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 acknowledgement consistent with MLBR Official Local Form 8.

EXCEPT that, if the debtor fails to file such documents with the petition, the Court shall issue an order notifying the debtor and the debtor's attorney, if applicable, that, if the missing documents are not filed within 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 at the expiration of that period without a hearing; and

(2) if the debtor is a debtor engaged in business, as set forth in 11 U.S.C. § 1304, 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 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 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 or notice of amendment, if applicable, of a voluntary petition, schedule(s), and/or statement of financial affairs filed pursuant to MLBR 1009-1 shall be served upon all parties affected by the amendment and the chapter 13 trustee. The motion or notice and proposed amendment shall be accompanied by a certificate of service identifying the parties served. 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 MLBR 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 (including an amended plan) shall conform to MLBR Official Local Form 3.

(b) Service of Plan

Concurrently with the filing of the plan (including an amended plan), the debtor or the debtor's attorney shall cause a copy of the plan to be served by first class mail or other permitted means 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. In addition, if the plan (or amended plan) provides for the determination of the amount of a secured claim under Fed. R. Bankr. P. 3012 or provides for the avoidance of a judicial lien under Fed. R. Bankr. P. 4003, then the debtor or debtor’s attorney shall cause a copy of the plan to be served on the holders of any affected claims or liens in the

manner provided by Fed. R. Bankr. P. 7004. The debtor or debtor's attorney shall file appropriate certificates of service within three business days.

(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 in accordance with Rule 13-13 and on the chapter 13 trustee, the claimant, and the claimant's attorney and any other parties required under Rule 13-13;

(e) objections to confirmation shall be served in accordance with Rule 13-8; and

(f) a motion declaring a lien satisfied pursuant to Fed. R. Bankr. P. 5009 shall be served on the holder of any affected lien in the manner provided by Fed. R. Bankr. P. 7004.

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 11 U.S.C. § 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 the debtor's 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 COMPENSATION AGREEMENTS; DISCLOSURES; APPLICATIONS FOR COMPENSATION; PREPETITION COMPENSATION AND RETAINERS

(a) Disclosure of Prepetition Retainers and Compensation. The amount of any retainer and any compensation received by the debtor's attorney 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 debtor's bankruptcy case shall be included in the Disclosure of Compensation of Attorney for Debtor (Director's Form B2030) filed pursuant to Fed. R. Bankr. P. 2016(b) (the "2016(b) Statement").

(b) Disclosure of Other Compensation. If the debtor's attorney has received payment of compensation for services provided to the debtor within one year before the filing of the petition in bankruptcy or has provided services to the debtor within one year before the filing of the petition in bankruptcy, other than in contemplation of or in connection with the debtor's bankruptcy case, the debtor's attorney shall file a statement disclosing the amount of such compensation (the "Supplemental Compensation Disclosure") in addition to the 2016(b) Statement to the extent not otherwise disclosed by the debtor on the Statement of Financial Affairs (Official Form 107) at Part 7 or 8.

(c) Engagement Letter/Fee Agreement. In addition to any requirements of Rule 1.5 of the Massachusetts Rules of Professional Conduct and 11 U.S.C. § 528, the debtor's attorney shall enter into a written agreement with debtor describing the scope of representation and the basis or rate of the fees and expenses for which debtor will be responsible before or within a reasonable time after commencing representation. The agreement shall clearly state (1) the fees to be charged for representing the debtor in the chapter 13 case, (2) that neither the "no look" fee set forth in subsection (e) below nor any other amount paid by, or on behalf of, the debtor for services to be rendered in connection with a chapter 13 case shall be considered to be a "flat fee," if reasonable fees incurred by the debtor's attorney for services actually rendered prior to or after the filing of the petition do not exceed compensation paid by or on behalf of the debtor, (3) that the debtor may be entitled to a refund of some or all fees paid or retainer given under certain circumstances in the event that services rendered are not consistent with the time and

labor expended, the novelty and difficulty of the questions involved, and/or the skill requisite to perform the services efficiently and in accordance with applicable rules and law, and (4) that the debtor is entitled to seek review by the Court of the reasonableness of any fees or expenses. The debtor's attorney and the debtor shall also sign and file an acknowledgement consistent with MLBR Official Local Form 8.

(d) Refunds on Dismissal and Time Records Requirements. Time and expense records in connection with services rendered in contemplation of or in connection with the debtor's bankruptcy case shall be maintained by the debtor's attorney both before and after commencement of a chapter 13 case. If the chapter 13 case is dismissed and actual fees, calculated at hourly rates, and expenses incurred on behalf of the debtor for the chapter 13 case are less than amounts received by the debtor's attorney as a retainer, a "flat fee" or other compensation in contemplation of commencement of or in connection with the chapter 13 case, the amount by which such retainer, "flat fee" or other compensation exceeds actual fees, calculated at hourly rates, and expenses incurred by the debtor shall be refunded to the debtor unless authorized in writing by the debtor to be applied to post-dismissal services or otherwise ordered by the Court.

(e) "No Look" Amount. Unless otherwise ordered by the Court, if the debtor's attorney has been paid compensation or has accrued fees for services in contemplation of or in connection with the debtor's chapter 13 case at any time prior to entry of a confirmation order (including prepetition) (1) for pre-confirmation services totaling $4,000 or less and Qualified Expenses (defined below) totaling $1,000 or less and (2) for post-confirmation services up to an additional $1,000, and any amount by which pre-confirmation fees were less than $4,000, plus Qualified Expenses, the disclosure of the compensation made in the 2016(b) Statement and in the Statement of Financial Affairs shall be sufficient and the filing of an itemized application for compensation shall be excused. Unless otherwise ordered by the Court, any payment of fees or expenses not made prior to the petition date and disclosed in a 2016(b) Statement shall be paid through a plan.

For purposes of this Rule, "Qualified Expenses" are out of pocket expenses actually incurred by the debtor's attorney on behalf of debtor for filing fees, appraisals or opinions of value, UCC searches, title examinations, credit reports, certified copies, recording fees, postage or third-party document service charges, and counseling and financial management courses offered by agencies meeting the requirements of 11 U.S.C. § 111. Qualified Expenses may also include charges for copying at a rate not to exceed 15 cents per page or such lesser amount as may be comparable to the charges of an outside copying service.

(f) Application Required for Compensation Exceeding the "No Look" Amount.

(1) Compensation up to $10,000. A debtor's attorney who is not exempt from filing

an application for compensation pursuant to subsection (e) above, and who proposes to be paid total compensation of no more than $10,000 of fees in providing prepetition services in contemplation of, or postpetition services in connection with, the debtor's bankruptcy case shall file an application for compensation in accordance with MLBR Official Local Form 17 seeking approval of the full amount of such fees (not just the amounts in excess of the "no look" fee provided in subsection (e) above), unless the Court orders otherwise.

(2) Compensation in Excess of $10,000. An attorney who proposes to be paid total compensation in excess of $10,000 for services rendered in contemplation of or in connection with the debtor's bankruptcy case shall file an application for compensation in accordance with Fed. R. Bankr. P. 2016 and MLBR 2016-1 seeking approval of the full amount of such fees (not just the amounts in excess of the "no look" fee provided in subsection (e) above).

(g) Notwithstanding the requirements of subsection (f)(1) or (f)(2), an attorney required to file an application for compensation may, prior to allowance of such application, apply as interim compensation up to $4,000 of any amounts received prior to the petition date and disclosed in a 2016(b) Statement, subject to further order of the Court with respect to such application. An attorney required to file an application for compensation may also, prior to allowance of such application, pay Qualified Expenses up to $1,000 from any amounts received prior to the petition date and disclosed in a 2016(b) Statement, subject to further order of the Court with respect to such application.

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

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 (1) 30 days after the date on which the first Meeting of Creditors pursuant to 11 U.S.C. § 341 meeting is held or (2) 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 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 21 days after the response to an objection to confirmation is filed, the objecting party shall file a certificate stating either (1) that the conference was held, the date of the conference, and the names of the participating parties; or (2) 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. 11 U.S.C. § 341 MEETING OF CREDITORS

(a) The Clerk shall serve on all creditors notice of the 11 U.S.C. § 341 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 11 U.S.C. § 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 11 U.S.C. § 341 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 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 which conforms to MLBR Official Local Form 3 and a motion to approve the amended plan. The debtor shall cause a copy of the amended plan and motion to approve the amended plan to be served in accordance with Rule 13-4. 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 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 Rule 13-8(a) *supra*, 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 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 proposed amended plan shall conform to MLBR Official Form 3. The motion to amend shall include a statement of the reason for the amendment and a summary of the provisions of the plan that are being changed. In conjunction with eh motion to amend, the debtor shall file amended schedules I and J and an amended summary of schedules as appropriate if plan payments are changing under the terms of the amended plan.

(b) The debtor shall cause a copy of the motion, amended plan, and any updated schedules I and J to be served in accordance with Rule 13-4. 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 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 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 410 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 is timely filed if filed within the deadlines set forth in Fed. R. Bankr. P. 3002. The Court may extend the deadline for filing a proof of claim (i) for not more than 30 days, on a motion filed by a creditor before the expiration of the time to file a proof of claim, or (ii) as otherwise provided in Fed. R. Bankr. P. 3002 (the original or extended original deadline being the "Initial Filing Deadline").

(b) 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 11 U.S.C. § 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 provided in section (a) (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 seven (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 (1) 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 (2) 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 real estate or other collateral, then the supporting documents required under Fed. R. Bank. P. 3001(c) shall include (1) copies of the original note, mortgage or security agreement; and (2) if the claimant is not the original holder of the note and mortgage or security agreement, 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 the detailed itemization of principal, interest, costs and all expenses as required under Fed. R. Bank. P. 3001 (c) (2). The Court, in its discretion, may order a claimant or a claimant's attorney to file an application for compensation and reimbursement of any such costs and expenses in accordance with MLBR 2016-1 or an accounting of any and all amounts due, including prepetition or postpetition arrearages, fees, or costs.

(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), of this Rule 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 410A (Proof of Claim Attachment A).

(e) Only the provisions of MLBR 3007-1(a), (c), (d) and (f) apply to chapter 13 cases. A party objecting to a proof of claim shall attach a notice to the objection filed with the Court which conforms substantially to Official Form 420B, 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 cause the objection and the notice together with a certificate of service to be served (1) on the claimant in the manner provided for service under Fed. R. Bank. P. 3007(a)(2) (which includes requirements for service in the manner provided by Fed. R. Bank. P. 7004 for any objection to the claim of the United States, or any of its officers or agencies, or for an objection to the claim of an insured depository institution); and (2) by first class mail or other permitted means on the debtor, the trustee and, if applicable, the entity filing the claim under Fed. R. Bank. P. 3005, and any other party entitled to notice.

(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 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 pursuant to 11 U.S.C. § 506 or pursuant to confirmation of a plan as provided under Fed. R. Bankr. P. 3015, 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) and 6005-1.

(c) Within 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; and (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; LOAN MODIFICATION AGREEMENTS

(a) In addition to the provisions and requirements of MLBR 4001-2, any motion for approval of an agreement relating to a borrowing, refinancing, or loan modification, shall include all the material terms of the proposed credit arrangement. A copy of the fully executed borrowing or modification agreement, signed by a duly authorized representative of the lender or its agent, and the estate representative or debtor, shall be attached to the motion.

(b) A motion to approve a loan modification shall also contain a Cover Sheet with a summary of loan modification setting forth all the current and modified terms as required by MLBR Official Local Form 20. A motion to approve a loan modification shall contain a representation from the debtor's attorney (or the debtor, if appearing pro se) that the cover sheet is accurate to the best of his or her knowledge and belief.

(c) A motion to approve a loan modification shall be filed by the creditor and/or the debtor within 45 days of receipt of the fully executed modification agreement.

(1) In the event of any inconsistencies between the summarized modification terms contained in the summary of loan modification and the actual terms set forth in

the modification agreement, the terms of the loan modification agreement shall control.

(2) Unless otherwise specified in the motion and/or the summary of loan modification, all prepetition arrearages not already paid by the chapter 13 trustee through the confirmed chapter 13 plan shall be treated as amounts capitalized or otherwise waived and forgiven under the terms of the modification agreement.

(d) Upon approval of a loan modification, unless otherwise ordered by the Court, in the event that prepetition mortgage arrears are included in the loan modification agreement, the chapter 13 trustee shall cease disbursements to the creditor on the allowed arrears claim in accordance with the confirmed plan, regardless of whether an amended proof of claim is filed by the creditor.

(e) Within 30 days of Court approval of the modification, the debtor shall file all necessary amendments to the plan and schedules to reflect the change in circumstances as a result of the modification. If an amended plan is filed, it shall include any amounts paid by the trustee on the creditor's secured claim prior to the approval of the modification.

(f) Notwithstanding the foregoing, within 30 days of Court approval of the modification the creditor shall file an amended proof of claim reflecting the amount of the modified unpaid principal balance to facilitate the creditor's on-going compliance with notices required by Fed. R. Bankr. P. 3002.1(b) and 3002.1(c).

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, 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 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 paragraph (d) of this Rule, 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 paragraph (a) and (b) of this Rule, 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 (1) 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 (2) 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 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 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 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 13-16-3. SECURED CLAIMS AFTER RELIEF FROM AUTOMATIC STAY

(a) If an order is entered granting a secured creditor relief from the automatic stay and the confirmed chapter 13 plan (the "Plan") provides for payments to such creditor by the chapter 13 trustee through the Plan (the "Designated Creditor"), the Designated Creditor shall not be entitled to any further disbursements under the Plan. Any disbursements made in accordance with the Plan prior to docketing of the order granting relief from stay shall be applied to reduce the claim, unless otherwise ordered by the Court. The chapter 13 trustee shall not be responsible for recovering any disbursements made in accordance with the terms of the Plan prior to docketing of the order granting relief from stay.

(b) The chapter 13 trustee may recommence disbursements to a Designated Creditor only upon entry of a Court order authorizing the reinstatement of such disbursements.

(c) Within 30 days after the entry of an order granting relief from the automatic stay in favor of a Designated Creditor, the debtor shall file an amended plan reflecting the treatment of the Designated Creditor through the date of the amended plan and all remaining secured claims. If a motion to dismiss or convert is pending, the debtor shall be relieved of such requirement.

RULE 13-17. MOTIONS TO DISMISS OR 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 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 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 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 Rule 13-2 *supra* 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: (1) chapter 13 trustee compensation calculated in accordance with 28 U.S.C. §586(e); and (2) 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 (MLBR Official 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, (Official Form 410), a Notice of Transfer of Claim, (Director's Form B 2100A), or a Notice of Address Change (MLBR Official 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. The motion may incorporate a request under Fed. R. Bankr. P. 5009 to declare a lien satisfied, or request that creditors who held secured claims which were fully paid execute and deliver to the debtor a release or other discharge certificate suitable for recording.

(b) The debtor shall cause the Motion for Entry of Chapter 13 Discharge and Affidavit to be served upon the beneficiary of the debtor's domestic support obligations, if any, the chapter 13 trustee, the United States trustee, and all the debtor's creditors. If the motion incorporates a request for relief under Fed. R. Bankr. P. 5009, or requests that creditors who held secured claims which were fully paid execute and deliver to the debtor a release or other discharge certificate suitable for recording, the debtor shall cause the motion to be served on the holder of any affected lien in the manner provided by Fed. R. Bankr. P. 7004. Any objections to the motion must be filed within 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 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) of this Rule. If the motion has been served in accordance with this Rule on the affected lienholders, the order may also provide for the lien to be deemed satisfied or direct that creditors who held secured claims which were fully paid execute and deliver to the debtor a release or other discharge certificate suitable for recording.

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 MLBR 1016-1(c).