

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

STANDING ORDER 2019-04

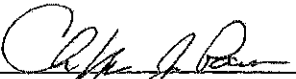
ORDER ADOPTING MASSACHUSETTS LOCAL BANKRUPTCY RULE 3020-1 AND 3022-2,
RESCINDING AND REPLACING OFFICIAL LOCAL FORM 19, AND
ADOPTING OFFICIAL LOCAL FORM 22

On this date, for all cases pending and thereafter commenced:

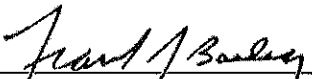
1. MLBR 3020-1(new) and MLBR 3022-2(new) will become effective;
2. Official Local Form 19 is hereby rescinded and replaced by revised Official Local Form 19; and
3. Official Local Form 22(new) will become effective.

Newly adopted MLBR 3020-1 and 3022-2, and Official Local Form 22, and revised Official Local Form 19 are attached hereto.

IT IS SO ORDERED:




Chief Judge Christopher J. Panos



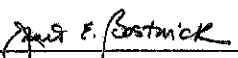
Judge Frank J. Bailey



Judge Melvin S. Hoffman



Judge Elizabeth D. Katz



Judge Janet E. Bostwick

Dated: November 27, 2019

RULE 3020-1. CONFIRMATION ORDER REGARDING CHAPTER 11 PLAN OF REORGANIZATION OF INDIVIDUAL DEBTOR(S)

Official Local Form 19 sets forth a sample Order Confirming Chapter 11 Plan of Reorganization of Individual Debtor(s), for a case that is not a small business debtor reorganization under Subchapter V, of the Small Business Reorganization Act of 2019 which may be used and altered to fit the circumstances of the case.

RULE 3022-2.

ADMINISTRATIVE CLOSING OF INDIVIDUAL CHAPTER 11 CASE

- (a) In a chapter 11 case in which the debtor is an individual, other than a case that is a small business debtor reorganization under Subchapter V of the Small Business Reorganization Act of 2019, the debtor may request, by motion, entry of a final decree and an administrative closing of the case without entry of a discharge.
- (b) If the plan provides for an injunction against collection of claims prior to entry of a discharge, the order confirming the plan (see MLBR 3020-1) shall contain such an injunction.
- (c) Any party in interest, including the debtor, may move to reopen a case that has been administratively closed under this rule without the necessity of paying a filing fee to request entry of the discharge, to seek relief from an injunction, or for any other appropriate purpose.
- (d) In a case which has been administratively closed, upon completion of plan payments required to be made to holders of allowed priority claims and allowed unsecured claims, the debtor shall promptly file a motion to administratively reopen and for entry of discharge. Such motion shall be accompanied by an affidavit which shall substantially conform to Official Local Form 22.

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)(1)-(16) and (b)(1), as relevant.

Accordingly, the Court hereby orders the following:

1. Confirmation. The Plan, incorporated herein by reference, is hereby CONFIRMED.
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 such creditor has accepted the Plan, upon entry of this Order and the expiration of any stay provided by Fed. R. Bankr. 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 MLBR 3022-2(d), 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, if any, to make any distributions or transfers of property under the Plan;
 - c. a description of any other factors which may materially affect the Debtor's ability to complete his/her 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 Effective 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 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 within (____) days after the filing of such Claim.

10. Executory Contract Claims. Any claim for damages arising from the rejection of any executory contract or unexpired lease ("Rejection Claim") 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 Effective 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 a 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 in accordance with applicable procedural rules and orders of this Court 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 MLBR 2002-1(10), the Debtor shall promptly serve and give notice of the entry of this 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 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. Unless otherwise agreed by the Debtor and the holder of the secured claim or its agent, 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 (provided the Debtor complies with any 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, or related to, the Plan, this Order, and the Chapter 11 case, as set forth in the Plan or as otherwise allowed by law.

Dated: _____, 20____

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re

Debtor(s)

Case No.

Chapter 11

AFFIDAVIT IN SUPPORT OF MOTION FOR ENTRY OF INDIVIDUAL CHAPTER 11 DISCHARGE

In support of the Motion for Entry of Individual Chapter 11 Discharge,
I/we _____, hereby certify as follows:

1. I/we have completed payment of the Plan payments required to be made to holders of allowed priority and unsecured claims.
2. I/we have completed a financial management course pursuant to 11 U.S.C. § 727(a)(11) and filed a certification of completion with the Court.
3. I/we 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/we hereby declare under the penalty of perjury that the foregoing is true and correct.

Dated: _____

Signed:

Affiant: _____

Printed Name: _____

Joint Affiant: _____

Printed Name: _____

Address: _____

Telephone Number: _____