send Letter Offering Immediate Possession under 6007(e)(1) [on court's website] 2) Serve via 1 <sup>st</sup> class mail on <i>all security interest holders</i> * at <ul style="list-style-type: none"> <li>- last known address or</li> <li>- address on poc or</li> <li>- to atty who filed an appearance</li> </ul>	No earlier than 21 days after Surrender Notice is filed	Send a written request for possession that sets forth date to deliver real property to: 1) Debtors' counsel via email; and 2) to Debtor in accordance with 7004 service	No sooner than 14 days following deliver of request for possession and no later than date set forth in request (written request date of delivery may not be sooner than 14 days from receipt)	Vacate property upon receipt of request from a secured interest holder or in the case of a dispute between interest holders
20	Vehicle	Within 28 days of Notice of surrender being filed	Keep vehicle insured if Debtor is using  (Practice tip: If applicable, send an Impossibility Notice right away)	No earlier than 21 days after Surrender Notice is filed	File a Delivery Notice in the Case, on the docket 1) location where vehicle is to be delivered 2) disposition of the keys at the time of delivery	Within 14 days of the filing of a delivery notice	Must deliver the vehicle to the specific location set forth in the notice, and turn over keys as set forth in notice (delivery must conform with 6007(f)(ii))
						OR  Within 7 days of the filing of a delivery notice	Send impossibility notice [on court's website] Informing creditor that vehicle cannot be delivered because uninsured, does not run, debtor doesn't have possession, etc.
20	Other property			Within the 28 days following the filing of a Surrender Notice	Make reasonable efforts to take possession of the surrendered property		

\*If the United States or its agencies (e.g. IRS) is a party then additional notice must be sent to US Attorney in Houston, or give the US notice according to 7004

**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 6007-1. Surrender of Collateral in Chapter 13 Cases.**

- (a) If a chapter 13 plan<sup>2</sup> 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

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<sup>2</sup> This rule applies equally to modified plans.

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 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).
  - i. 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.
  - ii. 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.
  - iii. 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.
  - iv. 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.

- v. 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.
  - vi. 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).
- i. 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.
  - ii. 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

finances 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.

- (g) The surrender of any other property is governed by this Rule and by applicable non-bankruptcy law. The holder of a security interest must make reasonable efforts to take possession of the surrendered property before the expiration of 28 days following (i) the confirmation of a plan that provides for the surrender or collateral under paragraph 7 of a confirmed plan; or (ii) the filing of a Surrender Notice under paragraph 20 of a confirmed plan.
- (h) If the Debtor(s) fail to comply with the provisions of this Rule, the holder of the security interest may seek (i) to compel compliance by the Debtor(s); and (ii) to recover from the Debtor(s) the holder's reasonable costs and attorney's fees as an administrative expense to be paid under the confirmed plan; provided, there shall be no liability for the failure to take photographs as required by this Rule. The failure to take photographs as required by this Rule may result in an adverse evidentiary inference.
- (i) If a holder of a security interest, secured by personal property, fails to comply with the provisions of this Rule, the Debtor(s) may (i) seek to compel compliance by the holder; and (ii) impose a monthly storage fee, secured by a first priority lien on the holder's collateral, equal to 0.5% of the fair market value of the collateral for every day that the collateral is held by the Debtor(s) after the expiration of 28 days following (i) the confirmation of a plan that provides for the surrender or collateral under paragraph 7 of a confirmed plan; or (ii) the filing of a Surrender Notice under paragraph 20 of a confirmed plan. If the holder retrieves the collateral after the 28 day period, the security interest lien holder must pay cash to the Debtor(s) in the amount of all accrued storage fees. The Debtor(s)' rights created by the lien under this subparagraph may be enforced through the Bankruptcy Court or any other court of competent jurisdiction.
- (j) Subject to subparagraph (f) of this Rule, the Debtors may use any collateral pending the retrieval by the lien holder.
- (k) If a writing is required by this Rule, the writing may include an email communication, a facsimile signature, or a paper document.
- (l) This Rule applies only in Chapter 13 cases.

**Local Rule 6007-2. Abandonment of Property in Chapter 7 Cases.** Upon the filing by the chapter 7 trustee of a Notice of Proposed Abandonment and Report of No Distribution, the clerk shall promptly send the Notice to all persons listed on the CM/ECF list of creditors. If no objection is filed within 14 days of the sending of the notice by the clerk, property scheduled by the Debtor(s) is abandoned without further Court order.