Local Bankruptcy Rules
United States Bankruptcy Court
District of Massachusetts

APRIL 1, 2016

United States Bankruptcy Court
Eastern Division
John W. McCormack Post
Office and Court House
5 Post Office Square
Boston, MA 02109-3945
(617)748-5300

United States Bankruptcy Court
Central Division
Harold Donohue Federal
Building and Courthouse
595 Main Street
Worcester, MA 01608-2076
(508) 770-8900

United States Bankruptcy Court
Western Division
United States Courthouse
300 State Street
Springfield, MA 01105-2925
(413) 785-6900

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

LOCAL RULES AND FORMS

PART I. COMMENCEMENT OF CASE: PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

RULE 1001-1. TITLE

These Local Bankruptcy Rules, promulgated under Fed. R. Bankr. P. 9029 shall be known as the Local Bankruptcy Rules of the United States Bankruptcy Court for the District of Massachusetts, a unit of the United States District Court for the District of Massachusetts, and shall be referred to in abbreviation as MLBR. These Rules shall take effect on April 1, 2016 with respect to pending cases and those filed thereafter, and shall govern all proceedings in bankruptcy cases insofar as is just and practicable.

RULE 1002-1. STATUS CONFERENCES

(a) The Court shall conduct status conferences, pursuant to 11 U.S.C. § 105(d), as follows:

(1) in any case under chapter 9 or 11, an initial status conference shall be held within forty-five (45) days of case commencement or as soon thereafter as may be practicable, except that the conference may be combined with any final hearing on the use of cash collateral; and

(2) in all cases, such other or further status conferences and continuances thereof shall be held, as the Court may determine in its discretion, sua sponte or on motion of a party in interest or the United States trustee, to further the expeditious and economical administration of the case.

(b) Subject to subparagraph (c) below, the Court or any party which it may designate shall give not less than twenty-one (21) days' notice of any status conference to the following parties or their counsel of record: the debtor, any committee of unsecured creditors elected under 11 U.S.C. § 705 or appointed under 11 U.S.C. § 1102 (or if none has been appointed the creditors included on the list of creditors filed under Rule 1007(d)), any equity security holders' committee, any secured creditor, all taxing authorities, the United States trustee, any party who requested the conference, any party who filed an appearance in the case, and such other entities as the Court shall direct.

(c) For cause shown, the Court may schedule a status conference on an expedited or emergency basis.

(d) At any status conference, the Court may consider any argument or report, in writing or otherwise, with respect to the status or administration of the case, but shall not issue any order unless (i) the order is of a type specifically enumerated in 11 U.S.C. § 105(d)(2) or (ii) the Court finds that any delay in issuing the order risks immediate and irreparable harm to the estate or a party in interest.

RULE 1006-1. FILING FEES

Applicable filing fees are set forth in Appendix 3.

RULE 1006-2. FEES-INSTALLMENT PAYMENTS; IN FORMA PAUPERIS

(a) The Court, upon application of an individual debtor or joint debtors, may permit payment of the case filing fee in installments. At the time of filing, such debtor(s) shall pay one-third of the applicable filing fee, and, except for cause shown upon motion of the debtor(s), the balance shall be paid in three (3) equal payments in intervals not greater than thirty (30) days. Failure to make any payment timely shall result in dismissal of the case. No discharge shall enter until all filing fees are paid in full. Applicable filing fees are set forth in Appendix 3.

(b) In lieu of paying the filing fee or filing an installment application (Official Form 103A), an individual chapter 7 debtor or joint debtors may file an application for waiver of the filing fee. The application for waiver of the filing fee or any balance thereof must conform substantially to Official Form 103B.

(1) The Court may allow the application without a hearing or, in its discretion, schedule a hearing on the application. If a hearing is scheduled, the Court will notify the debtor(s) by mail or telephone as to the date and time of the hearing on the application for the waiver. The debtor(s) must appear at the hearing.

(2) If, with or without a hearing, the Court denies the application for the waiver of the filing fee, then the debtor(s) shall pay the filing fee in installments as provided above. The first installment is due within seven (7) days of the entry of the Court's order denying the application for the waiver. The debtor(s) may also elect to pay the filing fee in full in which case full payment will be due within seven (7) days of the entry of the Court's order denying the application for the waiver.

RULE 1006-3. REFUND FOR DUPLICATE ELECTRONIC FILING FEES

The Clerk of Court, or his/her designee, shall be authorized to refund a fee erroneously paid:

(1) if discovered by the Court or the clerk's office that a fee has been erroneously paid; or

(2) if an attorney files a request for a fee refund and it can be determined by the Clerk of Court, or his/her designee, that the fee has been erroneously paid.

Upon verification of the error, the refund shall be processed back to the same credit card or account from which the duplicate payment was made and shall be entered on the docket for recording purposes.

RULE 1007-1. LISTS, SCHEDULES AND STATEMENTS, AND OTHER DOCUMENTS REQUIRED

(a) List of Creditors

Within three (3) court days after entry of the order for relief, the debtor shall file an original matrix of all creditors and their last known complete addresses, in both .txt and PDF format, failing which the Court may dismiss the case pursuant to 11 U.S.C. § 109(g). The form of the matrix shall conform to the specifications of MLBR Official Local Form 1. Any creditors subsequently added to the matrix shall be included in a separate list of only the added creditors filed in compliance with MLBR 1009-1.

(b) Answer "None" to be Stated

Each item in the schedules and statement of affairs shall be completed. Items for which no other entry can be made shall be completed by the entry "none" or "not applicable," whichever response is appropriate.

(c) Schedules and Statements, and Other Documents Required

In satisfaction of the requirements of 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007, the debtor shall:

(1) At least seven (7) days before the § 341 meeting, provide to the trustee copies of all payment advices or other evidence of payment from all employers, with all but the last four (4) digits of the debtor’s social security number redacted. The payment advices shall not be filed with the Court unless otherwise ordered. Payment advices shall include all evidence of payment of any income from all employers the debtor received during the sixty (60) days prior to the filing of the petition;

(2) File with the Court the certificate of credit counseling pursuant to 11 U.S.C. § 109(h) or a request for an extension in conformity with MLBR Official Local Form 9;

(3) Disclose in the petition other previous or pending bankruptcy cases and adversary proceedings, whether filed in this or any other district, which are related to the bankruptcy case being filed. Related cases and adversary proceedings include those involving (a) a spouse or ex-spouse of the debtor; (b) an affiliate, as defined in 11 U.S.C. § 101(2); (c) an insider, as defined in 11 U.S.C. § 101(31); or (d) the same debtor using any aliases or fictitious names. Failure to comply with these disclosure requirements may result in sanctions, including dismissal of the case pursuant to 11 U.S.C. § 109(g);

(4) Complete each item in the schedules and statement of affairs. Items for which no other entry can be made shall be completed by the entry of "none" or "not applicable," whichever response is appropriate; and

(5) Complete and file all other documents required by Fed. R. Bankr. P. 1007(b).

(d) Statement About Your Social Security Numbers

Official Form 121 entitled, "Statement About Your Social Security Numbers" when not filed with the original petition shall be filed no later than three (3) days from the date of the filing of the petition. Failure to timely comply with this requirement shall result in dismissal of the case without further notice.

(e) Corporate, Partnership or Trust Petitions

(1) A petition by a corporation (Official Form 201) shall be signed or verified by an officer or agent of the corporation and shall be accompanied by a copy of the resolution of the board of directors or other evidence of the officer's or agent's authority to file the petition on behalf of the corporation.

(2) A petition by a partnership or a trust shall be signed or verified by a general partner, trustee or appropriate agent and shall be accompanied by evidence of the signing party's authority to file the petition.

(3) A petition filed on behalf of a corporation, partnership or trust shall indicate that the debtor is represented by counsel and shall state the attorney's name, address and telephone number.

(4) Failure to comply with this Rule shall result in dismissal of the case within seven (7) days after the Court issues a notice of defective filing.

(f) Homestead Exemption

Individual debtors who claim a homestead exemption under state law shall provide to the trustee such documentary evidence as is necessary to establish the extent of the homestead declared no later than the date scheduled for the § 341 meeting of creditors.

(g) Time Limits

Upon the filing of a motion prior to the expiration of the filing deadlines, and upon a showing of good cause, the Court may excuse the debtor from filing some or all of the documents required in subsection (c). Upon the filing of a motion prior to the expiration of the filing deadlines, and upon a showing of cause, a debtor may seek one or more extensions of the filing deadlines provided that the debtor state the date the petition was filed, the time requested and provide proof of service on the United States trustee and any appointed trustee, committee elected under § 705 or appointed under § 1102 of the Code, and any other party as the Court may direct.

RULE 1009-1. AMENDMENTS

(a) A party filing a document amending a voluntary petition, list, schedule, statement of financial affairs, statement of intention or statement of current monthly income shall do so by notice as set forth in Fed. R. Bankr. P. 1009(a), except with respect to the following in an individual debtor's case:

(1) amendment to add a creditor; or

(2) amendment to the schedule of exemptions after the deadline for objecting to the exemptions.

(b) If either exception set forth in subsection (a) applies, the debtor shall file a motion to amend seeking approval of the amendment.

(c) The following documents, to the extent applicable, shall be filed along with the documents required in subsections (a) and (b):

(1) the amended voluntary petition, list, schedule, statement of financial affairs, statement of intention, or statement of current monthly income, which shall clearly state in the caption that the document is "amended";

(2) Official Form 106 - Declaration About an Individual Debtor’s Schedules or Official Form 202 Declaration Under Penalty of Perjury On Behalf of a Corporation or Partnership;

(3) an amended summary of schedules, (Official Form 106Sum entitled, "A Summary of Your Assets and Liabilities and Certain Statistical Information" or Official Form 206Sum entitled, "A Summary of Your Assets and Liabilities"); and

(4) a certificate of service of notice to all parties in interest, including persons affected by the amendment.

(d) If the debtor is adding a creditor or is changing an existing creditor's address on the mailing matrix, the motion to amend or notice shall include a separate list of the names and addresses of only the added creditors in compliance with MLBR Official Local Form 1.

RULE 1015-1. JOINT ADMINISTRATION OF CASES PENDING IN THE SAME COURT

(a) Motion for Joint Administration

A request for an order allowing joint administration of two or more related cases pursuant to Fed. R. Bankr. P. 1015(b) shall be made by motion. In the motion for joint administration, the moving party shall:

(1) designate the name and number of the lead case for conducting proceedings in the jointly administered cases;

(2) state the cause warranting joint administration, including the reasons supporting the proposed lead case designation; and

(3) state any known facts which may give rise to actual or potential conflicts of interest warranting protection of the interests of creditors of the various estates. A motion for joint administration shall be filed in each case for which joint administration is proposed. A motion for joint administration shall be served by the moving party on all creditors and equity security holders who have requested notice in accordance with Fed. R. Bankr. P. 2002(i), any committee elected under § 705 or appointed under § 1102 of the Bankruptcy Code, the twenty largest unsecured creditors in each case as listed on Official Form 104 or Official Form 204, for Non-individual Chapter 11 or Chapter 9 cases all secured creditors and taxing authorities, all attorneys of record, any appointed trustee, and the United States trustee." The Court shall grant the motion for joint administration if it is likely to ease the administrative burden on the parties and the Court.

(b) Notice and Effect of Order

Upon entry of an order authorizing joint administration of cases or upon the automatic allowance of a motion for joint administration in accordance with (c) below, the moving party shall serve notice of said order upon all creditors and interested parties of all debtors that are the subject of the motion. The Court shall enter the order in each of the other related cases in addition to the designated lead case. An order approving joint administration shall not affect substantive consolidation of the respective debtors' estates.

(c) Automatic Joint Administration of Chapter 11 Cases

If a motion for joint administration of debtors, other than individual debtors, is filed at the same time as the filing of the petitions commencing the cases proposed to be jointly administered, the motion for joint administration shall be treated as an emergency motion and shall be allowed effective upon filing, subject to reconsideration as set forth in (d) below.

(d) Reconsideration

The Court may reconsider an order allowing joint administration upon motion of any party in interest or sua sponte.

RULE 1016-1 DEATH OF DEBTOR (CHAPTER 7, 11 AND 12)

(a) Counsel to the debtor, upon learning of the death of the debtor, shall file a Notice of Death and serve a copy on all creditors, parties in interest, including any trustee appointed in the case, all parties who have filed a request for service of pleadings and notices, and the United States trustee. The Notice of Death shall identify the date of the debtor's death, the last known address of the debtor, and, if known and if applicable, the name and address of any "Personal Representative" of the deceased debtor. "Personal Representative" shall mean (i) a personal representative appointed by order of the Probate Court under either Mass. Gen L. ch 190B, sections 3-301 or 3-402 et seq., (ii) in cases where assets of the debtor do not include real property and the personal property of the debtor has a value of less than $25,000, a voluntary personal representative possessing a statement contemplated by Mass. Gen L. ch 190B, section 3-1201 attested by a Register of Probate, or (iii) any person having the authority to act on behalf of the deceased debtor having been duly appointed to so act under the laws of any jurisdiction other than Massachusetts. If no Personal Representative has been identified, the Notice of Death shall identify any spouse, parent, or adult child or other adult heir at law ("Identified Relative") of the deceased debtor known to counsel to the debtor after reasonable inquiry, which inquiry shall be detailed in the Notice of Death.

(b) Without written authority granted by a Personal Representative, counsel to the deceased debtor may not represent the deceased debtor or sign the deceased debtor's name to any pleadings or documents. Within 30 days after the filing of the Notice of Death, counsel to the deceased debtor shall file either (i) a certification that he or she has been authorized by the Personal Representative to represent the estate of the deceased debtor, in which event counsel to the deceased debtor may continue to represent the estate of the deceased debtor in the case, or (ii) a statement that he or she has not been authorized to act on behalf of the estate of the deceased debtor and, if known, whether or not a probate filing has been made, and if so, the date of such filing and location of such court and docket number.

(c) Within 45 days of the filing of the Notice of Death, the Personal Representative of the deceased debtor, if any, shall file either a motion to continue administration of the case, a motion to suspend administration of the estate, or a motion to dismiss the case. Such motion ("Proceeding Motion") shall be served at the debtor's last known address and upon the United States trustee, any trustee appointed in the deceased debtor's case, all creditors, and parties requesting notice. If it is believed that no Proceeding Motion will be filed by a Personal Representative, a relative of the deceased debtor who asserts standing may file a Proceeding Motion within the period required for a Personal Representative. If no Proceeding Motion is filed by a Personal Representative or a relative of the deceased debtor, then a trustee appointed in the debtor's case or the United States trustee shall file a Proceeding Motion within 60 days of the filing of the Notice of Death. The motion shall be served at the debtor's last known address and upon all Identified Relatives, creditors, and parties requesting notice. Any Proceeding Motion shall include the following averments, as applicable and to the extent known:

(1) A statement as to whether the debtor attended and testified at the section 341(a) meeting of creditors and whether the meeting was concluded.

(2) A statement of circumstances, if any, that would impede the further administration of the estate, with or without the appointment of a Personal Representative.

(3) A statement of reasons, if any, why further administration of the bankruptcy estate should be suspended, pending the appointment of a Personal Representative.

(4) A statement of reasons, if any, why dismissal is warranted.

RULE 1017-1. MOTIONS FOR CONVERSION OR DISMISSAL IN CHAPTER 11; SUBMISSION OF MOTIONS AND OPPOSITIONS TO MOTIONS; HEARING

(a) Prior to filing any motion to dismiss or convert a chapter 11 case (other than a motion filed by the United States trustee or the debtor), counsel for the prospective movant (if any) shall have a conference, by telephone or in person, with counsel for the debtor-in-possession or counsel for the chapter 11 trustee (if one is appointed), in a good faith effort to resolve the movant's asserted grounds for dismissal or conversion, and to eliminate as many areas of dispute as possible without the necessity of filing a motion. Unless relieved by order of the Court, such conference shall take place within fourteen (14) days of the prospective movant's service of a letter requesting the conference. Failure of counsel for the debtor-in-possession or counsel for the chapter 11 trustee to respond to a request for a conference under this Rule shall be grounds for sanctions, which may include substantive and/or monetary sanctions. Any motion filed under this Rule shall contain, or be accompanied by, a statement signed under the penalty of perjury that the movant has complied with the provisions of this section, specifying the time, date and manner of any conference held prior to filing the motion, and certifying that only the issues left unresolved by such conference are included in the motion.

(b) A party in interest (other than the debtor or the United States trustee) who seeks dismissal or conversion of a case under chapter 11 pursuant to 11 U.S.C. § 1112(b) shall file, in accordance with Fed. R. Bankr. P. 9014, a motion and a proposed order, which motion shall include a concise statement of material undisputed facts pursuant to subsection (c) below. The motion shall include a statement whether the movant does or does not consent to the appointment of a chapter 11 trustee or examiner in lieu of the requested relief in the motion.

(c) In the movant's statement of undisputed material facts, the movant shall set forth specific undisputed facts that support the movant's allegations of "cause" for the dismissal or conversion set forth in the motion. Such facts shall be supported by references to documents, deposition transcripts (if available) and affidavits, which documentary support shall be filed as exhibits to the motion.

(d) A party opposing a motion for dismissal or conversion of a case under chapter 11 must file an opposition to the motion within fourteen (14) days, inclusive of the three (3) day mailing period provided in Fed. R. Bankr. P. 9006(f), after service of the motion. The opponent shall include a concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried, supported by references to documents, deposition transcripts (if available) and affidavits, which documentary support shall be filed as exhibits to the statement of disputed material facts. In the

opposition, the opponent shall also: (i) set forth facts, supported by references to documents, deposition transcripts (if available) and affidavits, which documentary support shall be filed as exhibits to the opposition, that support the opponent's contentions required under 11 U.S.C. §§ 1112(b)(2)(A) and (B); (ii) state why the relief requested in the motion is not in the best interests of creditors and the estate; (iii) state the basis of any assertion that there is a reasonable likelihood that a plan will be confirmed within the time frames set forth in 11 U.S.C. §§ 1121(e) and/or 1129(e), or within a reasonable time; (iv) state the justification for the act or omission that constitutes the grounds for the relief requested in the motion, and the proposal to cure any such act or omission that serves as grounds for the motion; and (v) state whether the opposing party does or does not consent to the appointment of a chapter 11 trustee or an examiner in lieu of the relief requested in the motion.

(e) Responsive pleadings not filed with the motion or in opposition to the motion, whether in the form of a reply memorandum or otherwise, may be submitted only by leave of the Court.

(f) In the absence of a timely filed opposition that complies with subsection (d) of this Rule, and upon evidence of proper service of the motion, the Court, without a hearing and acting within the time limits proscribed by 11 U.S.C. § 1112(b)(3), may allow or deny the motion after the expiration of the fourteen (14) day opposition period. The Court may deny a motion for dismissal or conversion if the moving party is required to, but fails to comply with subsections (a), (b) or (c) of this Rule, and may grant a motion for dismissal or conversion if the opposing party fails to comply with subsection (d) of this Rule. Material facts of record set forth in the statement of the movant will be deemed, for the purposes of the motion, to be admitted by an opposing party unless controverted by the statement of disputed facts set forth in the opposing party's opposition.

(g) Except for any notice of hearing on a motion to dismiss or convert a chapter 11 case, all documents filed pursuant to this Rule shall be served, in accordance with Fed. R. Bankr. P. 2002(i), 2002(k), and 9006(d) - (f), and MEFR, Rule 9[1] upon the debtor, any committee appointed pursuant to 11 U.S.C. § 1102 or its authorized agent, the twenty (20) largest unsecured creditors of the debtor included on the list filed pursuant to Fed. R. Bankr. P. 1007(d), the United States trustee, all parties who have filed appearances and requested service of all notices and pleadings, and on any other party that the Court may designate. The movant shall serve any notice of hearing on the motion, in

[1] See Appendix 8, Massachusetts Electronic Filing Rules, Rule 9.

accordance with Fed. R. Bankr. P. 2002(a)(4), 2002(i), and 2002(k), and MEFR, Rule 9[2], on all creditors, the debtor, any committee appointed pursuant to 11 U.S.C. § 1102 or its authorized agent, the United States trustee, and all parties who have filed appearances and requested service of all notices and pleadings.

(h) Upon the filing of a motion to dismiss or convert a chapter 11 case, the Clerk shall assign a hearing date. Such hearing shall be a nonevidentiary, preliminary hearing, at which the Court will consider whether there are disputed facts that require an additional, final evidentiary hearing.

(i) The time periods set forth in this Rule for hearings may be: (A) reduced, for good cause shown, by order of the Court; or (B) enlarged to extend to a specified date, either on consent of the movant and opposing parties, or by order of the Court in accordance with 11 U.S.C. § 1112(b)(3). The Court, for good cause shown, may also enter an order excusing compliance with any or all of the procedures and/or time periods set forth in subsections (a) - (d) of this Rule.

PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

RULE 2002-1. NOTICE TO PARTIES

(a) Unless the Court orders otherwise, the moving party shall give notice to all parties entitled to notice under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, MLBR, or an order of the Court, of the following events:

(1) the proposed use, sale or lease of property of the estate;

(2) a proposed compromise or settlement;

(3) a motion for conversion or dismissal;

(4) objections to and the hearing on the adequacy of a disclosure statement;

(5) the order approving a disclosure statement;

(6) a proposed modification of a plan in a chapter 9, 11, 13 or 12 case;

(7) applications for compensation in a chapter 9, 11, or 12 case or a chapter 13 case, except as provided in the chapter 13 rules at paragraph 13-7(b);

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[2] Ibid.

(8) the time for filing claims in a chapter 9 or 11 case;

(9) the time for filing objections to and the hearing on confirmation of a chapter 9, 11, 13 or 12 plan;

(10) the order confirming a plan in a chapter 9, 11, 13 or 12 case; and

(11) all other events set forth in Fed. R. Bankr. P. 2002(f).

(b) Unless the Court orders otherwise, motions to limit notice may be served only upon parties who have filed appearances and requested service of all notices and pleadings, any trustee and trustee's counsel, the debtor and debtor's counsel, the twenty (20) largest creditors, the United States trustee and any Creditors' Committee[3] and its counsel.

RULE 2002-2. NOTICES TO THE UNITED STATES OF AMERICA AND THE COMMONWEALTH OF MASSACHUSETTS

The addresses for service upon federal and state governmental agencies are set forth in MLBR Appendix 4.

RULE 2002-4. ADDRESSES

(a) The debtor or debtor's counsel must notify the Clerk, in writing, all creditors, parties in interest and all attorneys who have filed appearances in the case or any proceeding of a mailing address change for the debtor or debtor's counsel within fourteen (14) days of such change.

(b) The Clerk shall direct all returned notices of a § 341(a) meeting of creditors and discharge orders to the debtor's attorney or the debtor, if pro se, to enable that party to locate the correct address and to forward the notice or order to that address. The responsible party must file a certificate of service of the new mailing with the Clerk and must request, in writing, that the Clerk change the creditor's address on the matrix.

(c) The debtor or debtor's counsel shall maintain, be responsible for the accuracy of, and remit to any party immediately upon request, the master mailing matrix and any amendments to it. The master mailing matrix shall include parties who have filed appearances and requested service of all notices and pleadings, any trustee and trustee's counsel, the debtor and debtor's counsel, all creditors, the United States

[3] See MLBR 2003-1(a).

trustee and any Creditors' Committee and its counsel. When serving notices, the Clerk and any party may rely exclusively on the master mailing matrix, or amended master mailing matrix.

RULE 2002-5. CONTENT OF NOTICES OF SALE

A notice of proposed sale of estate property shall be in accordance with MLBR 6004-1.

RULE 2003-1. CREDITORS' COMMITTEE

(a) In satisfaction of the requirements of § 1102(b)(3)(A) of the Bankruptcy Code, and subject to subparagraphs (b) and (c) below, the official committee of general unsecured creditors (hereinafter the "Creditors Committee") shall respond to written, telephonic and/or electronically transmitted inquiries received from any general unsecured creditor and provide to such creditor access to documents, pleadings and other materials by any means that the Creditors Committee believes, in its reasonable business judgment, will provide a relevant, informative and complete response. Subject to such enlargement of time as the Court may order, no later than twenty-one (21) days after appointment of its counsel, the Creditors Committee may advise all general unsecured creditors of the preferred means to make any inquiries (e.g., by letter, by telephone, by email, through any website) to the Creditors Committee.

(b) The Creditors Committee is not authorized or required, pursuant to § 1102(b)(3)(A) of the Bankruptcy Code, to provide access to any confidential information of the debtor or the Creditors Committee to any creditor. For the purposes hereof, the term "Confidential Information" shall mean any nonpublic information which is the subject of a written confidentiality agreement between the Creditors Committee and the debtor or another entity or any other nonpublic information, the confidentiality of which in the reasonable business judgment of the Creditors Committee is necessary in order to successfully perform its duties under § 1103(c) and was: 1) otherwise furnished, disclosed, or made known to the Creditors Committee by the debtor, whether intentionally, unintentionally and in any manner, including in written form, orally, or through any electronic facsimile (fax) or computer related communication or 2) developed by professionals employed by the Creditors Committee and the disclosure of which the Creditors Committee reasonably believes would impair the performance of its duties. Notwithstanding the foregoing, Confidential Information shall not include any information or portion of information that: (i) is or becomes generally available to the public or is or becomes available to the Creditors Committee on a non-confidential basis, in each case to the extent that such information became so available other than

by a violation of a contractual legal or fiduciary obligation to the debtor; or (ii) was in possession of the Creditors Committee prior to its disclosure by the debtor or the Creditors Committee's professionals and is not subject to any other duty or obligation to maintain confidentiality.

(c) The Creditors Committee is not authorized or required, pursuant to § 1102(b)(3)(A) of the Bankruptcy Code, to provide access to any Privileged Information of the Creditors Committee to any creditor. For the purposes hereof, the term "Privileged Information" shall mean any information subject to the attorney client privilege or any other state, federal, or other privilege, whether such privilege is solely controlled by the Creditors Committee or is a joint privilege with the debtor or some other party. Notwithstanding the foregoing, the Creditors Committee shall be permitted, but not required, to provide access to Privileged Information to any party so long as: (1) such Privileged Information is not Confidential Information, and (2) the relevant privilege is held and controlled solely by the Creditors Committee.

(d) In the event that a creditor is dissatisfied with the failure or refusal of the Creditors Committee to provide requested access or information, the creditor may file a motion seeking to compel the Creditors Committee to produce documents and/or information. The dispute shall be deemed to be a discovery dispute and the parties shall comply with the provisions of MLBR 7037-1, insofar as applicable.

RULE 2007.2-1. APPOINTMENT OF PATIENT CARE OMBUDSMAN IN A HEALTH CARE BUSINESS CASE

(a) If the Court has not ordered the appointment of an ombudsman or has ordered the termination of the appointment of an ombudsman, the Court may, on its own motion, subsequently order such appointment at any time during the case if the Court finds that the appointment of an ombudsman has become necessary to protect patients.

(b) A verified statement of a patient care ombudsman filed pursuant to Fed. R. Bankr. P. 2007.2 shall comply with MLBR 2014-1(b) and shall include the following representation: "I shall amend this statement immediately upon my learning that (A) any of the within representations are incorrect or (B) there is any change of circumstances relating thereto."

(c) The United States trustee shall serve notice of appointment of a patient care ombudsman and the verified statement required by Fed. R. Bankr. P. 2007.2(c) upon the debtor, the trustee, any committee elected under § 705 or appointed under § 1102 of the Code or its authorized agent, or, if the case is a chapter 9 municipality case or a chapter 11 reorganization case and no committee of unsecured creditors has been

appointed under § 1102, on the creditors included on the list filed under Fed. R. Bankr. P. 1007(d), any party who has filed an appearance and such other entities as the Court may direct.

(d) A party opposing the appointment of a patient care ombudsman on the ground that the proposed patient care ombudsman is not disinterested or on any other ground shall file an opposition to the appointment within seven (7) days after service of the notice of the appointment of the patient care ombudsman and shall serve such opposition on the United States trustee, the debtor, the trustee, any committee elected under § 705 or appointed under § 1102 of the Code or its authorized agent, or, if the case is a chapter 9 municipality case or a chapter 11 reorganization case and no committee of unsecured creditors has been appointed under § 1102, on the creditors included on the list filed under Fed. R. Bankr. P. 1007(d), any party who has filed an appearance and such other entities as the Court may direct.

RULE 2014-1. APPLICATION TO EMPLOY PROFESSIONAL PERSONS

(a) Application and Statement

An application of a debtor (other than a chapter 7 debtor), debtor-in-possession, estate representative, or committee to employ any professional person, including an attorney, accountant, appraiser, broker, auctioneer, consultant or agent, shall include all of the information required to be provided by Fed. R. Bankr. P. 2014(a). In addition, in the statement accompanying the application, the person to be employed (hereinafter the "Professional") shall make the following representations and disclosures under penalty of perjury in accordance with section (c):

(1) Neither I nor any member of my firm holds or represents any interest adverse to the estate of the above-named debtor.

(2) My and my firm's connections with the debtor, any creditor, or other party in interest, their respective attorneys and accountants are as follows:

_____

_____

_____

I am and each member of my firm is a "disinterested person" as that term is defined in 11 U.S.C. § 101(14).

(3) I have not agreed to share with any person (except members of my firm) the compensation to be paid for the services rendered in this case, except as follows:

_____

_____

(4) I have received a retainer in this case in the amount of $_____, which sum, upon information and belief, was generated by the debtor from: _____

_____

(5) I shall amend this statement immediately upon my learning that (A) any of the within representations are incorrect or (B) there is any change of circumstance relating thereto.

(6) I have reviewed the provisions of MLBR 2016-1.

(b) Clarifying Terms

(1) Connections and Relationships

For the purposes of subsection (a)(2) and 11 U.S.C. § 101(14), "connections" and "relationships" shall include, without limitation:

(A) the Professional's representation of the debtor or any affiliate of the debtor as that term is defined in 11 U.S.C. § 101(2), or any insider of the debtor as that term is defined in 11 U.S.C. § 101(31), at any time;

(B) the Professional's representation of a creditor against the debtor, or any insider or affiliate of the debtor, at any time;

(C) the Professional's representation of a creditor on a regular basis or in connection with a substantial matter;

(D) the Professional's representation of or by, or employment of or by, another authorized Professional specifically in connection with this case, or on a regular basis or in connection with a substantial matter in another case; and

(E) a family affiliation to the third degree of consanguinity or marital relationship between the Professional or the member(s) of the Professional's firm who will actually render services and any party in interest (or officer, director, or shareholder of such party) or other Professional authorized to be employed in the case.

It shall be the duty of the Professional to make a preliminary inquiry as to such connections and relationships among the members and employees of the Professional's firm.

(2) Source of Funds

For the purposes of subsection (a)(4), the Professional should disclose whether the funds were generated by the debtor from operations, salary, wages, other income, a loan or capital contribution. If the source is a loan or capital contribution and such loan (other than an advance on a continuing line of credit) or capital contribution was made to the debtor within ninety (90) days prior to the filing of the petition, the identity of the lender or investor/stockholder and the terms of repayment shall be disclosed, as well as any claims by and between the debtor and the lender or investor/stockholder.

(c) Form of Statement

The statement accompanying the application to employ a Professional person shall take the form of an affidavit dated and signed under penalty of perjury by the person to be employed, and above such signature the affiant shall include a sworn declaration as provided in 28 U.S.C. § 1746, which states: "I declare (or certify, or verify, or state) under penalty of perjury that the foregoing is true and correct."

(d) Effective Date

If the Court approves an application for the employment of a Professional person, such approval shall be deemed effective as of the date of the filing of the application. However, if such application is filed within fourteen (14) days from the later of case commencement or the date the Professional commenced rendering services, Court approval shall be deemed effective commencing the date that services were first rendered. Approval shall not be otherwise retroactive absent extraordinary circumstances.

RULE 2016-1. APPLICATION FOR COMPENSATION

(a) Any Professional seeking interim or final compensation for services and reimbursement of expenses under 11 U.S.C. §§ 330, 331, 503(b)(2), 503(b)(4) or 506(b), excluding any broker (other than an investment banker) whose compensation is determined by a commission on the sale price of an asset, shall file an application for compensation and reimbursement. The application shall conform generally to Fed. R. Bankr. P. 2016.

(1) The application and any attachments shall:

(A) be legible and understandable;

(B) identify the time period or periods during which services were rendered;

(C) describe the specific services performed each day by each person with the time broken down into units of tenths of one hour devoted to such services;

(D) include a copy of any contract or agreement reciting the terms and conditions of employment and compensation;

(E) include a copy of the order authorizing the employment;

(F) include the date and amount of any retainer, partial payment or prior interim allowances;

(G) include a brief narrative description of services performed and a summary of hours by Professionals and other personnel;

(H) if the trustee is also serving as his or her own attorney, the trustee's attorney's application must contain:

(i) a certification that no compensation has been or will be sought for services as an attorney which are properly trustee services; and

(ii) include a brief biography of each person included in the fee application, stating his or her background and experience.

(2) All applications by Professionals shall include a summary chart, which clearly sets forth in columns:

(A) the full names of the attorneys, paralegals and clerks performing services;

(B) the initials used for each person;

(C) the hourly rate charged by each person and, if there is a change in the hourly rate for any such person during the covered period, then that person's name shall be listed as many times as there are changes in the hourly rate and each entry shall show the number of hours at each rate and the date each change became effective;

(D) the total amount of fees for each person and a column showing a grand total figure (See MLBR Appendix 6(b)(7) Fee Applications); and

(E) the total amount of each type of out-of-pocket expense for which reimbursement is sought, which amounts, subject to subsection (F), shall not exceed the actual cost to the applicant.

(F) In lieu of calculating the actual cost of the expenses set forth below, the applicant may request the rates of reimbursement set forth in MLBR Appendix 2 for:

(i) copies;

(ii) incoming telecopier/facsimile transmissions; and

(iii) auto mileage.

(b) Any application for compensation by co-counsel shall specify the separate services rendered by each counsel and contain a certification that no compensation is sought for duplicate services.

(c) If an application for compensation and reimbursement by a chapter 7, 11 or 12 trustee exceeds $5,000.00, the trustee shall state:

(1) the total amount received in the estate;

(2) the amount of money disbursed and to be disbursed by the trustee to parties in interest (excluding the debtor) and a calculation of the maximum fee allowable under 11 U.S.C. § 326;

(3) a brief narrative description of services performed;

(4) if the payment sought is interim compensation, why the payment of interim compensation is reasonable and appropriate; and

(5) the dividend, expressed as a percentage of funds to be distributed to creditors, if the requested compensation and other requested administrative expenses are allowed in the amounts requested. If a trustee has served both as a chapter 7 and a chapter 11 trustee, separate itemizations must be provided for each period. The amount of compensation shall be stated as a dollar amount, regardless of the calculation of the maximum compensation allowable under 11 U.S.C. § 326(a).

(d) (1) All applications which seek more than $35,000.00 in compensation, or are otherwise very lengthy, must be divided into narrative sections and must utilize the project categories set forth in subsection (2) below. Each narrative section within each project category must represent a task, must describe the task and the benefit to the estate, and must identify the work done by each Professional. There shall be attached to each narrative section a specific description of services performed under such project category each day by each person and the time devoted to such services on that day by each person. The end of each narrative section must include a summary chart that conforms to the requirements of section (a)(2)(A)-(F) of this Rule.

(2) The following project categories (as described below) are to be utilized in all applications submitted pursuant to this Rule. Applications may contain additional categories as may be required in a particular case:

(A) Asset Analysis and Recovery: identification and review of potential assets including causes of action and non-litigation recoveries, and appraisals of assets;

(B) Asset Disposition: sales, leases, matters under 11 U.S.C. § 365, abandonment and related transaction work;

(C) Business Operations: issues related to debtor-in-possession operating in chapter 11 cases, such as employee issues, vendor issues, lease and contract issues and other similar matters, as well as analysis of tax issues and preparation of tax returns;

(D) Case Administration: coordination and compliance activities (including preparation of statements of financial affairs, schedules, lists of contracts, and United States trustee interim statements and operating reports), contacts with the United States trustee, and general creditor inquiries;

(E) Claims Administration and Objections: specific claim inquiries, bar date motions, analyses, objections and allowance of claims;

(F) Employee Benefits and Pensions: issues such as severance, retention, 401(k) coverage and continuance of pension plans;

(G) Employment Applications and Objections: preparation of employment applications, motions to establish interim compensation procedures, and review of and objections to employment applications of others;

(H) Fee Applications and Objections: preparation of fee applications and review of and objections to fee applications of others;

(I) Financing: matters under 11 U.S.C. §§ 361, 363 and 364, including cash collateral and secured claims, and analysis of loan documents;

(J) Litigation: a separate category should be utilized for each litigation matter;

(K) Meetings of creditors: preparing for and attending conference of creditors, meetings held pursuant to 11 U.S.C. § 341, and other Creditors Committee meetings;

(L) Plan and Disclosure Statement: formulation, presentation and confirmation, compliance with confirmation order, related orders and

rules, disbursement and case closing activities (except those relating to allowance of any objections to claims); and

(M) Relief from Stay Proceedings: matters relating to termination or continuation of automatic stay under 11 U.S.C. § 362.

RULE 2082-1. CONFIRMATION OF CHAPTER 12 PLANS

(a) The Clerk, in conjunction with issuing a notice of the initial meeting of creditors, shall issue a notice of the deadline for the filing of claims as established by Fed. R. Bankr. P. 3002.

(b) The Clerk shall schedule the confirmation hearing and establish a plan objection deadline upon the filing of the debtor's plan and notify the debtor of these dates. The debtor shall give at least fourteen (14) days' notice of the hearing and the deadline for filing objections and shall serve a copy of the plan upon all creditors, equity security holders, the chapter 12 trustee, and the United States trustee. The debtor shall file a certificate of service with the Court indicating that service has been made.

RULE 2090-2. DISCIPLINARY PROCEEDINGS

[ABROGATED – See Rule 9011-2]

RULE 2091-1. WITHDRAWAL OF APPEARANCE

[ABROGATED – See Rule 9010-3]

PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

RULE 3001-1. PROOFS OF CLAIM IN NO ASSET CASES

In any case in which creditors have been advised that there are insufficient assets to pay a dividend, and the trustee, in accordance with Fed. R. Bankr. P. 3002(a)(5), subsequently notifies the Court that payment of a dividend is anticipated, the Clerk shall issue a bar date for the filing of claims and a notice that creditors who previously filed proofs of claims need not file claims again in order to receive a distribution.

RULE 3002-1. DEADLINE FOR ASSERTING ADMINISTRATIVE CLAIMS PURSUANT TO 11 U.S.C. § 503(b)(9); RECLAMATION OF GOODS

Unless the Court orders otherwise, any request for allowance of an administrative expense for the value of goods delivered to a debtor in the ordinary course of the debtor's business within twenty (20) days prior to the commencement of a case pursuant to 11 U.S.C. § 503(b)(9) shall be filed with the Court, in writing, within sixty (60) days after the first date set for the meeting of creditors pursuant to 11 U.S.C. § 341(a). Failure to file such a request for allowance within the time period specified in this Rule will result in denial of administrative expense treatment for such claim.

RULE 3007-1. OBJECTIONS TO CLAIMS

(a) A party who files an objection to the allowance of any proof of claim shall state in the objection, with particularity, the factual and legal grounds for the objection, and shall make a recommendation to the Court as to whether the claim should be disallowed or allowed in an amount or with a priority other than as filed. Subject to the provisions of Fed. R. Bankr. P. 3007, a party may file objections to up to 100 claims in any one pleading. The provisions of this Rule shall apply to single as well as multiple objections to claims.

(b) Upon the filing of an objection, in a case other than Chapter 13, the Court shall issue a notice setting the deadline for filing responses and a hearing date. The objection need not be served initially. The Clerk shall transmit the notice to the objecting party who shall then serve the notice and a copy of the objection upon the claimant at the address noted on the proof of claim or any subsequent address provided to the court by the claimant and upon the following:

(1) the debtor and debtor's counsel;

(2) the United States trustee; and

(3) all attorneys who have filed an appearance in the case.

The objecting party shall file with the court a certificate of service with respect to the notice.

(c) If a claimant contests an objection to claim, the claimant shall file with the Clerk a written response to the objection, which response shall state with particularity why the objection to the claim should be overruled. The response shall be served on the party objecting to the claim and any other party entitled to notice of the response. In addition, at the time of the service of the response, the claimant should also serve on

the party objecting to the claim documentation in support of the allowance of the claim not already appended to the claim. A claimant who does not file a timely response to a properly served objection to claim will be deemed to have agreed that the objection to claim may be sustained. The Court, in its discretion, may cancel the hearing on any properly served objection to claim to which a timely response has not been filed and may sustain the objection to claim without further notice or hearing.

(d) A party in interest shall not include a demand for relief of a kind specified in Fed. R. Bankr. P. 7001 in an objection to the allowance of a claim, but an objection to the allowance of a claim may be included in an adversary proceeding.

(e) In the event of one or more timely responses to objections to claims, within fourteen (14) days after the deadline for responses, and at least two (2) days prior to the hearing on objections to claims, the party filing the objection(s) to claims shall file a "Report and Hearing Agenda", setting forth 1) a list of the objections to claims to which no timely responses were filed and the objecting party's recommendations with respect to those claims; 2) a report on the settlement of any objections to claims; 3) the status of any objection to claim to which a timely response was filed and which remains unresolved; 4) whether the objection is likely to be resolved; and 5) the objecting party's recommendation for further proceedings on the objection to claim. If a creditor timely files a response to an objection to claim, the initial hearing on the objection shall be a preliminary nonevidentiary hearing, at which the parties shall appear and be prepared to discuss the need for an evidentiary hearing, discovery, scheduling and settlement.

(f) Within seven (7) days after the Court's action on any objections to claims, the objecting party shall submit a proposed order on the objection(s) to claims.

RULE 3011-1. PROCEDURE FOLLOWING FINAL DISTRIBUTION

(a) One hundred and fifty (150) days after final distribution in a chapter 7 or chapter 13 case, the trustee shall forward to the Clerk:

(1) a list of names and addresses of persons whose checks were not negotiated and the amounts to which they are entitled; and

(2) a check payable to the Clerk in the full amount of all outstanding unpaid checks.

(b) In chapter 7 cases, the trustee shall close out the estate's bank account(s) relating to the case and file with the Clerk a copy of the final bank statement(s) indicating that the bank account(s) has (have) been closed with a zero (0) balance. In chapter 13 cases, the chapter 13 trustee shall file with the Clerk a statement indicating the amount of monies distributed to creditors, the amount of the trustee's commission, the amount of monies

being turned over to the Clerk under section (a), and a representation that there is a zero (0) balance in the debtor(s)' account in the records of the chapter 13 trustee.

(c) The trustee shall retain custody of all of the estate's cancelled checks and bank statements for no less than two (2) years from the date the case is closed.

(d) Any check issued by a trustee shall contain a legend stating that the check will not be paid more than ninety (90) days after it is issued.

(e) Prior to the closing of the case, the trustee shall file with the Clerk the Trustee's Final Distribution Report, in such form as may be approved by the United States trustee.

RULE 3015-1. CHAPTER 13 CASES

The Chapter 13 Rules attached hereto as MLBR Appendix 1 are adopted and incorporated herein by reference.

RULE 3017-1. APPROVAL OF DISCLOSURE STATEMENTS IN CHAPTER 11 CASES OTHER THAN SMALL BUSINESS CASES

(a) Objections and Hearing on Approval

Notice of the time fixed for filing objections and of the hearing to consider final approval of the disclosure statement shall be given in accordance with Fed. R. Bankr. P. 2002(b). Upon motion and for cause shown, the Court may issue an order combining the hearing on the approval of the disclosure statement with the notice of the hearing on confirmation of the plan.

(b) Prior to filing an objection to a disclosure statement, counsel to the party who intends to object to the adequacy of the disclosure statement shall contact counsel to the plan proponent and confer by telephone or in person in a good faith effort to narrow areas of disagreement.

(c) An objection to the disclosure statement shall be filed and served on the debtor, the United States trustee, the plan proponent, any chapter 11 trustee, any examiner, all members of any committee appointed under the Bankruptcy Code and its counsel and any other entity that has requested service of pleadings in the case or which has been designated by the Court. Any objection to the adequacy of a disclosure statement shall contain a certificate stating that the conference required by section (b) was held, the date and time of the conference and the names of the participating parties, or a statement detailing the reasons why the conference was not held. The Court may

overrule objections that are not accompanied by the conference certificate without a hearing.

RULE 3017-2. FILING OF PLAN AND DISCLOSURE STATEMENT IN SMALL BUSINESS CHAPTER 11 REORGANIZATION CASES

Fed. R. Bankr. P. 3017.1 shall apply in small business cases. The Official Bankruptcy Forms contain a sample disclosure statement and plan of reorganization, which may be used and altered to fit the circumstances of the case.

Official Local Form 15-1 sets forth a Motion for Order and Notice Conditionally Approving Disclosure Statement and to Combine the Hearing on Final Approval of the Disclosure Statement and Confirmation of the Plan. Official Local Form 15-2 sets forth an Order and Notice Conditionally Determining that the Small Business Disclosure Statement Provides Adequate Information and Setting the Hearing on Confirmation and Related Matters. Official Local Form 15-3 sets forth a Ballot for Accepting or Rejecting the Plan of Reorganization for Small Business Debtor Proposed by the Debtor.

RULE 3022-1. CLOSING CHAPTER 11 CASES

(a) Definitions

For purposes of this Rule, 11 U.S.C. § 350 and Fed. R. Bankr. P. 3022, a chapter 11 case is "fully administered" unless a matter is pending sixty (60) days following the entry of a final order confirming a plan of reorganization.

(b) Motion for Final Decree

Counsel for the plan proponent shall prepare and file a motion for final decree closing the chapter 11 case within sixty (60) days of the date on which it is fully administered. Preparation and filing of the motion for final decree shall be a continuing post-confirmation duty of counsel to the plan proponent.

(c) Form of Motion for Final Decree

The motion for final decree shall contain the following statements made under oath by an individual with personal knowledge:

(1) that the plan has been substantially consummated in accordance with 11 U.S.C. § 1121 and the provisions of the plan and the confirmation order; that any subsequent orders of the Court have been complied with; and that the case may be closed in accordance with Fed. R. Bankr. P. 3022;

(2) that the debtor, trustee or agent has paid all administrative expenses, including court-authorized professional compensation and costs (unless otherwise agreed in writing by the parties or unless otherwise provided for by the confirmed plan), as evidenced by an attached Exhibit "A" listing the names, addresses and amounts paid to each of the recipients;

(3) that the debtor, trustee or agent has commenced making distributions prescribed by the plan, as evidenced by an attached Exhibit "B" listing the names, addresses and amounts paid to each of the recipients;

(4) that all remaining distributions prescribed by the plan shall be made in accordance with an attached Exhibit "C" listing the names, addresses and amounts to be paid to each of the recipients; and

(5) if applicable, that distributions have not been made to recipients set forth on an attached Exhibit "D" listing the names, addresses and amounts tendered but returned and the reasons why payments have not been made, despite reasonable attempts.

(d) Interim Report on Administration Progress

If counsel for the plan proponent cannot file a motion for final decree on or before sixty (60) days after the entry of an order confirming the plan, counsel shall prepare and file an interim report on administration progress, describing the actions taken to consummate the plan and fully administer and close the case. The report shall contain detailed accounts, under subsections (c)(2), (3), and (4), of all amounts paid under the plan, if any, since the entry of the confirmation order. The Court, in its discretion, may direct the filing of additional reports and/or issue an order setting forth a schedule of future reporting.

(e) Service of Motion for Final Decree and Interim Report on Administration Progress

Counsel for the plan proponent shall serve copies of any motion for a final decree or interim report on administration progress, together with all supporting documentation, on any committee appointed by the United States trustee, counsel to any committee, and any party who filed an appearance in the case and requested service of all notices and pleadings, the United States trustee and any other parties as the Court may direct.

(f) Objections to Motion for Final Decree

Any party in interest, including the United States trustee, may object to any motion for a final decree or interim report on administration progress.

(g) Hearings

The Court, in its discretion, may schedule a hearing on any motion for a final decree or interim report on administration progress or any objection thereto.

(h) Entry of Final Decree

The Court may enter a final decree closing the case with or without a hearing.

(i) Reopening of Case

Nothing in this Rule shall be interpreted as limiting the Court's ability to reopen a case pursuant to 11 U.S.C. § 350 and Fed. R. Bankr. P. 5010.

PART IV. THE DEBTOR: DUTIES AND BENEFITS

RULE 4001-1. MOTIONS FOR RELIEF FROM STAY; SUBMISSION OF MOTIONS AND OPPOSITIONS TO MOTIONS

(a) A party seeking relief from the automatic stay provided by 11 U.S.C. § 362(a) shall file, in accordance with Fed. R. Bankr. P. 9014, a motion and a proposed order.

(b) If the motion contains a request for authority to foreclose pursuant to a mortgage or security interest, the movant shall provide the following information:

(1) If the movant seeks relief for cause pursuant to 11 U.S.C. § 362(d)(1), then the cause shall be specifically stated in the motion.

(2) If the movant seeks relief with respect to a stay of an act against property pursuant to 11 U.S.C. § 362(d)(1) or (d)(2), then the motion shall state:

(A) the amounts and priority of the debt alleged to be owed to the movant;

(B) the identification, amount, and priority of each other encumbrance affecting the property, including real estate taxes and other municipal charges;

(C) the total of the amounts set forth in subsections (A) and (B);

(D) the fair market value and liquidation value of the collateral, with any available appraisal(s) attached;

(E) either that (i) there is no other collateral securing the obligation, or (ii) there is other collateral securing the obligation, indicating the identity, value and valuation method and attaching any available appraisal(s);

(F) the original holder of the obligations secured by the security interest and/or mortgage and every subsequent transferee, if known to the

movant, and whether the movant is the holder of that obligation or an agent of the holder; and

(G) if known to the movant, whether and where any declaration of homestead has been recorded against the property.

(3) If the movant seeks relief from stay pursuant to 11 U.S.C. § 362(d)(3), the motion shall state:

(A) whether a plan of reorganization has been filed in the case;

(B) whether the debtor has commenced monthly payments to creditors with interests in the real estate pursuant to 11 U.S.C. § 362(d)(3)(B); and

(C) the original holder of the obligations secured by the security interest and/or mortgage and every subsequent transferee, if known to the movant, and whether the movant is the holder of that obligation or an agent of the holder.

(4) If the movant seeks in rem relief from stay pursuant to 11 U.S.C. § 362(d)(4), the motion shall include:

(A) the information set forth in MLBR 4001-1(b)(2); and

(B) the circumstances of the alleged scheme to delay, hinder, and defraud creditors with particularity, including:

(i) the history of bankruptcy filings affecting the real property at issue (including the filing date(s), docket number(s) and disposition of the prior bankruptcy filing(s)); and/or

(ii) the details of any transfers of the real property at issue without Court approval or the consent of the movant (including the date of the transfer(s), the stated consideration and the actual consideration, the name of the grantee(s) and the recording information for the deed(s) at issue).

(c) A party opposing a motion for relief from the automatic stay must file an opposition to the motion within fourteen (14) days, inclusive of the three (3) day mailing period provided in Fed. R. Bankr. P. 9006(f), after service of the motion. The opponent shall either admit, deny or state that the opponent has insufficient knowledge to admit or deny each and every allegation of the motion, shall state specifically why the motion should not be granted, and shall state the terms of any offer of adequate protection made by the debtor or trustee. If the value alleged by the movant is disputed, any appraisal available to the opponent shall be attached to the opposition. If the motion is

scheduled for an expedited hearing before the expiration of the fourteen (14) day period, then the opposition shall be filed before the expedited hearing.

(d) Any party in interest seeking the continuation of the automatic stay pursuant to 11 U.S.C. § 362 (c)(3)(B) or seeking the imposition of the automatic stay pursuant to 11 U.S.C. § 362 (c)(4)(B) shall file a motion and a proposed order.

(1) The motion should:

(A) identify the prior case(s) filed by the debtor, individually or jointly, within the preceding year and its/their disposition;

(B) state whether any motion for relief was pending in the prior case(s) at the time of dismissal;

(C) if any motion for relief had been filed in the prior case(s), state whether such motion(s) was/were resolved by terminating, conditioning, or limiting the stay;

(D) explain the extent to which the party in interest wishes the automatic stay to be continued or imposed, including the length of the proposed continuation or imposition and the parties affected (i.e. all creditors or only particular creditors); and

(E) set forth facts demonstrating that the filing of the later case is in good faith as to the creditors to be stayed.

(2) The motion shall be filed within fourteen (14) days from the filing of the new petition. If the motion is not timely filed, the Court may deny the motion.

(e) With regard to a motion for an order confirming that no stay is in effect pursuant to 11 U.S.C. § 362 (j) or 11 U.S.C. § 362 (c)(4)(A)(ii), the motion shall:

(1) set forth the debtor's history of bankruptcy filing(s) within the preceding year (including the filing date(s), docket number(s) and disposition of the prior bankruptcy filing(s)); and

(2) state whether the motion is filed pursuant to 11 U.S.C. § 362 (j) or 11 U.S.C. § 362 (c)(4)(A)(ii).

(f) All documents filed pursuant to this Rule shall be served in accordance with Fed. R. Bankr. P. 4001(a) and 9006(d)-(f) upon all parties who have filed appearances and requested service of all notices and pleadings, and on any other party that the Court may designate. If the motion seeks relief with respect to an act against property, the motion shall also be served on all entities that claim an interest in the property, including all co-owners, lienholders and taxing authorities.

(g) A preliminary hearing on a motion for relief from the automatic stay will be a consolidated preliminary and final nonevidentiary hearing unless at the conclusion of the preliminary hearing the Court schedules a final evidentiary or nonevidentiary hearing.

(h) If the estate representative fails to file a response within the time prescribed in section (c), then the estate representative shall be deemed to have assented to the motion.

RULE 4001-2. USE OF CASH COLLATERAL, OBTAINING CREDIT AND STIPULATIONS RELATING TO SAME

(a) A motion for use of cash collateral, for authority to obtain credit, or a stipulation relating to same shall be in the forms required by Fed. R. Bankr. P. 4001(b), (c) and (d), respectively. In addition, the movant shall set forth the following information in any motion for use of cash collateral, for authority to obtain credit, or a stipulation regarding same: the total dollar amount of the request for use of funds, the specific uses to which the funds will be put, the debtor's proposed budget for the use of the funds, pricing and economic terms including interest rates and fees, maturity, termination and default provisions, disclosure by the debtor as to whether it has reason to believe that the budget will be adequate to pay all administrative expenses due and payable during the period covered by the budget, the amount of debt asserted to be owed to any creditor claiming an interest in the collateral, the value of the collateral which secures the creditor's asserted interest, any proposal for providing adequate protection including any priority or superpriority provisions, including the effect thereof on existing liens and any carve outs from liens or superpriorities, and any choice of law provision. If the debtor seeks authority to use cash collateral or to obtain credit on an emergency or expedited basis, the debtor shall state the nature of the emergency requiring an emergency or expedited determination.

(b) A motion for use of cash collateral, for authority to obtain credit, or a stipulation relating to same as well as any proposed orders for which entry is sought shall be served on all creditors who assert an interest in the cash collateral and their attorneys, if known, any taxing authority that has a claim against the debtor, the debtor's twenty (20) largest unsecured creditors, the members of any committee appointed in the case and counsel to any committee, any parties who have filed a request for service of all pleadings and notices and the United States trustee.

(c) Subject to section (d), the following provisions contained in an agreement between the debtor and the holder of a secured claim as to use of cash collateral, obtaining credit, or adequate protection, or any interim or final order approving or authorizing the use of cash collateral, obtaining credit, or adequate protection, shall be unenforceable:

(1) Cross-collateralization clauses: Provisions that elevate prepetition debt to administrative expense or higher status or secure the repayment of prepetition debt with postpetition assets, other than (i) a claim arising from postpetition advances which constitute an additional non-replacement extension of credit; or (ii) a claim representing the diminution in value of the secured claim after the commencement of the case;

(2) Concessions as to the status of prepetition lien or debt: Provisions or findings of fact that bind the debtor, the estate representative or other parties in interest with respect to the validity, perfection, priority, enforceability or amount of the secured creditor's prepetition lien or debt;

(3) Provisions creating liens on bankruptcy causes of action: Provisions that grant liens on the estate's claims arising under 11 U.S.C. §§ 506(d), 544, 545, 547, 548 or 549;

(4) Waivers: Provisions that seek a waiver of or restrict in any way rights that the debtor or estate representative may have under sections 506(c), 544, 545, 547, 548 or 549; or that purport to release, waive or restrict alleged prepetition claims by the debtor or the estate against the secured creditor; or that in any way restrict the ability of the debtor or the estate representative to file a plan or that prohibit or restrict any proposed treatment of a creditor in that plan;

(5) Right to relief from stay: Provisions that grant automatic relief from stay upon the occurrence of any event; or that purport to bind the Court to an expedited or emergency hearing on a request for such relief; or that limit in any way the Court's consideration of issues that may arise under § 362(d) or the debtor's or estate representative's rights to bring those issues before the Court;

(6) Rollups: Provisions that deem prepetition secured debt to be postpetition debt or that use postpetition loans from a prepetition secured creditor to pay part or all of a secured creditor's prepetition debt;

(7) Nonconsensual priming: Provisions that create a lien senior or equal to any existing lien without the consent of that lienholder;

(8) Disparate carveouts: Provisions that provide fee or expense carveouts for any Professional disparate from those provided to any and all Professionals whose employment is approved by the Court;

(9) Waiver of right to seek use of cash collateral: Provisions that limit the right of the debtor or the estate representative to move for an order authorizing the use of cash collateral or that seek to prime the secured position of any other secured party under § 363(a) in the absence of the secured creditor's consent;

(10) Waiver of procedural requirements for foreclosure: Provisions that waive the procedural requirements for foreclosure required under applicable nonbankruptcy law;

(11) Venue in foreign jurisdiction: Provisions that place venue in a jurisdiction other than this Court in the event of a dispute under any agreement;

(12) Payment of secured creditor's expenses: Provisions that require the debtor to pay a secured creditor's expenses and attorney's fees in connection with a proposed financing or use of cash collateral without any notice or review by the Office of the United States trustee and the Court;

(13) Termination; Default; Remedies: Provisions that provide that the use of cash collateral will cease or the financing agreement will default, on (i) the filing of a challenge to lender's prepetition lien or lender's prepetition conduct; (ii) entry of an order granting relief from automatic stay (except as to material assets); (iii) grant of a change of venue with respect to the case or any adversary proceeding; (iv) the making of a motion by a party in interest seeking any relief (as distinct from an order granting such relief); (v) management changes or the departure, from the debtor, of any identified employees; and

(14) Release of Liability: Provisions that purport to release the prepetition lender's liability for alleged pre-petition torts, breaches of contract, or lender liability, releases of pre-petition defenses and/or counterclaims, and provisions that shorten the period of limitations within which any party in interest (including a successor trustee) may bring causes of action against the lender.

(d) Notwithstanding section (c), the Court may order the enforcement of any terms and conditions on the use of cash collateral or obtaining credit, provided that (i) the proposed order or agreement specifically states that the proposed terms and conditions vary from the requirements of section (c), and (ii) any such proposed terms and conditions are conspicuously and specifically set forth in the proposed agreement or order.

(e) Preliminary and Final Orders; Notice

(1) A single motion may be filed seeking entry of an interim and final order authorizing use of cash collateral or a borrowing or approving a stipulation relating to same. The motion shall be accompanied by any proposed order for which entry is sought. Notice of the motion and any notice of any hearing shall be served on the United States trustee, as well as those parties required by Fed. R. Bankr. P. 4001(b)(1) and (c)(1).

(2) The Court may enter an Interim Preliminary Order authorizing use of cash collateral or borrowing, or a stipulation relating to same only to the extent necessary to avoid immediate and irreparable harm to the estate pending a final hearing. Any provision of an Interim Preliminary Order may be reconsidered at the Final Hearing. Provisions in an Interim Preliminary Order shall not be binding on the Court with respect to the provisions of the Final Order, except that a lender: (a) will be afforded the benefits and protections of the Interim Preliminary Order for funds advanced during the term of the Interim Preliminary Order, and (b) will not be required to advance funds under a Final Order which contains provisions contrary to or inconsistent with the Interim Preliminary Order.

(3) A final hearing on a motion authorizing use of cash collateral or a borrowing, or a stipulation relating to same shall not be held earlier than fourteen (14) days after service of the notice of hearing.

RULE 4001-3. PERMITTED BILLING AND SETTLEMENT COMMUNICATIONS

To the extent that the automatic stay under 11 U.S.C. § 362(a) may be applicable to a debtor or property of the estate and has not terminated or been lifted, relief from the automatic stay shall be deemed granted, without hearing or further order, in any case under any chapter of Title 11 of the United States Code, in order to enable a secured creditor or its agent, representative or nominee (excluding its attorney) to:

(a) Send WRITTEN correspondence to the debtor, with a copy to debtor's counsel, consisting of statements, payment coupons, notices, analyses or accountings of any payment defaults, the status of insurance coverage, tax payments and/or municipal charges on property used as collateral and other such correspondence that the creditor typically sends to its non-debtor customers; EXCEPT that such correspondence shall not make demand for payment or threaten foreclosure or dismissal of the case; and

(b) Discuss and/or negotiate with a debtor a proposed modification of the terms of any secured indebtedness, including, without limitation, a home mortgage; EXCEPT that all such negotiations and/or discussions shall be conducted through counsel for the debtor, if the debtor is represented by counsel and such counsel has not, in writing, granted permission for such direct communication by creditor representatives with the debtor.

The secured creditor shall terminate the foregoing communications immediately upon receipt of written notice from the debtor or debtor's counsel requesting that such contacts cease. Further, nothing herein shall authorize a debtor or creditor to enter into

any loan modification without Court authority, so long as the property which is collateral for the loan is property of the estate under § 541(a).

RULE 4002-1. DUTIES OF DEBTOR

(a) A debtor is required to bring the personal identification and financial information required by Fed. R. Bankr P. 4002(b) to the § 341 meeting of creditors.

(b) If a creditor requests a copy of the debtor's federal tax return or transcript under § 521(e)(2)(A)(ii), the creditor shall make such request in writing no fewer than fourteen (14) days before the meeting of creditors and serve a copy of the request upon the debtor and the debtor's attorney. If the debtor disputes that the requesting party is a creditor, the debtor shall file an objection with the Court within 7 days prior to the § 341 meeting and the Court will set a hearing on the objection. If the debtor does not file an objection and fails to comply with the request, the creditor shall file a notice of noncompliance with the Court and serve a copy on the debtor. Any tax returns or transcripts provided under this section are subject to the provisions set forth in subsection (c) below.

(c) If the United States trustee or a party in interest deems it appropriate that an individual chapter 7, 11 or 13 debtor file with the Court federal tax returns or transcripts as described in § 521(f), a request shall be made by motion on notice to the debtor, debtor's attorney, the trustee and the United States trustee (if not the movant). If the Court is inclined to order such a filing, it shall first issue an order to show cause with notice to the same parties. Any party in interest, trustee or United States trustee then seeking access to the returns filed with the Court or trustee pursuant to § 521(g), shall file a motion with the Court on notice to the debtor, debtor's attorney, the trustee and the United States trustee. Parties seeking review of the returns filed with the Court or trustee shall include in their motion a description of the movant's status in the case, a description of the specific tax information sought and a statement (i) that the information is unavailable from any other source, (ii) explaining the need for the tax information, and (iii) that the parties attempted to, but failed to resolve the dispute over access to the tax information prior to the filing of the motion. Any motions filed pursuant to 11 U.S.C. § 521(f) or § 521(g) shall comply with MLBR Official Local Form 10 or 11 respectively. If a debtor objects to a motion filed under this subsection, the debtor shall file the objection within 7 days after service of the motion.

(d) The debtor shall redact on any state or federal tax return all but the last four digits of all taxpayer identification numbers (including social security numbers), the names of any minor children referred to within the tax return, all but the year of birth in any dates of birth and all but the last four digits of any account numbers. Any non-debtor tax

identification numbers may be redacted in their entirety. The responsibility for redaction rests solely with the filer. The Clerk will not review each document for compliance with this Rule. Any tax returns filed with the Court will only be available for inspection by parties in interest by motion. No tax information filed with the Court will be available to the public via the Internet, PACER or CM/ECF.

RULE 4003-1. AVOIDANCE OF JUDICIAL LIEN

(a) A motion to avoid a judicial lien pursuant to 11 U.S.C. § 522(f) shall:

(1) identify the holder of the judicial lien sought to be avoided and provide the name and address of the lien holder;

(2) state the date the judicial lien was granted and identify the Court that issued the lien;

(3) state the amount of the judicial lien as of the date of the filing of the petition;

(4) identify the holders of all other liens on the property listed in order of their priority;

(5) state the amount of each other lien on the property and provide a total of same;

(6) state the amount of the exemption that is allegedly impaired and provide the applicable statute for the debtor's claim of exemption;

(7) state the value of the debtor's interest in the property and attach any available appraisal report;

(8) apply the formula under 11 U.S.C. § 522(f)(2)(A);

(9) state whether the debtor contends that the entire lien is voidable, or if the lien can only be partially avoided, the amount of the surviving lien; and

(10) provide such documentary evidence as is necessary to establish the extent of the homestead declared.

(b) Any opposition to a motion to avoid a judicial lien shall admit or deny each and every allegation of the motion, specifically state why the motion should not be granted, and apply the formula under 11 U.S.C. § 522(f)(2)(A). If the opposing party intends to rely on an appraisal report, the report shall be attached to the opposition.

RULE 4008-1. REAFFIRMATION AGREEMENTS

(a) A reaffirmation agreement that does not comply with 11 U.S.C. § 524(c) or (d) or is not accompanied by the cover sheet prescribed by Official Form 427 (included in MLBR

Official Local Form 6) shall be unenforceable. The Court may also require that any reaffirmation agreement conform to MLBR Official Local Form 6. Fed. R. Bankr. P. 9011 shall apply to an attorney's declaration under 11 U.S.C. § 524(c).

(b) If a debtor is unrepresented by counsel during the course of negotiating a reaffirmation agreement, or if a presumption that a reaffirmation agreement is an undue hardship has arisen under 11 U.S.C. § 524(m), the Court shall hold a hearing on the approval of the reaffirmation agreement pursuant to 11 U.S.C. § 524(d). The Court may also, in its discretion, schedule a hearing sua sponte on the validity or approval of any other reaffirmation agreement.

PART V. BANKRUPTCY COURTS AND CLERKS

RULE 5001-1. DIVISIONS OF COURT, CASE ASSIGNMENTS AND FILING OF PAPERS

(a) The District of Massachusetts shall contain the divisions comprised of the counties, cities and towns set forth in MLBR Appendix 5.

(b) All documents related to cases and proceedings for the Eastern Division shall be filed in the Clerk's Office in Boston. All documents in cases and proceedings for the Central Division shall be filed in the Clerk's Office in Worcester. All documents in cases and proceedings for the Western Division shall be filed in the Clerk's Office in Springfield.

(c) The debtor or petitioning creditor(s) shall file an original petition only in the appropriate division office. Venue for a division shall be determined in the same fashion as venue for a district under 28 U.S.C. § 1408 and applicable case law. In the event of an emergency, any division office may accept for filing on behalf of another division office an original petition under any chapter of the Bankruptcy Code, if accompanied by a written request for transfer to the appropriate division.

(d) Any bankruptcy judge may, in the interest of justice or to further the efficient performance of the business of the Court, reassign a case or proceeding to any other bankruptcy judge, except that, when reassignment is required by reason of recusal, the Clerk shall reassign the case or proceeding on a random basis to any available judge within the district.

(e) In the absence of a judge before whom a case or proceeding is pending, emergency matters submitted to the Court may be acted upon by any available judge as determined by the Clerk or as provided for by the absent judge.

(f) The Clerk shall transfer any document pertaining to a case or proceeding mistakenly filed in the wrong division office to the proper division office and any such document shall be deemed to have been filed on the date first received in any office of the Clerk.

(g) Any party filing a document in the Clerk's Office which relates to a matter scheduled for hearing within twenty four (24) hours of the filing shall specifically bring to the attention of the Clerk, through an accompanying cover letter, the fact that the matter is scheduled for a hearing within 24 hours of the filing, and request that it be delivered to the judge immediately. Failure to comply with this Rule may result in the document being deemed filed late and not being considered by the Court.

(h) Pleadings and other documents filed in a case or adversary proceeding may be removed from the Clerk's Office only if the Court has allowed a motion to remove the documents.

RULE 5001-2. OFFICE OF THE CLERK

(a) The offices of the Clerk of the Court at Boston, Worcester and Springfield shall be open Monday through Friday with the Clerk or Deputy Clerk in attendance in accordance with Fed. R. Bankr. P. 5001(c).

(b) Where filing documents, including petitions, motions, and complaints, are permitted to be filed by paper or facsimile (see Appendix 8, Rule 1), such documents shall be received for filing in the office of the Clerk between the hours of 8:30 AM and 4:30 PM. Filings before 8:30 AM or after 4:30 PM on court days or on weekends or holidays can be made, for cause, by prior arrangements or in emergency circumstances, as determined by the Clerk or his or her designee, by contacting the Clerk at the telephone numbers set forth in Appendix 5.

RULE 5003-1. CLERK'S AUTHORITY TO ENTER MINISTERIAL ORDERS

The Clerk and his/her deputies are authorized to sign and enter without further direction by the Court the following orders, deemed to be of a ministerial nature:

(a) Orders permitting the payment of the petition filing fee in installments and fixing the number, amounts and dates of payment;

(b) Orders deferring the payment of an adversary proceeding filing fee;

(c) Orders to correct defects in the documents accompanying the original petition or orders to file or update such documents;

(d) Orders discharging a chapter 7, 11, 12, or 13 trustee and closing a case after the case has been fully administered;

(e) Orders granting a discharge;

(f) Orders reopening a case that has been closed due to administrative error; and

(g) Orders to show cause regarding inactivity in bankruptcy cases and adversary proceedings and orders dismissing cases for failure to comply with or to respond to an order to show cause.

This Rule is not intended to limit a bankruptcy judge's discretion regarding the governance of a case in any way whatsoever. The above orders may, in particular cases, be subject to modification by a bankruptcy judge.

RULE 5005-4. FACSIMILE FILINGS

(a) The Court will accept for filing documents transmitted by facsimile machine only if the documents are permitted to be filed non-electronically pursuant to Rule 1 of Appendix 8, except that the following documents may be filed by facsimile machine only with the prior permission of the Clerk, the Deputy Clerk or their designee:

(1) documents constituting a pleading for which a filing fee is required; and

(2) documents which exceed 35 pages, exclusive of the certificate of service

(b) All documents filed in accordance with subsection (a) shall be deemed originally filed within the meaning of Fed. R. Civ. P. 5(e) and 11, as made applicable by Fed. R. Bankr. P. 9014 and within the meaning of Fed. R. Bankr. P. 9011. No subsequent original shall be filed after the document is filed by facsimile.

(c) Documents received by the Clerk by facsimile after 4:30 PM on a court day shall be deemed received as of the following court day.

RULE 5007-1. RECORD OF PROCEEDINGS AND TRANSCRIPTS

A request by a party or witness to correct the transcript of an evidentiary or nonevidentiary hearing on account of an alleged transcription error must be made by motion.

Prior to filing such a motion, the movant shall have ordered a compact audio disk of the hearing from the Clerk’s Office and identified the location of the subject argument or testimony on the disk. The motion shall identify the line(s) and page(s) of the transcript sought to be corrected, the language, as it should have been transcribed, and the hour(s) and minute(s) on the disk where the subject argument or testimony is located. The Court may act on the motion with or without a hearing. If the motion is granted, issuance of the transcript thereafter to any person shall include a copy of the motion and the order granting the motion.

RULE 5009-1. CLOSING CHAPTER 7 CASES

No chapter 7 case in which dividends will be paid to creditors will be closed until the trustee has filed with the Court a statement indicating the following:

(a) there are no pending adversary proceedings;

(b) all claims have been examined and any objections to claims have been resolved;

(c) all applications by any Professionals for compensation have been filed and acted upon, including an application by debtor's counsel to approve application of a retainer; and

(d) the United States trustee has approved the final account, unless the Court determines that such approval is not necessary.

RULE 5011-1. WITHDRAWAL OF THE REFERENCE

A motion for withdrawal of the reference shall be filed with the Clerk of the Bankruptcy Court, accompanied by a properly completed United States District Court cover sheet and the prescribed filing fee. Upon the filing of such a motion, the Clerk shall docket receipt of the motion and promptly transmit the original motion and cover sheet to the Clerk of the United States District Court for disposition.

RULE 5071-1. CONTINUANCES

(a) No continuance shall be effective unless the Court approves it in writing or in open court. Counsel shall not be excused from appearing before the Court absent such approval or an unexpected emergency.

(b) A motion to continue any hearing, including a non-evidentiary hearing or a trial, must be filed and served no later than 10 a.m. on the business day preceding the scheduled hearing date.

(c) A motion to continue a hearing or withdraw a motion or opposition must be filed and served upon all previously served parties in a manner reasonably sufficient to reach said parties prior to their attendance at the subject hearing.

(d) Sections (a) and (b) shall not apply to motions filed by the chapter 13 trustee to dismiss a case.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

RULE 6004-1. SALE OF ESTATE PROPERTY

(a) Motion Required

Whenever the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure require an estate representative to seek leave of the Court to sell property of the estate, by private or public sale, the request shall be made by motion.

(b) Service Required

The motion seeking authority to sell shall be served on:

(1) the debtor and debtor's counsel, if any;

(2) the United States trustee;

(3) any known creditor claiming a lien or security interest in said property and any counsel to that creditor;

(4) all attorneys who have filed appearances in the case;

(5) any attorneys for any approved Creditors' Committee or Equity Committee; and

(6) if no Creditors' Committee has been appointed, the 20 largest unsecured creditors.

(c) Private Sale Procedure

(1) The motion for authority to sell by way of private sale must state:

(A) whether the sale is to be free and clear of liens or interests;

(B) the identity of the holder of any lien or interest in the property to be sold;

(C) the efforts made by the estate representative to market the property;

(D) whether approval is sought for any proposed distribution of proceeds;

(E) why a private sale, rather than a public sale, is in the estate's best interest; and

(F) if all or substantially all of a chapter 11 debtor's assets are to be sold, why the sale is proposed under 11 U.S.C. § 363 rather than through a chapter 11 plan and a practical and abbreviated equivalent of the adequate information required in a disclosure statement to a chapter 11 plan.

(2) Prior Approval

The movant

(A) may seek prior approval of any term of the proposed sale;

(B) must obtain prior approval from the Court of any terms for the proposed sale protecting the initial proposed purchaser, including the amount of a break-up fee or the minimum increase required for a higher offer, unless

(i) the proposed break-up fee does not exceed the lesser of 5% of the proposed original purchase price or $50,000 and is subject to final Court approval upon application by the bidder; and

(ii) the minimum increase required for a higher offer does not exceed 5% of the proposed original purchase price.

(3) Notice of Sale

(A) The motion for authority to sell by private sale must include a proposed Notice of Sale (attached as an exhibit.)

(B) Subject to the requirements of Fed. R. Bankr. P. 2002, Fed. R. Bankr. P. 6004 and any other applicable Federal Rules of Bankruptcy Procedure, these Local Rules or any Standing Order of this Court, a notice of proposed private sale of property shall conform substantially to MLBR Official Local Form 2A suited to the particular circumstances of the case.

(C) The proposed Notice of Sale shall contain a blank space for the deadline for filing objections and higher offers, as well as blank spaces for the date and time of the hearing on the sale.

(D) The proposed Notice of Sale must include:

(i) the name and address of the initial offeror;

(ii) the consideration to be paid for the purchase;

(iii) the time and place of the proposed sale;

(iv) the terms and conditions of the proposed sale;

(v) a blank space for the deadline for filing higher offers and/or objections to the proposed sale to be set by the Court;

(vi) blank spaces for the date and time of the hearing to be set by the Court;

(vii) a general description of the property to be sold;

(viii) an itemized list of the asset or assets to be sold;

(ix) the relationship, if any, of the initial offeror and the seller;

(x) a statement as to whether the sale shall be free and clear of liens or interests pursuant to 11 U.S.C. § 363(f);

(xi) a statement noting that the Court may modify the method of sale set forth in the notice at or prior to the hearing on the proposed sale;

(xii) a statement that any objection, higher offer, or request for hearing must be filed and served within the time established by the Court, which time shall be conspicuously stated in the notice;

(xiii) the following language: "The Court may take evidence at any hearing on approval of the sale to resolve issues of fact";

(xiv) if a proposed sale or lease of personally identifiable information under 11 U.S.C. § 363(b)(1)(A) or (B), a statement as to whether the sale is consistent with a policy of the debtor prohibiting the transfer of such information; and

(xv) a statement that a copy of the motion and any sales agreement will be provided to any interested party upon request and at no cost.

(4) Procedure upon Receipt by the Clerk of the Motion to Sell

Upon receipt of the motion to sell and the proposed Notice of Sale, the Clerk shall assign a deadline date for filing objections, making higher offers and schedule a hearing date. The estate representative shall then serve the motion to sell and completed notice as required by subsection (c)(5) of this Rule.

(5) Service of the Completed Notice

(A) Unless the Court orders otherwise, the completed Notice of Sale shall be served upon all creditors in accordance with Fed. R. Bankr. P. 2002 and Fed. R. Bankr. P. 6004. A copy of the completed notice should also be served on parties regarded by the estate representative as potential purchasers, including, if appropriate, dealers in property similar to that proposed to be sold and the debtor's competitors. Unless the Court orders otherwise, the completed notice shall be served no less than twenty-one (21) days (plus such additional time as may be provided in Fed. R. Bankr. P. 9006(f)) prior to the deadline for filing objections or higher offers.

(B) The motion to sell need not be served on all parties until the Clerk has provided the information necessary to complete the Notice of Sale.

(C) The estate representative shall file a certificate of service no later than seven (7) days following service of the completed Notice of Sale unless a different deadline is set by the Court.

(6) Court Approval of Sale

(A) If there are no objections or higher offers timely filed with the Court by the deadline, the Court may approve the sale without holding the scheduled hearing.

(B) Within seven (7) days of receipt of a written request by the debtor, estate representative or other party in interest, the Clerk shall issue a certificate of no objections concerning the sale of property of the estate.

(C) The moving party must submit a proposed order approving the sale within seven (7) days after the Court's approval of the sale unless a different deadline is set by the Court.

(d) Public Auction Procedure

(1) The Motion

(A) shall state why a public, rather than a private, sale is requested.

(B) must include a proposed Notice of Public Sale, which shall:

(i) be substantially similar to MLBR Official Local Form 2B; and

(ii) shall contain a blank space for the deadline for filing objections, as well as blank spaces for the date and time of the hearing on the sale.

(2) Procedure upon Receipt by the Clerk of the Motion to Sell

Upon receipt of the proposed notice, the Clerk shall assign a deadline for filing objections and set a hearing date and time.

(3) Service of the Completed Notice

The estate representative shall then serve the motion to sell and the completed notice in the manner provided in subsection (c)(5) of this Rule or other order of the Court and shall file a certificate of service within seven (7) days of service, unless a different deadline is set by the Court.

(4) Subsequent Confirmation

Confirmation by the Court of the auction is not required unless such confirmation is a condition of the Court's approval. Within seven (7) days of receipt of a written request by the estate representative, the debtor, or other

party in interest, the Clerk shall issue a certificate of no objections concerning the public auction sale of property of the estate.

(5) Restrictions

(A) Any auction advertisement placed by an auctioneer or estate representative shall conspicuously state the bankruptcy case name and number.

(B) An auctioneer shall not introduce non-bankruptcy estate items at an auction without the Court's prior approval. However, subject to the Court's prior approval and the appropriate identification of each item of bankruptcy estate property to be sold, property from a bankruptcy estate may be consolidated with and sold at a regularly scheduled auction sale of other non-estate goods.

(C) Neither an auctioneer employed by an estate representative nor any agent of the auctioneer shall bid on property of the estate.

(D) No buyer's premium shall be charged in a sale under this Rule.

(E) Failure to comply with this subsection may result in denial of all compensation and/or the issuance of sanctions.

(6) Qualification and Duties of Auctioneer

(A) An auctioneer shall not be authorized to conduct a public auction of property of an estate without first obtaining the Court's specific prior approval of the auctioneer's employment.

(B) The auctioneer must file with the Court a bond in an amount fixed by the United States trustee, and furnish the United States trustee with a copy of that bond. The bond shall be conditioned on the faithful performance of the auctioneer's duties and the auctioneer's accounting for all money and property of the estate that comes into his or her possession.

(C) To avoid the necessity of filing separate bonds for smaller auction sales, the auctioneer may file with the Court a blanket bond similarly conditioned in a base amount fixed from time to time by the United States trustee to cover various cases in which the auctioneer may act. The auctioneer shall also provide the United States trustee with a copy of the blanket bond.

(D) If at any time the value of goods of various estates in the auctioneer's custody exceeds the amount of the blanket bond, the auctioneer shall

obtain a separate bond or bonds so that the full amount of all goods of various bankruptcy estates in the auctioneer's custody is covered.

(E) As a condition of the employment of an auctioneer in any bankruptcy estate, the auctioneer shall file an affidavit under the penalty of perjury that states:

(i) all goods of bankruptcy estates in the auctioneer's custody are fully covered at all times by separate bonds or blanket bonds or both;

(ii) his or her qualifications;

(iii) where the auctioneer is licensed;

(iv) whether the auctioneer is in good standing in all jurisdictions in which he or she is licensed; and

(v) whether the auctioneer is subject to any disciplinary proceedings or has been subject to any disciplinary proceedings in the five years preceding the filing of the application.

(7) Attendance at Auction Sale

The estate representative or a representative of the estate representative must be present at the auction sale.

(8) Auctioneer's Compensation and Expenses

(A) The auctioneer shall file and serve an application for compensation and reimbursement of expenses setting forth the amount requested, services rendered, time spent, and actual expenses incurred as required by Fed. R. Bankr. P. 2016(a). The auctioneer may be paid from the proceeds of the auction immediately upon approval of its application and prior to closing of the case.

(B) Auctions of Personal Property

Unless otherwise ordered by the Court, with respect to auctions of personal property, the auctioneer's compensation shall not exceed the following percentages of gross proceeds:

(i) 10% of the first one hundred thousand dollars ($100,000) or part thereof;

(ii) 4% of the next four hundred thousand dollars ($400,000) or part thereof; and

(iii) 3% of the balance.

(C) Real Estate Auctions

Unless otherwise ordered by the Court, with respect to sales of real property, the auctioneer's compensation shall not exceed the greater of:

(i) 10% of the first fifty thousand dollars ($50,000) realized in excess of the amount of encumbrances, plus 2.5% of the balance of the equity; or

(ii) $500.00.

(D) Auction Expenses[4]

The auctioneer shall be reimbursed for actual and necessary expenses incurred in connection with an auction, including labor, advertising and credit card processing fees if the auctioneer has obtained prior approval by the Court for all such expenses. With respect to any auction that generates less than $20,000 in sale proceeds, reimbursement for labor costs shall be limited to $2,000 unless otherwise ordered by the Court. Following the auction, an auctioneer may seek reimbursement of unanticipated expenses incurred in connection with conducting the auction provided that such costs were reasonable and necessary to the sale and are supported by receipts or other documentation. Except as set forth in this Rule or as ordered by the Court, the auctioneer shall not be reimbursed for any overhead expense associated with the auction.

(e) Internet Auction Mechanisms

(1) With prior Court approval, after appropriate notice as required by Fed. R. Bankr. P. 2002(a), the estate representative, or an auctioneer or other Professional authorized by the Court to sell estate property, may sell any asset or assets of the estate by public auction through the use of an automated Internet auction, listing or brokerage mechanism ("Internet Auction Mechanism").

(2) The Motion

(A) In any motion requesting such approval, the estate representative must:

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[4] Notwithstanding MLBR 1001-1, the amendments to MLBR 6004-1(d)(8) (Auctioneer's Compensation and Expenses) shall govern pending cases only with respect to any auctioneer employed pursuant to an application for employment filed on or after the Effective Date of such amendments.

(i) Identify the name and uniform resource locators (URL) of the proposed Internet Auction Mechanism;

(ii) State why the estate representative believes that use of the Internet Auction Mechanism is in the best interests of the estate;

(iii) Disclose whether the estate representative has or any party in interest is known to have any connections with the proposed Internet Auction Mechanism or any expected bidder;

(iv) Disclose all fees associated with use of the Internet Auction Mechanism;

(v) Disclose whether use of the Internet Auction Mechanism is subject to rules, policies, procedures or terms or conditions and, if so:

(1) provide either a copy thereof or the URL at which they can be examined; and

(2) summarize any such rules, policies, procedures or terms or conditions that are likely to result in any restrictions on bidding for the asset(s) proposed to be sold or limitations on the estate representative in offering asset(s) for sale with full or partial reserve or otherwise controlling the determination to sell each asset;

(vi) Identify the mechanism for payment to the estate;

(vii) Represent that, to the best knowledge of the estate representative, the Internet Auction Mechanism will not provide auction services or any other services beyond access to its automated on-line services and related customer support; and

(viii) Request authority to:

(1) comply with any rules, policies, procedures, or terms or conditions of the Internet Auction Mechanism disclosed in the motion and enter into any required agreements in support thereof;

(2) consummate such sale(s); and

(3) pay any and all fees associated with use of the Internet Auction Mechanism, each without further order of the Court.

(3) Nothing in this Rule shall limit applicability of the requirements of Local Rule 6004-1(b) with respect to any auctioneer hired by an estate representative to provide services beyond access to an Internet Auction Mechanism.

(4) Unless the Court orders otherwise, a listing placed on an Internet Auction Mechanism shall state the bankruptcy case name and number and that the sale procedure has been approved by the United States Bankruptcy Court for the District of Massachusetts.

(f) Sales of Personally Identifiable Information

(1) In the event that an estate representative shall move to sell personally identifiable information as defined in 11 U.S.C. § 101(41A), the motion and any notice of sale thereon shall, in addition to those requirements set forth in Paragraphs (a) and (b) of this Rule, conspicuously describe the type(s) of personal identifiable information which are proposed to be sold (without disclosing the content of such information), why the sale of such information is advantageous or necessary and what private agreements, federal laws and/or state laws purport to restrict the sale or use of such information.

(2) Upon the filing of a motion under subparagraph (1) above, the movant shall file a separate motion seeking expedited determination and requesting an order directing the United States trustee to appoint a consumer privacy ombudsman under 11 U.S.C. § 332.

(3) Unless otherwise ordered, the United States trustee shall seek approval of the appointment of the ombudsman within seven (7) court days of the entry of any such order.

(4) The ombudsman shall file a report with his or her recommendations and the basis therefore within seven (7) days of his or her appointment, subject to such enlargement of time as the Court may allow on request of the ombudsman made prior to the expiration of the deadline.

(g) For the purposes of this Rule, the term estate representative shall include a chapter 7 trustee, chapter 11 trustee, chapter 11 debtor-in-possession, chapter 12 trustee, and chapter 13 debtor.

RULE 6005-1. APPRAISERS, BROKERS AND INVESTMENT BANKERS

(a) An appraiser may be employed after allowance by the Court of a motion to employ and shall be paid at an hourly rate to be set from time to time by the Court or at a flat rate approved by the Court.

(b) A motion to approve a broker or investment banker, pursuant to MLBR 2014-1, shall also include a recitation of all of the terms and conditions of the broker's or investment banker's engagement, including:

(1) the rate of any commission on the sale of estate assets;

(2) any agreement respecting compensation made by the broker or investment banker with any other party or parties;

(3) whether, in the event that the compensation of the broker or investment banker is based on a commission and such broker or investment banker locates a proposed buyer who is the successful bidder after subsequent competitive bidding with another proposed buyer, the broker's or investment banker's commission from the sale proceeds would be based on the original bid or the final bid; and

(4) whether, in the event that the compensation of the broker or investment banker is based on a commission and such broker or investment banker locates a proposed buyer who is not the successful bidder after subsequent competitive bidding with another proposed buyer, the broker or investment banker may receive a commission limited to the amount of the original bid.

(c) No party or firm may act as an appraiser, and as a broker, and as an auctioneer, in any combination, in the same case.

RULE 6006-1. MOTION FOR ASSUMPTION OR REJECTION OF EXECUTORY CONTRACT OR UNEXPIRED LEASE

(a) A motion seeking an extension of the deadline for assumption or rejection of an executory contract or an unexpired lease of residential real property or personal property in a chapter 7 case shall be filed prior to the expiration of the sixty (60) day period found in 11 U.S.C. § 365(d)(1). In the event that the Court cannot hear or determine the motion prior to the expiration of the deadline, the extension requested in the motion shall be automatically approved on an interim basis, subject to final determination by the Court after notice and a hearing set as soon as the Court's calendar may permit. Nothing in this Rule shall be deemed to limit the Court’s ability to grant additional extensions for cause shown.

(b) A motion seeking extension of the deadline for assumption or rejection of an unexpired lease of nonresidential real property shall be filed prior to the expiration of the one hundred twenty (120) day period in 11 U.S.C. § 365(d)(4)(A). In the event that the Court cannot hear or determine the motion prior to the expiration of the deadline, the

extension requested in the motion shall be automatically approved on an interim basis, subject to final determination by the Court after notice and a hearing set as soon as the Court's calendar may permit.

RULE 6007-1. ABANDONMENT OF ESTATE PROPERTY

(a) Requesting Notice

The Clerk shall include in the initial notice of a meeting of creditors pursuant to 11 U.S.C. § 341 the following language:

Notice is hereby given that any creditor or other interested party who wishes to receive notice of the estate representative's intention to abandon property of the estate pursuant to 11 U.S.C. § 554(a) must file with the Court and serve upon the estate representative and the United States trustee a written request for such notice within fourteen (14) days from the date first scheduled for the meeting of creditors.

(b) Estate Representative's Abandonment of Property

After the expiration of the fourteen (14) day period referenced in section (a), the estate representative is authorized to limit notice of an abandonment of property to the debtor, debtor's counsel, any creditor claiming an interest in the property concerned, those creditors who have requested notice of such action in accordance with section (a), and those parties who have filed appearances and requested service of all notices and pleadings, provided that the value to the estate of the property concerned is less than $5,000.00. If the value to the estate of the property concerned is greater than $5,000.00, the estate representative shall provide notice of abandonment to all creditors and parties in interest in accordance with Fed. R. Bankr. P. 6007.

This Rule is not intended to imply that estate representatives are required to abandon property with a value to the estate of less than $5,000.00, or that estate representatives are in any manner restricted from liquidating or administering such property in any other fashion.

(c) Estate Representative's Discretion to Utilize Full Notice

Nothing in this Rule shall be deemed to prevent the estate representative from utilizing greater notice than that set forth for property with a value to the estate of less than $5,000.00 if the estate representative, in his or her discretion, determines that notice of a greater magnitude is warranted.

(d) Within five (5) days of receipt of a written request by the debtor, estate representative, or other party in interest, the Clerk shall issue a certificate of no objections concerning the abandonment of property of the estate.

RULE 6012-1. ADEQUATE ASSURANCE OF PAYMENT FOR UTILITY SERVICE

A tender of adequate assurance of payment for utility service shall be deemed to be satisfactory within the meaning of 11 U.S.C. § 366(c)(2) unless a utility provides written notice to the debtor-in-possession or, in a case in which a chapter 11 trustee has been appointed, both the debtor and the chapter 11 trustee, within fourteen (14) days after such utility's receipt of the tender of adequate assurance that such tender is unsatisfactory and that service will be terminated in accordance with 11 U.S.C § 366. Upon receipt of such notice, the estate representative may seek appropriate relief from the Court to prevent a termination of utility service or to reinstate utility service in accordance with 11 U.S.C § 366.

PART VII. ADVERSARY PROCEEDINGS

RULE 7003-1. INFORMATION TO ACCOMPANY COMPLAINT IN ADVERSARY PROCEEDINGS

The original complaint commencing an adversary proceeding filed with the Clerk shall be accompanied by a completed adversary proceeding cover sheet, (Form B1040.)

RULE 7016-1. PRETRIAL PROCEDURE

(a) Upon consent of all parties, the Court may enter an order referring a proceeding to mediation or arbitration or other procedure for alternative dispute resolution upon such terms and conditions as the parties may agree in writing consistent with the provisions of Appendix 7 governing mediation. Such terms and conditions shall include the procedure for selection and compensation of the mediator or arbitrator, the power and authority of the mediator or arbitrator, the deadline for the mediator or arbitrator's report to the Court on whether the matter has been resolved, and the procedures for protecting the confidentiality of the information disclosed at mediation or arbitration, including the protection of proprietary information and preservation of privileges.

(b) Any request for an extension of any deadline or for modification of a party's obligations under Fed. R. Bankr. P. 7016 shall be made by written motion which shall state the basis for the relief requested. The Court will not consider any such motion unless consented to or accompanied by a certification made with particularity (time, date and circumstances) that the moving party has made a reasonable and good faith effort to reach agreement with the opposing party on the matter that is the subject of the motion.

(c) If relief is sought under Fed. R. Civ. P. 26(c) (as made applicable by Fed. R. Bankr. P. 7026) or Fed. R. Bank. P. 7037, copies of the relevant portions of disputed documents shall be filed with the Court contemporaneously with any motion for order compelling disclosure or discovery. In addition, the Court will not consider any such motion unless accompanied by a certification made with particularity (time, date and circumstances) that the moving party has made a reasonable and good faith effort to reach agreement with the opposing party on the matter that is the subject of the motion.

RULE 7024-2. NOTIFICATION OF CLAIM OF UNCONSTITUTIONALITY

(a) Whenever in any action, suit, or proceeding to which the United States or any agency, officer or employee thereof is not a party, the constitutionality of any Act of Congress affecting the public interest is drawn into question, the party raising such question shall file a notice to enable the Court to comply with 28 U.S.C. § 2403(a), and shall serve a copy of the notice upon the United States trustee, giving the title of the case, a reference to the questioned statute sufficient for its identification, and the respects in which it is claimed to be unconstitutional.

(b) Whenever in any action, suit or proceeding to which a State of the Union or any agency, officer or employee thereof is not a party, the constitutionality of any statute of that State is drawn into question, the party raising such question shall file a notice to enable the Court to comply with 28 U.S.C. § 2403(b), and shall serve a copy of the notice upon the United States trustee, giving the title of the case, a reference to the questioned statute sufficient for its identification, and the respects in which it is claimed to be unconstitutional.

RULE 7026-1. GENERAL PROVISIONS GOVERNING DISCOVERY

(a) Depositions upon oral examinations, transcripts, interrogatories, requests for documents, requests for admissions, and answers and responses thereto, shall not be filed unless so ordered by the Court or for use in the proceeding. The party taking a deposition or obtaining any material through discovery is responsible for its preservation and delivery to the Court if needed or so ordered. If, for any reason, any party believes that any of the above-named documents should be filed, a motion for authority to file such documents may be made together with the reasons for the request. If the moving party under Fed. R. Bankr. P. 7026 or the opponent relies on discovery documents, copies of the pertinent parts thereof shall be filed with the motion or opposition. The Court also may order the filing of documents sua sponte and, in addition, may order the parties to disclose any information and documentation that

the Court determines are discoverable by the submission of sworn statements of any party.

(b) Any request for an extension of any deadline or for modification of a party's obligations under Fed. R. Bankr. P. 7026 shall be made by written motion which shall state the basis for the relief requested. The Court will not consider any such motion unless consented to or accompanied by a certification made with particularity (time, date and circumstances) that the moving party has made a reasonable and good faith effort to reach agreement with the opposing party on the matter that is the subject of the motion.

(c) If relief is sought under Fed. R. Civ. P. 26(c) (as made applicable by Fed. R. Bankr. P. 7026) or Fed. R. Bank. P. 7037, copies of the relevant portions of disputed documents shall be filed with the Court contemporaneously with any motion for order compelling disclosure or discovery. In addition, the Court will not consider any such motion unless accompanied by a certification made with particularity (time, date and circumstances) that the moving party has made a reasonable and good faith effort to reach agreement with the opposing party on the matter that is the subject of the motion.

RULE 7027-1. DEPOSITIONS

For purposes of Fed. R. Civ. P. 45(b)(2), made applicable to bankruptcy cases by Fed. R. Bankr. P. 9016, and without order of the Court:

(a) Boston shall be deemed a convenient place for the taking of a deposition of any person who resides, is employed, or transacts his or her business in person in any of the following counties: Suffolk, Bristol, Essex, Middlesex, Norfolk and Plymouth.

(b) Springfield shall be deemed a convenient place for the taking of a deposition of any person who resides, is employed, or transacts his or her business in person in any of the following counties: Berkshire, Franklin, Hampden and Hampshire.

(c) Depositions of parties residing within the counties of Worcester, Barnstable, Dukes or Nantucket shall be held within their respective counties.

RULE 7033-1. INTERROGATORIES

(a) Number of Interrogatories

A party may proffer no more than twenty-five (25) interrogatories to another party without leave of the Court.

(b) Form of Response

(1) Answers and objections in response to interrogatories served pursuant to Fed. R. Bankr. P. 7033 shall be made in the order of the interrogatories.

(2) Each answer, statement, or objection shall be preceded by the interrogatory to which it responds.

(3) Each objection and the grounds for the objection shall be stated separately.

(c) Provisions of MLBR 9013-1 Applicable to Objections

The provisions of MLBR 9013-1(e) shall be applicable to any motions relating to objections to interrogatories.

(d) Answers to Interrogatories Accompanying or Following Objection

(1) When there is an objection to part of an interrogatory which is separable from the remainder, the part to which there is no objection shall be answered.

(2) Answers to interrogatories with respect to which objections were served and which are subsequently required to be answered shall be served within fourteen (14) days after entry of an order determining that they should be answered, unless the Court directs otherwise.

(e) Supplemental Answers to Certain Interrogatories

If a party has served an answer to an interrogatory which directly requests information concerning the identity and location of persons having knowledge of relevant facts, and the party later learns that the answer is substantially incomplete, that party shall file a supplemental answer or objection within seven (7) days after learning that the answer is substantially incomplete.

RULE 7036-1. REQUESTS FOR ADMISSION

(a) Form of Response

(1) Answers and objections in response to requests for admission served pursuant to Fed. R. Bankr. P. 7036 shall be made in the order of the requests for admission.

(2) Each answer, statement, or objection shall be preceded by the request for admission to which it responds.

(3) Each objection and the grounds for the objection shall be stated separately.

(b) Provisions of MLBR 9013-1 Applicable to Objections

The provisions of MLBR 9013-1(e) shall be applicable to any motions relating to objections to requests for admission.

(c) Statements in Response to Requests for Admission After Objection

When there is an objection to a request for admission and it is subsequently determined that the request is proper, the matter for which admission is requested shall be deemed admitted unless within fourteen (14) days after entry of an order making such determination, or such other period as the Court directs, the party to whom the request was directed serves a statement denying the matter or setting forth the reasons why the matter cannot be admitted or denied, as provided in Fed. R. Bankr. P. 7036.

RULE 7037-1. FAILURE TO MAKE DISCOVERY; SANCTIONS

(a) Fed. R. Civ. P. 37 applies in adversary proceedings and contested matters, except that any reference to Fed. R. Civ. P. 26 (a) shall be deleted and substituted with a reference to MLBR 7026-1(b).

(b) Prior to the filing of any motion relating to a discovery dispute, including a motion to compel discovery, a motion for a protective order, or a motion for sanctions, counsel for the parties or any pro se party shall confer by telephone or in person in a good faith effort to resolve the discovery dispute and to eliminate as many areas of the dispute as possible without the necessity of filing a motion. It shall be the responsibility of the party seeking the discovery order to arrange for the conference. Unless relieved by order of the Court, the conference shall take place within fourteen (14) days of the service of a letter requesting the conference. Failure of any party to respond to a request for a discovery conference within seven (7) days of a request for the conference shall be grounds for sanctions, which may include substantive and/or monetary sanctions. Any motion relating to discovery must be accompanied by a statement signed under the penalty of perjury that the movant has complied with the provisions of this section.

(c) If the parties are unable to resolve a discovery dispute and a discovery motion is filed, the parties shall file a joint stipulation specifying separately and with particularity (1) the date of the discovery conference and, if it was not held, the reason why; (2) the matters on which the parties reached agreement; (3) each contested discovery issue that remains to be determined by the Court; and (4) a statement of each party's position as to each contested issue, with supporting legal authority. The stipulation shall be filed within seven (7) days after the filing of the discovery motion. Notwithstanding the foregoing, if the only discovery dispute constitutes a failure of a party to serve any response, the discovery motion shall so state, and the joint stipulation need not be filed. The failure of any party or attorney to cooperate in resolving discovery disputes may result in the imposition of sanctions, including but not limited to, the sanctions provided in Fed. R. Civ. P. 37.

RULE 7041-1 DISMISSAL OF COMPLAINTS AND CLOSING OF ADVERSARY PROCEEDINGS INACTIVE FOR SIX MONTHS

(a) In the event that no action has been taken by any party for six (6) months in an adversary proceeding, the Clerk shall issue a "Notice of Inactivity and Proposed Dismissal" which shall be given to all parties who have entered an appearance in the adversary proceeding and to any trustee appointed in the main case. The Notice of Inactivity and Proposed Dismissal shall state that the complaint may be dismissed and the adversary proceeding may be closed in thirty (30) days after the date of the notice, unless one of the conditions set forth in subsection (c) below occurs. In an adversary proceeding in which a plaintiff has objected to the debtor's discharge, the Clerk shall also serve the notice upon the United States trustee and any other party the Court directs.

(b) After the thirtieth day following the service of the Notice of Inactivity and Proposed Dismissal, the Clerk shall enter an order of dismissal for lack of prosecution with prejudice and without imposition of costs, or without prejudice if the Court should so specifically order. A copy of the dismissal order shall then be served by the Clerk on all parties and counsel in the adversary proceeding and any trustee serving in the case. In an adversary proceeding in which a plaintiff has objected to the debtor's discharge, the Clerk shall also serve the dismissal order upon the United States trustee and any other party the Court directs.

(c) A complaint will not be dismissed by the Clerk for lack of prosecution if, within thirty (30) days after issuance of the Notice of Inactivity and Proposed Dismissal:

(1) there are further proceedings in the adversary proceeding;

(2) an opposition is filed to the proposed dismissal; or

(3) the Court enters an order directing further proceedings.

RULE 7052-1. JUDGMENTS-PREPARATION AND ENTRY

Subject to the provisions of Fed. R. Bankr. P. 7054, upon a general verdict of a jury or upon a decision by the Court that a party shall recover only money or costs or that all relief shall be denied, the Clerk, unless the Court orders otherwise, shall forthwith prepare, sign and enter the judgment without further order of the Court; provided, however, that upon either a decision by the Court granting other relief or upon a special or general verdict accompanied by answers to interrogatories, the Court shall enter the judgment. The judgment shall be set forth on a separate document, in accordance with Fed. R. Civ. P. 58, and shall be effective only upon its entry on the docket, pursuant to Fed. R. Civ. P. 79(a). Entry of the judgment shall not be delayed for the taxing of costs.

RULE 7055-1. JUDGMENT BY DEFAULT

Judgment by default may be signed and entered by the Clerk in such circumstances as are specified in Fed. R. Civ. P. 55(b)(1) when accompanied by an affidavit that the person against whom judgment is sought is not an infant, an incompetent person, or serving in the armed forces within the meaning of the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521. Upon application of any party, the Clerk shall make and file a certificate of default as to any party in default for the convenience of the Court or of the party applying for the default judgment. When application is made to the Court under Fed. R. Civ. P. 55(b)(2), made applicable through Fed. R. Bankr. P. 7055, for a default judgment, unless the Court orders otherwise, the Clerk shall schedule a hearing and notify counsel of the hearing date. If the party against whom judgment by default is sought has appeared in the action or proceeding, the party seeking the default judgment and the Clerk shall give notice of the hearing as required by Fed. R. Civ. P. 55(b)(2). With leave of the Court, proof may be submitted by affidavit, and the Court may order such further hearing as it deems necessary.

RULE 7055-2. DISMISSAL FOR WANT OF PROSECUTION

[ABROGATED – See Rule 7041-1.]

RULE 7056-1. SUMMARY JUDGMENT

District Court Local Rule 56.1[5] is adopted and made applicable to proceedings in the Bankruptcy Court.

RULE 7067-1. DEPOSIT AND INVESTMENT OF REGISTRY FUNDS

The provisions of U.S. District Court Local Rules 67.2, 67.3 and 67.4 shall be applicable to proceedings in the United States Bankruptcy Court for the District of Massachusetts. References in specific United States District Court Local Rules to the "Clerk, United States District Court" or the "United States District Court" shall be replaced with "Clerk, United States Bankruptcy Court" or the "United States Bankruptcy Court," respectively. References in the U.S. District Court Local Rule 67.3 to “district judge” shall be replaced with “bankruptcy judge.”

PART IX. GENERAL PROVISIONS

RULE 9004-1. FONT SIZE

The font size of all original documents, other than the Petition, Schedules and Statement of Affairs, shall be not less than 12 point type. The font size of the Petition, Schedules and Statement of Affairs shall be not less than 10 point type.

RULE 9006-1. EXTENSIONS OF TIME FOR DISCHARGE OF COMPLAINTS AND OBJECTIONS TO EXEMPTIONS

If the Court does not determine any motion to extend any deadline for filing complaints relating to the debtor's discharge, to the dischargeability of a debt, or for filing objections to the

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[5] US District Court Local Rule. 56.1 MOTIONS FOR SUMMARY JUDGMENT

Motions for summary judgment shall include a concise statement of the material facts of record as to which the moving party contends there is no genuine issue to be tried, with page references to affidavits, depositions and other documentation. Failure to include such a statement constitutes grounds for denial of the motion. Opposition to motions for summary judgment shall include a concise statement of the material facts of record as to which it is contended that there exists a genuine issue to be tried, with page references to affidavits, depositions and other documentation. Copies of all referenced documentation shall be filed as exhibits to the motion or opposition. Material facts of record set forth in the statement required to be served by the moving party will be deemed for purposes of the motion to be admitted by opposing parties unless controverted by the statement required to be served by opposing parties.

Effective September 1, 1990.

debtor's claim of exemptions, which motion was filed before the expiration of the deadline, the deadline shall be automatically extended to the date seven (7) days after the entry of the order determining the motion, unless the Court orders otherwise.

RULE 9006-2. EXTENSION OF DEADLINES IF A DIVISIONAL CLERK'S OFFICE IS CLOSED DUE TO AN EMERGENCY

If the clerk's office in the division in which a case is pending is closed for the entire day due to an emergency published on the Court's website or in a telephone recording, then the clerk's office for that division shall be deemed "inaccessible", as that term is used in Rule 9006(a)(3) of the Federal Rules of Bankruptcy Procedure. Nothing herein shall be deemed to extend or alter the date on which a case is commenced under 11 U.S.C. Sections 301, 302 or 303. This rule is not intended to limit the scope of Rule 9006(a)(3) of the Federal Rules of Bankruptcy Procedure.

RULE 9009-1. OFFICIAL LOCAL FORMS

The forms adopted by this Court as MLBR Official Local Forms and the Official Forms promulgated by the Judicial Conference of the United States shall be utilized in cases and proceedings filed in this Court under Title 11 of the United States Code. The MLBR Official Local Forms may be amended and supplemented from time to time.

RULE 9009-2. CASE MANAGEMENT

Upon motion of the estate representative or sua sponte, the Court may order that one or more case management procedures be employed in order to ease the administrative burden on the parties or the Court. Such procedures may relate to, inter alia, omnibus hearing dates, notices of agenda, and payment of interim compensation and reimbursement of expenses and other matters typical to chapter 11 cases or cases under other chapters with sufficient complexity. Sample case management procedures are contained in Appendix 6. A motion requesting case management orders shall highlight, in bold-faced type, those provisions which would vary from those set forth in Appendix 6.

RULE 9010-1. REPRESENTATION AND APPEARANCES

(a) Appearance by an Attorney. The filing of any pleading or other document by an attorney shall constitute an appearance in the case or proceeding in which the pleading or

document is filed by the attorney who signs it, unless the pleading or document states otherwise.

(b) Appearance by a Pro Se Party. A party who appears pro se shall so state in the initial pleading or other paper filed or their notice of appearance. The words "pro se" shall follow the signature on all papers subsequently filed by that party in the same case.

(c) Notice of Appearance. If an attorney wishes to receive service of all notices and pleadings, the attorney must file a notice of appearance.

(d) Members of the Bar of the U.S. District Court. A person who is a member in good standing of the bar of the United States District Court for the District of Massachusetts may appear and practice before this Court.

(e) Requirements for Appearance. An appearance in a case or proceeding by a member of the bar of the United States District Court for the District of Massachusetts may be made by filing a notice of appearance which shall contain the name, address, telephone number, email address, and any registration number assigned by the Board of Bar Overseers of the Commonwealth of Massachusetts (the “BBO number”) of the attorney entering the appearance, consistent with Electronic Filing Rule 8. If the Court has authorized the attorney to appear pro hac vice with respect to a particular matter pursuant to MLBR 9010-1 (e), the Clerk shall assign a Bankruptcy Court registration number (the “PHV number”) to the attorney which number must be set forth by the attorney in any pleadings filed in this Court in connection with the matter.

(f) Non-members of the Bar of the U.S. District Court. Except as provided in subsection (g) of this rule, an attorney who is not a member of the bar of the United States District Court for the District of Massachusetts, but is a member of the bar of any other United States District Court or the bar of the highest court of any state may appear and practice in this Court in a particular case or adversary proceeding only by leave granted in the discretion of the Court, provided such attorney files a certificate attesting to the following:

(1) the attorney is a member of the bar in good standing in every jurisdiction where the attorney has been admitted to practice;

(2) there are no disciplinary proceedings pending against such attorney as a member of the bar in any jurisdiction;

(3) the attorney is familiar with the Local Rules of this Court; and

(4) the attorney has paid the applicable pro hac vice fee to the U.S. District Court for the District of Massachusetts.

An attorney seeking admission under this subsection need not apply for admission by motion of a member of the bar of this Court or the United States District Court. An attorney seeking admission under this subsection may not enter an appearance or sign any pleadings until admission is granted, except that the attorney may sign a complaint or any other pleading necessary to prevent entry of default or the passage of any deadline, provided such complaint or other pleading is accompanied by the attorney's application for admission under this subsection in proper form. An attorney seeking admission under this subsection more frequently than twice in any 12 month period shall additionally certify (1) the attorney's efforts to seek admission to the bar of the United States District Court for the District of Massachusetts; or (2) why such efforts have not been undertaken.

(g) Firms and Corporations. A corporation, limited liability company, partnership or trust, by and through an officer or agent, or a person authorized by a power of attorney, may file a proof of claim or an application for payment of unclaimed monies due such entity, and may be heard on objections to claims or applications for payment. Otherwise, such entities shall appear only through counsel.

(h) Requests for Service/Proofs of Claim. An attorney need not obtain leave to appear and practice in a particular case merely to file a request for service or a proof of claim.

(i) Appearance List. The Clerk shall maintain a general appearance list within each case and make it available to any attorney or party upon request. The Clerk shall also maintain a general appearance list on the PACER system.

RULE 9010-2 APPEARANCES AS COUNSEL TO THE DEBTOR

(a) Absent an appearance pursuant to Rule 9010-2(b)(1) or withdrawal pursuant to Rule 9010-3, an attorney representing a debtor in a bankruptcy case must represent the debtor in all aspects of the main case, including motions and contested matters, and in any adversary proceeding relating to the debtor's discharge and/or the dischargeability of any debt. The attorney shall also represent the debtor in any other adversary proceeding in which the debtor is a named defendant unless the debtor expressly agrees otherwise in writing at the commencement of the representation and such agreement is noted on the attorney's initial disclosure under Fed. R. Bankr. P. 2016(b). Any Rule 2016(b) disclosure and/or agreement between the attorney and the debtor at variance with this Rule shall be deemed void and of no force and effect.

(b) (1) An attorney representing, without compensation, an otherwise pro se debtor may file a notice of limited appearance setting forth the specific contested matter or adversary proceeding in which the attorney appears and may decline

representation of that debtor in other matters or proceedings, except as set forth in (b)(2), but may not withdraw without leave of the Court from the matter or proceeding in which the attorney has chosen to appear until the final disposition thereof.

(2) An attorney who chooses to file a general appearance for an otherwise pro se debtor, without compensation, shall not thereby be required to represent the debtor in any adversary proceeding other than with respect to discharge or the dischargeability of debt.

(c) To facilitate any efforts at mediation in a contested matter or adversary proceeding involving an otherwise pro se debtor, an attorney may appear without compensation to advocate for the debtor in the mediation, and solely for purposes of the mediation. If the mediation is unsuccessful in concluding the matter at issue, the attorney shall promptly make an election within 14 days of the conclusion of the mediation to (i) withdraw the appearance for mediation purposes, by filing a notice of withdrawal, or (ii) file a further notice of appearance in accordance with subsection (b)(1) above.

RULE 9010-3 WITHDRAWAL OF APPEARANCE

(a) An attorney may withdraw from a case or proceeding without leave of the Court by serving a notice of withdrawal on the client and all other parties in interest and filing the notice, provided that:

(1) such notice is accompanied by the filing of a notice of appearance of successor counsel;

(2) there are no motions pending before the Court;

(3) no trial date has been set; and

(4) no hearings or conferences are scheduled, and no reports, oral or written, are due.

Unless these conditions are met, an attorney (including one whose services have been terminated by his client) may withdraw from a case or proceeding only with leave of the Court.

(b) An attorney granted leave to withdraw shall immediately serve on the client and all other parties in interest the order permitting withdrawal. If the client is a corporation, the order shall contain a provision directing that new counsel file a notice of appearance within twenty-one (21) days from the date of the order or such shorter period as the Court may direct. If a party who has been served with notice of an attorney's withdrawal fails to appear in the case or proceeding either through a newly appointed attorney or,

if such party is an individual, in person, within the period prescribed, such failure shall be grounds for entry of a default judgment, dismissal or other appropriate action by the Court.

RULE 9011-1. SIGNING OF PAPERS

Any pleading filed with the Court shall set forth the name, address, telephone number, email address, and BBO or PHV number, see MLBR 9010-1(d), of the attorney signing the pleading.

RULE 9011-2. DISCIPLINARY PROCEEDINGS

(a) An attorney who appears for any purpose in any case or proceeding submits himself or herself to the Court's disciplinary jurisdiction and shall be held to the standards of professional conduct set forth in District Court Local Rule 83.6.1.

(b) In any matter in which a bankruptcy judge has reasonable cause to believe that an attorney has committed a violation of any canon or ethical rule, the bankruptcy judge may refer the attorney for disciplinary proceedings to the District Court pursuant to District Court Local Rule 205 and/or for temporary immediate suspension pursuant to District Court Local Rule 83.6.6(f) and to any state disciplinary authority.

(c) A bankruptcy judge may impose any other sanction the judge deems necessary under the circumstances in accordance with the relevant statutes, rules of this Court and the District Court, or applicable law.

RULE 9013-1. MOTIONS

(a) A request for an order shall be made by motion. Unless it is made during the course of a hearing or trial, the motion must be in writing, setting forth each allegation in a numbered paragraph, and must be filed with the Clerk. Any request that is made by letter need not be considered by the Court.

(b) Before the filing of any motion, except a motion for an emergency hearing under MLBR 9013-1(h) or a routine motion unlikely to be opposed by any party in interest, the movant shall make a reasonable and good faith effort to determine whether or not the motion is unopposed.

(c) The movant may file together with the motion a separate supporting memorandum, including argument and citations to authorities. If the motion is based upon affidavits

and documents evidencing facts on which the motion is based, the affidavits and documents must be filed with the motion, unless they are unavailable at the time that the motion is filed. Letters from counsel or parties will not be accepted as memoranda in support of a motion and may be disregarded by the Court.

(d) The Court, in its discretion, may schedule a motion for hearing or establish a deadline for filing objections or responses to a motion. Any party opposing entry of the order requested by a motion must file a response to the motion no later than the response date set in the hearing notice, or if no response date is set in the hearing notice, within fourteen (14) days of service of the motion, inclusive of the three (3) day mailing period set forth in Fed. R. Bankr. P. 9006(f). The Clerk shall set all hearing dates and response deadlines. The Clerk shall notify the movant of the hearing date and/or response deadline and the manner of service. Unless otherwise specified in the Court's notice of hearing, the initial hearing on any motion shall be a preliminary, nonevidentiary hearing; however, any notice of a hearing on a proposed sale or confirmation of a plan of reorganization shall include the following language: "The Court may take evidence at any sale or plan confirmation hearing to resolve issues of fact."

(e) The Court may act upon a motion without a hearing under appropriate circumstances, including the following:

(1) if no objection is filed to the motion (A) within fourteen (14) days of the date of service of the motion, or (B) after any specific objection deadline established by the Court, whichever is later, or

(2) prior to the expiration of any applicable objection period, if the motion is:

(A) a non-adversarial motion of a routine nature;

(B) a motion to which all affected parties in interest have consented;

(C) a motion that is without merit in light of the law and the established facts of the case; and

(D) a motion that is opposed only by objections which are, given the law and the established facts of the case, without merit.

(f) The Court, in its discretion, may remove from the hearing list any motion that has been scheduled for hearing if no timely written response or objection has been filed. The Court may consider and act upon such matters without a hearing and may enter the proposed order submitted with the motion, request from the movant a modified order indicating the lack of timely opposition and the fact that no hearing was held, or enter an appropriate order of its own.

(g) Emergency or Expedited Determination

(1) Single Motion for Both Relief and Determination

(A) If a movant seeks to have the Court consider a motion requesting relief earlier than three (3) days after the motion for relief is filed, the title of the motion for relief shall include also the language "Request for Emergency Determination."

(B) If a movant seeks to have the Court consider a motion requesting relief earlier than seven (7) days after the motion for relief is filed, the title of the motion for relief shall include also the language "Request for Expedited Determination."

(C) The motion for emergency or expedited determination shall include separately numbered paragraphs that set forth in detail all facts and circumstances that justify an emergency or expedited determination and may include or be accompanied by, documents, affidavits or a memorandum that includes citations to pertinent authority. The movant shall make a reasonable, good faith effort to advise all affected parties of the substance of the motion for relief, and the request for an emergency or expedited determination, prior to filing the motion for emergency or expedited hearing, and, upon filing the motion, movant shall file a certification attesting to the efforts so made, together with a certificate of service of the motion setting forth the manner of service. Promptly after obtaining the date and time of the hearing from the Court, movant shall advise all affected parties of the date and time of the hearing and any objection deadline and shall file a certificate of service setting forth the manner of service. Such reasonable, good faith efforts may include providing notice by telephone, facsimile transmission or email in appropriate circumstances. Federal R. Bankr. P. 2002 and MLBR 2002-1 govern who is an "affected party." Notice, at a minimum, shall be provided to the debtor, the debtor's counsel, any trustee, the trustee's counsel, the United States trustee, any directly affected creditor, and any party that has entered an appearance or has requested notices.

(2) Limitation of Notice

If the facts and circumstances leading to the request for an emergency or expedited determination or the nature of the relief requested justify limitation of notice, (a) the title of the motion for relief shall include also the language "Request for Limitation of Notice"; and (b) the motion shall include separately numbered paragraphs that set forth in detail all facts and circumstances that justify limitation of notice, that designate the recipients to whom the notice

should be limited, and that recommend a practical manner of notice reasonably calculated to inform affected parties of the pending motion. The movant shall make reasonable, good faith efforts to advise all affected parties of the request for limitation of notice. Such reasonable, good faith efforts may include providing notice by telephone or by facsimile in appropriate circumstances.

(3) Responses

(A) Notwithstanding any other provisions of these Rules, written responses to a motion for emergency determination are not required. However, written responses are encouraged and may be filed up to the time that the hearing is convened.

(B) Written responses to a motion for expedited determination shall be filed within the time established by the Court. The content of responses to a motion for expedited determination, to the extent possible under the existing circumstances, shall include the information required for responses to non-expedited motions. If no response time is established by the Court, responses to a motion for expedited determination shall be filed no later than three (3) days preceding the day of the hearing.

(h) Ex Parte Motions

A motion seeking ex parte relief may be filed only in circumstances in which immediate action is required to maintain the status quo until an appropriate hearing on notice can be conducted. A motion for ex parte relief shall be verified or supported by affidavit and shall set forth specific facts and circumstances necessitating ex parte relief. The motion shall include a statement as to why proceeding under this Rule's procedures for expedited or emergency hearing is not practical. All orders or proposed orders providing ex parte relief shall include the finding that the relief requested could not be delayed and that affected parties may request a hearing on the subject matter addressed by the ex parte motion by filing a motion for review of the ex parte action within fourteen (14) days of service of the order for ex parte relief. The Court shall schedule a hearing on such a post-order motion, if appropriate, as soon as is practicable.

(i) Oppositions

In any opposition to a motion, the opposing party shall admit or deny each allegation of the motion, state any affirmative defense to the motion, and state specifically why the relief requested in the motion should not be granted.

RULE 9013-3. SERVICE OF PLEADINGS AND NOTICES

(a) Motions and Other Documents

Upon filing a motion requesting action by the Court, with the exception of an adversary complaint, counsel (or a pro se party) shall immediately serve the motion upon all interested parties and upon all parties who have filed their appearances and requested service of all pleadings filed in the case. A certificate of service shall be filed with the motion and served in the same manner and on the same parties as the motion, unless otherwise directed by the Court.

(b) Notice of Hearing

Upon receipt of a notice of hearing from the Court, counsel (or a pro se party) shall immediately serve the notice upon all interested parties and parties who have filed their appearances and requested service of all notices in the case. A certificate of service shall be filed with the Clerk at the same time as service of the notice of hearing and shall be served in the same manner and on the same parties as the notice of hearing, unless otherwise directed by the Court.

(c) Statement on Scope of Service

A certificate of service shall list the name and address of each person and attorney being served with the pleading and the name of the party or parties that an attorney represents. If service is required to be made upon all creditors pursuant to Fed. R. Bankr. P. 2002, the certificate of service shall specifically state whether all creditors have been served and shall list the names and addresses of the parties served.

(d) Sanctions

Failure to comply with the provisions of this Rule may result in the imposition of monetary sanctions, non-monetary sanctions, or denial of the relief sought as the Court, in its discretion, deems proper.

RULE 9015-1. JURY TRIALS

(a) In any bankruptcy case or proceeding, issues triable by jury shall be tried by a jury if a party timely demands a jury trial in accordance with the provisions of this Rule. Nothing in this Rule shall be deemed to (1) create or imply a right to jury trial where no such right exists under applicable law or (2) violate a party's right of trial by jury as set forth in the Seventh Amendment to the Constitution or in any statute of the United States. On motion or on its own initiative, the Court may determine whether there is a right to trial by jury in any adversary proceeding or contested matter or whether a jury demand should be granted or stricken.

(b) Any party may demand a jury trial of any issue triable by jury by filing with the Court and serving upon the other parties a written demand for jury trial no later than the deadline for filing the answer or the reply to a counterclaim or cross claim in an adversary proceeding, or in a contested matter no later than the deadline for filing the initial responsive pleading or opposition. A jury demand may be made in any pleading and need not be made in a separate pleading. The failure of a party to file and serve a demand constitutes a waiver of the right to trial by jury. A demand for a jury trial may not be withdrawn without the consent of all parties.

(c) The bankruptcy judge may conduct a jury trial pursuant to 28 U.S.C. § 157(e) if the right to a jury trial applies and a timely demand has been made, provided that the parties file a pleading entitled "Joint Statement of Consent to Jury Trial in the Bankruptcy Court" no later than the date established by the Court for the filing of the Joint Pretrial Memorandum pursuant to MLBR 7016-1 or such other time as the Court may fix. If the parties do not file the Joint Statement of Consent to Jury Trial in the Bankruptcy Court, the United States Bankruptcy Court shall conduct all pretrial proceedings and thereafter transfer the case or proceeding to the appropriate United States District Court for trial.

RULE 9018-1. IMPOUNDMENT OF PAPERS

(a) For good and sufficient cause the Court may order that some or all of the papers in a case be impounded by the Clerk. Such impounded papers shall be maintained under Clerk custody separate and apart from files to which the public has access; no computer or other images thereof shall be made for public viewing.

(b) A request for impoundment shall be made by motion. The papers sought to be impounded shall be placed in a sealed envelope or container conspicuously marked “filed subject to pending impoundment motion,” and shall be filed simultaneously with the motion. The motion shall contain (i) a statement under oath setting forth the grounds for impoundment, (ii) a statement of the earliest date on which the impounding order may be lifted, or a statement, supported by good cause, that the material should be impounded until further order of the Court, and (iii) suggested custody arrangements for the post-impoundment period, if any.

(c) The Court shall review the papers sought to be impounded in camera. If the motion for impoundment is denied, the papers shall be returned to the party requesting impoundment and, if refiled, shall be filed with other pleadings in the case to which public access is allowed. If the motion for impoundment is granted, the order of impoundment shall be filed with the pleadings in the case. The impounded papers shall be transferred to the custody of the Clerk for special storage. The Clerk shall attach a copy of the order of impoundment to the envelope or other container holding the

impounded material. Thereafter, access to the impounded papers shall be limited to the Court, the Clerk, the party for whose benefit the impoundment order was granted, and any party who, upon motion, notice to the party for whose benefit the impoundment order was granted and an opportunity to be heard, receives relief from the impoundment order in whole or in part.

(d) If the impoundment order expires by its terms but provides no arrangements for post-impoundment custody of the impounded papers, or if the impoundment order provides for post-impoundment custody of the impounded papers, but the impounded papers are not timely retrieved, the Clerk shall provide notice of no less than forty-five (45) days to the party for whose benefit the impoundment order was granted, or his, her or its attorney, that the said papers shall, in the absence of timely objection made prior to the expiration of the notice period, be destroyed.

(e) For good cause shown by affidavit attesting to a risk of irreparable harm if advance notice is given to any other party, the motion for impoundment may be heard ex-parte.

(f) The Court may, sua sponte, for good and sufficient cause, impound any document pursuant to this Rule or order that the document not be released for on line viewing.

(g) Attachments or Exhibits To Proofs Of Claim

The Clerk of this Court or his delegate(s) may, sua sponte and without the necessity of any separate order, cause the attachment or exhibit to a proof of claim or to any other document filed with this Court to be imaged as a "private event" under the Court's electronic filing system in the event that the attachment or exhibit contains medical information with respect to any person or otherwise contains information whose unrestricted disclosure may not be appropriate. Nothing herein shall constitute an affirmative obligation by the Court to locate or identify such information in any attachment or exhibit or preclude any party in interest from requesting that the Court terminate the "private event" status of the attachment or exhibit and make the information public.

RULE 9019-1. STIPULATIONS; SETTLEMENTS

(a) All stipulations affecting a case or proceeding before the Court, except stipulations which are made in open court, shall be in writing, signed, and filed with the Court. No stipulation shall have the effect of relieving the parties from a prior order of the Court, including a scheduling order, unless such stipulation is approved by the Court in writing.

(b) Any provision of a stipulation or agreement filed with the Court, by which it is stipulated or agreed in a chapter 7 or 13 case that the case shall be dismissed, or relief from the automatic stay under 11 U.S.C. § 362(a) shall be granted, upon the failure of the debtor

to make payments beyond those necessary to cure a prior postpetition default, shall be conspicuously set forth in capital letters and bold type.

(c) When a proceeding or matter is settled, the parties shall, within seven (7) days or such other time as the Court may direct, file a signed stipulation or agreement for judgment or such other document as the Court may direct.

(d) A settlement of any controversy that affects the estate, except the settlement of complaints pursuant to 11 U.S.C. § 523, shall be accompanied by a motion to approve the stipulation pursuant to Fed. R. Bankr. P. 9019 and, unless otherwise ordered by the Court, the stipulation and motion to approve the stipulation shall be served on all creditors and interested parties in accordance with Fed. R. Bankr. P. 2002. The settlement of a complaint under 11 U.S.C. § 523 may be documented by the filing of a stipulation of dismissal or an agreement for judgment in the adversary proceeding. A stipulation with respect to a motion for relief from stay shall be accompanied by a motion and shall be served in accordance with Fed. R. Bankr. P. 4001(d).

(e) Loan Modification and Forbearance Agreements

Unless conspicuously identified and specifically approved by the Court in advance, any provision in a loan modification agreement, forbearance agreement, stipulation relating to a motion for relief from the automatic stay under 11 U.S.C. § 362(a) or similar agreement, which provides that, upon default by the debtor, the benefits of the automatic stay will be waived, such provision is unenforceable and void.

RULE 9022-1. NOTICE OF ENTRY OF ORDERS AND JUDGMENTS

The Clerk's mailing to either attorneys of record or pro se parties of copies of orders or judgments showing the date such orders or judgments were entered shall constitute notice of entry pursuant to the provisions of Fed. R. Civ. P. 77(d). The Clerk shall indicate the date of such mailing on the Court docket.

RULE 9027-1. REMOVAL

Upon motion, the Court, in its discretion, may permit the filing of a certified docket and photocopies of all records and proceedings in a state or federal court, upon the representation of counsel for the party removing the action that the pleadings are true and accurate copies of the pleadings on file with the state or federal court.

RULE 9029-1. APPLICATION

(a) These Rules shall govern all cases and civil proceedings arising under Title 11 or related to cases under Title 11 that are referred to or otherwise being heard by the bankruptcy judges in this district. All prior Local Rules are hereby repealed.

(b) To the extent that a conflict appears or arises between these Rules and the Federal Rules of Bankruptcy Procedure promulgated by the Supreme Court of the United States, the latter shall govern.

(c) The Appendices annexed hereto may be amended, from time to time, by joint order of the bankruptcy judges. Nothing in these Rules shall prohibit the issuance by one or more individual bankruptcy judges of standing orders relative to the conduct of cases and proceedings before them. A copy of any standing order shall be annexed to these Rules by the Clerk.

RULE 9029-3. APPLICABILITY OF U.S. DISTRICT COURT LOCAL RULES

In addition to the United States District Court for the District of Massachusetts Local Rules ("D. Mass. LR") adopted elsewhere in these Rules, the following D. Mass. LR shall be applicable in the United States Bankruptcy Court for the District of Massachusetts:

1.3	Sanctions
26.5	Uniform Definitions in Discovery Requests
56.1	Motions for Summary Judgment
81.2	Definition of Judicial Officer
83.5.1	Admission to the District Bar
83.5.4	Practice by Law Students
83.5.5	Practice by Pro Se Litigants
83.5.6	Ongoing Obligations
83.6.1	Rules of Professional Conduct
83.6.2	Jurisdiction for Disciplinary Matters
83.6.3	Forms of Misconduct
83.6.4	Forms of Discipline
83.6.5	Disciplinary Proceedings
83.6.6	Temporary Suspension

83.6.7 Disbarment by Consent

83.6.8 Discipline After Criminal Conviction

83.6.9 Reciprocal Discipline

83.6.10 Reinstatement

83.6.11 Public Access and Confidentiality

201 Reference to Bankruptcy Court

202 Bankruptcy Court Jury Trials

203 Bankruptcy Appeals

204 Bankruptcy Court Local Rules

205 Disciplinary Referrals by Bankruptcy Judges

206 Core Proceedings Requiring Final Adjudication by the District Court

Unless otherwise ordered by the Court in a specific case or adversary proceeding, no other local rule of the United States District Court for the District of Massachusetts shall govern cases or proceedings before the United States Bankruptcy Court.

RULE 9036-1. ELECTRONIC FILING RULES

All cases open as of the effective date of these Rules or filed thereafter will be administered through the Electronic Case Filing System (the "ECF System"). The procedures for electronic filing set forth in Appendix 8 hereof, as amended from time to time, shall be known as the Electronic Filing Rules of the United States Bankruptcy Court for the District of Massachusetts, and shall be referred to in abbreviation as "MEFR." Except as expressly provided in MEFR 1, parties in interest shall file all petitions, motions, applications, memoranda of law or other pleadings, proofs of claim or documents only through the ECF System. To the extent that the MEFR conflict with any other provision of the Massachusetts Local Bankruptcy Rules or their Appendices, the provisions of the MEFR shall govern.

RULE 9037-1. PRIVACY REQUIREMENTS, RECORDING AND BROADCAST PROHIBITIONS

(a) Redacted Filings.

All electronic or paper filings with the Court shall comply with Fed. R. Bankr. P. 9037. Counsel or, if applicable, the party making a filing shall be solely responsible for compliance with this Rule. The Clerk will not review each pleading for compliance.

(b) Photographing, Recording and Broadcasting Generally Prohibited.

No person shall employ any device, including without limitation, any recording device, video or still camera, cellular or smart phone, or laptop or other computer, in order to record (by audio or video), photograph, or broadcast any court proceeding. Photography, streaming and video and audio recording are strictly prohibited on any floor of any building in which this Court regularly conducts business (including lobbies, the Clerk's office, chambers, corridors and other areas outside the courtrooms) as well as in the courtrooms even when the Court is not in session. Photographing or recording any Court proceeding or Court personnel performing their duties from a location outside the courthouse is also prohibited, including without limitation in conjunction with an appearance made by telephone or videoconference. Absent a more restrictive order (such as a specific judge's standing order or an order entered in a specific case), attorneys may use the text functions of electronic devices while proceedings are in session (such as typing documents, emailing, text messaging and tweeting) if conducted in a non-disruptive manner. Electronic devices must be silenced and only keyboards that can be operated quietly will be allowed. No person shall post for public display, by internet or otherwise, any photograph or video and audio recording made on any floor of any building in which this Court regularly conducts business. A person may seek leave of Court or written authorization of the Clerk of this Court to engage in specific activities that are prohibited by this Order, such as for public ceremonial functions.

(c) Official Court Business

This Court's employees and contractors, as well as the United States Marshal, his or her deputies and court security officers, are not prohibited by paragraph (a) above from taking photographs or making video and audio recordings or transmitting them for the sole purpose of discharging their official duties.

(d) Sanctions

Use of any electronic device in violation of any of the above provisions may subject the violator to monetary and non-monetary sanctions.

RULE 9070-1. EXHIBITS

After a trial, exhibits shall remain in the custody of the Court. If there is no appeal from the Court's decision after the time for filing a notice of appeal has elapsed, or after any appeal has been finally determined, the Clerk shall notify the parties that the exhibits should be removed from the Court within thirty (30) days and that if they are not removed within that

time, the Clerk will dispose of them. If the exhibits are not removed or another arrangement made with the Clerk within thirty (30) days, the Clerk may, without further notice, destroy or otherwise dispose of them. If a notice of appeal is filed, the Clerk shall make the exhibits available to the parties for duplication for the record on appeal. After any appeal has been finally determined, the Clerk shall make any disposition of the exhibits required by the Clerk of the appellate court or as otherwise permitted under this Rule.

RULE 9074-1. APPEARANCES BY TELEPHONE OR VIDEOCONFERENCE

A person may appear at a pretrial conference or nonevidentiary hearing by telephone or by videoconference, for good cause shown. The request shall be in writing and timely filed with the Clerk and will be allowed only if appropriate under the circumstances, considering, without limitation, the nature of the hearing, proximity of the person requesting such an appearance and the resulting savings in travel time and reduction of expenses of that person and/or the Court. The telephone numbers and fax numbers for the courtroom deputies are set forth in Appendix 5.

APPENDIX 1

CHAPTER 13 RULES

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APPENDIX 1

CHAPTER 13 RULES

RULE 13-1. APPLICABILITY

These Chapter 13 Rules relate to chapter 13 cases filed in all divisions of the Court, and supersede any previous orders in conflict with these provisions. To the extent that these Rules conflict with the provisions of the Massachusetts Local Bankruptcy Rules ("MLBR"), the provisions of these Rules shall prevail. In all other respects, the MLBR shall apply in all chapter 13 cases.

RULE 13-2. COMMENCEMENT OF CASE

(a) In addition to the requirements of MLBR 1007-1, the debtor shall:

(1) file with the Court and submit to the chapter 13 trustee:

(A) with the petition:

(i) evidence of current and sufficient liability and property insurance (not including insurance obtained by any secured party) with respect to any real property or vehicle in which the debtor has an interest; and

(ii) an executed copy of the engagement agreement by and between the debtor and any attorney retained by the debtor in the form set forth on MLBR Official Local Form 8.

EXCEPT that if the debtor shall fail to file such documents with the petition, the Court shall issue an order notifying the debtor and the debtor's attorney that, if the missing documents are not filed within fourteen (14) days from the date of commencement of the case and the Court has not allowed a motion to extend the time for filing the missing documents, filed pursuant to subsection (b) below, the Court may dismiss the case pursuant to 11 U.S.C. § 109(g) or § 1307 at the expiration of that period without a hearing.

(B) within three (3) days after the commencement of the case, a matrix of creditors, failing which the Court may dismiss the case pursuant to 11 U.S.C. § 109(g) or § 1307 at the expiration of that period without a hearing.

(2) if the debtor is a debtor engaged in business, submit to the chapter 13 trustee:

(A) within seven (7) days after the commencement of the case:

(i) evidence of current and sufficient business insurance; and

(ii) evidence that appropriate debtor-in-possession checking accounts were opened at the time of the filing of the petition;

(B) within fourteen (14) days after the commencement of the case, a profit and loss statement for the calendar year or fiscal year, whichever is applicable, preceding the year in which the case is filed, and a profit and loss statement for the period from the end of the calendar or fiscal year to the date of the filing of the petition; and

(C) within thirty (30) days of the close of each quarter, a statement of quarterly income and expenses incurred.

(b) Any motion requesting an extension of time to file documents required under this Rule shall be filed before the expiration of the filing deadline, shall set forth the specific cause for the request, the amount of additional time requested and the date the petition was filed, and shall include a certificate of service evidencing that the motion was served on the chapter 13 trustee.

(c) Any motion to amend a voluntary petition or statement shall be served upon all parties affected by the amendment and the chapter 13 trustee. The motion and proposed amendment shall be accompanied by a certificate of service identifying those parties served. A motion to amend to add a creditor to the debtor's schedules shall be served upon the creditor being added and the chapter 13 trustee. An amendment adding a creditor or party in interest shall be accompanied by 1) the fee prescribed by the Administrative Office of the United States Courts, if applicable, and 2) an amended matrix including the names and addresses of the added parties.

RULE 13-3. DISCLOSURE OF RELATED CASES

ABROGATED. (Included in Rule 1007-1, incorporated by reference in Appendix 1, Rule 13-2(a)).

RULE 13-4. CHAPTER 13 PLAN

(a) Form of Plan

A chapter 13 plan shall conform to MLBR Official Local Form 3, with such alterations as may be appropriate to suit the circumstances.

(b) Service of Plan

Concurrently with the filing of the plan, the debtor or the debtor's attorney shall cause a copy of the plan to be served by first class mail upon the chapter 13 trustee, all creditors of the debtor, all attorneys who have filed appearances and requested service of all pleadings, and other parties in interest. The debtor or his/her attorney shall file with the plan a certificate of service.

(c) If a debtor proposes payments to creditors over a period that exceeds three (3) years, the debtor shall set forth in the plan the reasons for such longer payment period.

RULE 13-5. SERVICE OF MOTIONS

All motions and requests for orders must be served on the chapter 13 trustee, the debtor, the debtor's attorney, persons who have filed appearances and requested service of all pleadings, and all creditors with the following exceptions:

(a) a motion for relief from the automatic stay shall be served on the debtor, the debtor's attorney, and all persons with an interest in or lien on the subject collateral;

(b) a chapter 13 trustee's motion to dismiss shall be served on the debtor and the debtor's attorney;

(c) a debtor's motion to dismiss or notice of conversion to chapter 7 or 11 when there have been no prior conversions shall be served on the chapter 13 trustee;

(d) objections to claims shall be served on the chapter 13 trustee, the claimant, and the claimant's attorney; and

(e) objections to confirmation shall be served in accordance with paragraph 13-8.

RULE 13-6. ATTORNEYS

(a) An attorney who represents a debtor at the time a chapter 13 case is commenced or when a case under another chapter of the Bankruptcy Code is converted to chapter 13 has a continuing duty to represent the debtor in all matters, including the § 341 meeting and court hearings, until the occurrence of the earliest of the following:

(1) dismissal of the case;

(2) closing of the case; or

(3) the entry of an order allowing the attorney to withdraw from further representation of the debtor.

(b) If an attorney for a debtor is unable to contact the debtor in connection with any matter, the attorney shall file a statement informing the Court of this fact, which

statement shall include the efforts the attorney has made to contact the debtor. The attorney shall serve a copy of the statement on the debtor at his or her last known address.

(c) The chapter 13 trustee or a representative of the chapter 13 trustee shall be present at any hearing held in a chapter 13 case, unless excused for cause prior to the hearing.

RULE 13-7. PROFESSIONAL FEES; PREPETITION RETAINERS

(a) Prepetition Retainers. The amount of any retainer received by debtor's counsel paid within one year before the filing of the petition in bankruptcy or agreed to be paid for services rendered or to be rendered in contemplation of or in connection with the bankruptcy case shall be included in the Disclosure of Compensation of Attorney for Debtor, (Form B2030) filed pursuant to Fed. R. Bankr. P. 2016(b).

(b) Unless otherwise ordered by the Court, if debtor's attorney's total compensation prior to entry of a confirmation order is $3,500 or less, the disclosure of the compensation in the Rule 2016(b) statement, (Form B2030) shall be sufficient notwithstanding compensation for post confirmation services in an amount not exceeding $500, and the filing of an itemized application for compensation shall be excused, unless the Court orders otherwise.

(c) Application for Additional Attorney's Fees up to $10,000. An attorney who has incurred fees in excess of $3,500 prior to entry of a confirmation order or in excess of $500 afterward, but less than $10,000 in the aggregate, may file an application for compensation in accordance with Official Local Form 17, unless the Court orders otherwise. Notwithstanding the foregoing, an attorney required to file an application for compensation may, prior to allowance of such application, take the first $4,000 received as interim compensation, subject to further order of the Court with respect to such application.

(d) Application for Additional Attorney's Fees over $10,000. An attorney who proposes to charge a debtor more than $10,000 in the aggregate for legal services in a chapter 13 case shall file an application for compensation in accordance with Fed. R. Bankr. P. 2016 and MLBR 2016-1.

(e) Unless otherwise ordered by the Court, debtor's attorney shall serve a copy of any application on all creditors, parties requesting service of all pleadings, and the chapter 13 trustee and shall file a certificate of service to that effect with the application. If no objections are filed within twenty-one (21) days of service, the Court shall award fees in its discretion, with or without a hearing, in accordance with applicable law.

(f) Nothing in this Rule shall be construed to limit the Court's discretion to review the amount of fees paid to or agreed to be paid to a debtor's attorney, and to enter appropriate orders allowing, disallowing, or reducing such attorney's fees.

RULE 13-8. OBJECTIONS TO CONFIRMATION

(a) Deadline for Filing

Unless otherwise ordered by the Court, any objection to confirmation of a chapter 13 plan shall be filed on or before the later of (i) thirty (30) days after the date on which the first § 341 meeting is held or (ii) thirty (30) days after service of an amended or modified plan.

(b) Service of Objection

An objection to confirmation shall be filed with the Court and served on the chapter 13 trustee, the debtor, the debtor's attorney, and any other party or attorney who has filed an appearance and requested service of pleadings. The objection shall be accompanied by a certificate of service evidencing compliance with this requirement.

(c) Unless otherwise ordered by the Court, any response to the objection must be filed within fourteen (14) days after service of the objection. If no response is filed, the Court may sustain the objection without further hearing.

(d) Following the filing of any response to an objection to confirmation, counsel to the debtor or a pro se debtor shall confer with counsel to the objecting party, either in person or by telephone conference, to make a good faith effort to resolve or narrow disputes as to the contents of an objection to confirmation. The objecting party shall be responsible for initiating the conference by telephone, fax, email, first class mail, or in person. Counsel to an objecting party does not violate the automatic stay by contacting the pro se debtor in complying with the requirements of this Rule. Such communication shall be for the purpose of initiating the conference only, and the conference must be held either in person or by telephone.

(e) No later than twenty-one (21) days after the response to an objection to confirmation is filed, the objecting party shall file a certificate stating either (i) that the conference was held, the date of the conference, and the names of the participating parties; or (ii) that the conference was not held despite timely and reasonable efforts made to initiate the conference, which efforts must be set forth with specificity in the certificate. The Court will not schedule a hearing on an objection to confirmation until the objecting party files the certificate. In the event the parties do not hold the required conference, the Court may order appropriate sanctions, including sustaining or overruling the objection to confirmation or awarding monetary sanctions. The requirement of a conference shall

not apply in the event the Court determines that expedited or emergency consideration of the objection to confirmation is warranted.

RULE 13-9. SECTION 341 MEETING OF CREDITORS

(a) The Clerk shall serve on all creditors notice of the § 341(a) meeting of creditors and initial confirmation hearing date along with a proof of claim form in accordance with Fed. R. Bankr. P. 2002(a) and 2003(a).

(b) If the debtor fails to appear at the § 341 meeting, the case may be dismissed upon motion of a party in interest pursuant to 11 U.S.C. § 109(g).

(c) The debtor shall file tax returns in accordance with the provisions of 11 U.S.C. § 1308. When the tax return is filed, the debtor shall file with the Clerk and serve on the chapter 13 trustee a notice of the filing of the return, which shall disclose the amount of the tax liability or the amount of the refund.

RULE 13-10. AMENDMENTS TO PLAN PRIOR TO CONFIRMATION

(a) Amendments to a plan which do not adversely affect creditors may be made at or prior to the § 341(a) meeting without leave of the Court by a separate pleading entitled "Modification of Plan," which shall be filed with the Court and served on the chapter 13 trustee and any party or attorney who has filed an appearance and requested service of pleadings in the case. The modification shall be accompanied by a certificate of service. If no objections to the modification are filed within fourteen (14) days after service, the Court shall consider confirmation of the plan as amended.

(b) Where an amendment to a plan adversely affects creditors, the debtor shall file with the Court an amended plan and a motion to approve the amended plan. The debtor shall serve a copy of the amended plan and motion to approve the amended plan on the chapter 13 trustee, all creditors, and all parties and attorneys who filed appearances and requested service of all pleadings in the case. The motion shall be accompanied by a certificate of service. If no objections to the motion to approve the amended plan or the amended plan are filed within thirty (30) days of the filing of the certificate of service, the Court may allow the motion without a hearing.

RULE 13-11. CONFIRMATION

(a) Where no objection to confirmation of a chapter 13 plan is filed within the time limits established by paragraph 13-8(a) of this order, the Court may enter an order confirming the plan without a hearing.

(b) Where a timely objection to a chapter 13 plan is filed, the Court shall hold a hearing on the objection. The Clerk shall schedule a confirmation hearing and advise the objecting party and/or its counsel of the hearing date. The objecting party shall provide notice of the confirmation hearing to the debtor, debtor's counsel, all creditors, interested parties, and all parties who filed appearances and requested service of all pleadings, and shall file a certificate of service regarding the notice of the hearing.

(c) The chapter 13 trustee shall submit a proposed order of confirmation to the Court in conformity with MLBR Official Local Form 4 within twenty-one (21) days after the later of 1) the Court's order overruling any objection to confirmation; 2) the withdrawal of an objection to confirmation; or 3) in the event that there are no objections to confirmation, the deadline for filing objections to confirmation. The chapter 13 trustee shall attach a copy of the plan to the proposed order of confirmation. The chapter 13 trustee shall serve a copy of the proposed order of confirmation on the debtor's attorney, the debtor, and all parties and attorneys who have filed appearances and requested service of pleadings in the case.

RULE 13-12. AMENDMENTS TO PLAN AFTER CONFIRMATION

(a) A debtor who seeks to amend a chapter 13 plan after confirmation shall do so by filing a motion to amend the plan with a copy of the proposed amended plan (filed as a separate document). The motion to amend shall include a summary and statement of the reason for the amendment. In conjunction with the motion to amend, the debtor shall file updated schedules I and J if plan payments are changing under the terms of the amended plan. The chapter 13 trustee, in his or her discretion, may schedule a new § 341 meeting with respect to the amended plan.

(b) The debtor shall serve a copy of the motion, amended plan, updated schedules I and J, and the amended statement on the chapter 13 trustee, all creditors, and parties and attorneys who have filed appearances and requested service of pleadings in the case. In the event that the debtor proposes more than one amended plan, each amended plan shall be titled "First Amended Plan," "Second Amended Plan," and so on as may be appropriate.

(c) The Court shall not consider any amendments to a plan unless they are set forth in an amended plan that conforms to MLBR Official Local Form 3A.

(d) Approval of an amended plan after confirmation of a prior plan may be granted without a hearing if no objections are timely filed. Objections to an amended plan shall be filed no later than thirty (30) days from the date of service of the motion to amend. In the event that no objections to the motion are timely filed, the Court may, in its discretion, allow the motion to amend without a hearing. If a party in interest files a timely objection to the motion, the Court shall set the motion and objection for hearing. The objecting party shall serve a notice of hearing on the debtor, debtor's counsel, all creditors, the chapter 13 trustee, and all parties who filed appearances and requested service of pleadings at least seven (7) days before the hearing date, and shall file a certificate of service.

(e) The trustee shall submit a proposed order confirming an amended plan in conformity with MLBR Official Local Form 4 within twenty-one (21) days after the Court allows the motion to amend the plan. The chapter 13 trustee shall attach a copy of the amended plan to the proposed order of confirmation. The chapter 13 trustee shall serve a copy of the proposed order confirming an amended plan on the debtor, debtor's attorney, and all parties and attorneys who have filed appearances and requested service of pleadings in the case.

RULE 13-13. PROOFS OF CLAIM AND OBJECTIONS

(a) All secured, priority, or unsecured creditors of the debtor must have an allowed claim in order to participate in distributions under the plan. To be eligible to have an allowed claim, a creditor, including a secured creditor who holds a mortgage on the debtor's property, must timely file a proof of claim that conforms to Official Form B10 and Fed. R. Bank. P. 3001, unless a surrogate proof of claim is timely filed by the debtor or chapter 13 trustee in accordance with Fed. R. Bankr. P. 3004. A proof of claim, other than a proof of claim filed by a governmental unit, is timely filed if filed no later than 90 days after the first date set for the meeting of creditors or the order of conversion to a chapter 13 case, unless the court grants an extension of time to file a proof of claim. A proof of claim filed by a governmental unit is timely filed if it is filed within 180 days after the date of the order for relief or the order of conversion to a chapter 13 case, unless the court grants a motion for an extension of time to file the proof of claim.

(b) On motion filed by a creditor before the expiration of the time to file a proof of claim, the court may extend the deadline by not more than 30 days from the date of the order granting the motion (the original or extended original deadline being the “Initial Filing Deadline”). If a named creditor which has been separately treated in a plan (e.g., a secured creditor, a priority creditor, a creditor with a non-dischargeable claim or a creditor to whom section 1301 applies) (a “Designated Creditor”) does not timely file a

proof of claim, the debtor must file a surrogate proof of claim for that creditor pursuant to Fed. R. Bankr. P. 3004 within 30 days after the expiration of the Initial Filing Deadline (the "Surrogate Filing Deadline"). Upon the filing of a surrogate proof of claim, the Clerk shall issue a "Notice of Proof of Claim Filed under Fed. R. Bankr. P. 3004," establishing a deadline by which a creditor on whose behalf a proof of claim has been filed, may file an amended proof of claim. Within 7 days of the filing of an amended proof of claim by such creditor, the creditor shall file a certificate of service reflecting service of the amended proof of claim on the trustee and the debtor's attorney or the debtor if the debtor is appearing pro se. In the event an amended proof of claim is not timely filed in accordance with this rule, the surrogate proof of claim filed under Fed. R. Bankr. P. 3004 shall be the allowed claim under 11 U.S.C. §§ 502(a) and 506, as applicable.

In the event the plan provides for payment to a Designated Creditor with an unfiled claim and no surrogate claim has been filed by the Surrogate Filing Deadline, the deadline for filing a surrogate claim for that Designated Creditor shall be deemed extended for an additional 30 days (the "Extended Surrogate Filing Deadline"); and the chapter 13 trustee must (a) file an objection to confirmation of the plan if the plan is not confirmed or a motion to dismiss the case no later than 10 days after the Surrogate Filing Deadline, on the grounds that the plan is not feasible because of the proposed distribution to a claimant for whom a claim has not been filed, and (b) seek an expedited or emergency determination and/or a hearing to be set prior to the Extended Surrogate Filing Deadline. The debtor or trustee may seek a further extension of time for filing a surrogate proof of claim by filing, prior to the expiration of the Extended Surrogate Filing Deadline, a motion to further extend that deadline. In the event a Designated Creditor does not timely file a proof of claim and a surrogate claim is not timely filed in accordance with the foregoing deadlines, the chapter 13 trustee shall not distribute any monies to such creditor even though the creditor is listed in the debtor's schedules or the plan provides for payment to such creditor. Failure by debtor's counsel to file a surrogate proof of claim for a Designated Creditor who has not timely filed a proof of claim may be a factor in the Court's determination of the compensation due to that attorney.

(c) If a claim is secured by a mortgage or other collateral, the claimant shall attach a copy of the original note, mortgage or security agreement to the proof of claim. If the claimant is not the original holder of the note and mortgage or security agreement, in addition to the documents described above, the claimant shall attach copies of any and all assignments or other appropriate documentation sufficient to trace the chain of ownership of the note, mortgage, or security agreement, and to establish its standing to file the proof of claim. In addition, a proof of secured claim shall include a separate document setting forth a detailed itemization of all amounts asserted to be due. The

itemization shall set forth an accounting of the principal, interest, costs and all expenses charged under the agreement or statute under which the claim arose, including but not limited to an itemization of expenses of any notices, foreclosure sales, advertisements, appraisals, and attorneys' fees charged. The Court, in its discretion, may order a claimant or a claimant's attorney to file an application for compensation and reimbursement of expenses in accordance with MLBR 2016-1 or an accounting of any and all amounts due, including prepetition or postpetition arrearages.

(d) A debtor or trustee filing a surrogate claim in accordance with Fed. R. Bankr. P. 3004 shall affix such documentation to support the claim as may be available but shall be excused from the provisions of (c) above and Fed. R. Bankr. P. 3001(c)(2) and, in the event the surrogate claim is in connection with a claim secured by a security interest in the debtor's principal residence, the filing of Official Form B410 (Attachment A).

(e) Only the provisions of MLBR 3007-1(a), (c), (d) and (f) apply to chapter 13 cases. A party objecting to claims shall attach a notice to the objection filed with the Court, which shall advise claimant(s) that a response to the objection must be filed within 30 days of the filing of the objection with the Court. The objecting party shall serve the objection and the notice on the claimant at the address noted on the proof of claim or any subsequent address provided to the Court by the claimant and upon any other party entitled to notice together with a certificate of service.

(f) Within seven (7) days after filing a response to an objection to a proof of claim, the objecting party (whether the trustee, counsel to the debtor, or a pro se debtor) shall confer with counsel to the claimant, either in person or by telephone conference to make a good faith effort to resolve or narrow disputes as to the contents of the objection to claim. Counsel to the objecting party, the chapter 13 trustee or the pro se debtor shall be responsible for initiating the conference by telephone, facsimile, email, first class mail, or in person. Such communications shall be for the purposes of initiating the conference only, and the conference must be held either in person or by telephone. The Court shall not schedule a hearing on an objection to claim unless counsel to the objecting party or a pro se debtor files a certificate stating that the conference was held, together with the date and time of the conference, and the names of the participating parties. If the conference is not held despite timely efforts to initiate the conference, the party initiating the conference must file a statement attesting to the efforts made to initiate the conference. In the event the parties do not hold the required conference, the Court may order appropriate sanctions, including sustaining or overruling the objection to claim or awarding monetary sanctions. The requirement of a conference shall not apply in the event the court determines that expedited or emergency consideration of the objection to claim is warranted.

(g) Objections to claims shall be served and filed with the Court within thirty (30) days after the deadline for filing proofs of claim or within such additional time as the Court may allow upon the filing of a motion to extend time and for good cause shown. Any claim to which a timely objection is not filed shall be deemed allowed and paid by the chapter 13 trustee in accordance with the provisions of the confirmed plan. The Court, in its discretion, may overrule an untimely objection to a proof of claim.

(h) If the Court has determined the allowed amount of a secured or unsecured claim in the context of a valuation hearing pursuant to 11 U.S.C. § 506, the debtor or trustee need not file an objection to a secured creditor's proof of claim that varies from the Court's determination, and the chapter 13 trustee shall make distribution in accordance with the Court's order.

RULE 13-14. SALE OF ESTATE PROPERTY

(a) Any sale of the property of the estate outside the ordinary course of business, including but not limited to, the debtor's principal residence, real property, or other property must be approved by the Court after notice and a hearing. A motion for such approval shall be made in accordance with 11 U.S.C. § 363, Fed. R. Bankr. P. 4001 or 6004, and MLBR 6004-1, as applicable, and the notice of sale shall conform to MLBR Official Local Form 2A. The motion to sell shall include a proposed distribution of the proceeds of the sale. All motions to sell shall be served on the chapter 13 trustee, all creditors, all parties who have filed appearances and any other entity as the Court may direct.

(b) If an appraiser or real estate broker is involved in the sale, the debtor must obtain Court authority to employ the appraiser or broker by way of motion. The motion must be accompanied by an affidavit of disinterestedness signed by the broker and comply with the requirements of MLBR 2014-1(a)-1 and 6005-1.

(c) Within forty-five (45) days after the entry of an order approving a private sale of real estate which is property of the estate, the chapter 13 debtor's attorney or the debtor (if the debtor is unrepresented), shall file with the Court a "Status Report Regarding Sale of Estate Property" (the "Report"). The Report shall contain the following information: 1) the date of the closing of the sale, or if no closing has been held as of the date of the Report, the reasons for delay in the closing of the sale; 2) a detailed itemization of the disbursements made at the closing, or in the alternative, the Report shall attach as an exhibit a copy of the executed settlement statement for the closing of the sale. The closing attorney and the debtor's attorney (or the debtor, if the debtor is unrepresented) shall ensure compliance with the terms of the order of the Court approving the sale.

RULE 13-15. BORROWINGS OR REFINANCING OF ESTATE PROPERTY

The provisions and requirements of MLBR 4001-2 shall apply in chapter 13 cases. Any motion for approval of a borrowing or refinancing shall include all the material terms of the proposed credit arrangement. A copy of any borrowing agreement shall be attached to the motion.

RULE 13-16-1. MOTIONS FOR RELIEF FROM STAY

(a) Pre-filing Conference

(1) At least seven (7) days prior to filing a motion for relief from stay, counsel to the movant shall confer with counsel to the debtor or with the pro se debtor, in person or by telephone, to make a reasonable, good faith effort to resolve or narrow disputes as to the contents of the motion. Movant's counsel shall be responsible for initiating the conference either by telephone, facsimile, e-mail, or first class mail or in person. Such communications shall be for the purposes of initiating the conference only, and the conference must be held either in person or by telephone. A movant does not violate the automatic stay by contacting the pro se debtor(s) in complying with this Rule.

(2) If the conference is not held despite timely and reasonable good faith efforts made by movant to initiate the conference, movant's counsel shall attest to the efforts made to initiate the conference with counsel to the debtor or with the pro se debtor.

(3) All motions for relief from stay shall be accompanied by a certificate stating that

(A) the conference was held, together with the date and time of the conference and the names of the participating parties; or

(B) the conference was not held despite the reasonable efforts made by the movant's counsel as set forth in counsel's attestation.

(4) Motions unaccompanied by a certificate may be denied without prejudice to their renewal when accompanied by the certificate.

(5) A pre-filing conference is not required if (a) the movant has obtained the debtor's assent to the motion prior to the motion being filed with the Court and the motion so indicates, or (b) the debtor has indicated an intent to surrender

the real property that is the subject of the motion in the debtor's chapter 13 plan filed with the Court.

(b) Emergency or Expedited Motions

Subsection (a) shall not apply if the movant seeks determination of a motion for relief on an expedited or emergency basis, provided that the motion shall contain a statement consistent with the provisions of MLBR 9013-1.

(c) Contents of Motion

In addition to the requirements of MLBR 4001-1, and except for motions governed by Local Rule 13-16-1(d), a motion for relief from the automatic stay shall provide the following information:

(1) the date of the filing of the chapter 13 petition;

(2) the total amount owed to the moving party;

(3) the date of confirmation of the plan;

(4) the amount of the monthly payment at issue;

(5) the total amount of the post-petition or post-confirmation payments (principal and interest) in default as of the date of the filing of the motion and the amount due as of the anticipated date of hearing, and the total amount of any other post-petition change due or anticipated as of each of these dates;

(6) the total amount of the prepetition arrearage;

(7) the identity and an estimation of the amounts due all lienholders, in order of their priority;

(8) an opinion of the value of the property (by declaration), if such value is an issue to be determined; and

(9) if the motion for relief from stay is based on defaults in payments to or through the chapter 13 trustee, the motion must show that the debtor has not made the payments to the chapter 13 trustee.

The Court, in its discretion, may deny a motion for relief from stay in the absence of an objection, if the above information is not set forth in the motion.

(d) Motion for Relief from Stay - Real Estate Worksheet (the "Worksheet")

In addition to the requirements of MLBR 4001-1(a) and (b) and 13-16-1(a) and (b), a motion for relief from stay with respect to real property shall be accompanied by MLBR Official Local Form 13, entitled Motion for Relief from Stay - Real Estate Worksheet (the "Worksheet"). The Court in its discretion may deny a motion for relief from stay

pertaining to real estate notwithstanding the absence of an opposition, if the Worksheet and the documents required to be attached to it do not accompany the motion for relief from stay. A motion for relief from the automatic stay need not be accompanied by a Worksheet if (a) the movant has obtained the debtor's assent to the motion prior to the motion being filed with the Court and the motion so indicates, or (b) the debtor has indicated an intent to surrender the real property that is the subject of the motion in the debtor's chapter 13 plan filed with the Court.

(e) Debtor's Schedule of Payments in Dispute

In addition to the requirements of MLBR 4001-1(c), if a debtor opposes a motion for relief from stay in which the movant seeks to foreclose a mortgage for post-petition defaults, the debtor shall file MLBR Official Local Form 14, entitled Debtor(s)' Schedule of Payments in Dispute (the "Schedule"). The Court in its discretion may overrule an opposition to a motion for relief from stay in the absence of a timely filed Schedule.

(f) Consolidation of Motion for Relief from Stay with Objection to Claim

If the motion for relief from stay and opposition raise issues in addition to, or other than, the debtor's postpetition payment history, the parties may request, or the Court may order, at either the preliminary, nonevidentiary hearing or at the final evidentiary hearing, that the motion for relief from stay be consolidated with any objection filed by the debtor or the trustee to the movant's proof of claim.

(g) Request for Final Evidentiary Hearing

If the parties determine that the motion for relief from stay cannot be resolved and an evidentiary hearing is required, the parties may file a joint request for a final evidentiary hearing in lieu of a preliminary nonevidentiary hearing. The Court in its discretion may cancel the preliminary nonevidentiary hearing and extend the automatic stay until the final evidentiary hearing. The final evidentiary hearing shall be scheduled no later than sixty (60) days after the filing of the motion, unless the parties in interest consent to an extension of the periods set forth in 11 U.S.C. § 362(e). In the joint request for a final evidentiary hearing, the movant shall indicate whether or not it waives the time periods for determination of the motion for relief from stay pursuant to 11 U.S.C § 362(e).

RULE 13-16-2. STIPULATIONS RELATING TO MOTIONS FOR RELIEF FROM STAY

(a) Service of Stipulation

A stipulation resolving a motion for relief from stay shall be served, together with a motion to approve the stipulation, on the chapter 13 trustee, any other entity with an

interest in the property, including any lienholder or co-owner, and an attorney who has filed an appearance requesting service in the case. The party filing the motion to approve the stipulation shall file a certificate of service reflecting compliance with this Rule.

(b) Objections to Stipulations

Unless otherwise ordered by the Court, an objection to a stipulation resolving a motion for relief from stay shall be filed within fourteen (14) days from the date of service of the stipulation. Notwithstanding this requirement, the Court, in its discretion, may cancel a hearing scheduled on a motion for relief from stay which is the subject of a stipulation and may approve a stipulation resolving a motion for relief from stay without a hearing.

(c) Defaults under Stipulations

Any provision of a stipulation or agreement filed with the Court through which the debtor stipulates or agrees to dismissal of the chapter 13 case or the entry of an order granting relief from the automatic stay under 11 U.S.C. § 362(a) upon the failure of the debtor to make payments beyond those necessary to cure a prior postpetition default, shall be deemed void and unenforceable, unless such language in the proposed stipulation or agreement is conspicuously set forth in capital letters and bold type.

(d) If after a prefiling conference, the parties enter into a stipulation without the need for the filing of a motion for relief from stay and the debtor subsequently defaults under the terms of the stipulation, the party filing the motion to approve stipulation must file a motion for relief from the stay, together with an affidavit of noncompliance with the stipulation and a certificate of service attesting to service on the parties as set forth in subsection (a) of this Rule, to obtain an order from the Court granting relief from the automatic stay.

RULE 13-17. MOTIONS TO DISMISS AND CONVERT

(a) A party who files a motion to dismiss or convert a chapter 13 case shall serve the motion on the debtor, debtor's attorney, all creditors, any applicable child support enforcement agency, any party who filed an appearance in the case, and the chapter 13 trustee, and shall file a certificate of service. The motion shall state with particularity the cause for dismissal. A party who opposes a motion to dismiss shall file a response to the motion to dismiss within twenty-one (21) days of service of the motion. If no response to the motion to dismiss is filed, the Court, in its discretion, may allow the motion without a hearing.

(b) In a case not previously converted under 11 U.S.C. § 706, § 1208, or § 1112, a debtor electing to have the case dismissed may file a motion to voluntarily dismiss the case, pursuant to 11 U.S.C. § 1307, which motion shall be served on the chapter 13 trustee. The debtor's motion to dismiss shall contain a statement as to whether the case has been converted previously. If the Court enters an order dismissing the case, the Clerk shall provide timely notice of the dismissal to all creditors on the matrix and to the chapter 13 trustee.

(c) If the Court denies confirmation of the debtor's plan, the case shall be dismissed by the Court without further notice unless, within fourteen (14) days after denial of confirmation, or a different time fixed by the Court:

(1) the debtor files an amended plan;

(2) the debtor moves to convert the case to one under another chapter of the Bankruptcy Code;

(3) the debtor files a Motion for Reconsideration or appeals the denial of confirmation, and obtains a stay of the dismissal order; or

(4) the Court otherwise orders.

RULE 13-18. CONVERSION FROM CHAPTERS 11 OR 7 TO CHAPTER 13

Within fourteen (14) days after conversion of a case from chapter 11 or chapter 7 to chapter 13, the debtor shall file with the Court those documents required by paragraph 13-2 of these Chapter 13 Rules and serve copies on the chapter 13 trustee.

RULE 13-19. COMMENCEMENT AND CONTINUATION OF PAYMENTS TO THE CHAPTER 13 TRUSTEE; LESSORS AND SECURED PARTIES; DISMISSAL FOR FAILURE TO MAKE REQUIRED PAYMENTS

(a) Payments to the chapter 13 trustee pursuant to either 11 U.S.C. § 1326(a) or the terms of a confirmed plan shall be made by certified check, money order or through an electronic payment system authorized by the trustee. Each payment shall be legibly marked with the bankruptcy case number and the name of the debtor as it appears in the caption of the case.

(b) Payments to the chapter 13 trustee pursuant to either 11 U.S.C. § 1326(a) or the terms of a confirmed plan shall continue until the case has been dismissed, the debtor has

completed all payments required by the plan, the debtor has moved for either a hardship discharge pursuant to 11 U.S.C. § 1328(b) or voluntary dismissal, or the debtor has requested that the case be converted to a case under another chapter of the Bankruptcy Code.

(c) Payments of personal property leases governed by 11 U.S.C. § 1326(a)(1)(B) shall only be made directly by the debtor to the lessor if the debtor's plan so provides or if no plan provision addresses payment of the debtor's lease obligation. If the plan provides for payment of the lease obligation by the trustee, the debtor shall make the payment as part of the total payment to the trustee, and the trustee shall pay the lessor, both before and after confirmation.

(d) Pre-confirmation adequate protection payments governed by 11 U.S.C. § 1326(a)(1)(C) shall only be made directly by the debtor to the secured creditor if the debtor's plan so provides or if no plan provision addresses payment of the debtor's secured obligation. If the plan provides for payment of the secured claim by the trustee, the debtor shall make the payment as part of the total payment to the trustee, and the trustee shall pay the secured creditor, both before and after confirmation.

(e) The Court will not consider, allow or approve motions or stipulations for direct payment to the chapter 13 trustee from the debtor's employer or any other entity.

(f) The administrative expenses that the chapter 13 trustee shall deduct from any remittance to be made to the debtor under 11 U.S.C. § 1326(a)(2) shall include: (a) chapter 13 trustee compensation calculated in accordance with 28 U.S.C. §586(e); and (b) any outstanding filing fees owed to the Court.

RULE 13-20. DISTRIBUTION

Unless otherwise directed by the Court, the distribution of any proceeds pursuant to a confirmed plan shall be mailed to the creditor’s payment address as designated on the proof of claim filed with the Court, a Notice of Transfer of Claim pursuant to FRBP 3001(e), or as amended by any subsequently filed Notice of Address Change (Local Form 18). No oral or written communication purporting to change a payment or notice address shall be effective absent the filing of an amended proof of claim, a Notice of Transfer of Claim, or a Notice of Address Change (Local Form 18).

RULE 13-21. CHAPTER 13 TRUSTEE'S FINAL ACCOUNT

When the chapter 13 trustee determines that the plan has been completed or the Court otherwise orders, the trustee shall file and serve a final report and account on all creditors with

allowed claims, all attorneys who have filed appearances and requested service of pleadings in the case, the debtor, and debtor's attorney. The report shall state the allowed amount of each claim and the amount paid on each claim. The chapter 13 trustee shall file a certificate of service reflecting service of the final report and account and provide an objection deadline. In the absence of a timely filed objection, the Court may approve the final report and account without a hearing.

RULE 13-22. DISCHARGE

(a) Upon completion of a chapter 13 plan, a debtor shall file a Motion for Entry of Discharge with Affidavit in Support of Motion for Entry of Discharge which conforms with MLBR Official Local Form 12.

(b) The debtor shall serve the Motion for Entry of Discharge and Affidavit upon the beneficiary of the debtor's domestic support obligations, if any, the chapter 13 trustee, the United States trustee, and all of the debtor's creditors. Any objections to the motion must be filed within fourteen (14) days after service. The Court may, in its discretion, schedule a hearing if an objection is filed. If the debtor fails to file the motion within a reasonable time after completion of plan payments due under the confirmed plan, the case may be closed without the entry of a discharge order.

(c) Unless otherwise determined by the Court, the order of discharge shall include findings that:

(1) all allowed claims have been fully paid in accordance with the provisions of the confirmed plan; or

(2) with respect to secured claims which continue beyond the term of the plan, any pre-petition or post-petition defaults have been cured and such claims are in all respects current, with no escrow balance, late charges, costs or attorneys' fees owing.

(d) The order of discharge shall direct that:

(1) creditors who held secured claims which were fully paid execute and deliver to the debtor a release or other discharge certificate suitable for recording; and

(2) creditors who hold secured claims which continue beyond the term of the plan take no action inconsistent with the findings provided for in subsection (c)(2).

RULE 13-23. DEATH OF DEBTOR

The provisions of MLBR 1016-1 shall apply in Chapter 13 cases. The standing chapter 13 trustee shall make any filings that may be required by a "trustee appointed in the debtor's case" pursuant to subsection (c) of MLBR 1016-1.

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APPENDIX 2

EXPENSES

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APPENDIX 2

EXPENSES

In lieu of calculating the actual cost of the following expenses, the applicant may request the rates of reimbursement set forth below:

(a)	copies	$0.15 per page
(b)	incoming telecopier/facsimile transmissions	$0.15 per page
(c)	auto mileage	At the rate set forth from time to time pursuant to 41CFR § 301-4.2

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APPENDIX 3

FILING FEES

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APPENDIX 3

BANKRUPTCY COURT FEES[6]

Effective December 1, 2014 (rev. 3/11/15)

FILING FEES

Petitions[7]

Chapter 7	$335.00
Chapter 9	$1,717.00
Chapter 11 (non-railroad)	$1,717.00
Chapter 11 (railroad)	$1,550.00
Chapter 12	$275.00
Chapter 13	$310.00
Chapter 15 (formerly known as "ancillary proceeding")	$1,717.00
Adversary Proceeding	$350.00
Notice of Removal	$350.00

Appeals

Appeal (includes $5 Notice of Appeal fee[8])	$298.00
Cross Appeal (includes $5 Notice of Appeal fee[8])	$298.00
Direct Bankruptcy Appeal to Court of Appeals[9]	$207.00 (+ $298 appeal/cross appeal fee)

[6] The Court accepts cash, checks, money orders, American Express, VISA, MasterCard, Discover/Novus, Diners Club International, and ACH debit payments. Debtors' personal checks and credit cards are not accepted when filing a petition. We do not accept third party checks. A voluntary petition by an individual or an individual and spouse may be paid in no more than four (4) installments, upon application to the Court.

[7] The fee for filing a petition consists of a filing fee, an administrative fee, and, for chapter 7 petitions, a trustee surcharge, combined here for simplicity.

[8] This is a mandatory fee in addition to the fee for appeals and cross appeals. It is due upon filing and may not be waived or deferred.

[9] The fee for **requesting** a direct appeal or cross appeal from a bankruptcy court decision to the Court of Appeals is $298 ($293 appeal fee + $5 notice of appeal fee). If the Court of Appeals **authorizes** the direct appeal, an **additional** fee of $207 is due to the Bankruptcy Court.

Motions

Relief From Stay	$176.00
Sale of Property Free & Clear of Liens	$176.00
Withdraw the Reference Under 28 U.S.C. 157(d)	$176.00
Compel Abandonment	$176.00
Redact Records Previously Filed in a Case	$25.00
Split a Case:	
Chapter 7	$335.00
Chapter 11	$1,717.00
Chapter 12	$275.00
Chapter 13	$310.00
Conversions[10]*:*	
Convert Chapter 9 to Chapter 7	$15.00
Convert Chapter 11 to Chapter 7	$15.00
Convert Chapter 13 to Chapter 7	$25.00
Convert Chapter 12 to Chapter 7	$60.00
Convert Chapter 7 to Chapter 11	$922.00
Convert Chapter 7 to Chapter 11-Railroad	$755.00
Convert Chapter 13 to Chapter 11	$932.00
Convert Chapter 13 to Chapter 11-Railroad	$765.00

[10] No fee is charged when the conversion order is made on its own by the Court (i.e., *sua sponte*), in the absence of a notice or request of a party. The fee to convert to Chapter 11 is payable upon conversion, rather than upon filing.

Reopen a Case:[11]

Chapter 7	$260.00
Chapter 9	$1,167.00
Chapter 11	$1,167.00
Chapter 11-Railroad	$1,000.00
Chapter 12	$200.00
Chapter 13	$235.00
Chapter 15	$1,167.00

Miscellaneous Fees

Amendments to a Petition	
Schedules D, E, F, and/or Mailing List/Matrix[12]	$30.00
Other Schedules	No Fee
Audio Recording	$30.00
Certification	$11.00
Exemplifications	$21.00
Any Payment Returned/Denied for Insufficient Funds	$53.00
Photocopies (per page)	$0.50
Record Retrieval from Federal Records Center[13]	
Contact Clerk's Office for fees and Instructions	
Record Search	$30.00

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[11] The exemption from paying the fee to reopen a case applies in only three situations: (1) reopening a case to permit a party to file a complaint to obtain a determination under Rule 4007(b); (2) reopening a case when a creditor is violating the terms of the discharge order under 11 U.S.C. § 524; and (3) reopening a case solely for purposes of redaction, if reopening is required by the court. The court may defer payment of the fee from trustees pending discovery of additional assets. The court will waive a deferred fee when no additional assets are discovered.

[12] There is no fee to change the address of a listed creditor, or to add/change the name and address of a listed creditor's attorney.

[13] Generally, $64 fee for the retrieval of one box of records, $39 for the retrieval of each additional box.

(No fee charged if the requested item can be found via CM/ECF)

Filing or Indexing of Miscellaneous Paper	$46.00
Pro Hac Vice Admission (payable to USDC-MA)	$100.00
PACER Fees	$0.10/page[14]
Transfer Claim	$25.00

INSTALLMENT PAYMENTS SCHEDULE (See MLBR 1006-2)

Chapter 7 - Total $335.00	Payments
1/3 initial	$112.00
1st installment	$75.00
2nd installment	$74.00
Final installment	$74.00

Chapter 13 $310.00	Payments
1/3 initial	$104.00
1st installment	$69.00
2nd installment	$69.00
Final installment	$68.00

Chapter 11 Individual $1717.00	Payments
1/3 initial	$573.00
1st installment	$382.00
2nd installment	$381.00
Final installment	$381.00

Chapter 12 Individual $275.00	Payments
1/3 initial	$92.00
1st installment	$61.00
2nd installment	$61.00
Final installment	$61.00

[14] $3.00 maximum charge per document.

APPENDIX 4

NOTICES TO THE UNITED STATES OF AMERICA AND THE COMMONWEALTH OF MASSACHUSETTS

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APPENDIX 4

NOTICES TO THE UNITED STATES OF AMERICA AND THE COMMONWEALTH OF MASSACHUSETTS

(a) Whenever notice is required to be given to the Internal Revenue Service, it shall be mailed to:

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

(b) Whenever notice is required to be given to the Securities and Exchange Commission, it shall be mailed to:

Securities and Exchange Commission
Boston Regional Office
33 Arch Street, 23rd Floor
Boston, MA 02110-1424

Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549

(c) Whenever notice is required to be given to the United States Attorney, it shall be mailed to:

United States Attorney
John Joseph Moakley United States Federal Courthouse
One Courthouse Way, Suite 9200
Boston, MA 02210

(d) Fed. R. Bankr. P. 7004(b)(4) governs service of process upon the United States in adversary proceedings and contested matters.

(e) Whenever notice is required to be given to the Massachusetts Department of Revenue, it shall be mailed to:

Massachusetts Department of Revenue
Bankruptcy Unit
P.O. Box 9564
Boston, MA 02114-9564

(f) Whenever notice is required to be given to the Massachusetts Division of Unemployment Assistance, it shall be mailed to:

Commonwealth of Massachusetts
Department of Unemployment Assistance
Legal Department, 1st Floor, Attn. Chief Counsel
19 Staniford Street
Boston, MA 02114-2502

(g) Whenever notice is required to be given to the Massachusetts Attorney General, it shall be mailed to:

Office of the Attorney General
Fair Labor Division
Commonwealth of Massachusetts
One Ashburton Place, 18th Floor
Boston, MA 02108

APPENDIX 5

COURT DIVISIONS AND CLERK'S OFFICE

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APPENDIX 5

COURT DIVISIONS AND CLERK'S OFFICE

a) Divisions

The District of Massachusetts shall contain the following three (3) divisions:

(1) Eastern Division: The Eastern Division shall consist of:

(A) the counties of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth, and Suffolk;

(B) the county of Essex, with the exception of the towns specifically assigned to the Central Division in section (2), and

(C) the following towns in Middlesex County: Arlington, Belmont, Burlington, Cambridge, Everett, Lexington, Lincoln, Malden, Medford, Melrose, Natick, Newton, North Reading, Reading, Sherborn, Somerville, Stoneham, Wakefield, Waltham, Watertown, Wayland, Weston, Wilmington, Winchester and Woburn.

The address of the Eastern Division is: Clerk, U.S. Bankruptcy Court, John W. McCormack Post Office and Court House, 5 Post Office Square, Boston, MA 02109-3945.

(2) Central Division: the counties of Worcester and Middlesex, with the exception of the towns specifically assigned to the Eastern Division in section (1) and the following towns in Essex County: Andover, Boxboro, Bradford, Haverhill, Lawrence, Methuen, and North Andover; and the following towns in Norfolk County: Bellingham, Franklin and Medway.

The address of the Central Division is: Clerk, U.S. Bankruptcy Court, Donohue Federal Building, 595 Main Street, Worcester, MA 01608-2076.

(3) Western Division: The Western Division shall consist of the counties of Berkshire, Franklin, Hampden, and Hampshire.

The address of the Western Division is: Clerk, U.S. Bankruptcy Court, United States Courthouse, 300 State Street, Springfield, MA 01105-2925.

(b) Emergency Filings

Filings can be made before 8:30 AM or after 4:30 PM on court days or on weekends or holidays for cause and by prior arrangement or in emergency circumstances, as determined by the Clerk or his or her designee. With respect to Eastern Division cases, parties should contact the Clerk's office at 617-748-5300 and press (0) during business hours. With respect to Central Division cases, parties should contact the Clerk's office in

Worcester at 508-770-8900 during business hours. With respect to Western Division cases, parties should contact the Clerk's office in Springfield at 413-785-6900 during business hours. At other times, parties should contact the Clerk or his or her designee by calling beeper no. 800-759-8888 and enter PIN # 1309280.

(c) Emergency Closings or Delayed Opening

Information as to an emergency closing or delayed opening of the Court is available by calling 866-419-5695 (Toll Free).

(d) Courtroom Deputies

The telephone numbers, fax numbers and email addresses (to be employed for forwarding proposed orders), for each of the Courtroom deputies are set forth below:

Judge Frank J. Bailey's Session
Telephone: 617-748-5347
Fax: 617-748-5345
Email: fjb@mab.uscourts.gov

Judge Henry J. Boroff's Session
Telephone: 413-785-6909
Fax: 413-781-9477
Email: hjb@mab.uscourts.gov

Judge Joan N. Feeney's Session
Telephone: 617-748-5327
Fax: 617-748-5325
Email: jnf@mab.uscourts.gov

Chief Judge Melvin S. Hoffman's Session
Telephone: 617-748-5337
Fax: 617-748-5335
Email: msh@mab.uscourts.gov

Judge Christopher J. Panos' Session
Telephone: 508-770-8927
Fax: 508-793 0189
Email: cjp@mab.uscourts.gov

APPENDIX 6

SAMPLE CASE MANAGEMENT PROCEDURES

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APPENDIX 6

SAMPLE CASE MANAGEMENT PROCEDURES

(a) Omnibus Hearing Dates and Notices of Agenda

(1) Unless the Court otherwise orders, the Court will conduct omnibus hearings in this case on a (weekly) (bimonthly) (monthly) basis ("Omnibus Hearing Dates").

(2) All matters requiring a hearing shall be set for and be heard on one of the Omnibus Hearing Dates unless alternative hearing dates are approved by the Court for good cause shown.

(3) In order for a pleading to be heard on an Omnibus Hearing Date, a party must first contact the Court's courtroom deputy and request the scheduling of the hearing. The courtroom deputy shall set the pleading for the first available Omnibus Hearing Date, taking into account the time required for notice to other parties and the remaining time available on the Omnibus Hearing Date and shall set an objection deadline, if any. No motion or application shall be set for hearing absent compliance with Fed. R. Bankr. P. 2002(a) nor shall the hearing be set for less than 7 days from service of that motion or application, unless the Court has allowed a request for emergency or expedited determination. The requesting party must file and serve the pleading no later than forty eight (48) hours after the Courtroom deputy has set the pleading for an Omnibus Hearing Date and must indicate on the first page of the pleading the time of the hearing and the deadline for objections, if any.

(4) The provisions of MLBR 9013-1 shall continue to govern, except insofar as they may specifically conflict with the procedures set forth above.

(5) Counsel to the estate representative shall maintain, file and serve a Notice of Agenda for each Omnibus Hearing Date as follows:

(A) A proposed Notice of Agenda shall be filed before 12:00 noon on the day that is three (3) days before the Omnibus Hearing Date.

(B) Resolved or continued matters shall be listed ahead of unresolved matters.

(C) The Notice of Agenda shall be promptly amended as necessary and served on all parties in interest. All amended Notices of Agenda shall list matters as listed in the original Notice of Agenda with all edits and additional information being listed in boldface type.

(D) For each motion or application, the Notice of Agenda shall indicate:

(i) the name of the movant or the applicant, the nature of the motion or application, and the docket number. (Supporting papers of the movant or applicant shall be similarly denoted);

(ii) the objection deadline, any objection filed and its docket number, if available; and

(iii) whether the matter is going forward, whether a continuance is requested (and any opposition to the continuance, if known), whether any or all of the objections have been resolved, and any other pertinent status information.

(E) When a matter in an adversary proceeding is scheduled to be heard, the Notice of Agenda shall indicate the adversary proceeding number and the corresponding docket number for pleadings filed in the adversary proceeding, together with the information contained in subparagraph (D) above, insofar as applicable.

(b) Procedures Governing Payment of Interim Compensation and Reimbursement of Expenses to Professionals Pursuant to 11 U.S.C. § 105(a) and § 331.

(1) Scope of Applicability

All Professionals retained in a chapter 11 case pursuant to 11 U.S.C. § 327 and § 1103 (each, a "Professional") may seek post-petition interim compensation pursuant to these procedures (the "Administrative Fee Order").

(2) Submission and Monthly Statements

On or before the twenty fifth (25th) day of each month following the month for which compensation is sought, each Professional seeking compensation pursuant to the Administrative Fee Order shall serve a monthly fee and expense statement (the "Monthly Fee Statement") upon the following persons:

(A) the officer designated by the debtor to be responsible for such matters;

(B) counsel to the debtor;

(C) any chapter 7 or 11 trustee;

(D) counsel to all official committees;

(E) the Office of the United States Trustee;

(F) counsel to all post-petition lenders or their agents; and

(G) any other party the Court may so designate.

(3) Content of Monthly Fee Statement

Each Monthly Fee Statement shall contain an itemization of time spent and the applicable hourly rate. All timekeepers must maintain contemporaneous time entries in increments of one tenth (1/10th) of an hour.

(4) Review Period

Each person receiving a Monthly Fee Statement shall have twenty-one (21) days after service of the Monthly Fee Statement to review it and serve an objection (the "Objection Period").

(5) Payment

In the absence of a timely served objection, the estate representative will promptly pay each Professional an amount (the "Interim Payment") equal to the lesser of (i) ninety percent (90%) of the fees and 100 percent (100%) of the expenses requested in the Monthly Fee Statement, or (ii) ninety percent (90%) of the fees and 100 percent (100%) of the expenses not subject to any partial objection.

(6) Objections

(A) If any party objects to a Monthly Fee Statement, it must serve a written objection (the "Notice of Objection to Monthly Fee Statement") and serve it upon the Professional and each of the parties served with the Monthly Fee Statement as set forth above, so that the Notice of Objection to Monthly Fee Statement is received on or before the last day of the Objection Period.

(B) The Notice of Objection to Monthly Fee Statement must set forth the nature of the objection and the amount of fees and/or expenses at issue.

(C) If an estate representative receives an objection to a particular Monthly Fee Statement, the estate representative shall withhold payment of that portion of the Monthly Fee Statement to which the objection is directed, and shall promptly pay the remainder of the fees and disbursements in the percentages set forth above.

(D) If the parties to an objection are able to resolve their respective dispute(s) following the service of a Notice of Objection to Monthly Fee Statement, and the Professional and the objecting party serve upon each of the parties served with the Monthly Fee Statement as set forth above a statement indicating that the objection is withdrawn, in whole or in part, describing in detail the terms of the resolution, then the estate representative shall promptly pay in accordance with the percentages

listed above that portion of the Monthly Fee Statement which is no longer subject to an objection.

(E) If the parties are unable to reach a resolution to the objection within twenty-one (21) days after service of the objection, the affected Professional may either (a) move to compel the payment with the Court, together with a request for payment of the difference, if any, between the total amount of the Interim Payment sought and the portion of the Interim Payment as to which there is an objection (the "Incremental Amount"); or (b) forgo payment of the Incremental Amount until the next interim or final fee application, or any other date and time so directed by the Court, at which time it will consider and dispose of the objection, if so requested.

(F) Neither an objection to a Monthly Fee Statement nor the failure to object thereto shall prejudice a party's right to object to any fee application on any ground.

(G) Failure of a Professional to timely serve a Monthly Fee Statement shall not prejudice such Professional in seeking interim or final allowance of fees or expenses. Further, any Monthly Fee Statement served after the deadline for such Monthly Fee Statement shall be deemed served at the time that such Professional serves a Monthly Fee Statement for the next subsequent period and shall be subject to the Objection Deadline for the Monthly Fee Statement for such subsequent period.

(7) Fee Applications

(A) Parties seeking compensation pursuant to an Administrative Fee Order shall file at four (4) month intervals or such other intervals directed by the Court ("Interim Period") an interim fee application. Each Professional seeking approval of its interim fee application shall file with the Court an interim application for allowance of compensation and reimbursement of expenses, pursuant to 11 U.S.C. § 331, of the amounts sought in the Monthly Fee Statements issued during such period (the "Interim Fee Application").

(B) The Interim Fee Application shall comply with the mandates of the Bankruptcy Code, Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure and the Local Rules for the United States Bankruptcy Court for the District of Massachusetts.

(C) The Interim Fee Application must be filed within forty five (45) days after the conclusion of the Interim Period.

(D) In the event any Professional fails to file an Interim Fee Application when due, such Professional will be ineligible to receive further interim payments or fees or expenses under the Administrative Fee Order until such time as the Interim Fee Application is submitted.

(E) The pendency of a fee application, or a court order that payment of compensation or reimbursement of expenses was improper as to a particular Monthly Fee Statement, shall not disqualify a Professional from the further payment of compensation or reimbursement of expenses as set forth above, unless otherwise ordered by the Court. Additionally, the pendency of an objection to payment of compensation or reimbursement of expenses will not disqualify a Professional from future payment of compensation or reimbursement of expenses, unless the Court orders otherwise.

(F) Neither the payment of, nor the failure to pay, in whole or in part, monthly compensation and reimbursement as provided herein shall have any effect on the Court's interim or final allowance of compensation and reimbursement of expenses of any Professionals. All compensation is subject to final approval by the Court.

(G) Counsel for each official committee may, in accordance with the foregoing procedure for monthly compensation and reimbursement to Professionals, collect and submit statements of actual expenses incurred, with supporting vouchers, from members of the committee such counsel represents, provided, however, that such committee counsel ensures that these reimbursement requests comply with the applicable Rules and those guidelines.

(8) Miscellaneous

(A) Any party may object to requests for payments made pursuant to the Administrative Fee Order for good cause, including, without limitation, that the estate representative has not timely filed monthly operating reports or remained current with its administrative expenses and 28 U.S.C. § 1930 fees.

(B) The estate representative shall include all payments to Professionals on its monthly operating reports, including details of the amount paid to each Professional.

(C) All fees and expenses paid to Professionals are subject to disgorgement until final allowance by the Court.

APPENDIX 7

MEDIATION

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APPENDIX 7

MEDIATION

This Court encourages alternative dispute resolution whenever feasible. In furtherance of that goal, the Clerk of this Court will maintain a list of those persons who have advised the Clerk that they are available to serve as mediators in disputes that arise in bankruptcy cases in contested matters or adversary proceedings and have qualified for inclusion (the "Mediation List").[15] The Mediation List itself shall include only the names of individuals and not the organizations to which they might belong.[16] Unless otherwise qualified by the Court, in order to qualify for inclusion in the Mediation List, the applicant (hereafter the "Mediator") shall represent to the Clerk in writing that:

(a) The Mediator (i) is qualified as a mediator, as defined by Massachusetts General Laws Ch. 233, § 23C; and (ii) shall accept no mediation assignment unless the Mediator has knowledge and experience in the subject matter in dispute and in relevant provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure (the "Federal Rules") and the Local Rules of the United States Bankruptcy Court for the District of Massachusetts (the "Local Rules"); and (iii) shall accept no mediation assignment which would represent a conflict of interest for the Mediator of any kind;

(b) The Mediator shall be available to accept no less than three (3) mediations on a pro bono basis[17] in any calendar year, commencing on the date on which the Mediator has been included on the Mediation List. Notwithstanding this requirement, a Mediator may qualify for inclusion on the Mediation List in the event that fewer than three pro bono mediation assignments are offered to the Mediator during the said calendar year; and

(c) The Mediator shall accept no assignment relative to disputes in bankruptcy cases absent a written agreement between the proposed Mediator and the mediation participants

---

[15] Inclusion in the Court's Mediation List shall not expressly or impliedly represent any finding by the Court that the person listed is qualified by education or experience to mediate any particular dispute. In addition, notwithstanding the provisions of Massachusetts Local Bankruptcy Rule 7016-1, the Court may order the parties to mediation in an appropriate case, and should the parties be unable to agree upon the selection of a mediator, the Court shall appoint a mediator from the Mediation List. However, the parties may select a mediator of their choosing whether or not the mediator is on the Mediation List.

[16] On request of an individual on the Mediation List, the Clerk shall also maintain a copy of that person's professional biography of not more than three (3) pages.

[17] If the Mediator concludes that the mediation should be conducted on a pro bono basis on account of the financial need of any party, the Mediator shall not accept compensation from any other party to the mediation.

(the "Party"; "Parties"), which agreement shall (i) disclose the compensation agreement between the Parties and the Mediator and (ii) contain terms substantially as follows:

(1) In the event that one of the Parties is an estate representative, the estate representative shall seek leave from the Court, in advance, to submit the dispute to mediation and to retain and compensate the Mediator pursuant to the provisions of 11 U.S.C. § 327 and Federal Rule 2014 and Local Rule 2014-1; and the Mediator submits to the jurisdiction of the Court and agrees that his/her compensation shall be determined on proper application, pursuant to Federal Rule 2016 and Local Rule 2016-1; provided, however, that while the Mediator's application shall set forth the hours spent on the mediation, it shall not divulge the content of the mediation.

(2) The Mediator and the Parties are prohibited from divulging outside of the mediation, any oral or written information disclosed by the Parties or by witnesses in the course of the mediation. No person may rely on or introduce as evidence in any arbitral, judicial, or other proceedings, evidence pertaining to any aspect of the mediation effort, whether occurring before, during or subsequent to the mediation session, including but not limited to: (a) views expressed or suggestions made by a Party with respect to a possible settlement of the dispute; (b) the fact that another Party had or had not indicated willingness to accept a proposal for settlement made by the Mediator; (c) proposals made or views expressed by the Mediator; (d) statements or admissions made by a Party in the course of the mediation; (e) documents prepared for the purpose of, in the course of, or pursuant to the mediation; (f) statements or actions which may otherwise constitute a waiver of a legally protected privilege; and (g) documents prepared subsequent to the mediation which refer to any of the foregoing. In addition, without limiting the foregoing, Rule 408 of the Federal Rules of Evidence and any applicable federal or state statute, rule, common law or judicial precedent relating to the privileged nature of settlement discussions, mediation or other alternative dispute resolution procedure shall apply. Parties and their counsel may disclose information obtained at the mediation session to members of their respective organizations who shall also be bound by the confidentiality provisions of this agreement. Information otherwise discoverable or admissible in evidence, however, does not become exempt from discovery, or inadmissible in evidence, merely by being used by a Party in or relating to a mediation session. These provisions shall not preclude a Party, its counsel or the Mediator from responding in confidence to appropriately conducted inquiries or surveys concerning the use of mediation generally.

(3) The disclosure by a Party of privileged information to the Mediator shall not waive or otherwise adversely affect the privileged nature of the information.

(4) The Mediator shall not be compelled to disclose to the Court or to any person outside the mediation conference any of the records, reports, summaries, notes, communication, or other documents received or made by a Mediator while serving in such capacity. The Mediator shall not testify or be compelled to testify in regard to the mediation in connection with any arbitral, judicial, or other proceeding. The Mediator shall not be a necessary party in any proceedings relating to the mediation. Aside from proof of actual fraud or unethical conduct, there shall be no liability on the part of, and no cause of action shall arise against, any person who serves as a Mediator hereunder on account of any act or omission in the course and scope of such person's duties as a Mediator.

(5) Prior to entering upon the mediation, the Parties shall notify the Court that they have submitted a matter to mediation and shall seek any necessary or appropriate orders of continuance. Following the mediation, the Mediator will notify the Court if the matter has been settled, and the parties shall then file the appropriate motions for approval of the settlement as may be required or appropriate under the Bankruptcy Code or Federal or Local Rules. In the event that settlement has not been reached and further mediation is believed to be unwarranted, the Mediator shall so notify the Court.[18] No other information concerning the mediation may be given to the Court by the Mediator or any Party.

(6) No subpoena, summons, citation, or other process shall be served at or near the location of any mediation session, upon any person entering, leaving or attending any mediation session.

[18] See Official Local Form 16 entitled Report of Mediation, to be used by Mediators for the applicable notification to the Court.

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APPENDIX 8

ELECTRONIC FILING RULES

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APPENDIX 8

ELECTRONIC FILING RULES

RULE 1. SCOPE OF ELECTRONIC FILING

Except as provided below, electronic filing of petitions, motions, applications, memoranda of law or other pleadings, proofs of claim or documents (hereafter "documents") shall be mandatory as set forth in MLBR 9036-1.

The following may be filed in paper form at the Clerk's Office:

(a) proofs of claim filed by a party in interest or creditor other than the United States Internal Revenue Service or the Commonwealth of Massachusetts Department of Revenue;

(b) documents filed by parties in interest who are pro se;

(c) requests for ex parte determination or a request for impoundment, pursuant to MLBR 9018-1.

(d) documents filed by attorneys who:

(1) appear in not more than three (3) cases per year and personally, or by an agent, hand deliver the document(s) to the Clerk's Office and scan the document(s) electronically employing equipment supplied and procedures as directed by Clerk's Office personnel; or

(2) are unable to file electronically on account of temporary equipment or system breakdown in the attorney's office or the Clerk's Office; or

(e) documents in paper form with prior permission of the Clerk, the Deputy Clerk or their designee, leave to be given only on a showing of temporary exigent circumstances other than equipment or system breakdown.

RULE 2. ELIGIBILITY, REGISTRATION, PASSWORDS

(a) Registered User

The term "Registered User" as employed in these Rules shall be deemed to mean an individual who has registered to use this Court's ECF System, with full or limited access, pursuant to subsection (b) hereof. Limited access allows an attorney or non-attorney to become a Registered User for the sole purpose of filing proofs of claim, notice requests, transfers or assignments of claim, and withdrawals of claims.

(b) Eligibility

Attorneys admitted to the bar of the United States District Court for the District of Massachusetts (including those admitted pro hac vice, pursuant to Local Rule 9010 1(b)), attorneys representing the United States of America or any state, the United States trustee and his/her assistants, chapter 7, 11, 12, or 13 trustees, limited access users, and others as the Court may allow in its discretion on prior motion and order, may register as Registered Users of the ECF System after completion of such electronic filing training as the Clerk of this Court may establish and require from time to time.

(c) Registration

Application for registration as a Registered User shall be made on a form prescribed by the Clerk as amended from time to time and posted on the Court's website, www.mab.uscourts.gov. All registration application forms shall be mailed or delivered to the Office of the Clerk, United States Bankruptcy Court, John W. McCormack Post Office and Court House, 5 Post Office Square, Suite 1150, Boston, MA 02109-3945 ATTN: SYSTEMS, PERSONAL AND CONFIDENTIAL. Each approved registrant will receive a notice from the Clerk to retrieve from the Clerk's Office (in Boston, Worcester or Springfield, as designated by the registrant) a sealed envelope containing a log-in name and assigned password. Only the applicant or an authorized representative may retrieve the envelope; except that, at the written request of an approved registrant, the Clerk may email the log-in name and password to the registrant. The Clerk is authorized to employ such further precautions which in the Clerk's judgment will ensure security in the distribution of passwords. Each Registered User shall be entitled to only one password, except that additional passwords may be issued to a single user for good cause shown and at the discretion of the Clerk.

(d) Withdrawal or Amendment of Registration

A Registered User who wishes to withdraw or amend a registration shall email a request for such change to the Clerk on a form prescribed by the Clerk as amended from time to time and posted on the Court's website, www.mab.uscourts.gov.

(e) Security

Registration constitutes a Registered User's agreement to protect the security of his or her assigned password and immediately notify the Clerk if the Registered User learns that the security of the password has been compromised. No Registered User shall knowingly permit the password to be utilized by anyone other than an authorized agent of the Registered User. Upon notice to the Clerk that a password has been compromised, the Clerk shall promptly provide a substitute password to the Registered User.

(f) Waivers

Registration constitutes the Registered User's: (1) agreement to receive documents electronically and waiver of the right to receive notice by any other means; and (2) consent to service of all documents electronically and waiver of the right to service by any other means, excepting only service of process in an adversary proceeding or with respect to an involuntary petition, or as otherwise ordered by the Court. The aforesaid waiver of service and notice by non-electronic means shall include waiver of notice by first class mail of the entry of an order or judgment under Fed. R. Bank. P. 9022.

(g) Involuntary Termination of Registration; Sanctions

On notice from the Clerk that a Registered User and/or his or her agents has/have repeatedly and/or egregiously failed to comply with the procedures established by the Court for use of the ECF System or failed to comply with reasonable password security precautions, the Court may, after notice and hearing, sanction a Registered User for such failure, including, without limitation, suspending the Registered User from use of the ECF System.

RULE 3. CONSEQUENCES OF ELECTRONIC FILING

(a) Filing and Entry

Transmission of a document to the ECF System consistent with these Rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes the filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk pursuant to Fed. R. Bank. P. 5003.

(b) Official Record

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed on the date and the time stated on the Notice of Electronic Filing from the Court.

(c) Filing Deadline

A document may be filed at any time, except that:

(1) where the Court orders that filing must be completed by a specific date and time, filing a document electronically does not alter the filing deadline for that document; and

(2) where the Court orders that filing must be completed by a specific date but does not specify the time, entry of the document into the ECF System must be completed before 4:30 PM Eastern Standard (or Daylight, if applicable) Time in order to be deemed timely filed.

RULE 4. ENTRY OF COURT ORDERS

The Clerk shall enter all orders, judgments, and proceeding memos on the docket kept by the Clerk under Fed. R. Bankr. P. 5003 and 9021 in electronic format. Any order entered electronically without the original signature of a judge shall have the same force and effect as if the judge had affixed his or her signature to a paper copy of the order.

RULE 5. ATTACHMENTS AND EXHIBITS

(a) If the exhibit(s) to any document constitute(s) more than 50 pages in the aggregate, the exhibit(s) must be filed separately from the underlying document. In such event, the Registered User must file with the underlying document (a) a list of all of the exhibits, identifying clearly the subject matter of each exhibit, and (b) a summary of the content of each exhibit of 50 or more pages in length. If any recipient is unable to open an exhibit for any reason, it is the responsibility of the recipient to notify the transmitting Registered User of the recipient's inability to open the exhibit and to request paper copies. The Registered User shall respond promptly to any such request.

(b) Exhibits may, but need not, be attached to Proofs of Claim when filed electronically. The claimant shall promptly provide any party in interest all exhibits upon request.

RULE 6. SEALED OR IMPOUNDED DOCUMENTS

Any motion to seal or impound a document, pursuant to MLBR 9018-1, and the subject document, shall not be filed electronically, unless specifically authorized by the Court. In the event that the motion to seal or impound is granted, the Court shall determine the extent to which the motion and/or the document(s) shall be electronically filed.

RULE 7. STATEMENTS UNDER OATH; RETENTION REQUIREMENTS

(a) Unless the Court orders otherwise, all electronically filed documents, (including, without limitation, affidavits or a debtor's petition, schedules, statement of affairs, or amendments thereof) requiring signatures of a non-Registered User under the penalties

of perjury shall also be executed in paper form, together with a Declaration Re: Electronic Filing in the form of MLBR Official Local Form 7. The Declaration Re: Electronic Filing shall be filed with the Court as an imaged, and not electronically created, document, together with or in addition to the document electronically filed with the Court. Said Declaration shall be valid for the declarant for all subsequently filed documents requiring a signature in the case.

(b) Notwithstanding subsection (a) above, the paper forms of the electronically filed document(s) and the Declaration Re: Electronic Filing shall be retained by the Registered User until five (5) years after the closing of the case. Said paper documents shall be deemed property of the Court and not property of the declarant or the Registered User. The Registered User must produce all such original documents for review or filing at the request of a party in interest or upon order of the Court.

(c) Any document electronically filed which is signed by a non-Registered User shall be filed as an imaged, and not electronically created, document.

(d) No document signed by a non-Registered User may be electronically filed unless (1) it is accompanied by a Declaration Re: Electronic Filing in the form of MLBR Official Local Form 7 or (2) a Declaration Re: Electronic Filing of MLBR Official Local Form 7 has previously been filed in the case which shall be valid for the declarant for all subsequently filed documents requiring a signature in the case.

(e) A non-Registered User may file a Declaration Re: Electronic Filing in the form of MLBR Official Local Form 7 at any time prior to the electronic filing of a document in the case bearing his or her signature which shall be valid for the declarant for all subsequently filed documents requiring a signature in the case.

RULE 8. SIGNATURES

(a) The user log in and password required to submit documents to the ECF System serve as the Registered User's signature on all electronic documents filed with the Court including those requiring signatures under the penalties of perjury. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local Rules of this Court, and any other purpose for which a signature is required. Electronically filed documents must set forth the name, address, telephone number, email address of the Registered User and, if an attorney, his or her BBO or PHV number (see MLBR 9010-3(b)). In addition, the document must include a signature block where the name of the Registered User and/or affiant is typed but preceded by a "/s/" or is set forth as an imaged or electronically created signature.

(b) Where an electronically filed document sets forth the consent of more than one party, the additional consents may be supplied by: (1) a scanned document containing all of the necessary signatures; or (2) a representation that the Registered User has authority to consent on behalf of the other parties who are purported signatories to the document; or (3) a notice of endorsement filed by the other signatories no later than three business days after filing of the document; or (4) any other manner approved by the Court.

(c) All electronic documents filed after the commencement of the case must contain the case caption and number.

(d) Notwithstanding Fed. R. Bankr. P. 9011(a), an attorney may electronically file an application for compensation for a Professional who is not a Registered User but whose employment in that case has been authorized previously by order of the Court.

RULE 9. SERVICE OF DOCUMENT BY ELECTRONIC MEANS

(a) Transmission by the Court of the "Notice of Electronic Filing" constitutes service or notice of the filed document, except that persons not deemed to have consented to electronic notice or service are entitled to conventional notice or service of any electronically filed document according to the Federal Rules of Bankruptcy Procedure and the local rules.

(b) Service by electronic transmission shall be deemed equivalent to service by mail for the purposes of Fed. R. Bankr. P. 9006(f).

RULE 10. NOTICE OF COURT ORDERS AND JUDGMENTS

Upon the entry of an order or judgment in a case or an adversary proceeding, the Clerk will transmit notice to Registered Users in the case or adversary proceeding in electronic form. Transmission of a Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The Clerk shall give conventional notice to a person who has not consented to electronic service in accordance with the Federal Rules of Bankruptcy Procedure.

RULE 11. TECHNICAL FAILURES

A Registered User whose filing is made untimely as a result of a technical failure may seek appropriate relief from the Court, including, without limitation, leave to file by facsimile and defer payment of any filing fee.

RULE 12. PUBLIC ACCESS

A person may view electronically filed documents that have not been impounded by the Court at the Clerk's Office. A person may also access the ECF System at the Court's Internet site www.mab.uscourts.gov or directly at https://ecf.mab.uscourts.gov, by obtaining a PACER login and password. A person who has PACER access may retrieve dockets and documents. Only a Registered User may file documents electronically.

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OFFICIAL LOCAL FORM 1

MATRIX LIST OF CREDITORS

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OFFICIAL LOCAL FORM 1

MATRIX LIST OF CREDITORS

It is the debtor's responsibility to file an accurate creditor-mailing matrix (a list of the names and addresses of creditors) with the petition. This list is used to mail notices to creditors, so it is very important to take care in entering creditor names and addresses correctly. Lack of proper notice may result in no discharge as to a creditor not listed correctly or additional costs to the debtor as changes and corrections are requested.

Non-electronic filers may file their matrix with the Court on paper, however if there are more than 35 creditors on the list, the list must be filed on a CD or other USB storage device.

Electronic filers must file the matrix through the Court's ECF system first, as a pdf document then upload the same list as a .txt formatted document.

1. PDF document - Under the Bankruptcy Menu, select the "Misc./Other" submenu then select the "Matrix" event.
2. .txt formatted document – Under the Bankruptcy Menu, select the Creditor Maintenance submenu then select the "Upload list of creditors file" event.

Both electronic and non-electronic filers must file the Verified Matrix Form at the end of these instructions or available for downloading from the Court's website. (www.mab.uscourts.gov)

Note: Matrices may not be filed by fax. (They are often unreadable to the Court's scanners.)

RULES FOR PROPERLY FORMATTING A CREDITOR-MAILING MATRIX:

1. Creditors must be listed in a single, left justified column containing as many pages as are required to list all creditors.
2. The margins at the top and bottom of the page must be at least one inch.
3. Page numbers or page headings must not be included in the list.
4. The matrix shall be produced with a quality computer printer or typewriter. Standard type shall be used.
5. If submitting on a CD or USB storage device please save the file as an ASCII text file, and write or label the CD or device with the debtor's name, address, attorney's name and contact information.
6. The name and address of each creditor is limited to five (5) lines and each creditor's name and address must be separated by at least one blank line.

7. Names and addresses must be aligned left (flush against the left margin, no leading blank spaces.)

8. Each line may contain no more than 40 characters.

9. The creditor's name must be on the first line. Put the first name first, any middle initial then the last name.

10. Use the second line for c/o (care of) or Attention: [Insolvency Department].

11. If you have a physical address and post office box information, list both the P.O. Box information and the physical address.

12. The city/town and state abbreviation as well as the ZIP code must be on the last line. (If the address uses only four lines, the city/town, state and zip code should be on the fourth line.)

13. All states must be the standard two-letter abbreviations.

14. Nine-digit ZIP codes used must contain a hyphen separating the two sets of numbers.

15. **DO NOT USE SPECIAL CHARACTERS** such as %, ( ), or [ ]. These characters will interfere with software used by the Bankruptcy Noticing Center.

16. DO NOT, ABSOLUTELY DO NOT, INCLUDE FULL ACCOUNT NUMBERS.

17. **LISTS OF AMENDED CREDITORS MUST ONLY CONTAIN THE ADDED CREDITORS.**

18. Since amended creditors are filed with the motion as a PDF document, lists of more than 50 added creditors must be submitted on a CD or USB storage device clearly identifying the case name and number for the Clerk's Office.

19. Do not include the names and address(es) of the debtor, debtor's counsel or the U.S. trustee on the matrix as the ECF program will add them automatically.

    Examples are as follows:

    ABC Corp.
    123 Main Street
    Any town, MA 02003

    Dr. O. W. Holmes, Jr.
    Medical Affiliates and Diagnostics
    321 First Avenue, Suite 50
    Nice town, MA 01006

OFFICIAL LOCAL FORM 2A

NOTICE OF INTENDED PRIVATE SALE OF PROPERTY, SOLICITATION OF COUNTEROFFERS, DEADLINE FOR SUBMITTING OBJECTIONS AND HIGHER OFFERS AND HEARING DATE

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OLF 2A (Official Local Form 2A)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Chapter

Case No.

Debtor

NOTICE OF INTENDED PRIVATE SALE OF PROPERTY,
SOLICITATION OF COUNTEROFFERS,
DEADLINE FOR SUBMITTING OBJECTIONS AND HIGHER OFFERS
AND HEARING DATE

_____ **IS THE DATE OF THE PROPOSED SALE**

_____ **IS THE DATE BY WHICH OBJECTIONS OR COUNTEROFFERS MUST BE MADE**

NOTICE IS HEREBY GIVEN, pursuant to 11 U.S.C. § 363, Fed. R. Bankr. P. 2002(a)(2) and 6004, and MLBR 2002-5 and 6004-1, that the trustee (or, where applicable, the debtor), intends to sell at private sale the debtor's right, title and interest in certain property of the estate.

PROPERTY TO BE SOLD:

(General description)

An itemized list of the property to be sold is attached to this Notice.

THE OFFER:

The trustee (or where applicable, the debtor) has received an offer to purchase the property for the sum of _____ ($_____) in cash (or state other consideration).

THE PROPOSED BUYER:

The proposed buyer is _____. The relationship of
(Name and address).

the proposed buyer to the debtor (or trustee, if applicable) is:

THE SALE DATE:

The sale shall take place on or before _____. The proposed buyer has paid a deposit in the sum of $_____. The terms of the proposed sale are more particularly described in a Motion for Order Authorizing and Approving Private Sale of Property of the Estate (the "Motion to Approve Sale") filed with the Court on _____ and a written purchase and sale agreement dated _____. The Motion to Approve Sale and the purchase and sale agreement are available at no charge upon request from the undersigned.

SALE FREE AND CLEAR OF LIENS:

The _____ will be sold free and clear of all liens, claims and encumbrances. Any perfected, enforceable valid liens shall attach to the proceeds of the sale according to priorities established under applicable law.

COUNTEROFFERS OR OBJECTIONS:

Any objections to the sale and/or higher offers must be filed in writing with the Clerk, United States Bankruptcy Court at _____ (Boston, Springfield or Worcester address as applicable) on or before _____ at 4:30 PM (the "Objection Deadline"). A copy of any objection or higher offer also shall be served upon the undersigned. Any objection to the sale must state with particularity the grounds for the objection and why the intended sale should not be authorized. Any objection to the sale shall be governed by Fed. R. Bankr. P. 9014.

Through this Notice, higher offers for the Property are hereby solicited. Any higher offer must be accompanied by a cash deposit of $_____ in the form of a certified or bank check made payable to the undersigned. Higher offers must be on the same terms and conditions provided in the Purchase and Sale Agreement, other than the purchase price.

HEARING:

A hearing on the Motion to Approve Sale, objections or higher offers is scheduled to take place on _____ at _____AM/PM before the Honorable _____, United States Bankruptcy Judge, Courtroom _____, _____,
_____, Massachusetts. Any party who has filed an objection or higher offer is expected to be present at the hearing, failing which the objection may be overruled or the higher offer stricken. The Court may take evidence at any hearing on approval of the sale to

resolve issues of fact. If no objection to the Motion to Approve Sale or higher offer is timely filed, the Court, in its discretion, may cancel the scheduled hearing and approve the sale without a hearing.

At the hearing on the sale the Court may 1) consider any requests to strike a higher offer, 2) determine further terms and conditions of the sale, 3) determine the requirements for further competitive bidding, and 4) require one or more rounds of sealed or open bids from the original offeror and any other qualifying offeror.

DEPOSIT:

The deposit will be forfeited to the estate if the successful purchaser fails to complete the sale by the date ordered by the Court. If the sale is not completed by the buyer approved by the Court, the Court, without further hearing, may approve the sale of the Property to the next highest bidder.

Any questions concerning the intended sale shall be addressed to the undersigned.

Respectfully Submitted,
TRUSTEE (or Debtor)

By

Dated:

/s/_____
Printed Name
Address
BBO#
Telephone
Email

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OFFICIAL LOCAL FORM 2B

NOTICE OF INTENDED PUBLIC SALE OF ESTATE PROPERTY

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OLF 2B (Official Local Form 2B)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter

Debtor

NOTICE OF INTENDED PUBLIC SALE OF ESTATE PROPERTY

_____ **IS THE DATE OF THE PROPOSED SALE**

_____ **IS THE DATE BY WHICH OBJECTIONS MUST BE MADE**

NOTICE IS HEREBY GIVEN, pursuant to 11 U.S.C. § 363, Fed. R. Bankr. P. 2002(a)(2) and 6004, and MLBR Rule 2002-5 and 6004-1, that the trustee (or, where applicable, the debtor) intends to sell at public sale the debtor's right, title and interest in certain property of the estate consisting of:

PROPERTY TO BE SOLD:

(General description)

THE AUCTION:

The sale will be conducted by _____at _____
(Auctioneer) (Address)

_____ on _____ at _____
(Date) (Time)

The website address of the Auctioneer is: _____

The proposed sale procedures are more particularly described in the debtor's Motion for Order Authorizing and Approving Public Sale of Property of the Estate (the "Motion to Approve Sale"), a copy of which is available at no charge upon request from the undersigned or on the website of the Court: www.mab.uscourts.gov.

SALE FREE AND CLEAR OF LIENS:

The _____ will be sold free and clear of all liens, claims and encumbrances. Any perfected, enforceable valid liens shall attach to the proceeds of the sale according to priorities established under applicable law.

OBJECTIONS:

Any objections to the sale must be filed in writing with the Clerk, United States Bankruptcy Court at _____ (Boston, Springfield or Worcester address as applicable) on or before _____ at 4:30 PM (the "Objection Deadline"). A copy of any objection also shall be served upon the undersigned. Any objection to the sale must state with particularity the grounds for the objection and why the intended sale should not be authorized. Any objection to the sale shall be governed by Fed. R. Bankr. P. 9014.

HEARING:

A hearing on objections and the Motion to Approve Sale is scheduled to take place on _____ at _____AM/PM before the Honorable _____, United States Bankruptcy Judge, Courtroom _____, _____, _____, Massachusetts. At the hearing on approval of the sale the Court may determine further terms and conditions of the sale. Any party who has filed an objection is expected to be present at the hearing, failing which the objection may be overruled. The Court may take evidence at the hearing to resolve issues of fact. If no objection to the Motion to Approve Sale is timely filed, the Court, in its discretion, may cancel the scheduled hearing and approve the sale without a hearing.

Respectfully Submitted,
TRUSTEE (or Debtor)

By

Dated:

/s/_____
Printed Name
Address
BBO#
Telephone
Email

OFFICIAL LOCAL FORM 3

PRE-CONFIRMATION CHAPTER 13 PLAN AND COVER SHEET

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OLF 3 (Official Local Form 3 and Cover Sheet)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

CHAPTER 13 PLAN COVER SHEET

Filing Date: _____ Docket #: _____

Debtor: _____ Co-Debtor:_____

SS#: _____ SS#: _____

Address: _____ Address: _____

_____ _____

_____ _____

Debtor's Counsel: _____

Address: _____

_____

_____

Telephone #: _____ Facsimile #: _____

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE § 341 MEETING OR THIRTY (30) DAYS AFTER THE SERVICE OF AN AMENDED OR MODIFIED PLAN TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

OLF 3 (Official Local Form 3 and Cover Sheet)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

PRE-CONFIRMATION CHAPTER 13 PLAN

Filing Date: _____ Docket No.:_____

Debtor:_____ Co-Debtor: _____

SS# _____ SS#: _____

I. PLAN PAYMENT AND TERM:

Debtor(s) shall pay monthly to the trustee the sum of $_____ for the term of:

☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);

☐ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);

☐ 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:

_____

_____

_____; or

☐ ____ Months. The debtor states as reasons therefore: _____

_____

_____

_____

II. SECURED CLAIMS:

A. Claims to be paid through the Plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
_____	_____	$_____

_____ _____ $_____

_____ _____ $_____

Total of secured claims to be paid through the Plan: $_____

B. Claims to be paid directly by debtor to creditors (Not through Plan):

Creditor	Description of Claim
_____	_____
_____	_____
_____	_____

C. Modification of Secured Claims:

Creditor	Details of Modification (Additional Details May Be Attached)	Amt. of Claim to Be Paid Through Plan
_____	_____	_____
_____	_____	_____

D. Leases:

i. The debtor(s) intend(s) to reject the residential/personal property lease claims of _____;

or

ii. The debtor(s) intend(s) to assume the residential/personal property lease claims of _____.

iii. The arrears under the lease to be paid under the Plan are _____.

III. PRIORITY CLAIMS:

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____
_____	_____	$_____

B. Other:

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Total of Priority Claims to be paid through the Plan: $_____

IV. ADMINISTRATIVE CLAIMS:

A. Attorney's Fees (to be paid through the Plan): $_____

B. Miscellaneous Fees:

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Total of Administrative Claims to be Paid through the Plan: $_____

C. The chapter 13 trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% trustee's commission.

V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of _____% of their claims.

A. General unsecured claims $_____

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____

_____ _____ $_____

_____ _____ $_____

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Total of Unsecured Claims (A + B + C): $_____

D. Multiply total by percentage: $_____
(Example: Total of $38,500.00 x .22 dividend = $8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Total amount of separately classified claims payable at _____%: $_____

VI. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund the Plan:

_____

_____

B. Miscellaneous Provisions:

_____

_____

.

VII. CALCULATION OF PLAN PAYMENT:

A. Secured claims (Section II-A Total): $_____

B. Priority claims (Section III-A & B Total): $_____

C. Administrative claims (Section IV-A & B Total): $_____

D. Regular unsecured claims (Section V-D Total): $_____

E. Separately classified unsecured claims (Section V-E): $_____

F. Total of A + B + C + D + E above: = $_____

G. Divide (F) by .90 for total including trustee's fee:

Cost of Plan = $_____

(This represents the total amount to be paid into the Chapter 13 Plan)

H. Divide (G), Cost of Plan, by Term of Plan, _____ months

I. Round up to nearest dollar for Monthly Plan Payment: $ _____
(Enter this amount on page 1)

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make preconfirmation adequate protection payments directly to the secured creditor.

VIII. LIQUIDATION ANALYSIS

A. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
_____	$_____	$_____
_____	$_____	$_____
_____	$_____	$_____

Total Net Equity for Real Property: $_____

Less Total Exemptions (Schedule C): $_____

Available Chapter 7: $_____

B. Automobile (Describe year, make, model):

_____ Value $_____ Lien $_____ Exemption $ _____

_____ Value $_____ Lien $_____ Exemption $ _____

Total Net Equity: $_____

Less Total Exemptions (Schedule C) $_____

Available Chapter 7: $_____

C. All other Assets: (All remaining items on Schedule A/B): (Itemize as necessary)

_____

_____.

Total Net Value: $_____

Less Exemptions (Schedule C): $ _____

Available Chapter 7: $_____

D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions:

$_____

E. Additional Comments regarding Liquidation Analysis:

_____

_____

IX. SIGNATURES

Pursuant to the Chapter 13 Rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the chapter 13 trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

_____ _____

Debtor's Attorney Date

_____ _____

Debtor's Attorney Date

Attorney's Address: _____

_____

Tel. # ( ) _____-_____

Email Address: _____

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

_____	_____
Debtor	Date
_____	_____
Co-Debtor	Date

OFFICIAL LOCAL FORM 3A

POST-CONFIRMATION AMENDED CHAPTER 13 PLAN

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OLF 3A (Official Local Form 3A)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

POST-CONFIRMATION AMENDED CHAPTER 13 PLAN

DATED: _____

POST-CONFIRMATION _____ AMENDED CHAPTER 13 PLAN
(Insert First, Second, etc.)

Docket No.:_____

DEBTOR(S):

Debtor_____ SS#: _____

Co-Debtor_____ SS#: _____

I. AMENDED PLAN PAYMENT AND TERM:

TERM OF THE PLAN: _____ Months (Total length of Plan – not no. of months remaining.) If the Plan is longer than thirty-six (36) months, a statement of cause under 11 U.S.C. § 1322(d) must be attached hereto.

AMENDED PLAN PAYMENT: Debtor(s) to pay monthly: $_____

EFFECTIVE: _____/_____/_____ (Insert new payment beginning date.)

The claims listed below must include amounts previously disbursed by the trustee on all claims which have subsequently been withdrawn or disallowed.

II. SECURED CLAIMS:

A. Claims to be paid through the Plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Total of secured claims to be paid through the Plan: $_____

B. Claims to be paid directly by debtor to creditors (Not through Plan):

Creditor	Description of Claim
_____	_____
_____	_____
_____	_____

C. Modification of Secured Claims:

Creditor	Details of Modification (Additional Details May Be Attached)	Amt. of Claim to Be Paid Through Plan
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. Leases:

i. The debtor(s) intend(s) to reject the residential/personal property lease claims of _____; or

ii. The debtor(s) intend(s) to assume the residential/personal property lease claims of _____.

iii. The arrears under the lease to be paid under the Plan are _____

_____

_____.

III. PRIORITY CLAIMS:

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____

B. Other:

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Total of Priority Claims to Be Paid Through the Plan: $_____

IV. ADMINISTRATIVE CLAIMS:

A. Attorney's Fees (to be paid through the Plan): $_____

B. Miscellaneous Fees:

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Total of Administrative Claims to Be Paid Through the Plan: $_____

C. The chapter 13 trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% trustee's commission.

V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of _____% of their claims.

A. General unsecured claims: $_____

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Total of Unsecured Claims (A + B + C): $_____

D. Multiply total by percentage: $_____

(Example: Total of $38,500.00 x .22 dividend = $8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

Total amount of separately classified claims payable at ____%: $_____

VI. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund the Plan:_____

_____.

B. Miscellaneous Provisions:

C. Set forth below, all changes from the previously Confirmed Plan:

Secured: _____.

Priority: _____.

Unsecured: _____.

Term _____.

Plan Payment: _____.

VII. CALCULATION OF AMENDED PLAN PAYMENT:

A. Secured claims (Section II-A Total): $_____

B. Priority claims (Section III-A & B Total): $_____

C. Administrative claims (Section IV-A&B Total): $_____

D. Regular unsecured claims (Section V-D Total): + $_____

E. Separately classified unsecured claims (Section V-E Total): $_____

F. Total of A + B + C + D + E above: = $_____

G. Divide (F) by .90 for total including trustee's fee:

Cost of Plan = $_____

(This represents the total amount to be paid into the Chapter 13 Plan)

H. Subtract the total amount of payments the debtor has paid to the trustee to date: $_____

I. Total amount left to be paid (G minus H) $_____

J. Divide (I) by # of months remaining: $_____

K. Round up to nearest dollar: Amended Monthly Plan Payment $_____

Date Amended Payment to begin: _____/_____/_____

VIII. LIQUIDATION ANALYSIS

☐ The debtor avers that there have been no material changes to the total amount set forth in the Summary of the Liquidation Analysis of the debtor's previously Confirmed Plan.

A. Real Estate:

List Each Address	Fair Market Value	Total Amt. of Recorded Liens (Schedule D)
_____	$_____	$_____
_____	$_____	$_____
_____	$_____	$_____

Total Net Equity for Real Property: $_____

Less Total Exemptions (Schedule C): $_____

Available Chapter 7: $_____

B. Automobile (Describe year, make, model):

_____ Value $_____ Lien $_____ Exemption $_____

_____ Value $_____ Lien $_____ Exemption $_____

Total Net Equity: $_____

Less Total Exemptions (Schedule C) $_____

Available Chapter 7: $_____

C. All other Assets: (All remaining items on schedule A/B) : (Itemize as necessary)

_____

_____.

Total Net Value: $_____

Less Exemptions (Schedule C): $ _____

Available Chapter 7: $_____

D. Liquidation Summary (Total amount available under chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: $ _____

Additional Comments regarding Liquidation Analysis:

_____

_____

IX. SIGNATURES

Pursuant to the Chapter 13 Rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the chapter 13 trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

_____ _____

Debtor's Attorney Date

_____ _____

Debtor's Attorney Date

Attorney's Address: _____

_____

Tel. # ( ) _____-_____

Email Address: _____

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

_____	_____
Debtor	Date
_____	_____
Co-Debtor	Date

OFFICIAL LOCAL FORM 4

ORDER CONFIRMING CHAPTER 13 PLAN

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OLF 4 (Official Local Form 4)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter

Debtor

ORDER CONFIRMING CHAPTER 13 PLAN

The debtor(s) filed a First Amended Chapter 13 Plan (the "Plan") on _____. The debtor(s) filed a Certificate of Service on _____, reflecting that the Plan was served on all creditors and parties in interest. No objections to the confirmation of the Plan were filed, or all objections were overruled by the Court or resolved by the parties. Upon consideration of the foregoing, the Court hereby orders the following:

1. The Plan is confirmed. The term of the Plan is _____ months.

2. The debtor(s) shall pay to the chapter 13 trustee the sum of $_____ per month commencing _____ which payments shall continue through completion of the Plan and shall be made on the first day of each month unless otherwise ordered by the Court. Payments shall be made by certified check, money order or an electronic payment system authorized by the trustee (personal checks will not be accepted) and shall be made payable to and forwarded to the Chapter 13 Trustee, P.O. Box 8250, Boston, MA 02114 or, if applicable, Chapter 13 Trustee, P.O. Box 16607, Worcester, MA 01601.

3. The effective date of confirmation of the Plan is _____. The disbursements to be made by the chapter 13 trustee pursuant to the confirmed Plan are set forth on the attached summary which is incorporated by reference. Interested parties should consult the detailed provisions of the Plan for treatment of their particular claims and other significant provisions of the Plan. Unless otherwise ordered by the Court, all property of the estate as defined in 11 U.S.C. §§ 541 and 1306, including, but not limited to, any appreciation in the value of real property owned by the debtor as of the commencement of the case, shall remain property of the estate during the term of the Plan and shall vest in the debtor(s) only upon discharge. All property of the estate shall remain within the exclusive jurisdiction of the bankruptcy court. The debtor(s) shall not

transfer, sell or otherwise alienate property of the estate other than in accordance with the confirmed Plan or other order of the bankruptcy court. The debtor shall be responsible for preserving and protecting property of the estate.

Dated: _____, 20__

_____
United States Bankruptcy Judge

SUMMARY OF DISBURSEMENTS TO BE MADE UNDER THE PLAN

A. SECURED CLAIMS

1. Modified Secured Claims

The secured claim of (Creditor) is being modified as follows: (describe modified treatment). The secured creditor is retaining its lien on (describe property) to the following extent: _____. The balance of the claim will be treated as an unsecured claim in the sum of $_____ as set forth below.

2. Unmodified Secured Claims

(Creditor) is retaining its lien on (describe property). The debtor(s) shall continue to make regular monthly payments in accordance with the contract with (creditor). (Creditor) will be paid its prepetition arrearage in the sum of $_____ over ____ months in the sum of $_____ per month.

B. ADMINISTRATIVE CLAIMS

(Creditor) will be paid $_____ over _____ months.

C. PRIORITY CLAIMS

a) Tax Claims

b) Other

D. UNSECURED CLAIMS

E. OTHER PERTINENT PROVISIONS

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OFFICIAL LOCAL FORM 5

ORDER AND NOTICE FIXING DEADLINE FOR FILING PROOFS OF CLAIM IN CHAPTER 11 CASES

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OLF 5 (Official Local Form 5)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter

Debtor

ORDER AND NOTICE FIXING DEADLINE
FOR FILING PROOFS OF CLAIM IN CHAPTER 11 CASES

This matter having come before the Court on the Motion for an Order Fixing Deadline for Filing Proofs of Claim (the "Motion"), and good cause having been shown, it is hereby

ORDERED, ADJUDGED and DECREED:

1. Except as provided in paragraphs 2 or 3 below, any individual or entity asserting a claim against the estate of the debtor must file a proof of claim with the Clerk's Office, United States Bankruptcy Court for the District of Massachusetts, _____

   (address)_____, on or before 4:30 PM on _____, 20__ (the "Bar Date"). A proof of claim shall not be deemed filed until it is actually received and time stamped by the Clerk of the United States Bankruptcy Court at the above address.

2. No proof of claim shall be required with respect to any claim listed as liquidated, undisputed and not contingent in the debtor's Schedules of Liabilities filed with this Court on _____, 20__, provided, however, that no such claim may be allowed in an amount exceeding the amount as listed unless a proof of claim for a higher amount is filed.

3. Any individual or entity asserting a claim of the type described in 11 U.S.C. § 502(g), (h) or (i) shall file a proof of claim with the Clerk's Office, United States Bankruptcy Court for the District of Massachusetts, at the address specified above by the Bar Date or, if later, the 30th day after (a) in the case of a claim of the type described in 11 U.S.C. § 502(g), entry of an Order of this Court approving the rejection of the executory contract or unexpired lease giving rise to such claim; (b) in the case of a claim of a type described in 11 U.S.C. § 502(h),

entry of an Order or Judgment avoiding such transfer; or (c) in the case of a claim of the type described in 11 U.S.C. § 502(i), the date such type of claim arises.

4. Any claim against the debtor for which a proof of claim is required, but is not timely filed under the terms of this Order, shall be forever disallowed and barred as a claim against the debtor whether for purposes of voting, sharing in any distribution, or in any other way participating as a party in interest in this proceeding.

5. The debtor shall serve a copy of this Order upon all creditors listed in the Schedules, and all parties who filed or entered their appearance in this case, within fourteen (14) days after the entry of this Order. Service of this Order shall constitute effective notice of the Bar Date. The debtor shall promptly file a certificate of service with this Court.

Entered at _____, Massachusetts, this _____ day of _____, 20__.

_____
United States Bankruptcy Judge

OFFICIAL LOCAL FORM 6

REAFFIRMATION AGREEMENT

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Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____

Case number _____
(If known)

Official Form 427

Cover Sheet for Reaffirmation Agreement

12/15

Anyone who is a party to a reaffirmation agreement may fill out and file this form. Fill it out completely, attach it to the reaffirmation agreement, and file the documents within the time set under Bankruptcy Rule 4008.

Part 1: Explain the Repayment Terms of the Reaffirmation Agreement

1. **Who is the creditor?**

_____
Name of the creditor

2. **How much is the debt?**

On the date that the bankruptcy case is filed $_____

To be paid under the reaffirmation agreement $_____

$_____ per month for _____ months (if fixed interest rate)

3. **What is the Annual Percentage Rate (APR) of interest? (See Bankruptcy Code § 524(k)(3)(E).)**

Before the bankruptcy case was filed _____%

Under the reaffirmation agreement _____% ❑ Fixed rate
❑ Adjustable rate

4. **Does collateral secure the debt?**

❑ No
❑ Yes. Describe the collateral. _____

Current market value $_____

5. **Does the creditor assert that the debt is nondischargeable?**

❑ No
❑ Yes. Attach an explanation of the nature of the debt and the basis for contending that the debt is nondischargeable.

6. **Using information from *Schedule I: Your Income*** (Official Form 106I) **and *Schedule J: Your Expenses*** (Official Form 106J)**, fill in the amounts.**

Income and expenses reported on Schedules I and J		**Income and expenses stated on the reaffirmation agreement**	
6a. Combined monthly income from line 12 of Schedule I	$ _____	6e. Monthly income from all sources after payroll deductions	$ _____
6b. Monthly expenses from line 22c of Schedule J	– $ _____	6f. Monthly expenses	– $ _____
6c. Monthly payments on all reaffirmed debts not listed on Schedule J	– $ _____	6g. Monthly payments on all reaffirmed debts not included in monthly expenses	– $ _____
6d. **Scheduled net monthly income** Subtract lines 6b and 6c from 6a. If the total is less than 0, put the number in brackets.	$ _____	6h. **Present net monthly income** Subtract lines 6f and 6g from 6e. If the total is less than 0, put the number in brackets.	$ _____

Debtor 1 _____ Case number (*if known*)_____
First Name Middle Name Last Name

7. **Are the income amounts on lines 6a and 6e different?**	❑ No ❑ Yes.	Explain why they are different and complete line 10._____ _____
8. **Are the expense amounts on lines 6b and 6f different?**	❑ No ❑ Yes.	Explain why they are different and complete line 10._____ _____
9. **Is the net monthly income in line 6h less than 0?**	❑ No ❑ Yes.	A presumption of hardship arises (unless the creditor is a credit union). Explain how the debtor will make monthly payments on the reaffirmed debt and pay other living expenses. Complete line 10. _____ _____
10. **Debtor's certification about lines 7-9** If any answer on lines 7-9 is *Yes*, the debtor must sign here. If all the answers on lines 7-9 are *No*, go to line 11.		I certify that each explanation on lines 7-9 is true and correct. ✘ _____ ✘ _____ Signature of Debtor 1 Signature of Debtor 2 (Spouse Only in a Joint Case)
11. **Did an attorney represent the debtor in negotiating the reaffirmation agreement?**	❑ No ❑ Yes.	Has the attorney executed a declaration or an affidavit to support the reaffirmation agreement? ❑ No ❑ Yes

Part 2: Sign Here

Whoever fills out this form must sign here.

I certify that the attached agreement is a true and correct copy of the reaffirmation agreement between the parties identified on this *Cover Sheet for Reaffirmation Agreement*.

✘ _____ Date _____
Signature MM / DD / YYYY

_____
Printed Name

Check one:

❑ Debtor or Debtor's Attorney

❑ Creditor or Creditor's Attorney

OLF 6 (Official Local Form 6)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

☐ Presumption of Undue Hardship

☐ No Presumption of Undue Hardship (Check box as directed in Part D: Debtor's Statement In Support of Reaffirmation Agreement.)

In re Case No.

Chapter

Debtor(s)

REAFFIRMATION AGREEMENT

[Indicate all documents included in this filing by checking each applicable box.]

☐ Part A: Disclosures, Instructions, and Notice to Debtor (Pages 1-5)

☐ Part B: Reaffirmation Agreement

☐ Part C: Certification by Debtor's Attorney

☐ Part D: Debtor's Statement in Support of Reaffirmation Agreement

☐ Part E: Motion for Court Approval

☐ Proposed Order Approving Reaffirmation Agreement

Name of Creditor:_____

☐ [Check this box if] Creditor is a Credit Union as defined in § 19(b)(1)(a)(iv) of the Federal Reserve Act.]

PART A: DISCLOSURE STATEMENT, INSTRUCTIONS AND NOTICE TO DEBTOR

1. **DISCLOSURE STATEMENT -** ***Before Agreeing to Reaffirm a Debt, Review These Important Disclosures:***

SUMMARY OF REAFFIRMATION AGREEMENT

This Summary is made pursuant to the requirements of the Bankruptcy Code.

AMOUNT REAFFIRMED

The amount of debt you have agreed to reaffirm: $_____

The amount of debt you have agreed to reaffirm includes all fees and costs (if any) that have accrued as of the date of this disclosure. Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.

ANNUAL PERCENTAGE RATE

[The annual percentage rate can be disclosed in different ways, depending on the type of debt.]

a. If the debt is an extension of "credit" under an "open end credit plan," as those terms are defined in § 103 of the Truth in Lending Act, such as a credit card, the creditor may disclose the annual percentage rate shown in (i) below or, to the extent this rate is not readily available or not applicable, the simple interest rate shown in (ii) below, or both.

   (i) The Annual Percentage Rate disclosed, or that would have been disclosed, to the debtor in the most recent periodic statement prior to entering into the reaffirmation agreement described in Part B below or, if no such periodic statement was given to the debtor during the prior six months, the annual percentage rate as it would have been so disclosed at the time of the disclosure statement: _____%.

---And/Or---

   (ii) The simple interest rate applicable to the amount reaffirmed as of the date this disclosure statement is given to the debtor: _____%. If different simple interest rates apply to different balances included in the amount reaffirmed, the amount of each balance and the rate applicable to it are:

   $ _____@ _____%;

   $_____ @ _____%;

   $_____ @ _____%.

b. If the debt is an extension of credit other than under an open end credit plan, the creditor may disclose the annual percentage rate shown in (i) below, or, to the extent this

rate is not readily available or not applicable, the simple interest rate shown in (ii) below, or both.

(i) The Annual Percentage Rate under § 128(a)(4) of the Truth in Lending Act, as disclosed to the debtor in the most recent disclosure statement given to the debtor prior to entering into the reaffirmation agreement with respect to the debt or, if no such disclosure statement was given to the debtor, the annual percentage rate as it would have been so disclosed: _____%.

---And/Or---

(ii) The simple interest rate applicable to the amount reaffirmed as of the date this disclosure statement is given to the debtor: _____%. If different simple interest rates apply to different balances included in the amount reaffirmed, the amount of each balance and the rate applicable to it are:

$ _____@ _____%;

$_____ @ _____%;

$_____ @ _____%.

c. If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act:

The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.

d. If the reaffirmed debt is secured by a security interest or lien, which has not been waived or determined to be void by a final order of the Court, the following items or types of items of the debtor's goods or property remain subject to such security interest or lien in connection with the debt or debts being reaffirmed in the reaffirmation agreement described in Part B.

Item or Type of Item	Original Purchase Price or Original Amount of Loan

Optional---At the election of the creditor, a repayment schedule using one or a combination of the following may be provided:

Repayment Schedule:

Your first payment in the amount of $_____ is due on _____(date), but the future payment amount may be different. Consult your reaffirmation agreement or credit agreement, as applicable.

---Or---

Your payment schedule will be: _____(number) payments in the amount of $_____ each, payable (monthly, annually, weekly, etc.) on the _____ (day) of each _____ (week, month, etc.), unless altered later by mutual agreement in writing.

---Or---

A reasonably specific description of the debtor's repayment obligations to the extent known by the creditor or creditor's representative.

2. INSTRUCTIONS AND NOTICE TO DEBTOR

Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

a. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

b. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

c. If you were represented by an attorney during the negotiation of your reaffirmation agreement, the attorney must have signed the certification in Part C.

d. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, you must have completed and signed Part E.

e. The original of this disclosure must be filed with the Court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

f. <u>If the creditor is not a Credit Union</u> and you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the Court unless the reaffirmation is presumed to be an undue

hardship as explained in Part D. If the creditor is a Credit Union and you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the Court.

g. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, it will not be effective unless the Court approves it. The Court will notify you and the creditor of the hearing on your reaffirmation agreement.

You must attend this hearing in bankruptcy court where the judge will review your reaffirmation agreement. The bankruptcy court must approve your reaffirmation agreement as consistent with your best interests, except that no court approval is required if your reaffirmation agreement is for a consumer debt secured by a mortgage, deed of trust, security deed, or other lien on your real property, like your home.

YOUR RIGHT TO RESCIND (CANCEL) YOUR REAFFIRMATION AGREEMENT

You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the Court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (or canceled).

FREQUENTLY ASKED QUESTIONS:

What are your obligations if you reaffirm the debt?

A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy case. That means that if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of that agreement in the future under certain conditions.

Are you required to enter into a reaffirmation agreement by any law?

No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

What if your creditor has a security interest or lien?

Your bankruptcy discharge does not eliminate any lien on your property. A ''lien'' is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the Court.

NOTE: When this disclosure refers to what a creditor ''may'' do, it does not use the word "may'' to give the creditor specific permission. The word ''may'' is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement reaffirming a debt. If you do not have an attorney helping you, the judge will explain the effect of your reaffirming a debt when the hearing on the reaffirmation agreement is held.

PART B: REAFFIRMATION AGREEMENT

I (we) agree to reaffirm the debts arising under the credit agreement described below.

1. Brief description of credit agreement:

2. Description of any changes to the credit agreement made as part of this reaffirmation agreement:

SIGNATURE(S):

Borrower:

_____
(Printed Name of Borrower)

_____
(Signature)

Date: _____

Co-borrower, (if also reaffirming these debts)

_____
(Printed Name of Co-borrower)

_____
(Signature)

Date: _____

Accepted by creditor:

_____
(Printed Name of Creditor)

_____
(Address of Creditor)

_____
(Signature)

_____
(Printed Name and Title of Individual Signing for Creditor)

_____
Date of Creditor Acceptance:

PART C: CERTIFICATION BY DEBTOR'S ATTORNEY (IF ANY)

[To be filed only if the attorney represented the debtor during the course of negotiating this agreement.]

[Check each applicable box]

☐ *[Check box, if applicable]*

I hereby certify that, based on information provided by the debtor, (1) this agreement represents a fully informed and voluntary agreement by the debtor; (2) based upon information provided, this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

☐ *[Check box, if applicable and the creditor is not a Credit Union]*

A presumption of undue hardship has been established with respect to this agreement. In my opinion, however, the debtor is able to make the required payment. Notwithstanding the foregoing, I do not warrant the ability of the debtor to perform the terms of this reaffirmation agreement, and the execution of this declaration by me shall in no way be construed as a guaranty by me of the debtor's obligations under this reaffirmation agreement.

Printed Name of Debtor's Attorney: _____

Signature of Debtor's Attorney: _____

Date: _____

PART D: DEBTOR'S STATEMENT IN SUPPORT OF REAFFIRMATION AGREEMENT

*[Read and complete sections 1 and 2, **OR**, if the creditor is a Credit Union and the debtor is represented by an attorney, read section 3. Sign the appropriate signature line(s) and date your signature. If you complete sections 1 and 2 and your income less monthly expenses does not leave enough to make the payments under this reaffirmation agreement, check the box at the top of page 1 indicating "Presumption of Undue Hardship." Otherwise, check the box at the top of page 1 indicating "No Presumption of Undue Hardship".]*

1. I believe this reaffirmation agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $_____, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $_____, leaving $_____ to make the required payments on this reaffirmed debt.

   I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the Court. However, this presumption may be overcome if I explain to the satisfaction of the Court how I can afford to make the payments here: _____

   _____

   _____

   (Use an additional page if needed.)

2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.

Signed: _____ Date: _____
(Debtor)

Signed: _____ Date: _____
(Joint Debtor, if any)

— Or—

[If the creditor is a Credit Union and the debtor is represented by an attorney]

I believe this reaffirmation agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.

Signed: _____ Date:_____
(Debtor)

Signed: _____ Date: _____
(Joint Debtor, if any)

PART E: MOTION FOR COURT APPROVAL

[To be completed and filed only if the debtor is not represented by an attorney in negotiating the reaffirmation agreement.]

MOTION FOR COURT APPROVAL OF REAFFIRMATION AGREEMENT

I (we), the debtor(s), affirm the following to be true and correct:

_____ I am not represented by an attorney in connection with this reaffirmation agreement.

_____ I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement, and because (provide any additional relevant reasons the Court should consider):

Therefore, I ask the Court for an order approving this reaffirmation agreement.

Signed: _____ Date: _____
(Debtor)

Signed: _____ Date: _____
(Joint Debtor, if any)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter

Debtor

ORDER APPROVING REAFFIRMATION AGREEMENT

The debtor(s) _____ have filed a motion for approval of the
(Name(s) of Debtor(s))

reaffirmation agreement dated _____ made between the debtor(s) and
(Date of Agreement)

_____. The Court held the hearing required by 11 U.S.C. § 524(d)
(Name of Creditor)

on notice to the debtor(s) and the creditor on _____.
(Date)

COURT ORDER:

The Court grants the debtor's motion and approves the reaffirmation agreement described above.

BY THE COURT

Date: _____ _____
United States Bankruptcy Judge

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OFFICIAL LOCAL FORM 7

DECLARATION RE: ELECTRONIC FILING

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OLF 7 (Official Local Form 7)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter

Debtor

DECLARATION RE: ELECTRONIC FILING

PART I - DECLARATION

I[We]_____and _____

_____, hereby declare(s) under penalty of perjury that all of the information contained in my _____ (singly or jointly the "Document"), filed electronically, is true and correct. I understand that this DECLARATION is to be filed with the Clerk of Court electronically concurrently with the electronic filing of the Document. I understand that failure to file this DECLARATION may cause the Document to be struck and any request contained or relying thereon to be denied, without further notice.

I further understand that, pursuant to the Massachusetts Electronic Filing Local Rule (MEFR) 7(b), all paper documents containing original signatures executed under the penalties of perjury and filed electronically with the Court are the property of the bankruptcy estate and shall be maintained by the authorized CM/ECF Registered User for a period of five (5) years after the closing of this case.

Dated:

_____
(Affiant)

_____
(Joint Affiant)

PART II - DECLARATION OF ATTORNEY (IF AFFIANT IS REPRESENTED BY COUNSEL)

I certify that the affiant(s) signed this form before I submitted the Document, I gave the affiant(s) a copy of the Document and this DECLARATION, and I have followed all other electronic filing requirements currently established by local rule and standing order. This DECLARATION is based on all information of which I have knowledge and my signature below constitutes my certification of the foregoing under Fed. R. Bankr. P. 9011. I have reviewed and will comply with the provisions of MEFR 7.

Dated:

Signed:_____
(Attorney for Affiant - /s/used by Registered ECF Users Only)

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OFFICIAL LOCAL FORM 8

CHAPTER 13 AGREEMENT BETWEEN DEBTOR AND COUNSEL

RIGHTS AND RESPONSIBILITIES OF

CHAPTER 13 DEBTORS AND THEIR ATTORNEYS

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OLF 8 (*Official Local Form 8)*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter

Debtor

CHAPTER 13 AGREEMENT BETWEEN DEBTOR AND COUNSEL
RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS AND THEIR ATTORNEYS

It is important for debtors who file bankruptcy cases under chapter 13 to understand their rights and responsibilities. It is also useful for debtors to know what their attorney's responsibilities are, and understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect certain services to be performed by their attorney. To encourage that debtors and their attorneys understand their rights and responsibilities in the bankruptcy process, the following terms are agreed to by the debtors and their attorneys.

BEFORE THE CASE IS FILED:

The <u>DEBTOR</u> agrees to:

1. Provide the attorney with accurate financial information; and
2. Discuss with the attorney the debtor's objectives in filing the case.

The <u>ATTORNEY</u> agrees to:

1. Meet with the debtor to review the debtor's debts, assets, income and expenses;
2. Counsel the debtor regarding the advisability of filing either a chapter 7 or chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions;
3. Explain what payments will be made through the plan, and what payments will be made directly by the debtor for mortgage and vehicle loan payments, as well as which claims accrue interest;

4. Explain to the debtor how, when, and where to make the chapter 13 plan payments, as well as the debtor's obligation to continue making mortgage payments, without interruption, and the likely consequences for failure to do so;

5. Explain to the debtor how the attorney's fees and trustee's fees are paid, and provide an executed copy of this document to the debtor;

6. Explain to the debtor that the first plan payment must be made to the trustee within 30 days of the date the plan is filed;

7. Advise the debtor of the requirement to attend the § 341 meeting of creditors, and instruct debtor as to the date, time and place of the meeting;

8. Advise the debtor of the necessity of maintaining appropriate insurance on all real estate, motor vehicles and business assets; and

9. Timely prepare and file the debtor's petition, plan and schedules.

AFTER THE CASE IS FILED:

The <u>DEBTOR</u> agrees to:

1. Keep the trustee and attorney informed of the debtor's address and telephone number;

2. Inform the attorney of any wage garnishments or attachments of assets which occur or continue after the filing of the case;

3. Contact the attorney if the debtor loses his/her job or has other financial problems (the attorney may be able to have the chapter 13 plan payments reduced or suspended in those circumstances), or alternatively obtains a material increase in income or assets;

4. Advise counsel if the debtor is sued during the case;

5. Inform the attorney if tax refunds to which the debtor is entitled are seized or not received;

6. Advise counsel and the trustee before buying or selling property or before entering into any long-term loan agreements, to determine what approvals are required; and provide the trustee and the attorney, prior to the § 341 meeting of creditors, with documentary evidence as to the debtor's income from all sources and the value of any asset in which the debtor has an interest, together with a copy of any declaration of homestead covering the debtor's real estate, proof of insurance on any real property or automobiles in which the debtor has an interest, and any other documents which the trustee might reasonably request in order to assess whether the debtor's proposed plan should be confirmed.

The <u>ATTORNEY</u> agrees to provide the following legal services in consideration of the compensation further described below:

1. Appear at the § 341 meeting of creditors with the debtor;
2. Respond to objections to plan confirmation, and where necessary, prepare an amended plan;
3. Prepare, file and serve one necessary modification to the plan which may include suspending, lowering, or increasing plan payments;
4. Prepare, file and serve necessary amended schedules in accordance with information provided by the debtor;
5. Prepare, file and serve necessary motions to buy, sell or refinance real property;
6. Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor;
7. Represent the debtor in motions for relief from stay;
8. Where appropriate, prepare, file and serve necessary motions to avoid liens on real or personal property; and
9. Provide such other legal services as necessary for the administration of the case.

The initial fees charged in this case are $_____. Any and all additional terms of compensation and additional services agreed to be rendered, if any, are set forth in writing and annexed hereto. If the initial fees are not sufficient to compensate the attorney for the legal services rendered in this case, the attorney further agrees to apply to the Court for additional fees. If the debtor disputes the legal services provided or the fees charged by the attorney, an objection may be filed with the Court and the matter set for hearing.

Debtor's Signature: _____ Dated:_____

Co-debtor's Signature: _____ Dated:_____

Attorney for the debtor(s) Signature:_____ Dated:_____

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OFFICIAL LOCAL FORM 9

MOTION PURSUANT TO 11 U.S.C. § 109(h)(3)

FOR EXTENSION OF TIME TO FILE CREDIT COUNSELING CERTIFICATE

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OLF9 (Official Local Form 9)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter

Debtor

MOTION PURSUANT TO 11 U.S.C. § 109(h)(3)
FOR EXTENSION OF TIME TO FILE CREDIT COUNSELING CERTIFICATE

Pursuant to 11 U.S.C. § 109(h)(3), the Debtor(s) certify (ies) that he/she/they did not obtain the credit counseling briefing pursuant to 11 U.S.C. §109(h)(1) and moves that the Court extend the time to file and/or obtain a credit counseling certificate, based upon the following grounds:

1. The following exigent circumstances exist preventing compliance (for example, foreclosure, eviction, incarceration, medical or other problems):

   _____.

2. I/We (Check whichever applies)

   _____did request credit counseling services from an approved agency but was/were unable to obtain said services during the 7-day period following the request.

   _____did not request credit counseling services.

3. I/We request an extension of time to a date no longer than 45 days after the date of the filing of the bankruptcy petition because: _____

   _____.

Signed under the pains and penalties of perjury on this _____day of _____

_____, _____.

_____ _____
Debtor Joint Debtor

Certificate of Service

I, _____, do hereby certify that a true and exact copy of the Foregoing *Motion Pursuant To 11 U.S.C. § 109(h)(3) for Extension of Time to File Credit Counseling Certificate* was served by United States mail, postage prepaid, addressed as follows:

(List name and address of each person served.)

Date: Signed:_____
[Type/ print underneath signature the name of person]

ORDER

□ The Motion is denied.

□ The Motion is approved. The time for filing the certificate is extended to _____.

Dated: _____

_____
United States Bankruptcy Judge

OFFICIAL LOCAL FORM 10

MOTION BROUGHT UNDER 11 U.S.C. § 521(f)

(REQUEST FOR DEBTOR TO FILE FEDERAL TAX INFORMATION WITH THE COURT)

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OLF (Official Local Form 10)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter

Debtor

REQUEST FOR DEBTOR TO FILE
FEDERAL TAX INFORMATION WITH THE COURT

I, _____, am a party in interest in the above captioned case, and qualify as such for the following reasons:_____

_____.

The tax information designated below cannot be obtained from any other source, and is necessary for the following reasons: _____

_____.

Accordingly, pursuant to 11 U.S.C. § 521 (f) (1-4), I hereby request that the Debtor file the following tax information with the Court:_____

_____.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

Signed:_____

Printed Name:_____

Address: _____

Telephone Number: _____

Certificate of Service

I, _____, do hereby certify that a true and exact copy of the

Foregoing *Request for Debtor to File Federal Tax Information with the Court* was served by United States mail, postage prepaid, addressed as follows:

(List name and address of each person served.)

Date: Signed:_____
[Type/ print underneath signature the name of person]

ORDER

By the Court

□ The Motion is Denied

□ The Motion is Granted

Dated: _____ _____
United States Bankruptcy Judge

OFFICIAL LOCAL FORM 11

MOTION BROUGHT UNDER 11 U.S.C. § 521(g)

MOTION BY PARTY IN INTEREST FOR ACCESS TO DEBTOR'S FEDERAL TAX INFORMATION

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OLF 11 (Official Local Form 11)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter

Debtor

MOTION BY PARTY IN INTEREST FOR
ACCESS TO DEBTOR'S FEDERAL TAX INFORMATION

I, _____am a party in interest in the above captioned case, and qualify as such for the following reasons: _____

_____.

The tax information designated below cannot be obtained from any other source, and is necessary for the following reasons: _____

_____.

I attempted, but failed, to resolve the dispute over access to the tax information prior to the filing of this motion.

Accordingly, pursuant to 11 U.S.C. § 521 (g)(2), I hereby request access to the Debtor's tax information on file with the Court for the years:_____.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

Signed:_____ Printed Name:_____

Address: _____

Telephone Number: _____

Certificate of Service

I hereby certify that on _____ I mailed, by United States Postal Service, postage pre-paid, the Motion by Party in Interest for Access to Debtor's Federal Tax Information on the following non CM/ECF participants:

Signed:_____

Print Name:_____

ORDER

☐ The Motion is Denied

☐ The Motion is Granted.

The Clerk shall print a copy of the requested documents and mail the documents to the movant. The movant shall maintain the confidentiality of the documents. Sanctions may be imposed for the improper uses, disclosure, or dissemination of the information contained in the documents.

_____

Dated: United States Bankruptcy Judge

OFFICIAL LOCAL FORM 12

MOTION FOR ENTRY OF DISCHARGE

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OLF (Official Local Form 12)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter 13

Debtor

MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE

The debtor(s) hereby move(s) the Court for entry of discharge. The required affidavit(s) accompany/accompanies this motion.

/s/_____
Counsel for Debtor(s) or pro se debtor
Printed Name
Address
BBO#
Telephone
Email

OLF12 (Official Local Form 12 Affidavit)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter 13

Debtor

AFFIDAVIT IN SUPPORT OF MOTION FOR ENTRY OF DISCHARGE

In support of the Motion for Entry of Discharge, I/we_____, hereby certify as follows:

1. I have paid all domestic support obligations payable under any judicial or administrative order, or required by statute including:
    a. child support and spousal maintenance and alimony, that were due on or before the date of the motion, including all payments due under the plan for amounts due before the petition was filed; and
    b. any domestic support obligations that arose after the filing of the petition.
2. I have completed a financial management course pursuant to 11 U.S.C. § 1328(g)(1) and filed a certification of completion with the Court.
3. I have:
    a. not claimed a homestead exemption in excess of the applicable cap described in 11 U.S.C. § 522(q)(1), or
    b. claimed a homestead exemption in excess of such cap but there is no proceeding pending in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).
4. I hereby declare under the penalty of perjury that the foregoing is true and correct.

Dated: _____

Signed: _____ Printed Name: _____

Address: _____

Telephone Number: _____

OFFICIAL LOCAL FORM 13

MOTION FOR RELIEF FROM STAY - REAL ESTATE WORKSHEET

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OLF13 (Official Local Form 13)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter

Debtor

MOTION FOR RELIEF FROM STAY - REAL ESTATE WORKSHEET

(To be attached to Motion for Relief from Stay)

I,_____of _____
(Name and Title) (Name of Organization/Corporation/Moving Party)

(hereinafter, "Movant") hereby declare (or certify, verify, or state):

BACKGROUND INFORMATION

1. (a) Date chapter 13 petition was filed (If case has been converted from chapter 7 to chapter 13, provide date of petition and date of conversion): _____

   (b) Address of real property which is the subject of this motion: _____
   _____.

2. (a) Original Mortgagee's Name and Address: _____
   _____.

   (b) Name and Address of Current Mortgage Holder: _____
   _____.

   (c) Name of Note Holder, if different than Mortgage Holder: _____
   _____.

3. Date of Mortgage: _____.

4. Post-Petition payment address, if different than above: _____
   _____.

5. The manner in which the Movant perfected its interest in the property: _____

_____.

6. Other collateral securing the note: _____

_____.

7. Other liens and encumbrances affecting the property in the order of their priority:

Names of Senior Lien holder	Amount Due	Source of Information (e.g., Schedules filed by Debtor(s), public records)
Names of Junior Lien holders		
Movant's Lien		

8. Existence and Date of Recorded Homestead (if known): _____.

DEBT/VALUE REPRESENTATIONS

9. Total pre-petition and post-petition indebtedness of Debtor(s) to Movant at the time of filing the motion: $ _____.

(Note: this amount may not be relied on as a "payoff" quotation.)

10. (a) Movant's estimated fair market value of the real property: $ _____.

(b) Source of estimated fair market valuation: _____.

(c) Liquidation value of the real property: _____.

STATUS OF DEBT AS OF THE PETITION DATE

11. (a) Total pre-petition indebtedness of Debtor(s) to Movant as of petition filing date: $_____.

    (b) Amount of principal: $ _____.

    (c) Amount of interest: $ _____.

    (d) Amount of escrow (taxes and insurance): $ _____.

    (e) Amount of forced placed insurance expended by Movant: $_____.

    (f) Amount of Attorney's fees billed to Debtor(s) pre-petition: $ _____.

    (g) Amount of pre-petition late fees, if any, billed to Debtor(s): $ _____.

12. Contractual interest rate: _____(If interest rate is (or was) adjustable, please list the rate(s) and dates(s) the rate(s) was/were in effect on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: __.)

13. Explain any additional pre-petition fees, charges or amounts charged to the account of the Debtor(s) and not listed above: _____

(If additional space is needed, list the amounts on a separate sheet and attach the sheet as an exhibit to this form; list the exhibit number here: ____).

AMOUNT OF ALLEGED POST-PETITION DEFAULT

(AS OF _____ MM/DD/YYYY)

14. Date last payment was received: _____ (mm/dd/yyyy).

15. Total number of post-petition payments due from the date of the filing of petition through the date of this Motion or (mm/dd/yyyy): _____.

SCHEDULE OF POST-PETITION PAYMENTS IN DEFAULT

(Do not substitute computer generated internal accountings)**:**

Payment Due Date	Amt. of Payment Due	Amt. of Payment Rec'd	Date Payment Rec'd	Amt. Applied to Principal	Amt. Applied to Interest	Amt. Applied to Escrow	Late Fee Charged if any	Amt. Not Applied
Totals	$	$		$	$	$		$

16. Amount of Movant's Attorneys' fees charged to Debtor to date for the preparation and filing of this Motion: $ _____.

17. Other Attorneys' fees charged to Debtor post-petition: $ _____.

18. Amount of Movant's post-petition inspection fees: $ _____.

19. Amount of Movant's post-petition appraisal/broker's price opinion: $ _____.

20. Amount of forced placed insurance or insurance provided by the Movant post-petition:

$_____.

21. Sum held in suspense by Movant in connection with this contract, if applicable:

$ _____.

22. Amount of other post-petition advances or charges (e.g. real estate taxes, insurance):

$ _____.

23. Total amount of postpetition default, including all payments, fees, and charges: $_____.

24. Amount and date of post-petition payments offered by the Debtor(s) and refused by the Movant: Amount(s) $_____;

Date(s): _____.

REQUIRED ATTACHMENTS TO MOTION

Attach the following documents to this motion and indicate the exhibit number associated with the documents:

(1) Copies of documents that indicate Movant's interest in the subject property. For purposes of example only, a complete and legible copy of the promissory note or other debt instrument together with a complete and legible copy of the mortgage and any assignments in the chain from the original mortgagee to the current moving party. (Exhibits _____.)

(2) Copies of documents establishing proof of standing to bring this motion if different from the above. (Exhibits_____.)

(3) Copies of documents establishing that Movant's interest in the real property is perfected. For the purposes of example only, a complete and legible copy of the Financing Statement (UCC-1) filed with either the Clerk's Office or the Register of the county the property is located in. (Exhibits _____.)

CERTIFICATION AND DECLARATION FOR BUSINESS RECORDS

The undersigned certifies that the information provided in this Worksheet and any exhibits attached to this Worksheet (other than transactional documents attached as required in paragraphs (1) through (3) above) are derived from records that (a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by a person

with knowledge of those matters; and (b) were prepared and kept in the regular course of business.

In the event the Worksheet is not fully completed, Movant shall explain the reasons therefor and the reasonable efforts made to obtain the information. _____

_____

The undersigned further certifies that copies of any transactional documents attached to this Worksheet as required by paragraphs 1, 2, or 3, immediately above, are true and accurate copies of the original documents. The undersigned further certifies that the original documents are in Movant's possession, except as follows: _____.

I/WE DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE AND BELIEF.

_____ _____

Signature Date

_____

Printed Name

_____

Title and Organization

OFFICIAL LOCAL FORM 14

DEBTOR(S)' SCHEDULE OF DISPUTED PAYMENTS IN OPPOSITION TO MOTION FOR RELIEF FROM STAY - POSTPETITIONTRANSACTION HISTORY

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OLF14 (Official Local Form 14)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Chapter 13

Case No.

Debtor

DEBTOR(S)' SCHEDULE OF DISPUTED PAYMENTS IN OPPOSITION TO MOTION FOR RELIEF FROM STAY - POSTPETITION TRANSACTION HISTORY

Amount Paid	Date	Money Order/Check No./ or Other Form of Payment

In the event the Debtor(s)' Schedule of Disputed Payments is not fully completed, the Debtor(s) shall explain the reasons therefor and the reasonable efforts made to obtain the information._____

_____.

I/WE DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE AND BELIEF.

_____ _____
Debtor's Signature Date

_____
Printed Name

_____ _____
Co-Debtor's Signature Date

_____
Printed Name

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OFFICIAL LOCAL FORMS 15-1, 15-2 AND 15-3

OLF 15-1 MOTION TO CONDITIONALLY APPROVE AND TO COMBINE THE HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND CONFIRMATION OF THE PLAN OF REORGANIZATION-OF SMALL BUSINESS DEBTOR

OLF 15- 2 ORDER AND NOTICE CONDITIONALLY DETERMINING THAT THE DISCLOSURE STATEMENT ACCOMPANYING THE PLAN OF REORGANIZATION FOR SMALL BUSINESS DEBTOR PROVIDES ADEQUATE INFORMATION, AND SETTING HEARING ON CONFIRMATION AND RELATED MATTERS

OLF 15-3 BALLOT FOR ACCEPTING OR REJECTING PLAN OF REORGANIZATION

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OLF 15-1 *(Official Local Form 15-1)*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Chapter 11
Case No.

Debtor

MOTION TO CONDITIONALLY APPROVE AND TO COMBINE THE HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND CONFIRMATION OF THE PLAN OF REORGANIZATION-OF SMALL BUSINESS DEBTOR

To the Honorable _____, Bankruptcy Judge:

Debtor _____, Debtor-in-Possession (the "Debtor") in the above-named case, moves the Court to conditionally approve the Disclosure Statement and to combine the hearing on final approval of the adequacy of the Debtor's Disclosure Statement and Plan of Reorganization for Small Business Debtor and in support hereof respectfully represents:

1. On _____, the Debtor filed its chapter 11 petition herein.
2. On _____, the Debtor filed its Disclosure Statement and Plan of Reorganization for Small Business Debtor.
3. The Debtor has attached hereto as Exhibit A the proposed form of Order and Notice and as Exhibit B the proposed form of Ballot for Creditor Claims.

WHEREFORE, the Debtor prays that the Court (1) conditionally approve the Disclosure Statement, (2) schedule a combined hearing on final approval of the adequacy of the Disclosure Statement and confirmation of the Plan of Reorganization for Small Business Debtor, (3) approve the form of notice and form of ballot appended hereto, and (4) grant such other and further relief as this Court deems just and proper.

Respectfully Submitted,

/s/_____
Printed Name
Address
BBO#
Telephone
Email

OLF 15-2 *(Official Local Form 15-2)*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re

Chapter 11
Case No.

Debtor

ORDER AND NOTICE CONDITIONALLY DETERMINING THAT THE DISCLOSURE STATEMENT ACCOMPANYING THE PLAN OF REORGANIZATION FOR SMALL BUSINESS DEBTOR PROVIDES ADEQUATE INFORMATION, AND SETTING HEARING ON CONFIRMATION AND RELATED MATTERS

1. On _____20__ the Debtor filed a Disclosure Statement and Plan of Reorganization for Small Business Debtor.
2. Section 1125(f)(3)(A) of the Bankruptcy Code permits this Court to "conditionally approve a disclosure statement subject to final approval after notice and a hearing." The Court conditionally determines that the Disclosure Statement in this case contains adequate information.
3. Within 7 days of the entry of this Order the Debtor shall mail the Disclosure Statement and Plan of Reorganization for Small Business Debtor, the ballot, and this Order to the United States trustee, all creditors, creditors committee, equity holders, committee of equity holders and other parties in interest pursuant to Fed. R. Bankr. P. 3017(d) and file a certificate of service.
4. Please take note that the Court will hold a hearing on _____, 20__ at _____ am/pm, on the final approval of the adequacy of the Disclosure Statement, confirmation of the Plan of Reorganization and related matters.
5. Any objections to (1) the Court's final determination of the adequacy of Disclosure Statement, and (2) confirmation of the Plan of Reorganization and other related matters must be filed with the Clerk of the Bankruptcy Court, District of Massachusetts, _____ together with proof of service, no later than _____, 20__ at 4:30 PM.

6. Ballots must be served upon counsel to the Debtor, _____, at _____, no later than _____, 20__at 4:30 PM. At least one business day prior to the hearing on confirmation, the Debtor shall file a Certificate of Votes reflecting the acceptances and rejections of the Plan, and an Affidavit in support of confirmation of the Plan, setting forth the Debtor's evidence in support of the requirements for confirmation of the Plan. Unless otherwise ordered by the Court, the hearing will be an evidentiary hearing. Affiants must be present at the confirmation hearing and be available for examination, failing which their affidavits may be stricken.

7. Applications for Compensation of Debtor's counsel and any professionals employed by the Debtor must be filed on later than _____, 20_____ at 4:30 PM, together with proof of service on all parties in interest, creditors and the U.S. trustee unless otherwise ordered by the Court.

8. Applications for compensation and any motions for valuation, termination of the automatic stay, dismissal or conversion to another chapter which are now pending or subsequently filed by _____will be heard at the same time as the combined disclosure statement and confirmation hearing, unless otherwise scheduled by the Court.

Dated: _____, 20__

_____
United States Bankruptcy Judge

OLF 15-3 *(Official Local Form 15-3)*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Chapter 11
Case No.

Debtor

BALLOT FOR ACCEPTING OR REJECTING PLAN OF REORGANIZATION

[Proponent] filed a Plan of Reorganization for Small Business Debtor dated [Date] (the Plan) for the Debtor in this case. The Court has conditionally approved a disclosure statement with respect to the Plan (the "Disclosure Statement"). The Disclosure Statement provides information to assist you in deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a copy from [name, address, telephone number and telecopy number of proponent/proponent's attorney.]

The Court's conditional approval of the disclosure statement does not indicate approval of the Plan by the Court.

You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your [claim] [equity interest] has been placed in class [ ] under the Plan. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.

If your ballot is not received by [name and address of proponent's attorney or other appropriate address] on or before [date], and such deadline is not extended, your vote may not count.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote, even if you vote to reject the Plan.

1. **Vote**

   Acceptance or Rejection of the Plan

   [At this point the ballot should provide for voting by the particular class of creditors or equity holders receiving the ballot using one of the following alternatives;]

   [If the voter is the holder of a secured, priority, or unsecured nonpriority claim:]

   The undersigned, the holder of a Class [ ] claim against the Debtor in the unpaid amount of Dollars ($)

   [or, if the voter is the holder of a bond, debenture, or other debt security:]

   The undersigned, the holder of a Class [ ] claim against the Debtor, consisting of Dollars ($) principal amount of [describe bond, debenture, or other debt security] of the Debtor (For

purposes of this Ballot, it is not necessary and you should not adjust the principal amount for any accrued or unmatured interest.)

[or, if the voter is the holder of an equity interest:]

The undersigned, the holder of Class [ ] equity interest in the Debtor, consisting of _____ shares or other interests of [describe equity interest] in the Debtor.

[In each case, the following language should be included:]

Check one box only

__ Accepts the plan __Rejects the plan

2. **Authorization.**

By return of this Ballot, the undersigned certifies that it is the holder of a claim in Class _____ to which this Ballot pertains (or an authorized signatory therefor) and has full power and authority to vote to accept or reject the Plan. The undersigned further certifies that it has received a copy of the Disclosure Statement (including the appendices and exhibits thereto) and understands that the solicitation of votes for the Plan is subject to all the terms and conditions set forth in the Disclosure Statement. No fees, commissions, or other remuneration will be payable to any person for soliciting votes on the Plan.

Dated: _____

Signature: _____

Print or type name: _____

Title (if corporation or partnership): _____

Address: _____

_____

Return this ballot to:

[Name and address of proponent's attorney or other appropriate address]

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OFFICIAL LOCAL FORM 16

REPORT OF MEDIATION

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OLF16 (Official Local Form 16)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

Case No.
Chapter

Debtor

REPORT OF MEDIATION

The undersigned Mediator hereby reports to the Court that the parties in the above-captioned matter [have been unable to reach settlement, and that further resort to mediation would be unavailing at this time] *or* [have reached a settlement which will shortly be filed with the Court by one or more of the parties within a reasonable time].

Dated:

Respectfully Submitted,

/s/_____
Printed Name
Address
Telephone
Email

[To be served on all parties to the dispute and the U.S. trustee]

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OFFICIAL LOCAL FORM 17

APPLICATION BY COUNSEL TO THE DEBTOR FOR COMPENSATION

UNDER 11 U.S.C. SEC. 330(a) AND RULE 13-7(c)

[COVER SHEET AND APPLICATION]

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OLF17 (Official Local Form 17 Cover Sheet)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.

Chapter 13

Debtor/s

APPLICATION BY COUNSEL TO THE DEBTOR FOR COMPENSATION
UNDER 11 U.S.C. SEC. 330(a) AND RULE 13-7(c)
[COVER SHEET]

Filing Date: _____ Case No.: _____

Confirmation Date: _____

Debtor: _____ Co-Debtor:_____

Address: _____ Address: _____

_____ _____

Debtor's Counsel:
_____BBO#_____

Address:
_____

Telephone #: _____ Facsimile #: _____

The Application for Compensation submitted for approval by: _____
(Counsel to Debtor; Special Counsel to Debtor).

Prior Applications filed (Y/N) _____
If yes provide date of Order approving:
If yes, provide total amount approved $_____
Payments to date $_____

Dates for which compensation is sought (ex. 1/1/2014-6/1/2014):

Fees sought in the sum of $_____
Expenses sought in the sum of $_____
Total Fees and Expenses $_____

You will receive a separate notice which will establish the bar date for filing objections, if any, to the Application for Compensation.

OLF17 (Official Local Form 17)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re

Case No.

Chapter 13

Debtor/s

APPLICATION BY COUNSEL TO THE DEBTOR FOR COMPENSATION UNDER 11 U.S.C. SEC. 330(a) AND RULE 13-7(c)

Now comes _____ and _____, as counsel to the Debtor (each and together the "Applicant"), and pursuant to 11 U.S.C. § 330(a), Fed. R. Bankr. P. 2016 and MLBR 13-7 (c) respectfully submits the within Application for Compensation seeking approval of compensation in the sum of $_____. In support of the application, the Applicant submits the following:

1. On _____20__, _____ (the "Debtor") commenced a Chapter 13 proceeding in the United States Bankruptcy Court for the District of Massachusetts.
2. The Applicant attaches hereto as Exhibit 1, in conformance with the provisions of MLBR 2016-1 and MLBR 13-7, a contemporaneous time record and expense report describing the specific services performed each day by each person.
3. I/we have rendered the services described in Exhibit 1 and have actually expended time without compensation except as disclosed in the form entitled "Disclosure of Compensation of Attorney for Debtor" pursuant to 11 U.S.C. § 329(a) and Fed. R. Bankr. P. 2016(b) filed with the Bankruptcy Court or in accordance with the provisions of a confirmed Chapter 13 Plan.
4. The Applicant requests that compensation be allowed in the sum of [up to $10,000] for services to date and in the sum of $_____ for expenses to date, for a total of $_____.00. Payment shall consist of (i) the funds received as a retainer in the amount of $_____.00 and (ii) the balance [through the confirmed Chapter 13 Plan] [outside of the Plan] on account of the fees sought under this application.
5. The Applicant attaches as Exhibit 2 a brief narrative description of services in support of the compensation requested.

Wherefore, the Applicant prays that this Honorable Court enter an Order allowing the fees and expenses as requested herein in the sum of $_____.00 and for such further relief as is appropriate.

Dated: Respectfully Submitted,

/s/_____
Printed Name
Address
BBO#
Telephone
Email

OFFICIAL LOCAL FORM 18

NOTICE OF ADDRESS CHANGE: PAYMENT AND/OR NOTICE ADDRESS

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UNITED STATES BANKRUPTCY COURT District of Massachusetts		NOTICE OF ADDRESS CHANGE: PAYMENT AND/OR NOTICE ADDRESS (Local Form: 18)
Name of Debtor(s):	**Case Number:**	**SUPPLEMENT RELATING TO EXISTING PROOF OF CLAIM**

If you filed a claim, use this form to change an address to where payments and/or notices should be sent.

DO NOT USE THIS FORM IF: (A) There is no proof of claim on file; (B) Information other than or in addition to the payment and/or notice address is being changed on a filed claim; OR (C) You are the transferee of the claim and no evidence of a claim transfer has been filed. *See* Fed. R. Bankr. P. 3001(e)(1)-(4) *et seq*.

Court Claim Number:	**Last four digits of any account by which creditor identifies Debtor(s):**	
Name of Creditor (the person or other entity to whom the debtor owes the money or property):		**COURT USE ONLY**
Name and Address where notices should be sent: **Telephone Number:** **email:**		☐ **Check this box if there is no change to the address where notices should be sent.** *NOTE: If this box is checked, **no change** will be made to the notice address on record.*
Name and Address where payments should be sent: **Telephone Number:** **email:**		☐ **Check this box if there is no change to the address where payments should be sent.** *NOTE: If this box is checked, **no change** will be made to the payment address on record.*

Signature

Check appropriate box below:
- ☐ **I am the creditor**
- ☐ **I am the attorney for the creditor**
- ☐ **I am the creditor's authorized agent (Attach copy of power of attorney or statement of authority, if any).**

I declare under penalty of perjury that the address information provided in this Notice of Address Change/Supplement Relating to Existing Proof of Claim is true and correct to the best of my knowledge, information and reasonable belief.

Signature:_____ **Date:**_____

Print name: _____ **Title:**_____

Company:_____

Address:_____

Email address (required):_____ **Telephone number (required):**_____

Penalty for making a false declaration or statement under penalty of perjury in a bankruptcy case: Fine of up to $500,000 or imprisonment for up to 5 years, or both. See 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS: NOTICE OF ADDRESS CHANGE: PAYMENT AND/OR NOTICE ADDRESS

United States Bankruptcy Court, District of Massachusetts Local Form ____

A creditor has a continuing obligation to keep the Court informed of its current address. *See* Fed. R. Bankr. P. 2002(g)

Items to be completed in this Notice of Address Change/Supplement Relating to Existing Proof of Claim

Name of Debtor(s): Fill in the full name of the Debtor(s).	**Case Number:** Enter the case number. (XX-XXXXX)

Name of Creditor:
Enter in the name of the creditor. The creditor is the person or other entity to whom the debtor or debtors owes the money or property.

Court Claim Number:
Fill in the claim number to which this Supplement will apply. If no claim has been filed, DO NOT USE THIS FORM.

Last four digits of any account by which creditor identifies debtor(s):
State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor(s).

Name and Address where notices should be sent:
Fill in the updated name and address of the person or entity who should receive notices issued during the bankruptcy case. If no change is being made to the address noted on the claim on file, check the box. If the box is checked, no change will be made to the notice address records on file.

Name and Address where payments should be sent:
Fill in the updated name and address of the person or entity who should receive payments issued during the bankruptcy case. If no change is being made to the address noted on the claim on file, check the box. If the box is checked, no change will be made to the payment address records on file.

Date and Signature:
The individual completing this Notice of Address Change/Supplement Relating to Existing Proof of Claim must sign and date it. *See* Fed. R. Bankr. P. 9011. If this form is filed electronically, Fed. R. Bankr. P. 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. Please refer to Massachusetts Electronic Filing Rules, Appendix 8 of the Massachusetts Local Bankruptcy Rules (available at http:/www.mab.uscourts.gov). If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of Fed. R. Bankr. P. 9011(b). Whether the Notice of Address Change/Supplement Relating to Existing Proof of Claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this Notice of Address Change/ Supplement Relating to Existing Proof of Claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the Notice of Address Change/Supplement Relating to Existing Proof of Claim is filed by an authorized agent, provide both the name of the individual filing the Notice of Address Change/Supplement Relating to Existing Proof of Claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a Notice of Address Change/Supplement Relating to Existing Proof of Claim.

-Information -

Acknowledgment of Filing of Notice of Address Change /Supplement Relating to Existing Proof of Claim
To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this Notice of Address Change /Supplement Relating to Existing Proof of Claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your document.

OFFICIAL LOCAL FORM 19
ORDER CONFIRMING CHAPTER 11 PLAN OF REORGANIZATION OF INDIVIDUAL DEBTOR(S)

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OLF19 (Official Local Form 19)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Case No.
Chapter 11

Debtor(s)

ORDER CONFIRMING CHAPTER 11 PLAN OF REORGANIZATION OF INDIVIDUAL DEBTOR(S)

Upon consideration of (i) _____Chapter 11 Plan of Reorganization (the "Plan"), filed on _____by _____ (individually or jointly, the "Debtor"), (ii) the transmittal of the Plan to all creditors and parties in interest in compliance with the Order Approving the Disclosure Statement entered on _____, (iii) the Certificate of Vote, and (iv) the evidence submitted at the hearing on confirmation of the Plan held on _____, the Court finds and rules as follows:

The Debtor has satisfied all the requirements of 11 U.S.C. § 1129(a)(11)-(16) and (b)(2), as relevant.

Accordingly, the Court hereby orders the following:

1. Confirmation. The Plan, incorporated herein by reference, is hereby CONFIRMED (the "Confirmation Order").

2. Authorization. The Debtor is hereby authorized and directed to take all such action and execute all such documents as are necessary or appropriate to implement, effectuate, and consummate the Plan. This order shall constitute such authority as may be required and may be recorded in all applicable Registries of Deeds or similar repositories of public records. No further evidence of such authority or approval other than a certified copy of this Order shall be required or necessary.

3. Binding Effect. The provisions of the Plan shall be binding upon the Debtor and any creditor whether or not such creditor has accepted the Plan upon entry of this Order and the expiration of any stay provided by Fed. R. Bank. P. 3020(e).

4. Effective Date. The Effective Date of the Plan, unless otherwise defined in the Plan, is ____(__) days after the date on which this Order becomes final and nonappealable (in either case, the "Effective Date"). If the Effective Date fails to occur, then upon notice

and a hearing, the Plan may be determined to be null and void in all respects, including any action taken in or purported to be effective through the Plan.

5. Timing and Contingency of Discharge. As provided by 11 U.S.C. § 1141(d)(5) and Fed. R. Bankr. P 4004(c) (4) and paragraph 16 below, the Debtor may apply for a discharge. Confirmation of the Plan does not discharge the Debtor of any debt provided for in the Plan until the Court grants a discharge.

6. Vesting. Except as otherwise provided in the Plan, as of the Effective Date and in accordance with 11 U.S.C. § 1141(b) and (c), all property and assets of the Debtor shall be vested in the Debtor and all property dealt with in the Plan shall be free and clear of all claims and interests of creditors.

7. Quarterly Fees and Reports. The Debtor will be responsible for timely payment of quarterly fees incurred pursuant to 28 U.S.C. § 1930(a)(6) until Debtor's case is administratively closed, converted or dismissed, whichever occurs first. After confirmation, the Debtor shall serve the United States Trustee with a quarterly disbursement report for each quarter (or portion thereof) so long as the case is open. The quarterly disbursement report shall be due fourteen (14) days after the end of the calendar quarter and shall include the following:

   a. a statement of all disbursements made during the course of the quarter, by month, whether or not pursuant to the Plan;

   b. a summary, by class, of amounts distributed or property transferred to each recipient under the Plan, and an explanation of the failure to make any distributions or transfers of property under the Plan, if any;

   c. a description of any other factors which may materially affect the Debtor's ability to complete its obligations under the Plan; and

   d. an estimated date when an application for final decree will be filed with the court (in the case of the final quarterly report, the date the decree was filed).

8. Injunction. If and only if the Plan provides for an injunction and, except as expressly provided for in the Plan, the following actions are enjoined, stayed, and restrained until the Debtor completes payments under the Plan or otherwise obtains a discharge under 11 U.S.C. §1141(d)(5)(A) or (B): (i) the commencement or continuation of any action, and (ii) the employment of any process or the taking of any act to collect, recover or offset any claims which (a) arose against the Debtor or property of the estate prior to the date of this Order, and (b) are provided for by the Plan. The injunction shall be effective as of the Confirmation Date and, absent further order of this Court, shall terminate no later than the date that is 90 days after the date provided in the Plan for

the completion of payments to priority and unsecured creditors. Any creditor so enjoined may move for relief in this Court from this injunction upon default by the Debtor on a Plan obligation to that creditor, or otherwise for cause shown.

9. Claims Objections. Except as expressly provided otherwise in the Plan, any objections not yet made to a Claim shall be filed with the Court and served on the holder of such Claim within _____ (_____) days of the Effective Date; unless further extended by the Court, provided, however, that, if later, an objection to a Rejection Claim, as defined in paragraph 10 below, shall be filed with the Court and served on the holder of such Claim within thirty (30) days after the filing of such Claim.

10. Executory Contract Claims. Any claims for damages arising from the rejection of any executory contract or unexpired lease ("Rejection Claims") pursuant to the Plan shall be forever barred unless a proof of claim thereof is filed with the Court within thirty (30) days after the later of the date of entry of (i) an order by the Court approving the rejection of such contract or lease or (ii) the Confirmation Date; provided, however, that nothing herein shall affect any bar date heretofore established for the filing of such claims. The failure to file and serve such Rejection Claim timely and properly shall result in the Rejection Claim being forever barred and discharged unless waived by the Debtor or otherwise ordered by the Court.

11. Bar Date for Professional Fee Claims. All applications by professionals for allowance of fees and expenses shall be filed with the Court and served as required by law within _____ (_____) days after the Effective Date.

12. Service and Notice of Confirmation Order. In accordance with Fed. R. Bankr. P. 2002 and 3020(c), and MLRB 2002-1(10), promptly after the entry of this Order, the Debtor shall serve and give notice of the entry of this Confirmation Order by United States first class mail, postage prepaid and/or electronic mail to the (i) United States Trustee, (ii) each department, agency, or instrumentality of the United States that asserts a claim against the Debtor, (iii) parties which requested service of all notices and pleadings, (iv) all creditors on the matrix filed by the Debtor, and (v) all creditors who have filed a proof of claim in the bankruptcy case, to the extent not on the matrix. A certificate of such service shall be filed by the Debtor on or before seven (7) days following such service of notice.

13. Notice of Effective Date. Unless combined with the service of notice of this Order, on or before seven (7) days after the occurrence of the Effective Date the Debtor shall serve and give notice of the occurrence of the Effective Date in a manner and upon the parties described in paragraph 11 and 12. A certificate of service of such notice shall be filed by the Debtor on or before seven days following such service of notice.

14. Modified Secured Claims. In the event the Plan provides for the modification of a secured claim, the holder of the secured claim or its agent, must provide (i) to the Debtor and counsel to the Debtor, if any, no later than thirty (30) days after the Effective Date, a document entitled “Modified Loan Summary” which includes the principal amount due, interest rate, the term of the modified loan, an amortization schedule for the modified loan, and the terms of any tax or insurance expense escrow account, as set forth in the Plan; and (ii) to the Debtor commencing no later than thirty (30) days after the Effective Date, and thereafter for each month during the term of the modified secured claim, monthly bills in the amount due on account of installment payments on the modified secured claim, as set forth in the Plan. Said monthly bills shall be sent to the Debtor at the address listed on the bankruptcy petition or such other address as the Debtor shall instruct by change of address procedures established by the holder of the secured claim or its agent, shall be in the form sent to other borrowers (e.g., detachable payment receipts and return envelopes) and shall be mailed to the Debtor no later than eighteen (18) days before the due date of any monthly installment payment. Failure of the holder of a secured claim, or its agent to comply with the provisions of this order shall entitle the Debtor to seek all appropriate remedies, including civil contempt, damages, or monetary or non-monetary sanctions.

15. Retention of Jurisdiction. This Court shall retain jurisdiction over all matters arising out of, and related to, the Plan, this Order and the Chapter 11 case, as set forth in the Plan or as otherwise allowed by law.

16. Administrative Closure. The case shall be administratively closed on or after the Effective Date pursuant to the granting of a motion filed by the Debtor after the disposition of claim objections, professional fee applications, and any other pending matter.

17. Motion to Administratively Reopen Individual Chapter 11 Case for Entry of Discharge and Final Decree. Upon the completion of Plan payments required to be made to holders of allowed priority and unsecured claims, if the case has been administratively closed, the Debtor shall promptly file a Motion to Administratively Reopen and for Entry of Discharge ("Motion to Reopen"), except to the extent a discharge order already shall have issued pursuant to 11 U.S.C. § 1141(d)(5)(B) or (C) and MLBR 3020-1.

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