

LOCAL BANKRUPTCY RULES
OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MARYLAND



As Revised December 1, 2020

Available online at:
www.mdb.uscourts.gov

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

FOREWORD

(December 2020)

These Rules are intended to supplement the Bankruptcy Code and Federal Bankruptcy Rules to bring transparency and predictability to bankruptcy practice in our Court. To the extent members of the bar or public believe future changes or revisions are warranted, they are encouraged to communicate their proposals to the Clerk of Court for consideration by the bench.

The December 1, 2020 amendments have version number “20.17” at the bottom of each page. This version of the Rules supersedes all prior versions (the amendments in redline are available through the Court’s CM/ECF system under Miscellaneous Proceeding 16-90000). These Rules are effective as of December 1, 2020 and govern all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings in bankruptcy cases then pending.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
GENERAL INFORMATION**

www.mdb.uscourts.gov
(Updated December 2020)

COURT ADDRESSES:

Baltimore Division
U.S. Bankruptcy Court
101 West Lombard Street, Suite 8530
Baltimore, Maryland 21201

Greenbelt Division
U.S. Bankruptcy Court
6500 Cherrywood Lane, Suite 300
Greenbelt, Maryland 20770

JUDGES OF THE COURT:

Baltimore Division
Hon. Nancy V. Alquist
Hon. David E. Rice
Hon. Michelle M. Harner
Hon. Duncan W. Keir (Recalled)

Greenbelt Division
Hon. Thomas J. Catliota, Chief Judge
Hon. Lori S. Simpson
Hon. Maria Ellena Chavez-Ruark

Clerk of the Court:
Mark A. Neal

Thomas C. Kearns, Chief Deputy
Kelly Grant, Director of Operations

SCHEDULE OF FEES

Schedule of Fees may be found on the Court's website: www.mdb.uscourts.gov
Fees - See also 28 U.S.C. §§ 1914 and 1930

Cashier's Checks must be payable to: Clerk, U.S. Bankruptcy Court
(Personal Checks Not Accepted)

OFFICE HOURS

The Office of the Clerk is open daily, 8:45 a.m. to 4:00 p.m., except Saturday, Sunday and legal holidays.

NIGHT DROP BOX

A Night Drop Box is available during the following hours:

Greenbelt: Monday through Friday 4:00 p.m. until 7:00 p.m.
(Excluding holidays)

Baltimore: Monday through Friday 4:00 p.m. until midnight
(Excluding holidays)

TELEPHONE NUMBERS

General Information Numbers

Baltimore Division.....410-962-2688
Greenbelt Division.....301-344-8018
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THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

LOCAL BANKRUPTCY RULES
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PART I

RULE 1001-1 SHORT TITLE; CAPTION APPLICABILITY

These rules shall be known as the “Local Bankruptcy Rules,” and any citation referencing these rules shall be made as “Md. L.B.R._____.” The Local Bankruptcy Rules, along with all active administrative orders of the court, apply to all cases pending in the court except as otherwise provided in these rules. The Local Bankruptcy Rules supplement, but do not replace, the Federal Bankruptcy Rules and shall be construed consistently with those rules to secure the just, expeditious and economical administration and determination of every case and proceeding governed by these rules.

RULE 1002-1 PETITION - GENERAL

- (a) The petition will be dismissed without a hearing if:
 - (1) the petition is not signed by the debtor;
 - (2) the party filing the petition neither pays the prescribed filing fee with the petition nor files with the petition an application to pay the required fee in installments, nor files an application requesting waiver of the filing fee if eligible to do so;
 - (3) the debtor does not file the master mailing matrix with the petition;
 - (4) a Chapter 11 debtor does not file the list of twenty (20) largest unsecured creditors with the petition;
 - (5) the petition is submitted by a debtor who is not an individual and is not represented by an attorney who is a member of the bar of the District Court;
 - (6) the petition is submitted by a person who, under either 11 U.S.C. § 109(g) or an order of court, may not be a debtor at the time of the submission of the petition;

(7) a voluntary petition is filed without the debtor's Social Security Number or Individual Taxpayer Identification Number (ITIN) being provided, unless the debtor files Official Form B121 stating that the debtor does not have a Social Security Number or ITIN; or

(8) in cases for individuals, the Credit Counseling Statement or request for waiver pursuant to 11 U.S.C. § 109(h)(3) or (4) is not filed and debtor has not checked the block on the voluntary petition stating that debtor received approved budget and credit counseling during the 180-day period ending on the filing of the petition.

(b) Other Deficient Petitions and Papers - Notice of Deficient Filing. The Clerk can issue a notice:

(1) specifying deficiencies - except those described in subsection (a) - in the petition, schedules, and associated papers; and

(2) stating that the petition, schedule or associated papers may be stricken or the case dismissed if the deficiencies are not corrected within fourteen (14) days after the date of issuance of the deficiency notice.

RULE 1006-1 FILING FEES - INSTALLMENT PAYMENTS

(a) Tender of Payment. The filing fee may be paid in cash or by cashier's check, certified check or negotiable money order made payable to "Clerk, United States Bankruptcy Court." Only counsel may pay filing fees by credit card. Payment by counsel's check will be accepted only if the check is drawn on the account of the attorney for the debtor or on the account of a law firm of which the attorney for the debtor is a member, partner, associate or of counsel.

The Clerk shall maintain a list of attorneys and law firms whose checks have been dishonored and may refuse to accept the checks of such attorneys or firms.

(b) Payment of Fees in Installments. Unless cause is shown or appears of record, the court will approve an application by an individual to pay the filing and administrative fees in installments that proposes a payment plan with minimum payments in accordance with the following schedule:

	At Filing	Within 30 Days After Filing	Within 60 Days After Filing	Within 90 Days After Filing
Chapter 7	25%	25%	25%	25%
Chapter 11	50%	50%	--	--
Chapter 12	25%	25%	25%	25%
Chapter 13	25%	25%	25%	25%

(c) Overpayment of Fees. Any overpayment of fees of \$25.00 or less will not be refunded.

RULE 1007-1 MAILING LIST OR MATRIX

(a) Matrix Contents. A debtor must file with the voluntary petition a master mailing matrix containing the names and addresses of the debtor and all creditors. In a case under Chapter 11, the debtor must include in the matrix the taxing authority for each county in which the debtor holds an interest in real estate.

(b) Matrix Form. The master mailing matrix must be submitted in the form required by the Clerk.

(c) Supplemental Matrix. The debtor must file a supplemental mailing matrix with any schedule or amended schedule that contains a change in address or an entity entitled to notice or

adds the names of an entity not listed on the original matrix. If a scheduled creditor was omitted from, or incorrectly listed on, the mailing matrix, the debtor must file a supplemental mailing matrix that corrects the error promptly after it is discovered. The supplemental matrix must conform to the form required by the Clerk.

(d) Verification. The master mailing matrix and any supplemental matrix must be dated and verified. The verification must state that to the best of the affiant's knowledge, information and belief, the matrices are accurate and complete.

RULE 1007-2 VOLUNTARY PETITION – NON-INDIVIDUAL DEBTOR

A person filing a voluntary bankruptcy petition for any non-individual debtor must file with the petition, a certificate, resolution, or other applicable documentation demonstrating that the filing is authorized by the debtor.

RULE 1007-3 NOTICE TO CREDITORS OMITTED FROM OR INCORRECTLY LISTED ON MASTER MAILING MATRIX

If a debtor files schedules or a supplemental mailing matrix after filing the petition, and if the debtor's schedules or a supplemental mailing matrix include one or more creditors that were not included, or were listed incorrectly, on the debtor's master mailing matrix filed with the petition, a debtor must comply with the following procedures:

(a) Notice to Creditors. The debtor must send to each creditor that is added or whose address is corrected:

- (1) a copy of the original Notice for Meeting of Creditors; and

(2) a copy of each order that establishes or extends a bar date for claims or for complaints to determine the dischargeability of certain debts or to object to the discharge of the debtor.

(b) Certificate of Compliance. With the schedules and supplemental mailing matrix, the debtor must file a certificate of compliance with this Rule, together with a dated and clearly titled supplemental mailing matrix that lists only the names and correct mailing addresses of each newly scheduled creditor.

RULE 1007-4 PAYMENT ADVICES

Copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition by the debtor from any employer of the debtor, (1) shall not be filed with the court unless otherwise ordered, and (2) shall be provided to the trustee, and any creditor who timely requests copies of the payment advices or other evidence of payment, at least seven (7) days before the date of the meeting of creditors conducted pursuant to 11 U.S.C. § 341. To be considered timely, a creditor's request must be received by the debtor at least fourteen (14) days before the first date set for the meeting of creditors.

If the debtor cannot provide copies of the required payment advices, debtor is required to file a Statement Under Penalty of Perjury in the form set forth in Local Bankruptcy Form Q. Upon the filing of a notice that the debtor has not provided a copy of all pay advices or other evidence of payment, or a Statement Under Perjury, as required herein above, an order of dismissal may be entered after fourteen (14) days notice to the debtor, counsel to the debtor, and the United States Trustee and an opportunity for a hearing.

RULE 1007-5 COMPLIANCE WITH FILING REQUIREMENTS

The Clerk will docket a Certificate of Compliance for each case meeting all filing requirements under 11 U.S.C. § 521(a)(1), except payment advices under § 521(a)(1)(B)(iv), or a Certificate of Non-Compliance, as appropriate.

RULE 1007-6 OWNERSHIP STATEMENT TO BE FILED BY DEBTOR THAT IS NOT AN INDIVIDUAL

Federal Bankruptcy Rule 1007 shall apply to any debtor who is not an individual.

RULE 1009-1 AMENDMENTS TO LISTS AND SCHEDULES

When filing amended schedules that add previously unscheduled creditors, a debtor must comply with the following procedures:

(a) Notice to United States Trustee. The debtor must send a copy of the amended schedules to the Office of the United States Trustee and to any trustee appointed in the case.

(b) Notice to Creditors. The debtor must send to each creditor added or whose status is changed by an amended schedule:

- (1) a copy of the amended schedule;
- (2) a copy of the original Notice for Meeting of Creditors; and
- (3) a copy of each order that establishes or extends a bar date for filing proofs of claims or complaints to determine the dischargeability of certain debts or to object to the discharge of the debtor.

(c) Certificate of Compliance. With the amended schedule, the debtor must file a certificate of compliance with this Rule, together with a dated and clearly titled supplemental

mailing matrix that lists only the names and correct mailing addresses of all newly scheduled creditors.

(d) Notice of Amendment of Schedules in Chapter 9 and Chapter 11 Cases. Whenever the debtor or trustee in a Chapter 9 or a Chapter 11 case amends the debtor's schedules to change the amount, nature, classification or characterization of a debt owing to a creditor, the debtor or trustee must, within fourteen (14) days of filing, transmit notice of the amendment to the creditor and notice of the creditor's right to file a proof of claim by the later of: (i) the bar date (if any); or (ii) either (a) thirty (30) days from the date of notice in a case proceeding under Subchapter V; or (b) sixty (60) days from the date of the notice in all other cases in Chapter 9 and Chapter 11. The debtor or trustee must file a certificate of service of the notice with the Clerk within seven (7) days of service.

RULE 1010-1 OWNERSHIP STATEMENT TO BE FILED IN AN INVOLUNTARY CASE BY EACH PETITIONER THAT IS NOT AN INDIVIDUAL

Federal Bankruptcy Rule 1010(b) shall apply to any petitioner who is not an individual.

RULE 1011-1 OWNERSHIP STATEMENT TO BE FILED BY A NON-INDIVIDUAL THAT IS A RESPONDENT TO AN INVOLUNTARY PETITION OR PETITION FOR RECOGNITION

Federal Bankruptcy Rule 1011(f) shall apply to any respondent who is not an individual.

RULE 1015-1 JOINT ADMINISTRATION/CONSOLIDATION

(a) The estates of spouses filing a joint petition will be deemed consolidated under 11 U.S.C. § 302(b) unless otherwise ordered on the motion of a party in interest.

(b) An order of joint administration may be entered, without notice and an opportunity for hearing, upon the filing by the debtors of a motion for joint administration pursuant to Federal Bankruptcy Rule 1015, supported by an affidavit, declaration or verification, which establishes that the joint administration of two or more cases pending in the court under Title 11 is warranted and will ease the administrative burden for the court and the parties. An order of joint administration entered in accordance with this rule may be reconsidered upon motion of any party in interest at any time, and such order is for procedural purposes only and shall not cause a substantive consolidation of the respective debtors' estates.

RULE 1017-1 DISMISSAL OF CASE

Upon the filing of a notice that the debtor has not provided a copy of the Federal income tax return to the trustee pursuant to 11 U.S.C. § 521(e)(2)(A), an order of dismissal may be entered after fourteen (14) days notice to the debtor, counsel to the debtor, and the United States Trustee and an opportunity for hearing.

PART II

RULE 2002-1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

(a) Noticing Period. A debtor, creditor, official committee, and any other party in interest sending a notice of proposed action to other parties in interest must give recipients no less than twenty-one (21) days from the date of completion of service to file an objection to the action described in the notice, unless the Federal Bankruptcy Rules specifically require a different time or unless otherwise ordered by the court or these Rules.

(b) Content. In addition to the information required by specific notices, notices must contain sufficient information to enable a party in interest to make a reasonably well-informed decision whether to object to the action proposed in the notice. The notice must state: (1) the date by when objections must be filed; (2) the person upon whom objections must be served; (3) that the proposed action may be authorized without further order or notice if no timely objection is filed; (4) that the court, in its discretion, may conduct a hearing or determine the matter without a hearing regardless of whether an objection is filed; (5) that an objection must state the facts and legal grounds on which the objection is based; and (6) the name of the party giving notice or its attorney, together with the address, telephone number and email address of the party to be contacted if parties in interest have questions regarding the subject of the notice. A notice may not state that an objecting party must attend a court hearing in support of any objection made.

(c) Certificate of Service. A party must file a certificate of service of a notice given under these Rules or the Federal Bankruptcy Rules within seven (7) days after completion of service.

(d) Content of Objections. An objecting party must state the authority for the objection either in its filed objection or in an accompanying memorandum of fact and law. An objecting party must certify that copies of the objection and of any supporting memorandum have been sent to the opposing party or parties and their counsel.

(e) Sales Notices. See Local Bankruptcy Rule 6004-1.

(f) Technical Requirements for Notices. A party sending a notice must show the date of completion of service conspicuously on the face of the notice.

(g) Limitation of Notice - Chapter 7, Chapter 12 and Chapter 13. A party required to give notice pursuant to Federal Bankruptcy Rule 2002(a) may limit notice as provided under Federal Bankruptcy Rule 2002(h) to (1) the debtor; (2) the trustee; (3) creditors that hold claims for which proofs of claim have been filed; and (4) such other creditors who may file timely claims.

(h) Limitation of Notice - Chapter 11. In Chapter 11 cases, where official committees are appointed and the number of creditors exceeds thirty (30), notices of the actions described below can be limited to the debtor, the United States Trustee, the members of all official committees or committee counsel, if appointed, and to those creditors and equity security holders who file and serve on counsel for the debtor a written request for notices of:

- (1) the proposed use, sale or lease of property of the estate other than in the ordinary course of business;
 - (2) the hearing on the approval of a compromise or settlement of a controversy other than the approval of an agreement pursuant to Federal Bankruptcy Rule 4001(d);
 - (3) a hearing on an application for compensation or reimbursement of expenses;
- and
- (4) such other notices as the court orders.

(i) Voluntary Dismissal - Chapter 7 and 11. Notices of a motion by a debtor to dismiss a voluntary case under Chapter 7 or 11 must be sent to all parties in interest.

(j) Continued Meetings and Hearings. If a hearing or meeting of creditors is continued or rescheduled at the request of a party, or for reason of the failure of a party to appear or comply with applicable law or rules, that party must send notice of the continued or rescheduled hearing or meeting by the fastest means to avoid inconvenience to other parties entitled to notice. The party must file a certificate of service of that notice.

(k) Notice When Motion Not Required. Whenever notice and a hearing are required under the Bankruptcy Code, Federal Bankruptcy Rules or these Local Bankruptcy Rules but a motion is not mandatory, the entity proposing to act shall provide notice to all parties entitled to notice under Federal Bankruptcy Rule 2002 and Local Bankruptcy Rule 2002-1.

RULE 2002-2 NOTICE TO EQUITY SECURITY HOLDERS

Unless otherwise ordered by the court, the debtor-in-possession (or trustee if applicable) is responsible for giving notices required by Federal Bankruptcy Rule 2002(d).

RULE 2004-1 EXAMINATIONS UNDER FEDERAL BANKRUPTCY RULE 2004

(a) Production Request Limits. A party in interest may not request or compel an entity being examined under Federal Bankruptcy Rule 2004 to respond to more than thirty (30) requests for production.

(b) Smoking During Examinations Prohibited. No one can smoke in a room where an examination is being conducted, unless all persons agree.

(c) Examination and Production to Proceed Despite Existence of Disputes. An examination or production dispute as to one matter does not justify delay in taking an examination or responding to other examination or production requests, unless otherwise ordered by the court.

(d) Examination Guidelines. The court's Discovery Guidelines set forth in Appendix C govern scheduling and the conduct of examinations and requests for production, unless they are not applicable in context.

(e) Conference of Counsel Required. Counsel must confer concerning an examination or production dispute and make good faith attempts to resolve an examination or production dispute. The court will not consider a motion to compel or for sanctions unless the moving party has filed a certificate stating:

(1) the date, time, and place of a dispute resolution conference; the names of all persons participating; and any unresolved issues remaining; or

(2) the moving party's attempts to hold such a conference without success.

(f) Copying Expenses. A party in interest requesting copies of documents that were produced for inspection under Federal Bankruptcy Rule 2004 must pay the actual, reasonable costs of copying.

RULE 2015-1 COMPENSATION BY DEBTOR IN CHAPTER 11

(a) The rate of compensation paid by the debtor in possession to its officers, directors, members or partners shall not exceed the rate of compensation paid to those persons ninety (90) days prior to the filing of the petition, unless otherwise ordered by the court.

(b) The debtor shall file a statement containing the following information within twenty-one (21) days after filing a petition in a Chapter 11 case:

(1) a statement specifying the duties and positions of the following (to the extent compensated):

(A) the debtor, if an individual;

(B) the partners of the partnership;

(C) the officers and directors of the corporation, and any other insiders

(as defined by 11 U.S.C. § 101); and

(D) the members of the limited liability company.

(2) the rate of compensation paid to each person identified in Local Bankruptcy Rule 2015-1(b)(1) ninety (90) days prior to and at the time of the filing of the petition; and

(3) the rate of compensation of each as of the time the statement is filed.

RULE 2016-1 COMPENSATION OF PROFESSIONALS

(a) Applications for Compensation by Professionals. Unless the court orders otherwise, all professionals seeking compensation pursuant to 11 U.S.C. §§ 327, 328, 330, and 331, including attorneys, accountants, examiners, investment bankers, financial advisors and real estate advisors, must prepare and submit their applications for compensation in accordance with the Guidelines attached as Appendix D to these Rules.

(b) Disclosure of Compensation. An attorney representing a debtor in a case or in connection with a case must file a Federal Bankruptcy Rule 2016(b) disclosure statement with the petition. If an attorney commences representation of the debtor in a case or in connection with a case after the filing of the petition, such attorney must file the Federal Bankruptcy Rule 2016(b) disclosure statement at the time representation is commenced.

RULE 2016-2 DISCLOSURE OF COMPENSATION OF PETITION PREPARERS

A person who provided petition preparation services as defined in 11 U.S.C. § 110 must provide to the debtor a copy of the Federal Bankruptcy Rule 2016(c) disclosure statement (Official Form B2800) signed by the bankruptcy petition preparer for filing with the petition.

(a) If the fees charged by the bankruptcy petition preparer exceed the fee amount described in sub-paragraph (b) below, the bankruptcy petition preparer must attach to Official Form B2800 a signed declaration providing notice to the debtor of this Rule and describing the rate for services, the tasks performed, the time spent on each task, and providing a short, plain statement justifying the excess fees.

(b) For purposes of this Rule, a fee not exceeding \$125.00 shall be presumed reasonable for bankruptcy petition preparation services.

RULE 2070-1 ADMINISTRATIVE EXPENSES

Motions for the allowance or payment of administrative expenses must be served upon the debtor, any trustee, members of any committee elected under 11 U.S.C. § 705 or appointed under 11 U.S.C. § 1102 or its counsel, or in a Chapter 11 case, if no committee of unsecured creditors has been appointed, to those creditors on the list filed pursuant to Federal Bankruptcy Rule 1007(d), the United States Trustee, and to those parties in interest who have filed written requests for notice.

RULE 2072-1 NOTICE TO OTHER COURTS WITH PENDING ACTIONS

The debtor or other party filing a bankruptcy case must promptly send notice conforming to Local Bankruptcy Form A of the bankruptcy filing to the following persons:

- (a) the clerk of any court where the debtor is a party to a pending civil action and all parties of record;
- (b) any judge specially assigned to a pending civil action in which the debtor is a party;
- and
- (c) parties handling a non-judicial foreclosure.

RULE 2081-1 CHAPTER 11 - SCHEDULED CLAIMS

The debtor in a Chapter 11 case must serve on each creditor whose claim is listed on a schedule as disputed, contingent, or unliquidated, notice of that listing within fourteen (14) days after filing the schedule or within fourteen (14) days after adding a disputed, contingent or unliquidated creditor to a previously filed schedule. The notice must clearly identify each creditor whose claim has been scheduled as disputed, contingent or unliquidated and state that such creditor has the right to file a proof of claim and the failure to do so timely may prevent the creditor from voting on a plan or participating in any distribution. The debtor must file a certificate of service of the notice within seven (7) days of service.

PART III

RULE 3003-1 TIME FOR FILING PROOFS OF CLAIM IN CHAPTER 11 CASES

Except as provided in 11 U.S.C. § 502(b)(9), in a Chapter 11 case, other than a case under Subchapter V, a proof of claim is timely filed if it is filed not later than ninety (90) days after the first date set for the meeting of creditors under 11 U.S.C. § 341(a), unless a different date is fixed by the court. Except as provided in 11 U.S.C. § 502(b)(9), in a case under Subchapter V, a proof of claim is timely filed if it is filed not later than seventy (70) days after order for relief, unless a different date is fixed by the court.

RULE 3003-2 WAGE CLAIMANTS

A wage claimant must provide claimant's full social security number directly to the trustee, in addition to filing a proof of claim for past wages with the court.

RULE 3007-1 CLAIMS -- OBJECTIONS

In addition to the service required by Federal Bankruptcy Rules 9014 and 7004(b), a party objecting to a proof of claim must serve a copy of the objection and any supporting memorandum and affidavit on the claimant at the name and address where notices should be sent as shown on the proof of claim and must certify that service to the court. The objection must conspicuously state that:

(a) within thirty (30) days after the date on the certificate of service of the objection, the claimant may file and serve a memorandum in opposition, together with any documents and other evidence the claimant wishes to attach in support of its claim, unless the claimant wishes to rely solely upon the proof of claim; and

- (b) an interested party may request a hearing that will be held at the court's discretion.

**RULE 3012-1 AVOIDANCE OF LIEN ON PRINCIPAL RESIDENCE UNDER 11
U.S.C. § 506 BY MOTION - CHAPTER 13 ONLY**

(a) This Rule shall apply if a Chapter 13 debtor seeks to avoid a lien on real property which is the debtor's principal residence by filing a motion. If a debtor proceeds under this Rule, the debtor shall so indicate in the Plan. If a debtor elects instead to seek to avoid a lien on such real property by a provision in the debtor's plan, Local Rule 3015-1 shall apply.

(b) Form. A motion to avoid a lien on a Chapter 13 debtor's principal residence under 11 U.S.C. § 506 may seek only to avoid a single lien. The name, address and nature of ownership (e.g., tenancy in common, tenancy by the entirety) of any non-debtor owner of property must also be included.

(c) Required Material. The debtor must submit with the motion:

(1) Evidence of the value of the residence, and

(2) If no proof of claim has been filed by the holders of claims secured by senior interests in the principal residence, evidence of the amount of the claims so secured.

(d) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions to avoid lien for each judge of the court. The list will be posted on the court's website.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than forty-nine (49) days after the date of service.

(3) Movant must serve a copy of the motion to avoid lien on the respondent and any non-debtor owner in the manner required by Federal Bankruptcy Rules 9014 and

7004(b) and Local Bankruptcy Rule 3007-1 (that requires service upon the claimant at the name and address where notices should be sent as shown on the proof of claim), together with a hearing notice conforming to Local Bankruptcy Form G. The requirement of service on the claimant at the name and address where notices should be sent as shown on the proof of claim shall not be applicable if the motion to avoid lien is filed prior to the filing of the proof of claim, provided that otherwise valid service is made on the respondent.

(e) Filing of Proof of Service. Movant must file with the motion a certificate of service of the motion to avoid lien and the notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.

(f) Response to Motion to Avoid Lien. If no response to the motion to avoid lien is filed within twenty-eight (28) days after the date of the service (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)), the court may rule on the motion as unopposed. The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.

(g) Proposed Order. Movant shall file with the motion a proposed order conforming to Local Bankruptcy Form H. If granted, avoidance of the lien shall occur at such time as the debtor completes performance of the debtor's confirmed Chapter 13 Plan.

RULE 3012-2 VALUATION OF COLLATERAL AND AVOIDANCE OF NONRESIDENTIAL LIENS BY MOTION - CHAPTER 13 ONLY

(a) This Rule shall apply if a Chapter 13 debtor seeks to value collateral or to avoid a lien on personal property or on real property that is not a debtor's principal residence by filing a motion. If a debtor proceeds under this Rule, the debtor shall so indicate in the Plan. If a debtor

elects instead to seek to avoid such a lien or value collateral by a provision in the debtor's plan, Local Rule 3015-1 shall apply.

(b) Form. A motion under 11 U.S.C. § 506 in a Chapter 13 case to value collateral or to avoid a lien on personal property or on real property that is not a debtor's principal residence may seek only to value the collateral for or avoid a single lien. The name, address and nature of ownership (e.g., tenancy in common, tenancy by the entirety) of any non-debtor owner of property must also be included.

(c) Required Material. The debtor must submit with the motion;

(1) Evidence of the value of the property, and

(2) If no proof of claim has been filed by the holders of claims secured by senior interests in the property, evidence of the amount of the claims so secured.

(d) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions under subsection (b) for each judge of the court. The list will be posted on the court's website.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than forty-nine (49) days after the date of service.

(3) Movant must serve a copy of the motion to avoid lien on the respondent and any non-debtor owner in the manner required by Federal Bankruptcy Rules 9014 and 7004(b) and Local Bankruptcy Rule 3007-1(a) (that requires service upon the claimant at the name and address where notices should be sent as shown on the proof of claim), together with a hearing notice conforming to Local Bankruptcy Form K. The requirement of service on the claimant at the name and address where notices should be sent as shown

on the proof of claim shall not be applicable if the motion to value collateral or avoid a security interest is filed prior to the filing of the proof of claim, provided that otherwise valid service is made on the respondent.

(e) Filing of Proof of Service. Movant must file with the motion a certificate of service of the motion to avoid lien and the notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.

(f) Responses to Motion to Avoid Lien. If no response to the motion to avoid lien is filed within twenty-eight (28) days after the date of the service (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)), the court may rule on the motion as unopposed. The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.

(g) Proposed Order. Movant shall file with the motion a proposed order conforming to Local Bankruptcy Form L. If granted, avoidance of the security interest shall occur at such time as the debtor completes performance of the debtor's confirmed Chapter 13 Plan.

RULE 3015-1 CHAPTER 13 PLANS - FORM AND SERVICE

(a) A Chapter 13 plan must conform to Local Bankruptcy Form M.

(b) Service. Along with the original plan and any amended or modified plan, the debtor shall file a Certificate of Service using Local Bankruptcy Form M-1.

(1) The Clerk shall mail the original plan to all creditors and parties in interest as listed on the debtor's mailing matrix if the plan is filed with the original petition.

(2) If, after filing the original petition, the debtor files an original plan, or an amended plan that does anything other than increase the amount payable under the plan,

debtor must mail a copy of the plan to each creditor and the Chapter 13 Trustee (unless such creditor or trustee is served by CM/ECF).

(3) In addition to the mailing required under (1) and (2), if the debtor seeks through a provision in the plan (and not by separate motion) to avoid any lien or value any collateral, the debtor shall serve the plan on the holder of the lien or secured claim sought to be valued or avoided, and on any non-debtor owner of the collateral, in the manner required by Federal Bankruptcy Rule 7004 and Local Bankruptcy Rule 3007-1 (that require additional service upon the claimant at the name and address where notices should be sent as shown on the proof of claim). The requirement of service on the claimant at the name and address where notices should be sent as shown on the proof of claim shall not be applicable if the plan is filed prior to the filing of the proof of claim, provided that otherwise valid service is made on the subject creditor.

(c) All Chapter 13 Plans must be signed by the debtor and are subject to Local Bankruptcy Rule 9011-2(b).

(d) In the event the debtor seeks to value collateral or avoid liens pursuant to a provision in the plan, the debtor must file with the plan evidence of the collateral's value; the existence of any superior lien; any exemption claimed; and the name, address, and nature of ownership of any non-debtor owner of the property. If the lienholder has not filed a proof of claim, the debtor must also separately file evidence of the amount of the debt secured by the collateral. If no proof of claim has been filed by the holders of claims secured by senior interests in the property, the debtor must file evidence of the amount of the claims so secured. Such evidence shall be filed as a supplement to the plan as a separate docket entry, but need not be mailed to all

creditors pursuant to sections (b)(1) or (2) of this Local Rule. However, it shall be served pursuant to section (b)(3) of this Local Rule.

RULE 3015-2 CHAPTER 13 - CONFIRMATION

(a) Debtors and their counsel must attend all scheduled confirmation hearings, unless excused by the Chapter 13 Trustee or the court.

(b) Confirmation hearings shall be set not less than thirty-five (35) days after filing of a plan. Objections to the plan must be filed and copies served on the Chapter 13 Trustee, the debtor, and the debtor's attorney no later than seven (7) days before the date set for hearing on confirmation of the plan.

(c) Within seven (7) days prior to the date of the initial confirmation hearing, the debtor must file a Pre-Confirmation Certificate. If a confirmation hearing is continued, an updated Pre-Confirmation Certificate must be filed within seven (7) days prior to such hearing.

(d) In the event a creditor objects to a provision in the Plan seeking to avoid any lien or value any collateral through the plan and not by separate motion, counsel for the debtor and affected creditor shall meet and confer in person or telephonically in an attempt to resolve the dispute and identify and narrow any factual or legal issues, and counsel for the debtor shall file at least twenty-four (24) hours prior to the confirmation hearing a certificate of compliance with this provision. If the objection involves a disputed issue of valuation of collateral for which testimony is required, the initially scheduled confirmation hearing shall be a preliminary hearing at which testimony will not be taken, and at which the Court shall set a date and time for the valuation hearing, either specially or on a regularly-scheduled valuation hearing date set pursuant to Local Rule 3012-1(d)(1). Alternatively, the parties may agree to set the valuation dispute for hearing on a valuation hearing date not less than fourteen (14) nor more than ninety (90) days after they

meet and confer, in which event the debtor (or counsel for the Creditor if the debtor is not represented by counsel) shall file a notice of such hearing and serve the parties involved and the Chapter 13 Trustee.

**RULE 3015-3 PRE-CONFIRMATION ADEQUATE PROTECTION AND
PERSONAL PROPERTY LEASE PAYMENTS**

(a) A Chapter 13 Plan must:

 (1) provide for direct payments to the creditor of post-petition personal property lease payments and post-petition installment or adequate protection payments of secured claims; and

 (2) identify each creditor to whom payments are to be made showing: (A) to whom the payment is to be made; (B) the amount of the periodic payment; and (C) the last four digits of the account number.

(b) No later than fourteen (14) days prior to the date of a confirmation hearing, the debtor must serve on the trustee and file with the court an affidavit stating all §1326(a)(1) pre-confirmation payments made by the debtor. The affidavit must state the details set forth in paragraph (a) above. A copy of the affidavit must be served on the creditors so paid in the manner provided for service of a summons and complaint by Federal Bankruptcy Rule 7004 and if a proof of claim has been filed, in care of the claimant at the name and address where notices should be sent as shown on the proof of claim.

(c) Objections to the accuracy of the affidavit must be filed no later than fourteen (14) days after the filing and service of the affidavit.

(d) If the amount of the proposed pre-confirmation adequate protection payment governed by 11 U.S.C. § 1326(a)(1)(c) is less than the regular contractual payment due to the

secured creditor, the debtor, within seven (7) days after the filing of the original plan or the filing of any amended plan which would make any change in adequate protection payments affecting a secured creditor, must serve upon such secured creditor, in a manner complying with Federal Bankruptcy Rule 7004(b), (c), or (h), as may be applicable, a notice stating the proposed amount, method and timing of payment of such pre-confirmation adequate protection payments and the basis for the proposed amount, which notice shall provide an opportunity for a hearing upon objection being made thereto within fourteen (14) days of the date of service of such notice. In the event no timely objection is made, the parties will be deemed to have agreed to the adequate protection payments provided in such notice.

**RULE 3015-4 CHAPTER 13 - MODIFICATION OF PLAN AFTER
CONFIRMATION**

(a) Form. A motion under 11 U.S.C. § 1329 in a Chapter 13 case to modify a plan after confirmation may be made at any time after confirmation but before the completion of payments under the plan.

(b) Required Material. The motion must comply with Federal Bankruptcy Rule 3015(h), explain with specificity the proposed modification, and be accompanied by the proposed plan modification.

(c) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions under subsection (a) for each judge of the court. The list will be posted on the court's website.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than thirty-three (33) but less than sixty (60) days after the date of service.

(3) Movant must serve a copy of the motion to modify chapter 13 plan after confirmation and proposed modified chapter 13 plan on the debtor, Trustee, and all creditors who have filed claims in the manner required by Federal Bankruptcy Rules 2002(a)(5) and 3015(h) and Local Bankruptcy Rule 2002-1(a), together with a hearing notice conforming to Local Bankruptcy Form M-2.

(d) Filing of Proof of Service. Movant must file with the motion a certificate of service of the motion to modify plan after confirmation and the notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.

(e) Responses to Motion to Modify Chapter 13 Plan After Confirmation. If no response to the motion to modify plan after confirmation is filed within twenty-eight (28) days after the date of the service (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)), the court may rule on the motion as unopposed. The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.

(f) Proposed Order. Movant shall file with the motion a proposed order.

RULE 3018-1 TALLY OF BALLOTS - CHAPTER 11

The tally of ballots must be filed with the Clerk no later than seven (7) days prior to the confirmation hearing. The tally must substantially conform to the form prescribed by the court and available from the Clerk.

**RULE 3022-1 COMPLETION OF THE ADMINISTRATION OF CONFIRMED
CHAPTER 11 PLANS**

(a) Fully Administered Plan. A Chapter 11 plan will be deemed fully administered under Federal Bankruptcy Rule 3022:

- (1) after the completion of the following:
 - (A) six (6) months have elapsed after the entry of a final order of confirmation that has become nonappealable;
 - (B) the deposits required by the plan have been distributed;
 - (C) the property proposed by the plan to be transferred has been transferred;
 - (D) the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
 - (E) payments under the plan have commenced; and
 - (F) all motions, contested matters, and adversary proceedings have been finally resolved; or
- (2) for individual Chapter 11 debtors, upon completion of all plan payments; or
- (3) at another time specifically defined by the plan.

(b) Certification. A plan administrator of a confirmed plan that is fully administered must file forthwith a certification of full administration. The certification must include a final summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan, together with a description of other acts taken to consummate the plan. The certification must also describe any matters involving consummation of the confirmed plan that have not been fully resolved.

(c) Final Decree. The plan administrator must file with the court and serve on the United States Trustee, the creditor's committee or its counsel or if there is no such committee, upon the 20 largest unsecured creditors the court's form motion for a final decree (Local Bankruptcy Form N-1 for non-individuals and Local Bankruptcy Form N-2 which includes the motion for discharge for individuals) closing the case with the certification of full administration.

(d) Progress Reports. The plan proponent shall file and serve on the United States Trustee reports of progress towards full administration of the plan until the proponent files a final certification and report. The first report must be filed six (6) months after the entry of the order of confirmation. Subsequent reports must be filed every six (6) months thereafter.

(e) Notice of Substantial Consummation in cases under Subchapter V. Within 14 days after a Plan under Subchapter V is substantially consummated (as defined in 11 U.S.C. § 1101(2)), the debtor shall file with the court and serve on the trustee, the United States Trustee, and all parties in interest notice of such substantial consummation pursuant to 11 U.S.C. § 1183(c)(2). The notice shall include a certification by the debtor that includes a summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan, together with a description of other acts taken to consummate the plan. The certification shall also describe any matters involving consummation of the confirmed plan that have not been fully resolved.

RULE 3070-1 CHAPTER 13 - SPECIAL PROCEDURES

(a) A debtor in a case under Chapter 13 will be presumed to have provided adequate protection of collateral by continuing to make payments as and when due and maintaining required insurance for the collateral.

(b) Upon dismissal or conversion of a Chapter 13 case, any funds that the trustee holds in a case will be charged for the trustee's allowed expenses and any outstanding Clerk's fees.

PART IV

RULE 4001-1 AUTOMATIC STAY - RELIEF FROM

(a) Form of Motion.

(1) Generally a motion for relief from the automatic stay of 11 U.S.C. §362(a) must be titled “Motion for Relief from Stay” or a similar phrase. The motion’s caption must be in the format used in Official Form B416D for an adversary proceeding. The motion may not be combined with a request for any other relief, except for adequate protection or for relief from the co-debtor stay under 11 U.S.C. § 1201(a) or § 1301(a), or to extend the bar date after foreclosure as permitted by Local Bankruptcy Rule 4001-3(b).

(2) Prospective Relief.

(A) Any motion for relief from stay that includes a request for the imposition of an equitable servitude, or any other prospective relief that would limit a stay arising under 11 U.S.C. § 362(a), must be titled in a manner that clearly and conspicuously so states.

(B) Any proposed order submitted by counsel, including any order consented to by adverse parties, must be titled in a manner that clearly and conspicuously so states.

(b) Contents of Motion for Relief from Stay. The following material, when applicable, must be included in a motion for relief from stay:

- (1) A detailed statement of the debt owed to Movant;
- (2) If periodic payments are in arrears, the amount of arrears accrued prepetition and postpetition;
- (3) A description of the property encumbered;

(4) A description of the security interest involved, with attached documents that evidence the security interest and its perfection;

(5) A statement of the basis for the relief claimed, such as, a lack of adequate protection or the absence of equity and that the property is not necessary for an effective reorganization. The specific facts constituting cause shall be set forth if a motion is brought for cause;

(6) If Movant asserts a valuation of the subject property, the motion should state the amount of the valuation, the date, and the basis therefor (appraisal, blue book, etc.);

(7) The specific nature of the relief from stay that is requested.

(c) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions for relief from stay for each judge of the court. The list will be posted on the court's website.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than twenty-one (21) days after the date of service.

(3) Movant must serve the motion for relief from stay with a hearing notice conforming to Local Bankruptcy Form B.

(d) Response to Motion for Relief from Stay.

(1) Time. An opposition to a motion for relief from stay must be filed within fourteen (14) days after service of the motion (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.

(2) Form. The caption of the response must be the same as the form for the caption of the motion as set out in paragraph (a) above.

(3) Pleading. A response must include detailed answers to each numbered paragraph of the motion, in conformity with the requirements of Federal Rule of Civil Procedure 8(b) and (d). All defenses to the motion must be stated in the response.

(4) Response by Standing Chapter 12 and 13 Trustees. Standing Chapter 12 and Chapter 13 Trustees are served for informational purposes and are not required to respond to motions for relief from stay.

(e) Unopposed Motion. If timely opposition is not filed, the court may grant or otherwise dispose of the motion prior to the scheduled hearing date.

(f) Requirements Under 11 U.S.C. § 362(e).

(1) Waiver. If Movant notices a hearing date more than thirty (30) days after the date of the filing of the motion, or consents to a continuance, Movant is deemed to have consented to the inapplicability of 11 U.S.C. § 362(e) through the day of the hearing on the motion for relief from stay.

(2) Commencement of Measuring Period. A request for relief under 11 U.S.C. § 362(d) is complete to commence the thirty (30) day measuring period under § 362(e) only when filed and noticed in compliance with this Rule.

(g) Deadline for Pre-Filing Exhibits. In cases under Chapter 11, exhibits must be pre-filed as required by Local Bankruptcy Rule 7016-1(c) no later than seven (7) days prior to the noticed hearing date.

(h) Certain Appraisals. If the debtor is an individual, any appraisals intended to be relied upon shall be subject to the following: if the value of collateral subject to a motion for relief

from stay is put at issue in a response thereto, then the Respondent may make a written request to Movant's counsel (or if no counsel, to the Movant) requesting a copy of Movant's appraisal of the collateral. If Movant has obtained an appraisal and intends to place it into evidence, Movant must supply a copy of same to the debtor within two business days of said written request. If, a Movant did not have an appraisal at the time of the request which was intended to be placed into evidence, but subsequently obtains such an appraisal, Movant must provide a copy of said appraisal to the Respondent which made the request upon the earlier of (a) two (2) business days after obtaining same or (b) two (2) business days prior to the hearing.

(i) Conference Required. If the motion for relief from stay is opposed, the attorneys for the parties, or the parties if unrepresented, shall confer with respect to the issues raised by the motion at least three (3) business days prior to the scheduled hearing for the purpose of determining whether a consensual order may be entered and/or stipulating to relevant facts, such as the value of the property and the extent and validity of any security instrument.

RULE 4001-2 AUTOMATIC STAY - POST-FILING ARREARS

Where an issue presented by a motion for relief from stay is the debtor's failure to make payments that became due after the filing of the bankruptcy case, the moving party shall file and serve a history of payments received post-petition upon the debtor at least seven (7) days before the date set for hearing.

RULE 4001-3 ACTION FOLLOWING FORECLOSURE OR REPOSSESSION OF COLLATERAL

(a) A party obtaining relief from the automatic stay and thereafter consummating a foreclosure sale on real property in Maryland must:

(1) Provide a copy of the Report of Sale and all Auditor's Reports to the bankruptcy trustee; and

(2) When filing the Report of Sale in a case under Chapter 7, Chapter 12, or Chapter 13, notify the Auditor of the name and address of the bankruptcy trustee.

If the real property is located in another jurisdiction, similar notices shall be provided consistent with the foreclosure procedures of that jurisdiction.

(b) Unless otherwise ordered or provided in a confirmed plan,

(1) an amended proof of claim asserting an unsecured deficiency claim for real property shall be filed within one hundred eighty (180) days after entry of the order granting relief from the automatic stay; and

(2) an amended proof of claim asserting an unsecured deficiency claim for personal property shall be filed within sixty (60) days after entry of the order granting relief from the automatic stay.

In either event, a proof of claim shall also be timely if filed by the original claims bar date. Absent compliance with this Rule, such amended claim shall be deemed disallowed.

RULE 4001-4 OBTAINING CREDIT/REFINANCING

(a) Movant must provide notice for a motion to obtain credit (i) as set forth in this rule, and (ii) to the extent applicable, as set forth in Federal Bankruptcy Rule 4001(c).

(b) The notice must include a statement of the deadline for the filing of any opposition. The deadline date shall be no less than fourteen (14) days after service of the motion (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)). The Court Hearing

Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.

(c) The notice must include a hearing date that the movant selects from a list of hearing dates that is maintained by the Clerk for the assigned judge on the court's website.

(d) The notice must also include a description of the essential terms of the proposed credit, including the amount, the interest rate, the lender's identity, the collateral pledged therefor, the repayment terms, the costs therefor, and the proposed use of the proceeds.

(e) The notice may include a statement that the court may grant relief without a hearing if no timely objection is filed.

(f) In a Chapter 13 case, the notice must be served on the creditors included on the list filed under Federal Bankruptcy Rule 1007(a), and on any other entity that the court directs.

(g) A request to shorten time and/or expedited hearing is governed by LBR 9013-7.

RULE 4001-5 REQUIREMENTS FOR CASH COLLATERAL AND FINANCING MOTIONS AND ORDERS

(a) Motions. Except as provided herein and elsewhere in these Local Bankruptcy Rules, all cash collateral and financing requests under 11 U.S.C. §§ 363 and 364 shall be heard by motion filed under Federal Bankruptcy Rules 2002, 4001 and 9014.

(1) Required Content. In addition to the requirements of Federal Bankruptcy Rule 4001, unless the court orders otherwise, a motion for authorization to use cash collateral shall set forth, if applicable:

(A) If there is an insider relationship between the debtor and the creditor whose cash collateral is to be used, the nature of the relationship;

(B) The nature or source of the cash collateral;

(C) A cash flow projection for the period for which authorization is sought that includes both projected revenue and a line-item proposed budget for the use of the funds;

(D) An estimated amount the debtor owes to creditors claiming an interest in cash collateral as of the date the petition was filed, including, if known, any accrued unpaid interest, costs or fees as provided in any pre-petition agreements; and

(E) A description of the collateral pledged to secure the claims of creditors claiming an interest in cash collateral.

(2) Special Provisions to be Highlighted. All cash collateral and financing motions must (a) recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below, (b) identify the location of any such provision in the proposed form of order, cash collateral stipulation and/or loan agreement and (c) state the justification for the inclusion of such provision:

(A) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors (i.e., clauses that secure prepetition debt by postpetition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law);

(B) Provisions or findings of fact that bind the estate or other parties in interest with respect to the validity, perfection or amount of the secured creditor's prepetition lien or the waiver of claims against the secured creditor without first giving parties in interest at least seventy-five (75) days from the entry of the order and the creditors' committee, if formed, at least sixty (60) days from the date of its formation to investigate such matters;

(C) Provisions that seek to waive, without notice, whatever rights the estate may have under 11 U.S.C. § 506(c);

(D) Provisions that immediately grant to the prepetition secured creditor liens on the debtor's claims and causes of action arising under 11 U.S.C. §§ 544, 545, 547, 548 and 549;

(E) “Roll up” 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 that secured creditor's prepetition debt, other than as provided in 11 U.S.C. § 552(b);

(F) Provisions that provide treatment for the professionals retained by a Committee appointed by the United States Trustee different from those professionals retained by the debtor with respect to a professional fee carve-out, and provisions that limit the Committee counsel's use of the carve-out;

(G) Provisions that prime any secured lien without the consent of that lienor; and

(H) Provisions that grant a secured creditor any relief from the automatic stay, whether it be terminating, modifying, or conditioning the stay, without further order of the Court;

(3) All cash collateral and financing motions shall also provide a summary of the essential terms of the proposed use of cash collateral and/or financing (e.g., the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations and protections afforded under 11 U.S.C. §§ 363 and 364).

(4) A proposed order approving cross-collateralization or a rollup shall include language that reserves the right of the court to unwind, after notice and hearing, the post-petition protection provided to the pre-petition lender or the pay down of the pre-petition debt, whichever is applicable, in the event that there is a timely and successful challenge to the validity, enforceability, extent, perfection, or priority of the pre-petition lender's claims or liens, or a determination that the pre-petition debt was undersecured as of the petition date, and the cross-collateralization or rollup unduly advantaged the lender.

(b) Interim Relief. When financing motions are filed with the court on or shortly after the petition date, the court may grant interim relief pending review by interested parties of such debtor-in-possession financing arrangement. Such interim relief shall be only what is necessary to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the movant shall not include in any proposed interim financing orders any of the provisions previously identified in Local Bankruptcy Rule 4001-5(a)(2)(A)-(H).

RULE 4001-6 POST PETITION PAYMENT NOTICES AND ACCOUNT ACCESS

Creditors and lessors may continue to provide customary notices, including, but not limited to, monthly statements, payment coupons, and escrow adjustment analyses to debtors regarding post-petition account activity. Further, to the extent available, creditors and lessors may allow debtors to access, obtain information, and make post-petition payments through electronic, telephonic and/or on-line means.

The creditor's or lessor's actions outlined in the immediately preceding paragraph shall not be considered a violation of the automatic stay.

RULE 4002-1 CURRENT ADDRESS AND TELEPHONE NUMBER OF DEBTOR

(a) Address of Debtor. Every debtor must maintain a statement of the debtor's current address with the Clerk. This obligation continues until the case is closed.

(b) Debtor's Telephone Number. A debtor proceeding without counsel must maintain a statement of the debtor's current telephone number with the Clerk. This obligation continues until the case is closed.

RULE 4003-1 OBJECTION TO CLAIM OF EXEMPTIONS

Required Notice. An objection to the list of property claimed as exempt under § 522 of the Bankruptcy Code must contain conspicuous notice that: (1) any opposition to the objection must be filed and served within twenty-eight (28) days after the objection was served; and (2) the court may rule upon the objection and any response thereto without a hearing.

RULE 4003-2 LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f)

(a) Applicability.

(1) This Rule shall apply if a debtor seeks to avoid a lien in whole or in part pursuant to 11 U.S.C. § 522(f) by filing a motion.

(2) If a Chapter 13 debtor proceeds under this Rule to avoid a lien by motion, the debtor shall so state in the Plan. If a Chapter 13 debtor elects instead to seek to avoid such a lien by a provision in the debtor's plan, Local Rule 3015-1 shall apply.

(b) Form. A motion to avoid a lien under 11 U.S.C. § 522(f) may seek only to avoid a single lien. The name, address and nature of ownership (e.g. tenancy in common, tenancy by the entirety) of any non-debtor owner of property must also be included.

(c) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions to avoid lien for each judge of the court. The list will be posted in the public area of each division and on the court's website.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than forty-nine (49) days after the date of service.

(3) Movant must serve a copy of the motion to avoid lien on the respondent and any non-debtor owner in the manner required by Federal Bankruptcy Rules 9014 and 7004(b) and Local Bankruptcy Rule 3007-1 (that requires service upon the claimant at the name and address where notices should be sent as shown on the proof of claim) together with a hearing notice conforming to Local Bankruptcy Form C. The requirement of service on the respondent at the name and address where notices should be sent as shown on the

proof of claim shall not be applicable if the motion to avoid lien is filed prior to the filing of the proof of claim, provided that otherwise valid service is made on the respondent.

(d) Filing of Proof of Service. Movant must file with the motion a certificate of service of the motion to avoid lien and the notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.

(e) Responses to Motions to Avoid Lien. The notice must include a statement of deadline for the filing of any opposition. The deadline date shall be no less than twenty-eight (28) days after service of the motion (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due. If no response to the motion to avoid lien is filed within twenty-eight (28) days after the date of the service (plus any additional time provided by Federal Bankruptcy Rules 9006(a) and (f)), the court may rule on the motion as unopposed.

RULE 4004-1 DISCHARGE IN CHAPTER 13 CASES

The Debtor's Affidavit Requesting Discharge, Local Bankruptcy Form P, must be filed and served on the Chapter 13 Trustee and all creditors no later than ninety (90) days after the Chapter 13 Trustee files the notice of completion of plan payments. The failure to timely file this affidavit may result in the case being closed without a discharge.

PART V

RULE 5001-1 COURT ADMINISTRATION - LAPSE IN APPROPRIATIONS

This Rule will become effective only when Congress fails to enact legislation to fund operations of the United States Courts. The Anti-Deficiency Act, 31 U.S.C. § 1515, limits permissible government activities in the event of such a failure to those otherwise “authorized by law” or those needed to meet “cases of emergency involving the safety of human life or the protections of property.”

This court is directly involved in the judicial process and under the Constitution and laws of the United States, it is always open to exercise the judicial power of the United States as a unit of the District Court. Thus, the court must continue, even in the absence of funding by Congress, to receive new cases, and to hear and dispose of pending cases. Activities will, however, be limited as nearly as practical to those functions necessary and essential to continue the resolution of pending cases. The court will advise the United States Marshal and the General Services Administration of the level of building and security services necessary to maintain such court operations.

The court finds that judges’ staffs and the Clerk and the Clerk’s staff are persons essential to the continuation of court operations. Work of all personnel shall be limited to those essential functions set forth above.

RULE 5001-2 CLERK - OFFICE LOCATION/HOURS

(a) Office Hours. The office hours of the Clerk in the Greenbelt and Baltimore Divisions shall be from 8:45 a.m. to 4:00 p.m. on all days, except Saturdays, Sundays, and holidays observed by the District Court.

(b) Night Box. A night box is located in the lobby of each of the United States Courthouses in Baltimore and in Greenbelt. Bankruptcy petitions, pleadings and other papers may be placed in the night box for filing after regular office hours, Monday through Friday (except holidays) and until the courthouse is closed to the public or midnight, whichever is earlier. The Garmatz Federal Courthouse in Baltimore is closed to the public at midnight while the Greenbelt Federal Courthouse is closed at 7:00 p.m. **The night box is intended as an after-hours convenience, and it is not intended as an alternative for filing papers during regular office hours.** All documents must be “date and time stamped” prior to being deposited in the secure night box.

(c) After Hours Filing. During periods outside the regular office hours of the Clerk’s Office and when the night box is not available, arrangements may be made in advance for time sensitive filings by contacting a designated court representative. The contact information of the designated court representatives are posted on the court’s web page, on each night box and on notice boards in the divisional offices.

(d) **Deadlines Are Not Extended. The availability of the night box and after hours filing do NOT extend the “Last Day” as defined by Federal Bankruptcy Rule 9006(a)(4), which Last Day ends for filing, other than electronic filing, at 4:00 p.m. when the Clerk’s Offices close.**

(e) Division of Business. The division of business for the United States Bankruptcy Court for the District of Maryland is as follows:

(1) Cases originating in Allegany, Calvert, Charles, Frederick, Garrett, Montgomery, Prince George's, St. Mary's, and Washington Counties are assigned to the Greenbelt Divisional Office, 300 U.S. Courthouse, 6500 Cherrywood Lane, Greenbelt, Maryland, 20770, (301) 344-8018.

(2) Cases originating in Baltimore City, Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties are assigned to the Baltimore Divisional Office, 8530 U.S. Courthouse, 101 West Lombard Street, Baltimore, Maryland, 21201, (410) 962-2688.

(f) Places for Holding Court.

(1) All court hearings in cases originating in Baltimore City, Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard Counties will be scheduled in the Garmatz Federal Courthouse, 101 West Lombard Street, Baltimore, Maryland, 21201.

(2) All court hearings in cases originating in Allegany, Calvert, Charles, Frederick, Garrett, Montgomery, Prince George's, St. Mary's, and Washington Counties will be scheduled in the Federal Courthouse, 6500 Cherrywood Lane, Greenbelt, Maryland, 20770.

(3) All court hearings in cases under Chapters 7, 12 and 13 originating in Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties, including related adversary proceedings, and all Section 341 meetings of creditors therein, will be scheduled in the United States Courtroom, U.S. Post Office Building, Room 104, 129 East Main Street, Salisbury, Maryland 21801. A debtor in a case

originating from Queen Anne's County may request by motion that all future court hearings, excluding Section 341 meetings of creditors, be conducted at the United States Courthouse in Baltimore. In Chapter 11 cases, the Section 341 meeting of creditors will be conducted by the United States Trustee in Baltimore; and court hearings will be scheduled in Salisbury, if possible, or in Baltimore at the request of a party, if necessary.

(4) In cases under Chapter 11 originating in Anne Arundel County, Baltimore City, Baltimore County, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester County, the meeting of creditors held under Section 341 will be conducted by the United States Trustee in Baltimore. Court hearings may be scheduled in Salisbury or Baltimore at the direction of the court. The court will consider the convenience of the parties in selecting the venue.

RULE 5005-1 FILING BY ELECTRONIC MEANS

The court will accept for filing documents submitted, signed or verified by electronic means that comply with the Electronic Case Filing Procedures (Administrative Order 03-02, attached as Appendix H) established by the court as published on the court's website.

RULE 5011-1 ABSTENTION

(a) Adversary Proceeding. In an adversary proceeding, a motion for abstention pursuant to 28 U.S.C. § 1334(c), must be filed within the time prescribed for filing a response under Federal Bankruptcy Rule 7012(a).

(b) Contested Matter. In a contested matter, a motion for abstention pursuant to 28 U.S.C. § 1334(c) must be filed within thirty (30) days from the date indicated on the certificate of service on the pleading initiating the contested matter.

RULE 5011-2 WITHDRAWAL OF REFERENCE

A motion for withdrawal of reference is governed by Local Rule 405.2 of the District Court. See Appendix B. All briefing shall be governed by the rules of the District Court, including those rules governing timing, unless otherwise ordered by the District Court.

RULE 5071-1 MOTIONS FOR POSTPONEMENT/CONTINUANCES

(a) Court Order Required. A court order is required for any postponement of a hearing, pretrial conference, or trial.

(b) Notice to Client and Other Parties. A motion to postpone any matter before the court must certify that the client has prior notice of the filing of that motion. Notice of such motion, together with the reasons therefor, must be given by the fastest means to avoid inconvenience to other parties entitled to notice or their counsel before filing unless such notice is waived.

(c) Conflicting Engagement. A motion for a postponement of a hearing or trial on the grounds of a prior conflicting engagement must be filed within fourteen (14) days after the date such conflict became apparent. Written evidence of the conflicting engagement must be attached to the motion.

(d) Meeting of Creditors. A request for postponement of a meeting of creditors held under 11 U.S.C. § 341 shall be handled as follows:

(1) Requests for postponement shall be made:

(A) in Chapter 12 and 13 cases, to the standing trustee assigned to the case;

(B) in Chapter 7 cases, to the interim trustee; and

(C) in Chapter 11 cases, to the Assistant United States Trustee assigned to the division of court where the case is pending.

(2) Upon a written request of debtor's counsel or the debtor, and at the discretion of the respective trustee, a meeting of creditors pursuant to 11 U.S.C. § 341(a) may be rescheduled to the trustee's next available panel date, or as otherwise agreed. The request shall state the basis for the request and shall state whether any prior continuance request has been made.

(3) Unless otherwise agreed to by the trustee and debtor's counsel or the debtor:

(A) In order to request a continuance in a Chapter 7 or 13 case, the documents required by 11 U.S.C. § 521 (pay advices or Local Form Q and tax returns) must be delivered prior to or with the request to the trustee.

(B) In Chapter 7 cases of individual debtors, debtor's counsel (or the debtor, if not represented by counsel) must provide a certification to the trustee that a consent motion has been or will be filed with the court to extend the deadlines to file both an objection to discharge under 11 U.S.C. § 727 and a motion to dismiss under 11 U.S.C. § 707(b)(3) until a date sixty (60) days after the rescheduled meeting of creditors, and to extend the deadline for the United States Trustee to file

a Statement of Presumed Abuse under 11 U.S.C. § 704(b)(1)(A) until ten (10) days after the rescheduled meeting of creditors.

(C) Debtor's counsel (or the debtor, if not represented by counsel) must file and serve on all parties on the matrix by first-class mail or CM/ECF a notice of the new meeting date and time, along with the consent motion, at least seven (7) days in advance of the rescheduled meeting, and must certify to the court (with a copy to the trustee and the United States Trustee) that said notice has been given.

**RULE 5073-1 PHOTOGRAPHING AND RECORDING COURT PROCEEDINGS
AND COURTHOUSE SPACES**

(a) Photographing, Recording, and Transmitting Court Proceedings. Unless otherwise ordered by the court, no court proceeding may be photographed, video recorded, audio recorded, broadcast, televised, or otherwise transmitted except as follows:

(1) Judges presiding over ceremonial proceedings may authorize the use of cameras and video recorders during the proceedings.

(2) Official court reporters and official electronic recorders employed by the Clerk's Office shall record court proceedings, provided, however, that no court reporter or electronic recorder shall use or permit to be used any official recording of a court proceeding in connection with any radio or television broadcast.

(b) Photographing, Video Recording, and Televising Courthouse Spaces.

(1) Courtrooms and Other Public Spaces. Unless otherwise ordered by the court, no courtroom or other public space in the courthouse may be photographed, video recorded, or televised except as follows:

(A) On the day of receptions or other social events, persons attending the event may use cameras in the space where the event is being held; and

(B) Employees of the General Services Administration (GSA) and GSA architects and contractors may use cameras in the courtrooms and other public spaces when court is not in session.

(2) Office Spaces. Cameras may not be used in any office within the courthouse except with the approval of the person in charge of the office.

(c) Penalties. Any camera, recording device, or other equipment used in violation of this Rule may be impounded. Any violation of this Rule may be treated as a contempt of court and any violator who is a member of the District Court Bar may be subjected to the disciplinary action of the District Court and/or this court.

PART VI

RULE 6004-1 SALE OF ESTATE PROPERTY

- (a) Sale Notices. Notices of private sale of estate property must include the following:
- (1) if an appraisal has been performed,
 - (A) the appraised value of the asset being sold;
 - (B) the date of the appraisal; and
 - (C) the name and address of the appraiser;
 - (2) if no appraisal has been performed, the scheduled value of the asset being sold;
 - (3) the purchaser's identity;
 - (4) a full description of any relationship between the purchaser and any party in interest;
 - (5) a statement of all consideration paid and to be paid by the purchaser and the payment terms;
 - (6) a statement of the deadline for the filing of any opposition. The deadline date shall be no less than twenty-one (21) days after service of the motion, plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due;
 - (7) a date selected from the court's website for a hearing if a timely objection is filed;
 - (8) a statement that the property may be sold without further notice if a timely objection is not filed; and

(9) a statement of all charges and costs to be paid by the estate and all concessions to be made by the estate.

(b) Sale Motions in Chapter 11 Cases. Except as otherwise provided in these Local Rules, the Bankruptcy Code, the Federal Bankruptcy Rules or an order of the court, all “Sale Motions” to sell property of the estate under Bankruptcy Code § 363(b) in a Chapter 11 case shall attach or include the following:

(1) A copy of the proposed purchase agreement, or a form of such agreement substantially similar to the one the trustee reasonably believes it will execute in connection with the proposed sale;

(2) A copy of a proposed form of sale order;

(3) A request, if necessary, for the appointment of a consumer privacy ombudsman under 11 U.S.C. § 332; and

(4) Provisions to be Highlighted. If the Sale Motion is longer than ten (10) pages, in the first five (5) pages of the motion, the Sale Motion must highlight material terms, including but not limited to (a) whether the proposed form of sale order and/or the underlying purchase agreement constitutes a sale or contains any provision of the type set forth below, (b) the location of any such provision in the proposed form of order or purchase agreement, and (c) the justification for the inclusion of such provision:

(A) Sale to Insider. If the proposed sale is to an insider, as defined in 11 U.S.C. § 101(31), the Sale Motion must (a) identify the insider, (b) describe the insider's relationship to the debtor, and (c) set forth any measures taken to ensure the fairness of the sale process and the proposed transaction.

(B) Agreements with Management. If a proposed buyer has discussed or entered into any agreements with management or key employees regarding compensation or future employment, the Sale Motion must disclose (a) the material terms of any such agreements, and (b) what measures have been taken to ensure the fairness of the sale and the proposed transaction in the light of any such agreements.

(C) Releases. The Sale Motion must highlight any provisions pursuant to which an entity is being released or claims against any entity are being waived or otherwise satisfied.

(D) Private Sale/No Competitive Bidding. The Sale Motion must disclose whether an auction is contemplated, and highlight any provision in which the trustee has agreed not to solicit competing offers for the property subject to the Sale Motion or to otherwise limit shopping of the property.

(E) Closing and Other Deadlines. The Sale Motion must highlight any deadlines for the closing of the proposed sale or deadlines that are conditions to closing the proposed transaction.

(F) Good Faith Deposit. The Sale Motion must highlight whether the proposed purchaser has submitted or will be required to submit a good faith deposit and, if so, the conditions under which such deposit may be forfeited.

(G) Interim Arrangements with Proposed Buyer. The Sale Motion must highlight any provision pursuant to which a trustee is entering into any interim agreements or arrangements with the proposed purchaser, such as interim management arrangements (which, if out of the ordinary course, also must be

subject to notice and hearing under 11 U.S.C. § 363(b)) and the terms of such agreements.

(H) Use of Proceeds. The Sale Motion must highlight any provision pursuant to which a trustee proposes to release sale proceeds on or after the closing without further Court order, or to provide for a definitive allocation of sale proceeds between or among various sellers or collateral.

(I) Record Retention. If the trustee proposes to sell substantially all of the debtor's assets, the Sale Motion must highlight whether the trustee will retain, or have reasonable access to, its books and records to enable it to administer its bankruptcy case.

(J) Sale of Avoidance Actions. The Sale Motion must highlight any provision pursuant to which the trustee seeks to sell or otherwise limit the rights to pursue avoidance claims under Chapter 5 of the Bankruptcy Code.

(K) Requested Findings as to Successor Liability. The Sale Motion should highlight any provision limiting the proposed purchaser's successor liability.

(L) Sale Free and Clear of Unexpired Leases. The Sale Motion must highlight any provision by which the trustee seeks to sell property free and clear of a possessory leasehold interest, license or other right.

(M) Credit Bid. The Sale Motion must highlight any provision by which the trustee seeks to allow, disallow or affect in any manner, credit bidding pursuant to 11 U.S.C. § 363(k).

(N) Relief from Bankruptcy Rule 6004(h). The Sale Motion must highlight any provision whereby the trustee seeks relief from the fourteen-day stay imposed by Bankruptcy Rule 6004(h).

(c) Sale Procedures Motions in Chapter 11 cases. In a Chapter 11 case, a trustee may file a “Sales Procedures Motion” seeking approval of sale, bid or auction procedures in anticipation of or in conjunction with a Sale Motion seeking approval of an order (a "Sale Procedures Order") approving bidding and auction procedures either as part of the Sale Motion or by a separate motion filed in anticipation of an auction and a proposed sale.

(1) Provisions to Highlight. The Sale Procedures Motion should highlight the following provisions in any Sale Procedures Order:

(A) Provisions Governing Qualification of Bidders. Any provision governing an entity becoming a qualified bidder, including but not limited to, an entity's obligation to:

(i) Deliver financial information by a stated deadline to the trustee and other key parties (ordinarily excluding other bidders).

(ii) Demonstrate its financial wherewithal to consummate a sale.

(iii) Maintain the confidentiality of information obtained from the trustee or other parties or execute a non-disclosure agreement.

(iv) Make a non-binding expression of interest or execute a binding agreement.

(B) Provisions Governing Qualified Bids. Any provision governing a bid being a qualified bid, including, but not limited to:

(i) Any deadlines for submitting a bid and the ability of a bidder to modify a bid not deemed a qualified bid.

(ii) Any requirements regarding the form of a bid, including whether a qualified bid must be (a) marked against the form of a "stalking horse" agreement or a template of the debtor's preferred sale terms, showing amendments and other modifications (including price and other terms), (b) for all of the same assets or may be for less than all of the assets proposed to be acquired by an initial or "stalking horse" bidder, or (c) remain open for a specified period of time.

(iii) Any requirement that a bid include a good faith deposit, the amount of that deposit and under what conditions the good faith deposit is not refundable.

(iv) Any other conditions the trustee requires for a bid to be considered a qualified bid or to permit a qualified bidder to bid at an auction.

(C) Provisions Providing Bid Protections to "Stalking Horse" or Initial Bidder. Any provisions providing an initial or "stalking horse" bidder a form of bid protection, including, but not limited to the following:

(i) No-Shop or No-Solicitation Provisions. Any limitations on a trustee's ability or right to solicit higher or otherwise better bids.

(ii) Break-Up/Topping Fees and Expense Reimbursement. Any agreement to provide or seek an order authorizing break-up or topping fees and/or expense reimbursement, and the terms and conditions under which any such fees or expense reimbursement would be paid.

(iii) Bidding Increments. Any requirement regarding the amount of the initial overbid and any successive bidding increments.

(iv) Treatment of Breakup and Topping Fees and Expense Reimbursement at Auction. Any requirement that the "stalking horse" bidder receive a "credit" equal to the breakup or topping fee and or expense reimbursement when bidding at the auction and in such case whether the "stalking horse" is deemed to have waived any such fee and expense upon submitting a higher or otherwise better bid than its initial bid at the auction.

(D) Modification of Bidding and Auction Procedures. Any provision that would authorize a trustee, without further order of the Court, to modify any procedures regarding bidding or conducting an auction.

(E) Closing with Alternative Backup Bidders. Any provision that would authorize the trustee to accept and close on alternative qualified bids received at an auction in the event that the bidder selected as the "successful bidder" at the conclusion of the auction fails to close the transaction within a specified period.

(2) Provisions Governing the Auction. Unless otherwise ordered by the court, the Sale Procedures Order shall:

(A) Specify the date, time and place at which the auction will be conducted and the method for providing notice to parties of any changes thereto.

(B) Provide that each bidder participating at the auction will be required to confirm that it has not engaged in any collusion with respect to the bidding or the sale.

(C) State that the auction will be conducted openly and all creditors will be permitted to attend.

(D) Provide that bidding at the auction will be transcribed or videotaped.

(d) Request to Shorten Time and/or for Expedited Hearing. A request to shorten time and/or for expedited hearing is governed by LBR 9013-7.

(e) Sale Without Objection. If no timely written objection is filed, the sale shall be deemed authorized upon expiration of the notice period. This paragraph does not apply to sales free and clear of liens or of interests of persons other than the debtor.

(f) Clerk's Certificate. Upon payment of the appropriate fee, the Clerk will furnish a certificate that no objection has been filed to a notice of sale.

(g) In any Chapter 13 case in which the deadline to file claims has expired, the title of the notice must include the following words:

AND SETTING DEADLINE TO AMEND FILED PROOFS OF CLAIMS

(h) In a Chapter 13 case in which the deadline to file proofs of claims has expired, the notice must include the following words:

In accordance with Local Bankruptcy Rule 6004-1(f), any amendment to a previously filed claim must be filed no later than twenty-one (21) days after the date of filing of this notice. Such amendments include amending a claim previously filed as a secured claim, to reflect an unsecured claim resulting from the effect of 11 U.S.C. § 506(a) and/or liquidation of the collateral.

RULE 6006-1 EXECUTORY CONTRACTS - UNEXPIRED LEASES

(a) Notice Required. Parties seeking the assumption, rejection, or assignment of an executory contract or unexpired lease must give notice of the proposed action to: (1) the other party to the executory contract or unexpired lease; (2) any official committee, or in the absence of a committee, to the holders of the ten (10) largest unsecured claims taken from the debtor's list

filed pursuant to Federal Bankruptcy Rule 1007(d) or Schedule F; (3) the trustee; (4) the United States Trustee; and (5) all parties requesting notice. The notice must state that the court may rule upon the request without a hearing if there is no timely request for a hearing.

(b) Motion to Reject a Collective Bargaining Agreement. A party moving to reject a collective bargaining agreement must file the following with the motion:

- (1) an affidavit demonstrating compliance with 11 U.S.C. § 1113(b); and
- (2) a certificate of service that the moving party has served the motion and affidavit on the authorized representative of the employees covered by the collective bargaining agreement.

RULE 6007-1 ABANDONMENT OR DISPOSITION OF PROPERTY

(a) Unless the court orders otherwise, the notice of a proposed abandonment or disposition of property pursuant to Federal Bankruptcy Rule 6007(a) shall describe the property to be abandoned or disposed of, and state concisely the reason for the proposed abandonment or disposition.

(b) If the trustee files a notice of abandonment of a residential real property lease, other than a proprietary lease for a cooperative residence, the notice need only be served on the debtor and the landlord.

RULE 6070-1 TAX REFUNDS

Notice to Trustee and Court. It is the duty of the debtor, within seven (7) days of receipt of a tax refund or notice of tax assessment or deficiency, to file with the court, and in Chapter 7 cases to send to the trustee, a copy of the refund check and transmittal letter and a copy of any tax assessment, deficiency notice, or other relevant documents.

PART VII

RULE 7001-1 TRUSTEE'S FILING FEES

Payment of the filing fee for an adversary proceeding filed by a trustee may be deferred pending acquisition of sufficient funds by the trustee to pay such fees in full or pro rata with other expenses of administration.

RULE 7003-1 ADVERSARY COVER SHEET

A party who is not represented by an authorized filing user of the electronic case filing system must file a completed adversary proceeding cover sheet when filing an adversary proceeding.

RULE 7003-2 DISCLOSURE OF CORPORATE AFFILIATES

Each non-governmental corporate party to an adversary proceeding or contested matter shall file a statement identifying all its parent corporations and listing every publicly held company that owns 10% or more of the party's stock. The statement shall provide an address for each entity listed. A party shall file the statement with its initial pleading filed in the court and shall supplement the statement within a reasonable time of any change in the information.

RULE 7005-1 ELECTRONIC SERVICE

Pursuant to Federal Bankruptcy Rules 5005(a)(2) and 7005, service pursuant to the Electronic Case Filing Procedures (Administrative Order 03-02) also constitutes valid service.

RULE 7005-2 CERTIFICATE OF SERVICE

(a) Any required certificate of service for a pleading, motion, notice, objection or other paper must be in compliance with Federal Rule of Civil Procedure 5 and applicable provisions of the Federal Bankruptcy Rules.

(b) The certificate shall be placed at the end of the item served and endorsed by an attorney of record, the attorney's authorized agent, or by a party if not represented by an attorney.

(c) The certificate must state the date of service and, for each recipient who is not being served through CM/ECF, the names and addresses of the persons served and the method of service must be included.

(d) Noticing agents authorized by the court shall make service in accordance with this rule, except as otherwise provided in the order authorizing the employment of the noticing agent.

(e) Local Rule 9013-4 governs certificates of service in motions under Federal Bankruptcy Rule 9013 and contested matters under Federal Bankruptcy Rule 9014.

RULE 7012-1 FINAL ORDERS AND JUDGMENTS

(a) Prior to trial, any party may move for a ruling as to whether the bankruptcy court may enter final orders or judgments in an adversary proceeding. The court will ordinarily allow adverse parties fourteen (14) days from service of the motion to file responses. Such a motion does not postpone any time periods unless ordered by the court.

(b) In addition to the provisions of Federal Bankruptcy Rules 7008 and 7012(b), all parties in an adversary proceeding shall include in their initial filing a statement as to whether the party consents to entry of final orders or judgments by the Bankruptcy Judge.

RULE 7012-2 EXTENSION OF TIME TO PLEAD OR FILE MOTION

The deadline to plead or move in response to a pleading (as the term pleading is defined by Federal Bankruptcy Rule 7007) in an adversary proceeding may be extended for a period of up to thirty (30) days by stipulation of the parties docketed with the court or, for a longer period of time, by order of the court. Any deadline extended pursuant to this section shall not affect any other deadlines set forth in any scheduling order entered by the court.

RULE 7012-3 MOTION TO DISMISS AN ADVERSARY PROCEEDING AGAINST A PARTY WITHOUT COUNSEL

Any motion seeking dismissal of an adversary proceeding in which the non-moving party is without counsel shall contain a notice in substantially the following form:

NOTICE

Your rights may be affected. You should read these papers carefully and may wish to discuss them with an attorney.

A motion to dismiss is a request that one or more claims in a case be decided without holding a trial. Motions to dismiss are governed by Rule 12 of the Federal Rules of Civil Procedure. Your complaint, or the portions of your complaint that the motion seeks to dismiss, may be dismissed if the court finds that the complaint does not contain sufficient factual allegations to grant the relief you have requested.

If you want to oppose the motion to dismiss, you must file with the court and serve on the other party a written response opposing the motion to dismiss and stating the reasons for your opposition. Your opposition must be filed and served within fourteen (14) days after the service date of the motion, plus three (3) additional days if the motion was served on you by mail, unless otherwise ordered by the presiding judge. If you file a written response, a hearing may be held at a location and time set forth in a notice from the Clerk of Court.

If you fail to file a timely written response to the motion, the court may assume you do not oppose the motion and may grant the motion, in whole or in part, without holding a hearing. This will result in the termination of the proceeding, or some part of the proceeding, in favor of the moving party.

RULE 7015-1 AMENDED AND SUPPLEMENTAL PLEADINGS

Unless otherwise ordered by the court, the party filing an amended pleading shall file and serve (1) a clean copy of the amended pleading; and (2) a copy of the amended pleading in which stricken material has been lined through or enclosed in brackets and new material has been underlined or set forth in bold face type.

RULE 7016-1 PRETRIAL PROCEDURES

(a) General. The court may, in any adversary proceeding or contested matter, direct the attorney for a party or a party appearing without counsel to appear before it for a preliminary scheduling or pretrial conference pursuant to Federal Bankruptcy Rule 7016.

(b) Pretrial Statement. Where required by court order, each party will file a pretrial memorandum, with copies sent to all other attorneys of record or parties proceeding without counsel. Each party must state the following in its pretrial memorandum:

- (1) a brief statement of facts that the party proposes to prove in support of a claim or defense, together with a statement of legal theories and citations of authorities;
- (2) any required pleading amendments;
- (3) any pleaded, but abandoned, issue;
- (4) stipulations of fact;
- (5) the details of the damage claimed or any other relief sought;
- (6) a list of the documents and records to be offered in evidence by the party at the trial other than those expected to be used solely for impeachment, indicating which documents the party expects to introduce in evidence without the usual authentication;

(7) a list of the names and specialties of experts that the party proposes to call as witnesses; and

(8) a statement of any matter that must be resolved before trial.

(c) Required Pre-Filing of Exhibits.

(1) Adversary Proceedings and Chapter 11 Lift Stays. In all adversary proceedings and in motions seeking relief from stay in Chapter 11 cases, each party must pre-file all exhibits which that party intends to introduce into evidence, except for exhibits to be offered solely for rebuttal. Each party must include in the pre-filed exhibits any report by an expert whom the party may call as a witness or, if no report has been prepared, an affidavit by such expert as to the expert's direct testimony. The exhibits must be filed and received by the opposing parties within the time limits set in the scheduling order. In adversary proceedings, if opposing parties do not file written objections to pre-filed exhibits by the time specified in the scheduling order, the exhibits will be admitted into evidence.

(2) Method of Pre-Filing of Exhibits. All pre-filed exhibits must be filed within the time limits set in the scheduling order by submission of an original and two (2) copies. Each set of exhibits must be bound or affixed together and must have at the beginning an exhibit list identifying each exhibit by number. Each exhibit must be tabbed by exhibit number. An additional copy must be furnished to each other party in the matter.

(3) Size. To the extent possible, all exhibits must be reduced to 8½ by 11 inches.

(4) Failure to Pre-file Exhibits. Exhibits that are not pre-filed as required by this Rule may be excluded from evidence.

(d) Proof of Amount of Claim or Debt.

(1) Required Verified Statement. In all adversary proceedings and all contested matters, a party seeking to prove the amount of a liquidated debt must offer as an exhibit an affidavit setting forth the amount of the alleged claim or debt, itemized by component, unless the information is contained in a previously filed pleading in the matter and verified pursuant to 28 U.S.C. § 1746. The declarant must be present in the courtroom for cross-examination, or an objection made pursuant to Federal Rule of Evidence 802 may be sustained.

(2) Pre-filing Requirement. In adversary proceedings and Chapter 11 motions for relief from stay, the required affidavit or verified pleading must be pre-filed as an exhibit, in accordance with subsection (d)(1) of this Rule.

RULE 7026-1 DISCOVERY - GENERAL

(a) Discovery Request Limits. A party may not serve on any other party in a contested matter or an adversary proceeding more than thirty (30) interrogatories and thirty (30) requests for production, including all parts and sub-parts.

(b) Timely Written Discovery Requests Required. All discovery requests must be made at a sufficiently early date to assure that the time for response expires before any discovery deadlines set by the court. The party serving discovery requests shall promptly provide the requests in electronic form that may be edited when requested by the opposing party.

(c) Discovery to Proceed Despite Existence of Disputes. Unless otherwise ordered by the court, a discovery dispute as to one matter does not justify delay in taking or responding to any other discovery.

(d) Discovery Stayed Pending Resolution of Federal Bankruptcy Rule 7012(b) Motion.

The filing of a motion pursuant to Federal Bankruptcy Rule 7012(b) stays discovery unless the movant presents matters outside the pleading.

(e) Format of Responses. Responses to discovery must restate each request followed by the response or a brief statement of the grounds for objection.

(f) Conference of Counsel Required. Counsel must confer concerning a discovery dispute and make good faith attempts to resolve their differences. The court will not resolve a discovery dispute unless the moving party has filed a certificate stating:

(1) the date, time, and place of the discovery conference, the names of all persons participating and any unresolved issues remaining; or

(2) the moving party's attempts to hold such a conference without success.

(g) Smoking During Depositions Prohibited. Unless all persons present agree, no one may smoke in a room where a deposition is being taken.

(h) Deposition of an Expert. The party taking the deposition of an expert shall pay a reasonable fee for the time spent by the expert in deposition and traveling to and from the deposition. The party designating the expert will pay any fee charged by the expert for time spent in preparing for the deposition.

(i) Copying Expenses. A party in interest requesting copies of documents that were produced for inspection must pay the actual, reasonable costs of copying.

(j) Discovery Guidelines. Discovery Guidelines adopted by the court and set forth in Appendix C govern the conduct of discovery.

RULE 7026-2 FILING OF DISCOVERY MATERIAL

In adversary proceedings and contested matters, a party may not file with the court either written discovery requests, responses to discovery or depositions (other than as exhibits to motions) unless otherwise ordered by the court. A party propounding written discovery or taking a deposition or providing a discovery response must file a notice stating: (a) the type of discovery or response served; (b) the date and type of service; and (c) each person served. Parties must retain the original copies of the discovery materials and make them available for inspection by any other party.

RULE 7054-1 ALLOWANCE OF COSTS

No costs will be allowed in adversary proceedings in excess of filing fees unless the entitled party files a Bill of Costs within twenty-one (21) days after the entry of the judgment or order.

RULE 7054-2 ATTORNEYS' FEES

Unless a longer period is fixed by statute or by the court, motions by a prevailing party for an award of attorney's fees must be filed within twenty-one (21) days after the entry of judgment or order.

RULE 7055-1 DEFAULT - FAILURE TO PROSECUTE

(a) Clerk's Notice. If, upon the expiration of six (6) months after the filing of the last pleading, it appears to the Clerk that no significant activity has since occurred in an adversary proceeding or contested matter in which there is no scheduled hearing, the Clerk will send written notice to all parties to the adversary proceeding or contested matter that the proceeding or matter

will be denied or dismissed without prejudice unless, within thirty (30) days after the date of the notice, the plaintiff or movant presents good and sufficient cause in writing why the dismissal or denial should not be ordered.

(b) Court Action. If there is no response to the Clerk's notice, an order of dismissal or denial may be entered.

RULE 7055-2 MOTION FOR DEFAULT JUDGMENT AGAINST A PARTY WITHOUT COUNSEL

Any motion seeking a default judgment in an adversary proceeding in which the non-moving party is without counsel shall contain a notice in substantially the following form:

NOTICE

Your rights may be affected. You should read these papers carefully and may wish to discuss them with an attorney.

A motion for default judgment is a request for judgment on one or more of the claims contained in the complaint filed in this case. Motions for default judgment are governed by Rule 55 of the Federal Rules of Civil Procedure. Because you have failed to file an answer or other pleading in this case, the Court may enter judgment against you without trial.

If you want to oppose the motion for default judgment, you must file with the court and serve on the other party a written response opposing the motion and stating the reasons for your opposition. Your opposition must be filed and served within fourteen (14) days after the service date of the motion, plus three (3) additional days if the motion was served on you by mail, unless otherwise ordered by the presiding judge. If you file a written response, a hearing may be held at a location and time set forth in a notice from the Clerk of Court.

If you fail to file a timely written response to the motion, the court may assume you do not oppose the motion and may grant the motion, in whole or in part, with or without holding a hearing. This will result in the termination of the proceeding, or some part of the proceeding, in favor of the moving party, and the entry of a judgment against you.

**RULE 7056-1 MOTION FOR SUMMARY JUDGMENT AGAINST PARTY
WITHOUT COUNSEL**

A motion seeking summary judgment in which the non-moving party is-without counsel shall include a notice in substantially the following form:

NOTICE

Your rights may be affected. You should read these papers carefully and may wish to discuss them with an attorney.

A motion for summary judgment is a request that one or more issues in a case be decided without holding a trial. Motions for summary judgment are governed by Rule 56 of the Federal Rules of Civil Procedure. Summary judgment may be granted if the court determines that (a) the material facts are not genuinely disputed and (b) based on those facts, the party asking for summary judgment is entitled to judgment as a matter of law. If you want to oppose the motion, you must file with the court and serve on the other party a written response within fourteen (14) days after the service date of the motion, plus three (3) additional days if the motion was served by mail, unless otherwise ordered by the presiding judge.

If you disagree with any of the facts stated by the other party, you must include with your response sworn statements from yourself or other knowledgeable witnesses supporting your version of the facts. A sworn statement may take the form either of an affidavit or a declaration signed under penalty of perjury. Any documents you want the court to consider should be identified in, and attached to, the sworn statements. If you are unable to obtain sworn statements supporting your position, you must file a sworn statement stating why you are unable to obtain such statements at this time.

If you fail to file a timely written response to the motion, the court may assume you do not oppose the motion and may grant the motion without holding a hearing. This will result in the termination of the matter, or a portion of the matter, in favor of the moving party.

PART VIII

RULE 8001-1 APPEALS

See Appendix B.

PART IX

RULE 9001-1 DEFINITIONS AND RULES

Definitions in Federal Bankruptcy Rules. Unless otherwise ordered by the court, the definitions of words and phrases in Federal Bankruptcy Rule 9001 and the definitions adopted by reference therein apply in these Local Bankruptcy Rules and orders entered by the court. In addition, the following words and phrases used in these rules have the meanings indicated:

- (a) “Bankruptcy Code” means Title 11 of the United States Code.
- (b) “District Court” means the United States District Court for the District of Maryland.
- (c) “CM/ECF” and “ECF” mean the Case Management/Electronic Case Filing system for the United States Bankruptcy Court for the District of Maryland.
- (d) “Federal Bankruptcy Rules” means the Federal Rules of Bankruptcy Procedure.
- (e) “File” -- where the word “file” appears in these Local Bankruptcy Rules, such filing is to be made electronically via CM/ECF or with the appropriate divisional office of the Clerk of the United States Bankruptcy Court for the District of Maryland.
- (f) “Subchapter V” means subchapter V to Chapter 11 of the Bankruptcy Code, 11 U.S.C. §§ 1181, *et seq.*

RULE 9004-1 PAPERS - REQUIREMENTS OF FORM; ORDERS

(a) General. All petitions, pleadings, schedules and other documents filed in paper form shall be 8½ by 11 inches in size, legibly typewritten, printed or reproduced. The papers shall be of standard weight and, except for proposed orders, shall have an upper margin of not less than one half inch. No such document may be two-hole punched, stapled or similarly fastened so as to

cause punctures in the paper. Original pleadings must be retained pursuant to Local Bankruptcy Rule 9011-3. Only copies should be submitted for filing with the court.

(b) Proposed Orders. The first page of all orders shall have an upper margin of not less than three (3) inches. The last line in the order must be, “**End of Order**”, centered in the middle of the line. The signature line for the judge shall be omitted.

(c) Font Size. With the exception of Official Forms and other forms downloaded from software or on-line sources, font size on all pleadings, motions, and papers shall be no smaller than 12 point.

RULE 9009-1 LOCAL BANKRUPTCY FORMS

The Local Bankruptcy Forms prescribed in these Rules are set out in Appendix A. They shall be observed and used with alterations as may be appropriate.

RULE 9010-1 SELF-REPRESENTED PARTIES

(a) Who May Appear Self-represented. Only individuals may represent themselves except for parties filing motions seeking to obtain funds deposited in the Registry of the Court.

(b) Responsibilities of Parties Appearing Self-represented. Individuals representing themselves are responsible for performing all duties imposed on counsel by the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules, and applicable federal or state law.

RULE 9010-2 CURRENT INFORMATION

(a) Duty to Keep Current Information on File. Counsel and parties appearing without counsel must file and maintain a statement of current address and telephone number in every case in which such person appears. This obligation continues until the case is closed.

(b) Excusable Neglect. Should any person fail to maintain a current address with the Clerk and as a result, either for lack of response or lack of an appearance, the court enters an order dismissing any affirmative claim for relief or enters a judgment by default or otherwise against such person or such person's client, the failure to maintain a current address shall not be considered excusable neglect.

RULE 9010-3 ATTORNEYS - WHO MAY APPEAR AS COUNSEL

(a) Generally. Except as otherwise provided in this Rule and 28 U.S.C. § 515 or when an attorney is employed as a federal government attorney and is appearing for purposes related to his or her employment, only members of the Bar of the District Court may appear as counsel.

(b) Admission *Pro Hac Vice*.

(1) In accordance with, and subject to the limitations of, the Local Rules of the District Court, the court may permit an attorney who is an active member in good standing of the Bar of any other United States Court or of the highest court of any state to appear and participate as counsel in a particular bankruptcy case. Such permission will not constitute formal admission to the Bar of the District Court. An attorney admitted *pro hac vice* is subject to the disciplinary jurisdiction of the District Court and of this court.

(2) A party represented by an attorney who has been admitted *pro hac vice* must also be represented by an attorney who is a member of the Bar of the District Court. Such

member of the Bar of the District Court shall be present in the courtroom for all proceedings before the court, unless excused by the court.

(3) The application for admission *pro hac vice* shall comply with Local District Court Rule 101.1.b and conform to Local Bankruptcy Form F.

(c) Certain Actions Not Requiring Admission to the Bar of the District Court. An attorney not admitted to the Bar of the District Court may file (1) a proof of claim for a client; (2) a fee application as principal of a professional group; (3) a motion to retrieve funds from the Registry of the Court; or (4) a request for all notices.

(d) Appearance for Obtaining Deposition Subpoenas. It is not necessary for counsel to be admitted to the Bar of the District Court in order to obtain a subpoena for depositions to be taken in this district for cases pending in other districts. However, an attorney seeking such a subpoena is subject to the disciplinary jurisdiction of the District Court and of this court.

RULE 9010-4 WITHDRAWAL OF APPEARANCE OF AN ATTORNEY

(a) When Clients are Individuals.

(1) An attorney may withdraw an appearance entered on behalf of an individual if another attorney has entered an appearance for and appears as attorney of record for that individual.

(2) Except as provided in subparagraph (1), the appearance of an attorney may be withdrawn only with leave of the court. A motion for leave to withdraw must be accompanied by a certificate stating:

(A) the name and last known address of the client; and

(B) that a written notice has been mailed to or otherwise served upon the client at least seven (7) days previously advising the client of counsel's proposed withdrawal and notifying the client either to have new counsel enter an appearance or to advise the Clerk that the client will be proceeding without counsel.

(b) When Clients Are Other Than Individuals. If the client is other than an individual, including corporations, partnerships, unincorporated associations and government entities, appearances of counsel may be withdrawn only with leave of court and if:

(1) appearance of other counsel has been entered; or

(2) withdrawing counsel files a certificate stating:

(A) the name and last known address of the client; and

(B) that a written notice has been mailed to or otherwise served upon the client at least seven (7) days previously advising the client of counsel's proposed withdrawal and notifying the client that it must have new counsel enter an appearance or be subject to dismissal of its case, dismissal of its claims and/or judgment by default on claims against it. If new counsel has not entered an appearance within twenty-one (21) days after the filing of the motion to withdraw, the court may dismiss an affirmative claim for relief by, or enter a default against, the unrepresented party.

RULE 9010-5 ATTORNEY FOR DEBTORS - DUTIES

(a) An attorney who files a petition in bankruptcy on behalf of a debtor, or who subsequently enters an appearance on behalf of a debtor other than as special counsel approved under 11 U.S.C. § 327(e), will be counsel of record in all matters arising during the administration

of the case, such as adversary proceedings and motions for relief from stay, except as set forth below.

(b) In an individual case, representation will continue through discharge and continue as to any matter pending at the time of the discharge. However, an attorney representing an individual debtor may exclude adversary proceedings and United States Trustee audits provided that debtor's written acknowledgment of this limitation is filed with counsel's Federal Bankruptcy Rule 2016(b) statement.

(c) If a debtor is represented by counsel generally in a Chapter 7 or Chapter 13 case, another attorney may enter an appearance limited to specific matters in the case, such as a motion for relief, another contested matter, an adversary proceeding, or an appeal, without entering a general appearance on behalf of the debtor. Such attorney must file a Federal Bankruptcy Rule 2016(b) statement disclosing the scope of the representation and the fees charged and paid (or to be paid) for such representation and such representation shall be limited solely to the matters described in the Federal Bankruptcy Rule 2016(b) statement.

RULE 9010-6 CHAPTER 13 DEBTOR'S COUNSEL

Counsel for the debtor in a Chapter 13 case shall abide by all requirements set forth in the Chapter 13 Debtor's Counsel Responsibilities and Fees in Appendix F.

RULE 9011-1 SIGNATURES, FEDERAL BAR NUMBER

This Rule augments Federal Bankruptcy Rule 9011. An individual signing pleadings must include the signer's printed name, post office and business address, telephone number and, if available, facsimile and e-mail addresses. If the signer is an attorney admitted to practice before

the District Court, the attorney shall include his or her federal bar number as listed on the Attorney Admission List.

**RULE 9011-2 SIGNING OF ELECTRONICALLY TRANSMITTED PLEADINGS;
REPRESENTATIONS TO THE COURT**

(a) Responsibility for Use of Login and Password. An attorney or other person who is assigned a court-issued login and password to file documents electronically is responsible for all documents filed using that login and password.

(b) Signature and Certification. The transmission of a petition, pleading, motion or other paper by electronic means shall constitute both a signature by the attorney or other person responsible for transmitting it that is required by Federal Bankruptcy Rule 9011(a) and a certification within the meaning of Federal Bankruptcy Rule 9011(b). Such transmission shall also constitute a representation by the attorney or other person responsible for an electronic transmission to the court that he or she is in possession of the original petition, pleading, motion or other paper, with all original signatures thereon other than those papers signed solely by the filing user and co-counsel.

**RULE 9011-3 MAINTENANCE AND PRODUCTION OF ORIGINAL
DOCUMENTS**

(a) Maintenance. The attorney or other person responsible for an electronic transmission to the court shall maintain the original petition, pleading, motion or other paper bearing original signatures other than that of the electronic filer, for three (3) years after the bankruptcy case is closed.

(b) Production. Upon reasonable request by the court or an interested party, the attorney or other person responsible for an electronic filing shall produce for inspection and copying the original petition, pleading, motion, or other paper filed by electronic means, with all original signatures thereon.

(c) Original Signatures. Except for signatures on any petition, schedule or statement, Chapter 13 plan, and any other document filed under oath or subject to the penalty of perjury, an original signature:

(1) Of an attorney includes a signature obtained or sent by facsimile, scan document, electronic mail authorization, or other electronic means, authorizing the placement of the signature of the authorizing person on the document to be filed; or

(2) Of a client includes a signature transmitted by facsimile or scanned document authorizing the placement of the electronic signature.

RULE 9013-1 MOTIONS PRACTICE

(a) Requirement of Written Motion. All motions must be in writing and filed with the court, unless made during a hearing or trial.

(b) Procedure for Motions Other Than Motions for Relief from Stay and Motions to Avoid Lien.

(1) All motions must state with particularity the grounds therefor and the relief or order sought. Supplementing Local Bankruptcy Rule 9013-3 as to moving parties, responding parties must file with the court, at the time of filing a response, a proposed order stating the requested disposition.

(2) Parties may file with or append to their motion and memorandum, or to their responsive pleading and opposing memorandum, supporting affidavits or documents establishing the elements of entitlement to the relief sought or any defense.

(3) Except as provided in subparagraph (4), any responsive pleading and memorandum in opposition to a motion must be filed within fourteen (14) days from the date of service of said motion.

(4) A motion to dismiss a Chapter 13 case shall be accompanied by a notice stating that any responsive pleading and memorandum in opposition must be filed within twenty-one (21) days after the date of service of said motion.

(5) Except as otherwise provided in the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules or by the court, a motion can be decided on the pleadings and memoranda filed.

(c) Contested Matters. In addition to the application of the Part VII Rules listed in Federal Bankruptcy Rule 9014(c), Federal Bankruptcy Rule 7010(a) shall apply to contested matters.

RULE 9013-2 BRIEFS AND MEMORANDA OF LAW

A party must file with each motion a brief memorandum of fact and law entitling the movant to the relief claimed or a statement that no memorandum will be filed and that the movant will rely solely upon the motion.

RULE 9013-3 ORDERS - PROPOSED

(a) All requests for relief, except motions for relief from the automatic stay, motions to dismiss or convert, and pleadings initiating adversary proceedings under Federal Bankruptcy Rule 7001, must be accompanied by a proposed order. The proposed order must contain a specific title describing the nature and effect of the order. The names and addresses of all counsel or other parties in interest who should receive copies of the order shall be set forth in the lower left-hand corner of the final page of the proposed order or carried over to another page, provided, however, that only the name and “via CM/ECF” are required for any counsel who is receiving notices through CM/ECF in that case. The chapter of the case must be stated in the caption.

(b) Proposed orders for motions for relief from the automatic stay and responses thereto should be submitted to the court upon the earlier of:

- (1) A consent being reached by all parties; or
- (2) After the conclusion of the hearing on the motion.

(c) When a proposed order is submitted to the court, copies shall be simultaneously transmitted to all other parties to the matter.

RULE 9013-4 CERTIFICATE OF SERVICE

(a) A certificate of service is required for motions under Federal Bankruptcy Rule 9013 and contested matters under Federal Bankruptcy Rule 9014.

(b) The certificate shall be placed at the end of the item served and endorsed by an attorney of record, the attorney's authorized agent, or by a party if not represented by an attorney.

(c) The certificate must state the date of service and:

(1) for each recipient who is being served through CM/ECF, the specified persons served must be listed with the statement that service is via CM/ECF. The attorney or unrepresented person filing the pleading or document is responsible to ensure that all persons listed as being served via CM/ECF are registered to receive CM/ECF notice in that case or must effectuate service by other appropriate means; and

(2) for all other recipients, the names and addresses of the persons served and the method of service must be included.

(d) Noticing agents authorized by the court shall make service in accordance with this rule, except as otherwise provided in the order authorizing the employment of the noticing agent.

(e) Local Rule 7005-2 governs certificates of service in adversary proceedings.

RULE 9013-5 RESPONSIBILITY FOR PROPER SERVICE

(a) It is the obligation of an attorney or party that files a pleading to determine every party with a cognizable interest in the pleading that should receive a copy and the current address of each. A certificate of service signed by an attorney, by an attorney's authorized agent or by a party constitutes a representation to the court that all parties entitled to service have been included

and have been served properly. Violation of this paragraph shall be subject to an appropriate sanction.

(b) It is the obligation of an attorney or party filing a motion to review any notice of a hearing on that motion prepared by the Clerk and to communicate forthwith to the Clerk any deficiency in the notice and any omission in the list of parties receiving notice.

RULE 9013-6 STATEMENT IN MOTIONS, OBJECTIONS AND RESPONSES REGARDING CONSENT TO ENTRY OF ORDER OR JUDGMENT IN CORE PROCEEDING

All parties in a contested matter must file a statement in compliance with Local Bankruptcy Rule 7012-1(b).

RULE 9013-7 MOTION TO SHORTEN TIME AND/OR FOR EXPEDITED HEARING

(a) If Movant requests that the time to object to any motion should be shortened, or that a more expedited hearing is needed, Movant must file contemporaneously a separate motion requesting that the court shorten the time within which responses may be filed and/or requesting that the court set an expedited hearing.

(b) If a motion is filed to shorten the time to object to any motion or to expedite the hearing thereon, Movant must include the following language in the notice:

MOVANT HAS ALSO FILED A MOTION TO SHORTEN THE TIME FOR RESPONSE AND/OR FOR AN EXPEDITED HEARING. IF THAT MOTION TO SHORTEN OR EXPEDITE IS GRANTED, THE TIME TO OBJECT AND/OR DATE FOR HEARING WILL BE CHANGED AS PROVIDED IN SUCH ORDER.

RULE 9014-1 DISCOVERY

The initial disclosures required by Federal Bankruptcy Rule 7026(a) are not applicable to contested matters, unless the court directs otherwise.

RULE 9014-2 DEFAULT AND DISMISSAL FOR NON-PROSECUTION

Local Bankruptcy Rule 7055-1 applies in contested matters.

RULE 9015-1 TIME FOR FILING CONSENT TO HAVE JURY TRIAL CONDUCTED BY BANKRUPTCY JUDGE

A statement of consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) must be filed before the conclusion of the initial pretrial conference.

RULE 9019-1 SETTLEMENTS AND AGREED ORDERS

(a) Order. Subject to the requirements of Federal Bankruptcy Rules 2002(a)(3), 4001(d), and 9019, when the court is advised by the moving party that an adversary proceeding or contested matter has been settled, the court can enter an order dismissing the adversary proceeding or contested matter and providing for the payment of costs. Such an order of dismissal will be without prejudice to the right of a party to move for good cause to reopen the proceeding or matter within a reasonable time after settlement should have occurred if the settlement is not consummated. Alternatively, the court, upon notification by counsel that a proceeding or matter has been settled, can require counsel to submit, within fourteen (14) days, a proposed order providing for the settlement, in default of which the court can enter judgment or other appropriate order.

(b) Complete Disposition. An order entered pursuant to this Rule has the effect of noting the settlement of the entire adversary proceeding or contested matter, including all claims, counterclaims, third-party claims, and cross-claims, unless otherwise stated.

(c) Filing Procedures. In adversary proceedings, motions for approval of settlements must be filed in the adversary case and served on all parties in the adversary case. Notice of the motion for approval of a settlement must be filed in the main case and served on all parties entitled to receive notice.

RULE 9019-2 ALTERNATIVE DISPUTE RESOLUTION

A Bankruptcy Dispute Resolution Program (“BDRP”) is maintained and available to facilitate the resolution of disputes in Appendix G to these Rules.

RULE 9027-1 CONSENT TO JUDGMENT IN REMOVAL ACTIONS

Local Bankruptcy Rule 7012-1 shall apply in the case of removal.

RULE 9027-2 REMOVAL

(a) Filing. A party seeking to remove a claim or cause of action from a state or federal court to the bankruptcy court must file a notice of removal.

(b) Service. A notice of removal must be served under Federal Bankruptcy Rule 7004. Not later than seven (7) days after service, the party filing the notice must file a Certification of Service.

(c) Procedure After Removal. Not later than fourteen (14) days after the filing of the notice of removal, the party filing the notice must file a copy of the docket sheet from the

original court, and provide a list of those filings that the party proposes should be included in the docket from the removed proceeding. The bankruptcy court will direct the party filing the notice of removal of additional pleadings or other docket items, if any, to be filed from the original court.

RULE 9029-1 LOCAL BANKRUPTCY RULES - GENERAL

Any judge of this court may suspend or modify a requirement or provision of any of these Rules in a particular case, adversary proceeding or contested matter on the court's own motion or on motion of a party.

RULE 9029-2 INTERIM SUBCHAPTER V BANKRUPTCY RULES

To implement the provisions of the Small Business Reorganization Act of 2019, national interim Federal Bankruptcy Rules have been promulgated, and are adopted and incorporated as Appendix I of the Local Bankruptcy Rules. The interim Federal Bankruptcy Rules shall be effective in this district until such time as the regular rule making process is concluded and the interim Federal Bankruptcy Rules are implemented as final rules.

RULE 9033-1 PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Designation of the Record. When a party has objected to proposed findings or conclusions pursuant to Federal Bankruptcy Rule 9033(b), for the purpose of preparing the record and identifying the issues for the District Court, the parties will follow the procedures set forth in Federal Bankruptcy Rule 8009 by treating any objection as an appeal. The bankruptcy judge may order the designated extract supplemented.

RULE 9036-1 NOTICE BY ELECTRONIC TRANSMISSION

In addition to service of notice by electronic transmission or by first-class mail, notice may be given by hand-delivery, facsimile transmission, or by a nationally recognized delivery service; provided, however, that in the case of facsimile transmission, service shall not be effective unless the receiving party has consented in writing, in which case service is complete upon transmission, but it is not effective if the serving party learns that it did not reach the person to be served. The Clerk shall not accept for filing any email or facsimile transmission. All notices given by facsimile transmission shall be followed by hard copy notice mailed the next business day.

RULE 9037-1 PRIVACY POLICY AND TRANSCRIPT REDACTION PROCEDURES

(a) Privacy Policy. The Judicial Conference of the United States has adopted a privacy policy to restrict the publication of certain personal data in documents filed with the court. The policy requires limiting social security and financial account numbers to the last four digits, using only initials for the names of minor children, and limiting dates of birth to the year. If such information is elicited during testimony in court proceedings, it will become available to the public when the official transcript is filed with the court unless, and until, it is redacted. The better practice is to avoid introducing this information into the record in the first place either through testimony or in exhibits. Counsel and self-represented litigants are advised to take this into account when questioning witnesses or making other statements in court or introducing exhibits into evidence. If a restricted item is mentioned or introduced in court, parties may ask to have it stricken from the record or partially redacted to conform to the privacy policy or the court may do so on its own motion.

(b) Transcript Redaction Procedures. Upon the receipt of a transcript, the Clerk will serve a Notice of Requirement to Review Transcript on all parties to the hearing. A filed transcript will be available at the Clerk's office for inspection only for a period of ninety (90) days after it is filed. During the ninety (90) day period, a copy of the transcript may be obtained from the transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney who obtains the transcript from the transcriber may obtain remote electronic access to the transcript via the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes. Counsel, or self-represented litigants, will have seven (7) days from the date of filing of the transcript to file a Notice of Intent to Request Redaction with the court, stating an intention to review the transcript to determine whether to request redaction of sensitive private information before the transcript is made electronically available to the public. A copy of the notice must be served upon the transcriber. A party will have twenty-one (21) days from the date of the filing of the transcript to file a Request for Redaction of Transcript with the court (which will be a private, restricted event) and send a copy to the transcriber, listing the entries by page and line where personal data appears that should be redacted. The deadline for filing the redacted version of the transcript is thirty-one (31) days from the filing date of the transcript. At the end of the ninety (90) day restriction period, the redacted version will be made available via remote electronic access and at the public terminals in the Clerk's office for viewing and printing. The unredacted version of the transcript will not be available via remote electronic access or at the Clerk's office upon the filing of the redacted transcript; it shall be maintained as a private, restricted event. An attorney who purchases the transcript during the ninety (90) day restricted period will be given remote electronic access to the transcript and any redacted version filed.

RULE 9070-1 EXHIBITS

(a) Pending Appeal. From the conclusion of a hearing or trial to the expiration of the time within which to file a notice of appeal or, in the event that an appeal is taken, until the transmission of the record to the District Court, the Clerk will retain all documentary exhibits except ones of unusual bulk or weight. Documents of unusual bulk or weight and all non-documentary exhibits will remain in the custody of the attorney presenting them, who (1) will permit inspection of them by counsel for another party for the purpose of preparing the record on appeal; (2) will be responsible for their safekeeping; and (3) if requested, will send them to the appellate court.

(b) Upon Termination of Action. Upon the closing of a contested matter or adversary proceeding, the Clerk will send notice to all counsel advising counsel to remove, within thirty (30) days, all trial and hearing exhibits and all sealed materials that counsel presented at any time during the pendency of the contested matter or adversary proceeding. If a party fails to retrieve exhibits within thirty (30) days, the exhibits will be discarded by the Clerk.

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NOTICE OF FILING OF CASE IN BANKRUPTCY COURT
IN THE CIRCUIT COURT FOR
_____ COUNTY, MARYLAND

IN RE:

*

*

Civil No. _____

vs.

*

*

NOTICE OF FILING OF CASE IN BANKRUPTCY COURT

You are hereby notified of the filing of a case in the _____ Division of the United States Bankruptcy Court for the District of Maryland for the following debtor(s):
_____. The bankruptcy case no. is _____. It is a case under Chapter _____ filed on _____ . The case is now pending.

Attorney for Debtor(s)

Name: _____

Address: _____

Tel. No. _____

OR _____
Debtor(s), if without counsel

Name: _____

Address: _____

Tel. No. _____

OR

Attorney for Petitioning Creditor(s)

Address: _____

Tel. No. _____

Petitioning Creditor(s)

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 20____, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Filing of Case in Bankruptcy Court will be served electronically by the Court's CM/ECF system on the following:

Name of Trustee, Chapter 7/13

Name of Attorney

Name of Attorney

I hereby further certify that on the _____ day of _____, 20____, a copy of the Notice of Filing of Case in Bankruptcy Court was also mailed first class mail, postage prepaid to:

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Signature of Affiant

Local Bankruptcy Form A
Page Two

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

at _____

IN RE:

*

Debtor(s)

*

Case No. _____

Chapter _____

*

Movant(s)

vs.

*

Respondent(s)

*

**NOTICE OF MOTION FOR RELIEF FROM STAY
AND HEARING THEREON**

_____ has filed papers with the court seeking relief from the automatic stay of 11 U.S.C. § 362(a) to enable it to proceed to _____.

Your rights may be affected. You should read these papers carefully and discuss them with your lawyer. (If you do not have a lawyer, you may wish to consult one.)

If you do not want the court to grant the motion for relief from stay, or if you want the court to consider your views on the motion, then by _____* (parties served by mail may add three (3) additional days to the response deadline) you or your lawyer must file a written response with the Clerk of the Bankruptcy Court explaining your position and mail a copy to:

[Movant's attorney's name and address, or Movant's name and address if without counsel]
[names and addresses of others to be served]

If you mail rather than deliver, your response to the Clerk of the Bankruptcy Court for filing, you must mail it early enough so that the court will receive it by the date stated above.

The hearing is scheduled for _____, at _____, ** in Courtroom _____, United States Bankruptcy Court, _____.

If you or your lawyer do not take these steps by the deadline, the court may find that you do not oppose the relief sought in the motion and may grant or otherwise dispose of the motion before the scheduled hearing date.

DATE: _____ ***

Signature (Attorney or Movant if without counsel)

Telephone No. _____

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20____, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Motion for Relief from Stay and Hearing Thereon will be served electronically by the Court's CM/ECF system on the following:

Name of Trustee, Chapter 7/13

Name of Attorney

Name of Attorney

I hereby further certify that on the ____ day of _____, 20____, a copy of the Notice of Motion for Relief from Stay and Hearing Thereon was also mailed first class mail, postage prepaid to:

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Signature _____
[Type or print your name]

**INSTRUCTIONS FOR COMPLETION OF
LOCAL BANKRUPTCY FORM B**

(These instructions should not be filed when the form is uploaded.)

NOTE: Remove asterisks from the form after the completion of the Notice.

- [*]** Insert a date that is **14 days** after the date of this notice (service), plus any additional time provided by Federal Bankruptcy Rule 9006(a). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due. Use the date computed.

- [**]** Insert a date and time from the list of dates available for the judge assigned to the case that is more than **21 days** after the date of this notice.

- [***]** Insert the date notice was served.

ADDITIONAL NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004. The Certificate of Service must comply with Local Bankruptcy Rule 7005-2.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
at _____

IN RE:

Debtor(s)

Case No. _____
Chapter _____

Movant(s)

vs.

Respondent

**NOTICE OF DEBTOR(S)' MOTION
TO AVOID LIEN PURSUANT TO 11 U.S.C. § 522(f)
AND HEARING THEREON**

A motion was filed on behalf of the debtor(s) to avoid a lien held by _____. Your rights may be affected. You should read these papers carefully and discuss them with your lawyer. If you do not have a lawyer, you may wish to consult one. A copy of the motion is attached.

If you do not want the court to grant the motion avoiding the lien, or if you want the court to consider your views on the motion, then by _____* (parties served by mail may add three (3) additional days to the response deadline) you or your lawyer must file with the Clerk of the Bankruptcy Court a response to the motion explaining your position and mail a copy of the response to:

[Movant's attorney's name and address, or Movant's name and address if without counsel]

If you mail, rather than deliver, your response to the Clerk of the Court for filing, you must mail it early enough so that the court will receive it by the date stated above.

If you file a timely response to the motion, the hearing on the motion will take place on _____, at _____,** in Courtroom_____, United States Bankruptcy Court,
_____.

If you or your lawyer do not file and serve a timely response to the motion, the court may find that you do not oppose the relief sought in the motion and may grant or otherwise dispose of the motion before the scheduled hearing date.

DATE: _____ ***

Signature (Attorney or Movant if without counsel)

Telephone No. _____

Local Bankruptcy Form C

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20__, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Debtor(s)' Motion to Avoid Lien Pursuant to 11 USC § 522(f) and Hearing Thereon will be served electronically by the Court's CM/ECF system on the following:

Name of Trustee, Chapter 7/13

Name of Attorney

Name of Attorney

I hereby further certify that on the ____ day of _____, 20__, a copy of the Notice of Debtor(s)' Motion to Avoid Lien Pursuant to 11 USC § 522(f) and Hearing Thereon was also mailed first class mail, postage prepaid to:

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Signature _____
[Type or print your name]

**INSTRUCTIONS FOR COMPLETION OF
LOCAL BANKRUPTCY FORM C**

(These instructions should not be filed when the form is uploaded.)

NOTE: Remove asterisks from the form after the completion of the Notice.

- [*] Insert a date that is at least **28 days** after the date this notice is mailed (service), plus any additional time provided by Federal Bankruptcy Rule 9006(a). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due. Use the date computed.
- [**] Insert a date and time from the list of dates available for the judge assigned to the case that is at least **49 days** after the date of this notice.
- [***] Insert the date notice was served.

ADDITIONAL NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004 and Local Bankruptcy Rule 4003-2. The Certificate of Service must comply with Local Bankruptcy Rule 7005-2.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

IN RE:

*

Case No. _____
Chapter 13

*

*

Debtor

*

APPLICATION FOR SUPPLEMENTAL ALLOWANCE OF ATTORNEY'S FEES

NOW COMES _____, Counsel to the Debtor(s),
(hereinafter "Applicant") who makes this request for the allowance of attorney's fees for services rendered for the benefit of the Debtor and the bankruptcy estate, and in support thereof states as follows:

1. Applicant has served as counsel to the Debtor throughout the pendency of the Chapter 13 proceedings.
2. The fees sought in this application result from services rendered for or on behalf of the Debtor.
3. The fees sought to be paid to Applicant result from services rendered or required to be rendered for a matter which was not contemplated or included in the initial retainer agreement as evidenced by the Rule 2016(b) Disclosure Statement filed at the beginning of this case.
4. The services for which the additional fees are now sought by Applicant are described in the attached Supplemental 2016(b), which has been filed with the Court and is included herein by reference.

Local Bankruptcy Form E

5. The services for which the additional fees are now sought by Applicant are reasonable and necessary services that benefit the Estate for the following reasons:
- _____.
6. In support of this Application, Applicant has attached relevant time records that identify the professionals who worked on this case, their hourly rates, the tasks performed, and the amount of time spent on each such task.
7. Prior to the filing of this Application, Applicant has been paid a total of \$_____ in fees and \$_____ in expenses in this case. Of those amounts, Applicant has received \$_____ in fees and \$_____ in expenses in distributions from the Trustee and \$_____ in fees and \$_____ in expenses in payments from the Debtor or on Debtor's behalf.
8. Applicant respectfully submits and hereby affirms to the Court that the fees and costs requested by this application were both reasonable and necessary.
9. Further, that the fees charged for the services described are reasonable based upon the customary fees charged and generally approved by this Court for services of this nature provided by comparably skilled professionals.
10. No agreement or understanding exists between Applicant and any other person for the division or sharing of compensation for services rendered or costs advanced in connection with Applicant's representation of the Debtor.
11. The Debtor(s) have requested that the services be provided by Counsel and that this Court allow the payment of the requested attorney's fees and, if necessary, approve the payment of the fees as an administrative expense through the Chapter 13 Plan.

12. Applicant avers the approval of the requested fees:

☐ will not affect distribution to creditors under the plan

☐ will affect distribution to creditors under the plan in the following manner:

_____.

WHEREFORE, Applicant prays that this Court approve the Attorney's fees and costs prayed for herein in the amount of \$_____, to be paid by the Debtor or to be paid by the Chapter 13 Trustee as an administrative expense through the Chapter 13 Plan.

Respectfully submitted,

/s/ Attorney _____
Attorney, Esquire
Firm, LLC
Address
Address
Address
Telephone

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 2016, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Application for Supplemental Allowance of Attorney's Fees will be served electronically by the Court's CM/ECF system on the following:

Name of Trustee, Chapter 7/13

Name of Attorney

Name of Attorney

I hereby further certify that on the _____ day of _____, 2016, a copy of the Application for Supplemental Allowance of Attorney's Fees was also mailed first class mail, postage prepaid to:

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Signature_____
[Type or print your name]

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

IN RE:

*

Case No. _____

*

Chapter 13

*

Debtor

*

**NOTICE OF APPLICATION FOR SUPPLEMENTAL ALLOWANCE
OF ATTORNEY'S FEES**

Pursuant to Local Bankruptcy Rule 2002-1 of the Maryland Bankruptcy Rules, Notice is hereby given that:

1. An Application for Allowance of Attorney's Fees has been filed by the Debtor(s)' Counsel, (hereafter "Applicant").
2. The Application seeks fees of \$_____ for representation in legal matters made necessary by events which have occurred during the Chapter 13 proceedings.
3. Pursuant to the Local Bankruptcy Rules the Applicant has filed a Supplemental 2016(b) Disclosure Statement along with the Application describing the services rendered on behalf of the Debtor.
4. If the Court approves the Application, the Fees approved may be paid by the Chapter 13 Trustee as an administrative expense. Applicant avers the approval of the requested fees:

☐ will not affect distribution to creditors under the plan

☐ will affect distribution to creditors under the plan in the following manner:

_____.

5. Any objection to the Application must be filed within 21 days of the date of the Application with the Clerk, U.S. Bankruptcy Court for the District of Maryland, _____ (parties served by mail may add three (3) additional days to the response deadline), with a copy sent to the undersigned Counsel, the Chapter 13 Trustee, and shall state the factual and legal grounds on which it is based.

6. The Application may be approved without further Order or Notice if no timely objection is filed, and the Court, in its discretion, may conduct a hearing or determine the matter without a hearing regardless of whether an objection is filed.
7. Parties in interest with questions may contact the undersigned.

Date of Notice _____, 20__

Respectfully submitted,

\s\ Attorney _____
Attorney, Esquire
Firm, LLC
Address
Address
Address
Telephone

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 2016, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Application for Supplemental Allowance of Attorney's Fees will be served electronically by the Court's CM/ECF system on the following:

Name of Trustee, Chapter 7/13

Name of Attorney

Name of Attorney

I hereby further certify that on the _____ day of _____, 2016, a copy of the Notice of Application for Supplemental Allowance of Attorney's Fees was also mailed first class mail, postage prepaid to:

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Signature _____
[Type or print your name]

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
_____ **Division**

	*	
Plaintiff,	*	Case No. _____
v.	*	
	*	Adversary No. _____
Defendant.	*	

MOTION FOR ADMISSION PRO HAC VICE

Pursuant to Local Bankruptcy Rule 9010-3(b) of this Court, and Local Rule 101.1(b) of the U.S. District Court for the District of Maryland, _____, Esquire, a member in good standing of the bar of this Court, moves the admission of _____ Esquire, to appear pro hac vice in the captioned proceeding as counsel for _____.

Movant and the proposed admittee respectfully certify as follows:

- 1) The proposed admittee is not a member of the Bar of Maryland.
- 2) The proposed admittee does not maintain a law office in Maryland.
- 3) The proposed admittee is a member in good standing of the bar(s) of the following State and/or United States Courts:

State Court & Date of Admission

U.S. Court & Date of Admission

4) During the twelve (12) months immediately preceding the filing of this motion, the proposed admittee has been admitted *pro hac vice* in this Court _____ times.

5) The proposed admittee has never been disbarred, suspended, or denied admission to practice law in any jurisdiction. (NOTE: If the proposed admittee has been disbarred, suspended, or denied admission to practice law in any jurisdiction, then he/she must submit a statement fully explaining all relevant facts.)

Local Bankruptcy Form F

6) The proposed admittee is familiar with the Federal Bankruptcy Rules, the Local Bankruptcy Rules, the Federal Rules of Evidence, and the Maryland Lawyers' Rules of Professional Conduct, and understands that he/she shall be subject to the disciplinary jurisdiction of this court.

7) Co-counsel for the proposed admittee in this proceeding will be the undersigned or _____, Esquire, who has been formally admitted to the bar of the U.S. District Court for the District of Maryland.

8) It is understood that admission pro hac vice does not constitute formal admission to the bar of the U.S. District Court for the District of Maryland.

9) The \$100.00 fee for admission pro hac vice is enclosed. (Payment may be made by check or money order payable to: Clerk of Court, United States Bankruptcy Court or paid electronically through CM/ECF.)

10) We hereby certify under penalties of perjury that the foregoing statements are true and correct.

Respectfully submitted,

Movant –

Signature: _____

Printed Name: _____

Firm: _____

Address: _____

Phone Number: _____

Email: _____

Maryland U.S. District Court Number: _____

Proposed Admittee –

Signature: _____

Printed Name: _____

Firm: _____

Address: _____

Phone Number: _____

Email: _____

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
at _____

IN RE:

*

Case No. _____

Debtor(s).

*

Chapter 13

*

Movant(s),

*

vs.

Account No. _____

*

(Loan account number that

Respondent(s).

bears lien sought to be avoided)

*

**NOTICE OF DEBTOR(S)' MOTION TO AVOID LIEN ON PRINCIPAL RESIDENCE
PURSUANT TO 11 U.S.C. § 506 AND HEARING THEREON**

A motion was filed on behalf of the debtor(s) to avoid a lien held by _____.
Your rights may be affected. You should read these papers carefully and discuss them with your lawyer. If you do not have a lawyer, you may wish to consult one. A copy of the motion is attached.

If you do not want the court to grant the motion avoiding the lien, or if you want the court to consider your views on the motion, then by _____ *(parties served by mail may add three (3) additional days to the response deadline) you or your lawyer must file with the Clerk of the Bankruptcy Court a response to the motion explaining your position and mail a copy of the response to:

[Movant's attorney's name and address, or Movant's name and address if without counsel]

If you mail rather than deliver your response to the Clerk of the Bankruptcy Court for filing, you must mail it early enough so that the court will receive it by the date stated above.

If you file a timely response to the motion, the hearing on the motion will take place on _____, at _____, ** in Courtroom _____, United States Bankruptcy Court, _____.

Local Bankruptcy Form G

If you or your lawyer do not file and serve a timely response to the motion, the court may find that you do not oppose the relief sought in the motion and may grant or otherwise dispose of the motion before the scheduled hearing date.

DATE:_____***

Signature (Attorney or Movant if without counsel)

Telephone No._____

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20____, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Debtor(s)' Motion to Avoid Lien on Principal Residence Pursuant to 11 USC § 506 and Hearing Thereon will be served electronically by the Court's CM/ECF system on the following:

Name of Trustee, Chapter 7/13

Name of Attorney

Name of Attorney

I hereby further certify that on the ____ day of _____, 20____, a copy of the Notice of Debtor(s)' Motion to Avoid Lien Pursuant to 11 USC § 506 and Hearing Thereon was also mailed first class mail, postage prepaid to:

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Signature_____
[Type or print your name]

**INSTRUCTIONS FOR COMPLETION OF
LOCAL BANKRUPTCY FORM G**

(These instructions should not be filed when the form is uploaded.)

NOTE: Remove asterisks from the form after the completion of the Notice.

- [*]** Insert date that is at least **28 days** after the date this notice is mailed (service), plus any additional time provided by Federal Bankruptcy Rule 9006(a). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due. Use the date computed.

- [**]** Insert a date and time from the list of dates available for the judge assigned to the case that is at least **49 days** after the date of this notice.

- [***]** Insert the date notice was served.

ADDITIONAL NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004 and Local Bankruptcy Rule 3012-1. The Certificate of Service must comply with Local Bankruptcy Rule 7005-2.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at _____**

IN RE:

*

*

Case No:

Debtor

*

Chapter 13

Movant

*

vs.

*

Respondent

*

**ORDER GRANTING MOTION TO AVOID LIEN
ON DEBTOR'S PRINCIPAL RESIDENCE**

Having considered debtor's Motion to Avoid Lien, and any response filed thereto, and it appearing that proper notice has been given, pursuant to 11 U.S.C. § 506 and for the reasons set forth in the cases of Johnson v. Asset Management Group, LLC, 226 B.R. 364 (D. Md. 1998), and in First Mariner Bank v. Johnson, 411 B.R. 221 (D. Md. 2009) it is by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the claim of Respondent be and is hereby deemed wholly unsecured; and it is further,

ORDERED, that at such time as a discharge Order is entered pursuant to 11 U.S.C. § 1328 or the Debtor completes performance of the Debtor's confirmed Chapter 13 plan in this case, the lien held in favor of Respondent on the Debtor's real property described as: _____, is avoided, and it is further,

ORDERED, that if the Respondent has filed or timely files a proof of claim, the claim of the Respondent be and hereby is allowed as a general unsecured claim for purposes of distributions under the Debtor's plan; and it is further,

ORDERED, that allowance of the claim of the Respondent as an unsecured claim pursuant to this order is without prejudice to objection to such claim on other grounds.

cc: Trustee
Debtor Name and Address
Debtor's Attorney Name and Address
Respondent Name and Address
U.S. Trustee

End of Order

INSTRUCTIONS FOR COMPLETION OF LOCAL BANKRUPTCY FORM H

(These instructions should not be filed when the form Order is uploaded.)

NOTE: Local Bankruptcy Rule 3012-1 requires a motion to avoid a lien on a Chapter 13 debtor's principal residence to be filed with a proposed order conforming to this Local Bankruptcy Form H. The movant may revise the form to make the grammar appropriate for joint cases.

Proposed orders must be prepared in compliance with Local Bankruptcy Rule 9013-3.

**APPLICATION
UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND
BANKRUPTCY DISPUTE RESOLUTION PROGRAM PANEL**

Name: _____

Office Address: _____

City _____ State _____ Zip _____

Office Phone: _____ Office Fax: _____

Education: _____

Professional licenses or memberships and accreditations:

Dispute Resolution Training: Yes _____ No _____

(a) U.S. Bankruptcy Court Training _____

(b) Other Training _____

Experience: _____

Local Bankruptcy Form J-1

Counties in which you are willing to serve as a Resolution Advocate:

If you are also applying to be a Compensated Resolution Advocate, rates charged:

Additional Information: _____

I hereby certify that the information set forth above is true and correct.¹ I agree to serve for a minimum of one year and to act as an unpaid Resolution Advocate in matters, not to exceed one matter per calendar quarter.

Date

Signature

Local Bankruptcy Form J-1
Page Two

¹ It is the responsibility of the applicant to submit an amended application if any information contained on this application changes.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at _____**

IN RE:

*

Case No. _____

*

Chapter _____

Debtor(s)

*

*

Plaintiff(s)/Movant(s)

vs.

*

Adversary No. _____
(if appropriate)

Defendant(s)/Respondent(s) *

**ORDER ASSIGNING MATTER
TO THE BANKRUPTCY DISPUTE RESOLUTION PROGRAM**

In an effort to facilitate resolution of the dispute herein, and

_____ the parties having requested in writing

_____ the above-signed Judge having *sua sponte* determined

that the above-captioned contested matter/adversary proceeding/dispute be assigned to the Bankruptcy Dispute Resolution Program, it is, by the United States Bankruptcy Court for the District of Maryland

ORDERED, pursuant to Local Bankruptcy Rule 9019-2, that the matter that is the subject of the instant dispute is assigned to the Bankruptcy Dispute Resolution Program.

cc:

End of Order

Local Bankruptcy Form J-2(a)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

at _____

IN RE:

*

Case No. _____

*

Chapter _____

Debtor(s)

*

*

Plaintiff(s)/Movant(s)

vs.

*

Adversary No. _____
(if appropriate)

Defendant(s)/Respondent(s) *

ORDER APPOINTING RESOLUTION ADVOCATE

This _____,
(adversary proceeding)(name of dispute in main case)
having been assigned to the Bankruptcy Dispute Resolution Program of this district, the following are
hereby appointed as Resolution Advocate and Alternate Resolution Advocate:

RESOLUTION ADVOCATE:

ALTERNATE:

Name

Name

Address

Address

City, State, Zip

City, State, Zip

Telephone

Telephone

Local Bankruptcy Form J-2(b)

This matter concerns:

☐ Dischargeability ☐ Objection to Claim ☐ Lien Avoidance

☐ Other: _____

Special Instruction from the Court: _____

****The attorneys for the parties are:**

Attorney for _____ ; Attorney for _____ ;

Name

Name

Address

Address

City, State, Zip

City, State, Zip

Telephone

Telephone

The Resolution Advocate is serving on a _____ basis. If the Resolution Advocate is acting as a Compensated Resolution Advocate, following application and approval, compensation will be paid by the following terms:

_____ % From Plaintiff
_____ % From Defendant
_____ % From the Bankruptcy Estate.

The Parties are to comply with the provisions of Local Bankruptcy Rule 9019-2. All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, must personally attend the BD RP conference unless excused by the Resolution Advocate for cause. Willful failure to attend the BDRP conference and other violations of this order may result in the imposition of sanctions by the court. The BDRP conference is to be completed by _____.

Counsel for _____ shall mail a copy of this order to the assigned Resolution Advocate, the Alternate Resolution Advocate, and all parties to the dispute and file a proof of such service within seven (7) days from the date of this Order.

cc:

End of Order

Local Bankruptcy Form J-2(b)
Page Two

**** Use additional pages if there are more than two parties.**

**United States Bankruptcy Court
District of Maryland
Bankruptcy Dispute Resolution Program**

Confidentiality Agreement

This agreement is to be signed prior to the commencement of the Bankruptcy Dispute Resolution Program Conference (BDRP Conference) by all parties, their counsel and the Resolution Advocate.

All parties agree as follows:

1. All statements made during the BDRP Conference or otherwise in furtherance of the resolution process are protected by and subject to Federal Rule of Evidence 408 and are privileged and are not discoverable. The Resolution Advocate has, however, an affirmative duty to disclose any statements made which relate to the commission of a crime to the appropriate authorities.
2. Information provided and representations made for the first time during or in connection with the resolution process must be considered confidential unless otherwise agreed to in writing by all the parties with the exception of information or representations that relate to a crime.
3. The Resolution Advocate may not be compelled to testify in any civil proceeding as to any information provided or representations made during or in connection with the resolution process.
4. Nothing presented by another party in the course of a BDRP matter may be introduced into evidence or relied upon in any legal or quasi-legal proceeding, except for information, statements or documents relating to the commission of a crime or evidence otherwise admissible under Federal Rule of Evidence 408.

Nonliability of Resolution Advocate: Toward the desired goal of open and complete communication to enable parties to settle their disputes, all parties agree that the Resolution Advocate will not be held liable for any act or omission connected to the resolution process.

Breach of Confidentiality Agreement: In the event of a breach of this confidentiality agreement, the breaching party is liable for all costs, expenses, liabilities and fees including attorneys' fees which the non-breaching party and Resolution Advocate may incur as a result of the breach.

Date _____

Resolution Advocate

Parties

Local Bankruptcy Form J-3

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
at _____

IN RE:

*

Case No. _____
Chapter _____

*

Debtor(s)

*

Adversary No. _____

*

Plaintiff(s)/Movant(s)

vs.

*

INITIAL MEDIATION
CONFIDENTIALITY AGREEMENT

*

Defendant(s)/Respondent(s)

*

CONFIDENTIAL - NOT TO BE FILED
WITH THE COURT

This is an Agreement between the parties and the Mediator to enter into confidential discussions about the mediation of the following issues: _____

[Attach additional page(s) if necessary.]

The undersigned understand and agree to the strict confidentiality of their mediation. Mediation discussions, any draft resolutions and any unsigned mediated agreements must not be disclosed to anyone not involved in the Mediation Program and will not be admissible in any court or administrative proceeding. Only an agreement signed by all parties may be so admissible.

The parties further agree not to call the Mediator or to testify concerning the mediation nor to provide any materials from the Mediation Program in any court or administrative proceeding between the parties.

In addition, the Mediator will not be compelled to divulge any materials from the Mediation Program or to testify in regard to the mediation in any judicial or other proceeding.

**Local Bankruptcy Form J-3
Page Two**

Dated: _____

(Name of Party)

(Signature of Party)

Dated: _____

(Name of Party's Counsel)

(Signature of Party's Counsel)

Dated: _____

(Name of Party)

(Signature of Party)

Dated: _____

(Name of Party's Counsel)

(Signature of Party's Counsel)

Dated: _____

(Name of Mediator)

(Signature of Mediator)

[Attach additional page(s) if necessary.]

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND**

at _____

IN RE:

*

*

Case No. _____

Chapter _____

Debtor(s)

*

*

*

Plaintiff(s)

vs.

*

Adversary No. _____

*

Defendant(s)

*

CERTIFICATE RE: BDRP CONFERENCE

1. I hereby certify that pursuant to an Order of Assignment by this Court to the Bankruptcy Dispute Resolution Program dated _____, a BDRP Conference was _____ was not _____ held.

(If Applicable)

Date: _____

Continued Date: _____

2. A settlement of this matter was _____ was not _____ reached.

Dated: _____

Resolution Advocate

(Type or Print Name)

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND**

at _____

IN RE:

*

Debtor(s)

*

Case No. _____

Chapter _____

*

*

Plaintiff(s)

*

vs.

Adversary No. _____

*

*

Defendant(s)

*

REPORT OF BDRP CONFERENCE

I, _____, Resolution Advocate for the Bankruptcy Dispute Resolution Program (BDRP), state:

1. A BDRP conference was held on _____ at _____

_____ (attach attendance form(s)).

(If Applicable) Continued Date: _____ at _____

2. The Rules governing the conference were _____ were not _____ complied with.

If not, how? _____

_____.

3. A settlement of this matter was _____ was not _____ reached.

4. If a settlement/resolution was reached, _____

(plaintiff/defendant/other), prepared the written stipulation for settlement.

5. Prior to the preparation of a final written agreement, the parties chose to put the agreement on the court record. Yes _____ No _____

6. I spent _____ hours in preparing for and scheduling the conference(s).

7. I spent _____ hours attending the conference(s).

Local Bankruptcy Form J-5

8. The dispute resolution procedure utilized was: (Check as many as applicable. If more than one is applicable, give the appropriate percentage of time spent on each).

Early Neutral Evaluation _____

Settlement Negotiation _____

Mediation _____

9. Comments/Suggestions: _____

_____.

Dated: _____

Resolution Advocate

(Type or Print Name)

BDRP SESSION ATTENDANCE FORM

Case Name: _____

Case No.: _____

Adversary Proceeding Name: _____

Adversary Proceeding No.: _____

Date of Session: _____

Resolution Advocate: _____

Instructions: Please have **all attorneys and client representatives** who attend the conference(s) provide the following information. The purpose of this information is to facilitate survey research of the value of the BDRP.

ATTORNEYS

Name: _____

Name: _____

Firm Name: _____

Firm Name: _____

Address: _____

Address: _____

Phone: (____) _____

Phone: (____) _____

Attorney for: _____

Attorney for: _____

Name: _____

Name: _____

Firm Name: _____

Firm Name: _____

Address: _____

Address: _____

Phone: (____) _____

Phone: (____) _____

Attorney for: _____

Attorney for: _____

Local Bankruptcy Form J-5

Page Three

CLIENT REPRESENTATIVES

Name: _____

Firm Name: _____

Address: _____

Phone: (____) _____

Party Representing: _____

Name: _____

Firm Name: _____

Address: _____

Phone: (____) _____

Party Representing: _____

Name: _____

Firm Name: _____

Address: _____

Phone: (____) _____

Party Representing: _____

Name: _____

Firm Name: _____

Address: _____

Phone: (____) _____

Party Representing: _____

Name: _____

Firm Name: _____

Address: _____

Phone: (____) _____

Party Representing: _____

Name: _____

Firm Name: _____

Address: _____

Phone: (____) _____

Party Representing: _____

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

at _____

IN RE:

Debtor(s).

Case No. _____
Chapter 13

Movant(s),
vs.

Respondent(s).

Account No. _____
(Loan account number that
bears lien sought to be avoided)

**NOTICE OF DEBTOR(S)' MOTION TO VALUE COLLATERAL
AND TO AVOID SECURITY INTEREST PURSUANT TO 11 U.S.C. § 506 AND
HEARING THEREON**

A motion was filed on behalf of the debtor(s) to value collateral or to avoid a security interest held by _____. Your rights may be affected. You should read these papers carefully and discuss them with your lawyer. If you do not have a lawyer, you may wish to consult one. A copy of the motion is attached.

If you do not want the court to grant the motion avoiding the lien, or if you want the court to consider your views on the motion, then by _____* (parties served by mail may add (3) additional days to the response deadline) you or your lawyer must file with the Clerk of the Bankruptcy Court a response to the motion explaining your position and mail a copy of the response to:

[Movant's attorney's name and address, or Movant's name and address if without counsel]

If you mail rather than deliver your response to the Clerk of the Bankruptcy Court for filing, you must mail it early enough so that the court will receive it by the date stated above.

If you file a timely response to the motion, the hearing on the motion will take place on _____, at _____,** in Courtroom _____, United States Bankruptcy Court, _____.

If you or your lawyer do not file and serve a timely response to the motion, the court may find that you do not oppose the relief sought in the motion and may grant or otherwise dispose of the motion before the scheduled hearing date.

DATE: _____***

Signature (Attorney or Movant if without counsel)

Telephone No. _____

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 20____, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice and Motion to Value Collateral or to Avoid Lien will be served electronically by the Court's CM/ECF system on the following:

Name of Trustee, Chapter 7/13

Name of Attorney

Name of Attorney

I hereby further certify that on the _____ day of _____, 20____, a copy of the Notice and Motion to Value Collateral or to Avoid Lien was also mailed first class mail, postage prepaid to:

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Signature _____
[Type or print your name]

**INSTRUCTIONS FOR COMPLETION
OF LOCAL BANKRUPTCY FORM K**

(These instructions should not be filed when the form is uploaded.)

NOTE: Remove asterisks from the form after completion of the Notice.

- [*]** Insert a date that is at least **28 days** after the date this notice is mailed, plus any additional time provided by Federal Bankruptcy Rule 9006(a). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due. Use the date computed.

- [**]** Insert a date and time from the list of dates available for the judge assigned to the case that is at least **49 days** after the date of this notice.

- [***]** Insert the date notice was served.

ADDITIONAL NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004 and Local Bankruptcy Rule 3012-2. The Certificate of Service must comply with Local Bankruptcy Rule 7005-2(2).

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at _____**

IN RE:

*

*

Case No:

Debtor

*

Chapter 13

Movant

*

vs.

*

Respondent

*

**ORDER GRANTING MOTION TO VALUE COLLATERAL
AND TO AVOID SECURITY INTEREST**

Having considered Debtor's motion, and any response filed thereto, and it appearing that proper notice has been given, pursuant to 11 U.S.C. § 506, it is by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the value of the collateral securing Respondent's claim is \$_____; and it is further,

ORDERED, that at such time as a discharge Order is entered pursuant to 11 U.S.C. § 1328 or the Debtor completes performance of the Debtor's confirmed Chapter 13 plan in this case, the lien held in favor of Respondent on the Debtor's interest in the property described as: _____, is avoided to the extent of the Respondent's unsecured claim; and it is further,

ORDERED, that if the Respondent has filed or timely files a proof of claim, the claim of the Respondent be and hereby is allowed for purposes of distributions under the Debtor's plan as a secured claim in an amount not to exceed the value of the Respondent's collateral and as a general unsecured claim for the balance; and it is further,

ORDERED, that allowance of the claim of the Respondent pursuant to this order is without prejudice to objection to such claim on other grounds.

cc: Trustee
Debtor Name and Address
Debtor's Attorney
Respondent Name and Address
U.S. Trustee

End of Order

NOTE: Local Bankruptcy Rule 3012-2 requires a motion in a Chapter 13 case to value collateral or avoid security interest in personal property or in real property that is not a debtor's principal residence to be filed with a proposed order conforming to this Local Bankruptcy Form L. The movant may revise the form to make the grammar appropriate for joint cases.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
at _____

In re: _____ :
_____ :
_____ : Case No. _____
Debtor. _____ : Chapter 13
_____ :

CHAPTER 13 PLAN

☐ Original Plan ☐ Amended Plan ☐ Modified Plan

1. GENERAL PLAN PROVISIONS.

The Debtor proposes the following Chapter 13 Plan and makes the following declarations (mark one of the following boxes that apply for each of 1.1, 1.2, and 1.3. below). *If a box is marked as “does not . . .” or if more than one box is marked in each section, the provision will be ineffective if set out later in the plan.*

1.1 Declaration as to Nonstandard Provisions.

This Plan: ☐ does not contain nonstandard provisions.
OR ☐ contains nonstandard provisions set out in Section 9 below.

1.2 Declaration as to Limiting Secured Claims.

This Plan: ☐ does not limit the amount of a secured claim.
OR ☐ limits the amount of a secured claim based on the value of the collateral securing the claim as set out in Sections 5.1 through 5.4 below.

1.3 Declaration as to Avoiding Security Interests.

This Plan: ☐ does not avoid a security interest or lien.
OR ☐ avoids a security interest or lien as set out in Section 5.1 through 5.4 below.

2. NOTICES.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

2.1. Notices to Creditors.

Your rights may be affected by this Plan. Your claim may be reduced, modified, or eliminated. *The declarations set out in Section 1 above may be of particular importance.*

If you oppose the Plan's treatment of your claim or any provision of this Plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Court may confirm this Plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under the Plan.

2.2. Notices to Debtors.

This form lists options that may be appropriate in some cases, but not all cases. Just because an option is listed on the form does not mean that it is appropriate for you. Plans contrary to the local rules and Court rulings may not be confirmed.

3. PLAN TERMS.

The Debtor's future earnings are submitted to the supervision and control of the Trustee, and the Debtor will pay as follows (mark and complete one of 3.1, 3.2, or 3.3 and/or 3.4 below; and, optionally, 3.5 as applicable):

☐ **3.1 Even Monthly Payments.**

\$ _____ per month for a term of _____ months.

OR

☐ **3.2 Varying Monthly Payments.**

\$ _____ per month for _____ month(s),

\$ _____ per month for _____ month(s),

\$ _____ per month for _____ month(s), for a total term of _____ months.

OR

☐ **3.3 Varying Monthly Payments Before and After Confirmation.**

\$ _____ per month before confirmation of this Plan (use Section 4.6.1 below to list the adequate protection payments to be made before confirmation), and \$ _____ per month after confirmation of this plan, for a total term of _____ months.

AND/OR

☐ **3.4 Additional Payments.**

In addition to monthly Plan payments under 3.1, 3.2, or 3.3, above, the Debtor will make the payments listed below:

<u>Amount</u>	<u>Date</u>	<u>Source of Payment</u>
---------------	-------------	--------------------------

☐ **3.5 Additional Payment of Tax Refunds.**

The Debtor will provide the Trustee with copies of state and federal tax returns for the years listed below within 15 days of filing the returns (and must timely file the returns on or before April 15 of each year). Not later than June 1 of each year, the Debtor will pay into the Plan the amount of refunds exceeding \$ _____ (the amount already pro rated on Schedule I, if any) for each of the listed years unless otherwise ordered by the Court. The tax refund payments are in addition to, and not a credit against, the other payments required to be paid under the Plan. The Debtor will not make any change to the number of any federal and state tax withholding allowances claimed as of the petition date without 30 days prior notice to the Trustee.

This commitment covers tax years (list): _____

4. DISTRIBUTION OF PLAN PAYMENTS.

From the payments made, the Trustee will make distributions in the order listed below:

4.1 Trustee's Commission.

The Trustee will receive the allowed Trustee commission under 11 U.S.C. § 1326(b)(2).

4.2 Administrative Claims.

Next to be paid, except as provided in Section 4.3 below, are administrative claims under 11 U.S.C. § 507(a)(2), including Debtor's Counsel fee balance of \$ _____ due and payable pursuant to a fee arrangement made under Subparagraphs 4.A, B, or C of Appendix F to the Local Bankruptcy Rules.

4.3 Domestic Support Obligations and Non-Appendix F Attorney Fees.

Next to be paid, at the same time and pro rata, are allowed unsecured claims for: (i) domestic support obligations under 11 U.S.C. § 507(a)(1); and (ii) any Debtor's Counsel fee allowed under 11 U.S.C. § 507(a)(2) by Bankruptcy Court order following an application pursuant to a fee arrangement under Section 7 of Appendix F to the Local Bankruptcy Rules. Debtor's Counsel fee balance to be paid through the Plan is expected to be in the amount of \$ _____.

4.4 Former Chapter 7 Trustee Claims.

Next to be paid are any claims payable to the former Chapter 7 Trustee under 11 U.S.C. § 1326(b)(3). List the monthly payment: \$ _____.

4.5 Priority Claims.

Next to be paid are other priority claims defined by 11 U.S.C. § 507(a)(3) - (10). List the expected claims below:

<u>Priority Creditor</u>	<u>Expected Claim Amount</u>
--------------------------	------------------------------

4.6 Secured Claims.

Next to be paid, at the same time and pro rata with payments on priority claims under Section 4.5 above, are secured claims as set forth below. The holder of an allowed secured claim retains its lien under 11 U.S.C. § 1325(a)(5)(B)(i). Any allowed secured claim listed in the Plan to be paid by the Trustee will be deemed provided for under the Plan. Any allowed secured claim not listed in the Plan to be paid by the Trustee, or not stated to be paid outside of or otherwise addressed in the Plan, will be deemed not provided for under the Plan and will not be discharged.

4.6.1. Adequate Protection Payments for Claims Secured by or Subject to a Lease of Personal Property

Beginning not later than 30 days after the petition date and until the Plan is confirmed, the Debtor will directly pay adequate protection payments for claims secured by or subject to a lease of personal property for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). After confirmation of the Plan, the claims will be paid under Section 4.6.3. Make sure to

list the amount of the monthly payment the Debtor will pay before confirmation, and list the last 4 digits only of the account number, if any, the lienholder uses to identify the claim:

Lessor/ <u>Lienholder</u>	Property/ <u>Collateral</u>	<u>Acct. No (last 4 numbers).</u>	<u>Monthly Payment</u>
------------------------------	--------------------------------	-----------------------------------	------------------------

4.6.2. Pre-petition Arrears on Secured Claims.

Pre-petition arrears on secured claims will be paid through the Plan in equal monthly amounts while the Debtor directly pays post-petition payments beginning with the first payment due after filing the petition for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). The claims listed below include: *Claims Secured by the Debtor's Principal Residence* ☐ and/or *Other Property* ☐.

<u>Lienholder</u>	<u>Collateral</u>	<u>Arrears</u>	<u>Monthly Payment</u>	<u>No. of. Months.</u>
-------------------	-------------------	----------------	------------------------	------------------------

4.6.3. Secured Claims Paid Through the Plan.

The following secured claims will be paid through the Plan in equal monthly amounts for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Such secured claims include secured claims altered under Sections 5.1 through 5.5 below. Make sure to list the interest rates to be paid:

<u>Lienholder</u>	<u>Collateral</u>	<u>Amount</u>	<u>%Rate</u>	<u>Monthly Payment</u>	<u>No. of. Months.</u>
-------------------	-------------------	---------------	--------------	------------------------	------------------------

4.6.4. Surrender Collateral to the Lienholder.

The Debtor will surrender collateral to the lienholder for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Describe the collateral securing the claim. Any allowed claim for an unsecured deficiency will be paid pro rata with general unsecured creditors. Unless the Court orders otherwise, a claimant may amend a timely filed proof of claim for an unsecured deficiency after entry of the confirmation order as follows: (a) the amended proof of claim asserting an unsecured deficiency claim for real property shall be filed within _____ days (no less than 180 days) after entry of the confirmation order; (b) the amended proof of claim asserting an unsecured deficiency claim for personal property shall be filed within _____ days (no less than 60 days) after entry of the confirmation order. Upon plan confirmation, the automatic stay of 11 U.S.C. §§ 362 and 1301 terminates, if not terminated earlier, as to the collateral listed:

<u>Lienholder</u>	<u>Collateral to be Surrendered</u>
-------------------	-------------------------------------

4.6.5. Secured Claims Outside of the Plan.

The Debtor will directly pay the secured claims outside of the Plan for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Such claims are deemed provided for under the Plan. The Debtor will also directly pay outside of the Plan the unsecured portion of a claim that is only partially secured, and any such unsecured claim is deemed provided for under the Plan:

Lienholder

Collateral to Be Paid for Outside of the Plan

4.6.6 Secured Claim Not Listed in the Plan.

The Debtor will directly pay any allowed secured claim not listed in the Plan outside of the Plan. Any such claim will not be discharged.

4.6.7. Additional Payments on Secured Claims.

If the Trustee is holding more funds than those needed to make the payments under the Plan for any month, the Trustee may pay amounts larger than those listed in Sections 4.6.2 and 4.6.3 pro rata.

4.7. Unsecured Claims.

After payment of all other claims, the remaining funds will be paid on allowed general unsecured claims as follows (mark one box only):

☐ Pro Rata

☐ 100%

☐ 100% Plus ____% Interest.

If there is more than one class of unsecured claims, list each class and how it is to be treated:

Class of Unsecured Creditors

Treatment

5. THE AMOUNT AND VALUATION OF CLAIMS.

Secured creditors holding claims treated under Section 5 retain their liens until the earlier of: the payment of the underlying debt determined under nonbankruptcy law; or discharge under 11 U.S.C. § 1328; or, if the Debtor cannot receive a discharge as provided in 11 U.S.C. § 1328(f), the notice of Plan completion. If the case is dismissed or converted without completion of the Plan, liens shall also be retained by the holders to the extent recognized under applicable nonbankruptcy law.

5.1. Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 506 Through the Plan.

The Debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 506 through the Plan for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). The claims listed below include: *Claims Secured by the Debtor's Principal Residence* ☐ and/or *Other Property* ☐. Make sure to list the value of the collateral proposed to be paid through the Plan plus any interest below and in Section 4.6.3 above, as appropriate. Separately file: evidence of the collateral's value; the existence of any superior lien; the exemption claimed; and the name, address, and

nature of ownership of any non-debtor owner of the property. If the lienholder has not filed a proof of claim, also separately file evidence of the amount of the debt secured by the collateral. The amount and interest rate of the claim is set as listed below or by superseding Court order. A proof of claim must be filed before the Trustee makes payments. Any undersecured portion of such claim shall be treated as unsecured.

<u>Lienholder</u>	<u>Collateral</u>	<u>Value</u>	<u>%Rate</u>	<u>Monthly Payment</u>	<u>No. of. Months.</u>
-------------------	-------------------	--------------	--------------	----------------------------	----------------------------

5.2. Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 506 by Separate Motion or an Adversary Proceeding.

The Debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 506 by separate motion or an adversary proceeding for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). The amount and interest rate of the claim will be set by Court order. Make sure to list the value of the collateral proposed to be paid through the plan plus any interest as determined by the Court in Section 4.6.3 above, as appropriate. A proof of claim must be filed before the Trustee makes payments. Any undersecured portion of such claim shall be treated as unsecured.

<u>Lienholder</u>	<u>Collateral</u>
-------------------	-------------------

5.3. Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 522(f)* Through the Plan.

The Debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 522(f)* through the Plan for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Make sure to list the value of the collateral proposed to be paid through the Plan plus any interest below and in Section 4.6.3 above, as appropriate. Separately file: evidence of the collateral's value; the existence of any superior lien; the exemption claimed; and the name, address, and nature of ownership of any non-debtor owner of the property. If the lienholder has not filed a proof of claim, also separately file evidence of the amount of the debt secured by the collateral. The amount and interest rate of the claim is set as listed below or by superseding Court order. A proof of claim must be filed before the Trustee makes payments. Any undersecured portion of such claim shall be treated as unsecured.

<u>Lienholder</u>	<u>Collateral</u>	<u>Value</u>	<u>%Rate</u>	<u>Monthly Payment</u>	<u>No. of. Months.</u>
-------------------	-------------------	--------------	--------------	----------------------------	----------------------------

**Under 11 U.S.C. § 522(f) the Debtor may avoid a lien to the extent it impairs an exemption if the lien is a judicial lien or a nonpossessory, non-purchase money security interest in certain property.*

5.4. Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 522(f)* by Separate Motion or an Adversary Proceeding.

The Debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 522(f)* by separate motion or an adversary proceeding for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). The amount and interest rate of the claim will be set by Court order. Make sure to list the

value of the collateral proposed to be paid through the Plan plus any interest as determined by the Court in Section 4.6.3 above, as appropriate. A proof of claim must be filed before the Trustee makes payments. Any undersecured portion of such claim shall be treated as unsecured.

Lienholder Collateral

**Under 11 U.S.C. § 522(f) the Debtor may avoid a lien to the extent it impairs an exemption if the lien is a judicial lien or a nonpossessory, non-purchase money security interest in certain property.*

5.5. Claims Excluded from 11 U.S.C. § 506.**

The Debtor will pay through the Plan the following claims excluded from 11 U.S.C. § 506** in full plus any interest for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Make sure to list the amount proposed to be paid through the Plan plus any interest below and in Section 4.6.3 above, as appropriate. The amount of each claim to be paid will be established by the lienholder's proof of claim or Court order. The interest rate of the claim is set as listed below or by superseding Court order. A proof of claim must be filed before the Trustee makes payments.

<u>Lienholder</u>	<u>Collateral</u>	<u>Amount to Be Paid</u>	<u>%Rate</u>	<u>Monthly Payment</u>	<u>No. of. Months.</u>
-------------------	-------------------	------------------------------	--------------	----------------------------	----------------------------

***Claims excluded from 11 U.S.C. § 506 include claims where the lienholder has a purchase money security interest securing a debt incurred within the 910-day period preceding the petition date, and the collateral consists of a motor vehicle acquired for the personal use of the Debtor, or the collateral consists of any other thing of value if the debt was incurred during the 1-year period preceding the petition date.*

6. APPLICATION OF PAYMENTS ON ACCOUNT OF SECURED CLAIMS.

Payments made by the Chapter 13 Trustee on account of arrearages on pre-petition secured claims may be applied only to the portion of the claim pertaining to pre-petition arrears, so that upon completion of all payments under the Plan, the loan will be deemed current through the petition date.

7. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Any unexpired lease with respect to personal property that has not previously been assumed during the case, and is not assumed in the Plan, is deemed rejected and the stay of 11 U.S.C §§ 362 and 1301 is automatically terminated with respect to such property. The following executory contracts and/or unexpired leases are assumed or rejected for: *None* ☐ or the *Claims Listed Below* ☐ (mark one box only). Any claim for rejection damages must be filed within 60 days from entry of the order confirming this Plan.

<u>Lessor or Contract Holder</u>	<u>Subject of Lease or Contract</u>	<u>Assumed</u>	<u>Rejected.</u>
--------------------------------------	---	----------------	------------------

8. REVESTING PROPERTY OF THE ESTATE.

Title to the Debtor's property shall revest in the Debtor when the Debtor is granted a discharge pursuant to 11 U.S.C. § 1328; or, if the Debtor cannot receive a discharge as provided in 11 U.S.C. § 1328(f), upon the notice of Plan completion; or upon dismissal of the case.

9. NON-STANDARD PROVISIONS.

Any non-standard provision placed elsewhere in the Plan is void. Any and all non-standard provisions are: *None* ☐ or *Listed Below* ☐ (mark one box only).
Non-Standard Plan Provisions

10. SIGNATURES.

The Debtor's signature below certifies that the Plan provisions above are all the terms proposed by the Debtor, and the Debtor has read all the terms and understands them. The signature below of the Debtor and Debtor's Counsel, if any, also certifies that the Plan contains no non-standard provision other than those set out in Section 9 above.

Date: _____

Debtor

Attorney for Debtor

Joint Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
at _____

In re: _____ :
_____ :
Debtor. _____ : Case No. _____
_____ : Chapter 13
_____ :

CERTIFICATE OF SERVICE OF CHAPTER 13 PLAN

Select Section 1, A,B, or C, and complete Sections 2 and 3 if applicable, even if Section 1(A) is selected.

1. (Select A, B, or C):

___ A. This is an original plan, filed concurrently with the Petition, which will be mailed by the Clerk to all creditors on the Matrix. *[THIS OPTION MAY ONLY BE USED WHEN THE PLAN IS FILED WITH THE PETITION]*

___ B. **AMENDED PLANS ONLY INCREASING PAYMENTS:** The Amended Chapter 13 Plan ___ filed herewith / ___ filed on _____, 20___, makes no changes from the last previously-filed plan other than to increase the amount payable under the plan. In such event, no service is required.

___ C. **ALL OTHER PLANS:** This is to certify that on _____, 20____, I caused

- (i) the Chapter 13 Plan ___ filed herewith / ___ filed on _____, 20___; and
- (ii) if applicable, the Order Denying Confirmation With Leave to Amend dated _____
[if (ii) is not applicable, place "N/A" in the blank];

to be mailed by first class mail, postage prepaid, to all addresses on the attached matrix or list. (If any parties on the matrix were served by CM/ECF instead of by mail, so indicate on the matrix with the email address served as indicated on the CM/ECF Notice of Electronic Filing).

AND

2. *Check and complete this Section and Section 3 if liens are proposed to be valued or avoided through the Plan.*

___ I caused the Chapter 13 Plan ___ filed herewith / ___ filed on _____, 20___, to be served pursuant to Bankruptcy Rule 7004 on the following creditor whose lien is proposed to be impacted by the Plan (and not by separate motion) under Plan Paragraph 5.1 or 5.3. State address served and method of service. See Bankruptcy Rule 7004(h) if the party served is an insured depository institution. Attach separate sheets or repeat this paragraph for each such creditor served.

Name of Creditor

Name served

Capacity (Resident Agent, Officer, etc.)

Address

City, State, ZIP

Method of Service: _____

Date Served: _____

AND Select A or B:

A. ____ A proof of claim has been filed with respect to the lien or claim at issue prior to service of the Plan. I also mailed a copy of the Plan and supporting documents under Section 3 below to the claimant at the name and address where notices should be sent as shown on the proof of claim.

B. ____ No proof of claim has been filed for the lien or claim at issue.

3. ____ Along with each copy of the Plan served under Section 2, I included copies of documentation supporting Debtor's entitlement to the relief sought in Plan Paragraph 5.1 or 5.3 with respect to that creditor (for example, documents establishing the value of the property and the amount of any prior liens and the lien at issue), which I have also filed with the Court as a supplement to the Plan. ***This supplemental material need not be served with the plan on all creditors, only on affected secured creditors.***

____ This is an amended Plan and the documentation supporting Debtor's entitlement to the relief sought in Plan Paragraph 5.1 or 5.3 has been previously served and filed as ECF docket entry ____.

I hereby certify that the foregoing is true and correct.

Dated: _____

Debtor, Counsel for Debtor, or other
Person effecting service

**IN THE UNITED STATES BANKRUPTCY
COURT FOR THE DISTRICT OF MARYLAND**
at _____

In re:

* Case No.

* Chapter 13

Debtor

*

* * * * *

**NOTICE OF MOTION TO MODIFY
CHAPTER 13 PLAN AFTER CONFIRMATION**

A motion was filed on behalf of the debtor to modify the Chapter 13 Plan that has been confirmed in this case. Your rights may be affected. You should read these papers carefully and discuss them with your lawyer. If you do not have a lawyer, you may wish to consult one. A copy of the motion and proposed modified plan is attached.

If you do not want the court to grant the motion to modify the Chapter 13 Plan, or if you want the court to consider your views on the motion, then by _____ *(parties served by mail may add three (3) additional days to the response deadline) you or your lawyer must file with the Clerk of the Bankruptcy Court a response to the motion explaining your position and mail a copy of the response to the debtor, debtor's counsel (if applicable), trustee and other related parties in accordance with Federal Bankruptcy Rule 3015(g).

If you file a timely response to the motion, the hearing on the motion will take place on _____, at _____, ** in Courtroom _____, United States Bankruptcy Court, _____.

If you or your lawyer do not file and serve a timely response to the motion, the court may find that you do not oppose the relief sought in the motion and may grant or otherwise rule on the motion without a hearing.

DATE: _____ ***

Signature (Attorney or Movant if without counsel)

Address _____

Telephone No. _____

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20____, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Motion to Modify the Chapter 13 Plan After Confirmation will be served electronically by the Court's CM/ECF system on the following:

Name of Trustee, Chapter 13

Name of Attorney

Name of Attorney

I hereby further certify that on the ____ day of _____, 20____, a copy of the Notice of Motion to Modify the Chapter 13 Plan After Confirmation was also mailed first class mail, postage prepaid to:

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Name of Party
Address of Party
City, State Zip

Signature _____
[Type or print your name]

**INSTRUCTIONS FOR COMPLETION OF
NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN AFTER
CONFIRMATION**

(These instructions should not be filed when the form is uploaded.)

NOTE: Remove asterisks from the form after the completion of the Notice.

- [*] Insert date that is at least 28 days after the date this notice is mailed (service), plus any additional time provided by Federal Bankruptcy Rule 9006(a). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due. Use the date computed.
- [**] Insert a date and time from the list of dates available for the judge assigned to the case that is at least 33 days but less than 60 days after the date of this notice.
- [***] Insert the date notice was served.

ADDITIONAL NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004 and Local Bankruptcy Rule 3015-4. The Certificate of Service must comply with Local Bankruptcy Rule 7005-2.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

IN RE:

*

*

Case No. _____
Chapter 11

*

Debtor(s)

*

CHAPTER 11 FINAL REPORT AND MOTION FOR FINAL DECREE

The following is the report of payments made pursuant to the Plan, confirmed by this Court
on _____.

TOTAL DISTRIBUTION

PERCENTAGE OF CLAIMS PAID OR PROPOSED TO BE PAID TO THE

GENERAL CLASS OF UNSECURED CREDITORS WITHIN THE PLAN

_____%

A. Gross Cash Receipt

PaidProposedTotalB. Priority Payments of Expenses of
Administration Other Than Operating
Expenses:

1. Trustee's commission (if any)

2. Fee and expenses, Trustee's counsel

C. Other Professional Fees and Expenses:

1. Fees and expenses, Accountants

2. Fees and expenses, Auctioneers and Appraisers

3. Fees and expenses, Attorneys for Debtor

4. Other professional fees (specify)

5. Taxes, fines, penalties, etc.

Local Bankruptcy Form N-1

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
6. Other expenses of administration (must be itemized: includes bond premiums, settlement costs, other expenses)	_____	_____	_____ _____ _____
7. Total			_____
D. Payments to creditors: (totals under each category sufficient)			
1. Payment to secured creditors	_____	_____	_____
2. Payment to priority creditors	_____	_____	_____
3. Payments to unsecured creditors	_____	_____	_____
4. Payments to equity security holders	_____	_____	_____
E. Other payments: (including surplus payments to debtor)	_____	_____	_____
F. <u>TOTAL DISTRIBUTION</u>			_____

The Plan Proponent, (or Trustee if appointed) hereby avers that all provisions of the Plan have been substantially consummated. Wherefore, the Plan Proponent (or Trustee), having fully administered this estate, prays for entry of a Final Decree.

DATE: _____

Attorney for Plan Proponent
(or Trustee)

cc: Creditor's Committee (or counsel), or
20 largest Unsecured Creditors
U.S. Trustee

Local Bankruptcy Form N-1
Page Two

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

IN RE:

*

*

Case No. _____
Chapter 11 _____

*

Debtor(s)

*

CHAPTER 11 FINAL REPORT AND MOTION FOR DISCHARGE AND FINAL DECREE
[For Individual Debtor(s)]

The following is the report of payments made pursuant to the Plan, confirmed by this Court on _____.

TOTAL DISTRIBUTION

PERCENTAGE OF CLAIMS PAID OR PROPOSED TO BE PAID TO THE
GENERAL CLASS OF UNSECURED CREDITORS WITHIN THE PLAN _____%

A. Gross Cash Receipt

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
B. Priority Payments of Expenses of Administration Other Than Operating Expenses:			
1. Trustee's commission (if any)	_____	_____	_____
2. Fee and expenses, Trustee's counsel	_____	_____	_____
C. Other Professional Fees and Expenses:			
1. Fees and expenses, Accountants	_____	_____	_____
2. Fees and expenses, Auctioneers and Appraisers	_____	_____	_____
3. Fees and expenses, Attorneys for Debtor	_____	_____	_____
4. Other professional fees (specify)	_____	_____	_____
5. Taxes, fines, penalties, etc.	_____	_____	_____

Local Bankruptcy Form N-2

	<u>Paid</u>	<u>Proposed</u>	<u>Total</u>
6. Other expenses of administration (must be itemized: includes bond premiums, settlement costs, other expenses)	_____	_____	_____ _____ _____
7. Total			_____
D. Payments to creditors: (totals under each category sufficient)			
1. Payment to secured creditors	_____	_____	_____
2. Payment to priority creditors	_____	_____	_____
3. Payments to unsecured creditors	_____	_____	_____
4. Payments to equity security holders	_____	_____	_____
E. Other payments: (including surplus payments to debtor)	_____	_____	_____
F. <u>AMOUNT TO BE PAID UNDER PLAN</u>			_____
<u>TOTAL DISTRIBUTION</u>			_____

The Plan Administrator, (or Trustee if appointed) hereby avers that all provisions of the Plan have been substantially consummated, and plan payments have been completed. Furthermore, the Debtor(s) hereby certify, under penalty of perjury that the following statements are true and correct:

1. Debtor(s) have completed all payments under the Plan.
2. If 11 U.S.C. §1141(d)(3) applies, Debtor(s) have completed an instructional course concerning financial management as described in 11 U.S.C. §111.
3. Debtor(s) did not have, either at the time of filing this bankruptcy or at the present time, equity in excess of \$125,000 if the case was filed before April 1, 2007, or \$136,875 if the case was filed on or after April 1, 2007 and before April 1, 2010, or \$146,450 for a case filed on or after April 1, 2010 and before April 1, 2013, or \$155,675 if the case was filed on or after April 1, 2013 in the type of property described in 11 U.S.C. §522(p)(1) [generally the debtor's homestead].
4. There is not currently pending any proceeding in which Debtor(s) 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).

Local Bankruptcy Form N-2
Page Two

Debtor: _____ Date: _____

Debtor: _____ Date: _____

Wherefore, the Plan Administrator (or Trustee), having fully administered this estate, prays for entry of an Order of Discharge and the entry of a Final Decree.

DATE: _____

Attorney for Plan Administrator
(or Trustee)

cc: Creditor's Committee (or counsel), or
20 largest Unsecured Creditors
U.S. Trustee

Local Bankruptcy Form N-2
Page Three

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at _____**

IN RE:

*

*

Case No. _____

*

Chapter 13

Debtor(s)

*

PRE-CONFIRMATION CERTIFICATION

Debtor(s) hereby certify under penalty of perjury that the following statements are true and correct:

1. Debtor(s) has/have paid any fee, charge, amount required under Section 1930 of title 28, U.S.C, or by the plan (i.e. adequate protection payments) to be paid before confirmation.
2. Debtor(s) has/have paid all amounts that are required under a domestic support obligation and that first became payable after the date of the filing of the petition, if applicable.
3. Debtor(s) has/have filed all applicable Federal, State, and Local tax returns with the appropriate taxing authorities for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

Debtor(s) affirm that the plan is proposed in accordance with 11 U.S.C § 1325 and request said plan be confirmed.

Date: _____

Debtor's Signature

Date: _____

Joint Debtor's Signature

Local Bankruptcy Form O

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at _____**

IN RE:

*

Case No. _____
Chapter 13

*

*

Debtor

*

DEBTOR'S AFFIDAVIT REQUESTING DISCHARGE

***IN JOINT FILINGS, A SEPARATE AFFIDAVIT MUST BE COMPLETED BY
EACH DEBTOR IN ORDER TO BE ELIGIBLE FOR A DISCHARGE***

The Chapter 13 Trustee has filed a notice of completion in my case and I am hereby requesting that the Court issue a discharge. I testify under penalty of perjury to the following: (Complete all sections and provide all required information.)

1. The following creditors hold a claim that is not discharged under 11 U.S.C. § 523 (a)(2) or (a)(4) or a claim that was reaffirmed under 11 U.S.C. § 524(c): (provide name, address, and telephone number of each such creditor)

2. I have not received a discharge in a Chapter 7, 11 or 12 bankruptcy case that was filed within 4 years prior to the filing of this Chapter 13 Bankruptcy.
3. I have not received a discharge in another Chapter 13 bankruptcy case that was filed within 2 years prior to the filing of this Chapter 13 bankruptcy.
4. A. . I did not have, either at the time of filing this bankruptcy or at the present time, equity in excess of \$125,000 if the case was filed before April 1, 2007, or \$136,875 if the case was filed on or after April 1, 2007 and before April 1, 2010, or \$146,450 for a case filed on or after April 1, 2010 and before April 1, 2013, or \$155,675 if the case was filed on or after April 1, 2013 in the type of property described in 11 U.S.C. §522(p)(1) [generally the debtor's homestead].

Local Bankruptcy Form P

B. . There is not currently pending any proceeding in which I 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).

5. COMPLETION OF INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT PURSUANT TO 11 U.S.C. § 1328(g)(1)

[Complete one of the following statements]

I, _____, the debtor in the above-styled
(printed name of debtor)
case hereby certify that on _____ I completed an instructional
(date)
course in personal financial management provided by _____,
(Name of Provider)
by an approved personal financial management instruction provider.

Official Form 23 was filed previously with the court; OR

A document attesting to my completion of the personal financial management instruction course is attached.

I, _____, the debtor in the above-styled
(printed name of debtor)
case, hereby certify that no personal financial management course is required
because: [check the appropriate box.]

- ☐ I am incapacitated or disabled, as defined in 11 U.S.C. § 109(h)(4);
- ☐ I am on active military duty in a military combat zone; or
- ☐ I reside in a district in which the United States Trustee has determined that the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise be required to complete such courses.
- ☐ CERTIFICATION REGARDING DOMESTIC SUPPORT OBLIGATIONS PURSUANT TO 11 U.S.C § 1328(a)

[Complete one of the following statements]

I, _____, the debtor in the above-styled case,
(printed name of debtor)
hereby certify that I am not currently required, nor at any time during the period of this bankruptcy have I been required, by a judicial or administrative order, or by statute, to pay a domestic support obligation.

Local Bankruptcy Form P
Page Two

I, _____, the debtor in the above-styled
(printed name of debtor)
case am required by judicial or administrative order, or by statute, to pay a domestic support
obligation as defined in 11 U.S.C. § 101(14A). (This refers to a debt owed to or recoverable
by a spouse, former spouse or child of the debtor or such child's parent, legal guardian or
responsible relative or a governmental unit in the nature of alimony, maintenance or
support.) The name and address of each holder of a domestic support obligation follows:

[check the appropriate box.]

I hereby certify that all amounts payable under such order or such statute that
are due on or before the date of this affidavit (including amounts due before the
petition was filed, but only to the extent provided for by the plan) have been paid;
or

I have executed, and the court has approved, a written waiver of discharge
pursuant to 11 U.S.C. § 1328(a).

My current address is:

The name and address of my most recent/current employer is:

Local Bankruptcy Form P
Page Three

I declare under penalty of perjury that all of the above statements are true and correct to the best of my knowledge, information, and belief, and that the Court may rely on the truth of each statement in determining whether to grant me a discharge in this case. I further understand that the court may revoke my discharge if such order of discharge was procured by fraud.

Signature of Debtor: _____ Date: _____

NOTICE OF OPPORTUNITY TO OBJECT

Any objections to the accuracy of this affidavit must be filed within fourteen (14) days of the date of service of this Affidavit. If no objection is filed, the Court will consider entering a discharge order in this case without further notice or hearing.

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20__, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Debtor's Affidavit Requesting Discharge will be served electronically by the Court's CM/ECF system on the following:

Name of Trustee, Chapter 7/13

Name of Attorney

Name of Attorney

I hereby further certify that on the ____ day of _____, 20__, a copy of the Debtor's Affidavit Requesting Discharge was also mailed first class mail, postage prepaid to:

Name of Party

Address of Party

City, State Zip

Name of Party

Address of Party

City, State Zip

Name of Party
Address of Party
City, State Zip

Signature _____
[Type or print your name]

NOTE: The Certificate of Service must comply with Local Bankruptcy Rule 7005-2(2).

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

IN RE:

*

*

Case No. _____

*

Debtor(s)

*

**STATEMENT UNDER PENALTY OF PERJURY CONCERNING
PAYMENT ADVICES DUE PURSUANT TO 11 U.S.C. § 521(a)(1)(B)(iv)**

I, _____ (Debtor's name²), state that I did not provide copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by me from any employer because:

_____ (1) I was not employed during the period immediately preceding the filing of the above-referenced case _____ (state the dates that you were not employed);

_____ (2) I was employed during the period immediately preceding the filing of the above-referenced case but did not receive any payment advices or other evidence of payment from my employer within 60 days before the filing of the petition;

_____ (3) I am self employed and do not receive any evidence of payment;

_____ (4) Other (please explain) _____.

I declare under penalty of perjury that I have read the foregoing statements and that they are true and accurate to the best of my knowledge, information and belief.

Dated this _____ day of _____, 20__.

Debtor (Signature of Debtor)

Local Bankruptcy Form Q

² A separate form must be filed for each Debtor

LOCAL RULES**U.S. DISTRICT COURT, DISTRICT OF MARYLAND****IV. BANKRUPTCY PROCEEDINGS****RULE 401. RULES IN BANKRUPTCY COURT PROCEEDINGS**

Proceedings in the Bankruptcy Court shall be governed by Local Bankruptcy Rules as adopted from time to time by order of the Court.

RULE 402. REFERRAL OF BANKRUPTCY CASES AND PROCEEDINGS

Pursuant to 28 U.S.C. § 157(a), all cases under Title 11 of the United States Code and proceedings arising under Title 11 or arising in or related to cases under Title 11 shall be deemed to be referred to the bankruptcy judges of this District.

RULE 403. DEFINITION OF TRANSMITTAL

As used in this chapter, transmittal of a document includes the forwarding of a paper document or copy, or providing access to an electronic document in accordance with the procedures adopted by the Court.

RULE 404. APPEALS TO THE DISTRICT COURT**1. Manner of Appeal****a) Generally**

Appeals to the District Court from the Bankruptcy Court shall be taken in the manner prescribed in Part VIII of the Bankruptcy Rules, Rules 8001 et seq.

b) Bankruptcy Court Opinion and Order

Appellant shall provide with the opening brief a copy of the Bankruptcy Court opinion and order from which the appeal is being taken.

2. Dismissal for Non-Compliance with Bankruptcy Rule 8009

Whenever the appellant fails to designate the contents of the record on appeal or to file a statement of the issues to be presented on appeal within the time required by Bankruptcy Rule 8009, the Bankruptcy Clerk shall transmit forthwith to the Clerk of the District Court a partial record consisting of a copy of the order or judgment appealed from, the notice of appeal, a copy of the docket entries and such other documents as the Bankruptcy Clerk deems relevant to the appeal. (The District Court may, thereafter, order the Bankruptcy Clerk to transmit any other relevant documents to the Clerk of the District Court.) When the partial record has been filed in the District Court, the Court may, upon motion of the appellee (which is to be filed in the District Court) or upon its own initiative, dismiss the appeal for non-compliance with Bankruptcy Rule 8009 after giving

the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

3. Dismissal for Non-Compliance with Bankruptcy Rule 8018

Whenever the appellant fails to serve and file a brief within the time required by Bankruptcy Rule 8018, the District Court may, upon motion of the appellee (to be filed in the District Court) or upon its own initiative, dismiss the appeal after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

4. Procedure Regarding Motion to Stay Pending Appeal

After seeking appropriate relief under Bankruptcy Rule 8007, an appellant seeking a stay pending appeal by the District Court of an order entered by the Bankruptcy Court shall file with the Clerk of the District Court a motion to stay and copies of all documents in the record of the Bankruptcy Court relevant to the appeal. Upon the filing of these documents, the Clerk of the District Court shall immediately open a civil file and the District Court shall give immediate consideration to the motion to stay. If the underlying appeal is ultimately perfected, it will be assigned the same civil action number as was assigned to the motion to stay.

5. Bankruptcy Court Certification Regarding Interlocutory Appeal

Whenever there has been filed in the District Court an application for leave to appeal an interlocutory order of the Bankruptcy Court, the Bankruptcy Court shall, upon request of the District Court, submit to the District Court a written certification stating whether, in its opinion, the interlocutory order involves a controlling question of law as to which there is substantial ground for difference of opinion and whether an immediate appeal of it may materially advance the ultimate termination of the case. The District Court shall, thereafter, determine whether to grant or deny the application for leave to appeal.

RULE 405. RULES OF PROCEDURE FOR WITHDRAWAL OF REFERENCE

1. General Rule

When a case or proceeding has been referred by this Court to the Bankruptcy Court, all documents and pleadings in or related to such case or proceeding shall be filed with the Clerk in the Bankruptcy Court.

2. Withdrawal of Reference of Bankruptcy Case or Proceeding

a) Filing of Motion for Withdrawal of Reference with Bankruptcy Clerk

A motion pursuant to 28 U.S.C. § 157(d) and Bankruptcy Rule 5011 to withdraw the reference of any bankruptcy case, contested matter or adversary proceeding referred to the Bankruptcy Court pursuant to 28 U.S.C. § 157(a) and L.R. 402 shall be filed with the Clerk in the Bankruptcy Court. If the motion requests withdrawal of only a portion of the case, a contested matter, or a portion of an adversary proceeding, the motion shall be accompanied by the filing of a designation of the documents and pleadings filed in the case or proceeding to which the motion relates.

b) Withdrawal of Reference of Bankruptcy Cases

A motion to withdraw the reference of a case to the Bankruptcy Court must be timely filed, and in any event, before the case is closed.

c) Withdrawal of Reference of Adversary Proceeding or Contested Matter

A motion to withdraw an adversary proceeding or a contested matter in a case which has been referred to the Bankruptcy Court must be filed by the earlier of fourteen (14) days before the date scheduled for the first hearing on the merits and,

i) in the case of an adversary proceeding, within twenty-one (21) days after the last pleading is permitted to be filed pursuant to Bankruptcy Rule 7012; or

ii) in the case of a contested matter, within twenty-one (21) days after the last responsive pleading or memorandum in opposition is permitted to be filed pursuant to Local Bankruptcy Rule 9013-1(b)(3).

3. Filing of Pleadings after Reference Withdrawn

a) If the reference of an entire case has been withdrawn from the Bankruptcy Court to the District Court, all pleadings and documents in or related to such case shall be thereafter filed with the Clerk in the District Court.

b) Where the reference of only a portion of an entire case has been withdrawn, pleadings and documents with respect to the case (including any parts thereof that have been withdrawn or transferred) shall continue to be filed with the Clerk in the Bankruptcy Court. Any pleadings and documents which relate to any parts of the case which have been withdrawn or transferred to the District Court shall also be filed with the Clerk of the District Court.

c) Upon withdrawal or transfer of any complaint to the District Court, the plaintiff may forward to the defendant a notice and request to waive service of summons or the Clerk shall issue a District Court summons pursuant to Fed. R. Civ. P. 4(d) unless either of the aforementioned has already occurred pursuant to the Bankruptcy Rules.

d) This subsection (d) governs personal injury tort and wrongful death claims which must be tried in the District Court pursuant to 28 U.S.C. § 157(b)(5). Except for the procedures contained within this subsection, personal injury tort and wrongful death proceedings shall be filed with the Clerk in the Bankruptcy Court. However, beneath the bankruptcy number, the pleading or other document shall designate the pleading or document as a “SECTION 157(b)(5) MATTER.” When filing a complaint, a completed District Court civil cover sheet (A.O. Form JS-44c) should be submitted beneath the

Bankruptcy Court cover sheet required by Local Bankruptcy Rule 7003-1. No summons shall be issued until the proceeding is transferred to the District Court. Upon filing the complaint, the Clerk in the Bankruptcy Court shall immediately transfer the proceeding to the District Court and plaintiff may send to the defendant(s) a notice and request to waive service of summons pursuant to Fed. R. Civ. P. 4(d) or the Clerk of the District Court shall issue a summons.

4. Motions Concerning Venue in Bankruptcy Cases and Proceedings

All motions concerning venue in cases arising under Title 11 or arising in or related to cases under Title 11 shall be determined by the Bankruptcy Court, except in those cases to be tried in the District Court pursuant to 28 U.S.C. § 157(b)(5).

RULE 406. JURY TRIAL

1. Demand

In any bankruptcy proceeding any party may demand a trial by jury of any issue triable of right by jury by (1) serving upon the other parties a demand therefor in writing at any time after the commencement of the action and not later than fourteen (14) days after the service of the last pleading directed to such issue, and (2) filing the demand as required by Bankruptcy Rule 9015. Such demand may be indorsed upon a pleading of the party. If the adversary proceeding is one that has been removed from another court, any demand previously made under the rules of that court shall constitute a demand for trial by jury under this Rule.

2. Specification of Issues

In the demand, a party may specify the issues which the party wishes so tried; otherwise the party shall be deemed to have demanded trial by jury for all the issues so triable. If the party has demanded trial by jury for only some of the issues, any other party within fourteen (14) days after service of the demand or such lesser time as the Court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action.

3. Waiver

The failure of a party to serve and file a demand as required by this Rule constitutes a waiver by the party of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without the consent of the parties.

4. Consent to Jury Trial before United States Bankruptcy Judge

Pursuant to 28 U.S.C. § 157(e), with the consent of the parties, a district judge may designate a bankruptcy judge to conduct a jury trial.

RULE 407. REMOVAL

Removals under 28 U.S.C. § 1452 or § 1441 in cases related to bankruptcy cases should be filed with the Bankruptcy Clerk.

CROSS-REFERENCE

FEDERAL RULES OF BANKRUPTCY PROCEDURE to U.S. DISTRICT COURT OF MARYLAND LOCAL RULES

FRBP		LDCR
9029.1	Rules in Bankruptcy Court Proceedings	401
9029.2	Referral of Bankruptcy Cases and Proceedings	402
	Appeals to the District Court	404
8001.1	Manner of Appeal	404.1
8006.1	Dismissal for Non-Compliance with FRBP 8006	404.2
8009.1	Dismissal for Non-Compliance with FRBP 8009	404.3
8005.1	Procedure Re: Motion to Stay Pending Appeal	404.4
8003.1	Bankruptcy Court Certification Re:	404.5
	Interlocutory Appeal	
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9029.3	Filing of Pleadings and Papers/General Rule	405.1
5011.1	Withdrawal of Reference of Certain Bankruptcy	405.2a
	Proceedings/Filing of Motion for Withdrawal	
	of Reference with Bankruptcy Clerk	
5011.1(a)	Withdrawal of Reference of Bankruptcy Cases	405.2b
5011.1(b)	Withdrawal of Reference of Adversary	405.2c
	Proceeding or Contested Matter	
5011.1(c)	Filing of Pleadings in Transferred Cases	405.3
/9027		
1014/9030	Motions Concerning Venue in Bankruptcy Cases	405.4
	and Proceedings	
9015.1	Jury Trial/Demand	406.1
/9029		
9015.2	Specification of Issues	406.2
/9029		
9015.3	Waiver	406.3
/9029		

DISCOVERY GUIDELINES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Guideline 1: Conduct of Discovery

a. The purpose of these Guidelines is to facilitate the just, speedy, and inexpensive conduct of discovery in civil cases before the Court, and these Guidelines will be construed and administered accordingly, with respect to all attorneys, parties, and non-parties involved in discovery of civil cases before the Court. Fed R. Civ. P. 26 requires that discovery be relevant to any party's claim or defense; proportional to what is at issue in a case; and not excessively burdensome or expensive as compared to the likely benefit of obtaining the discovery being sought.

The parties and counsel have an obligation to cooperate in planning and conducting discovery to tailor the discovery to ensure that it meets these objectives. Counsel have a duty to confer early and throughout the case as needed to ensure that discovery is planned and conducted consistent with these requirements and, where necessary, make adjustments and modifications in discovery as needed.

During the course of their consultation, counsel are encouraged to think creatively and to make proposals to one another about alternatives or modifications to the discovery otherwise permitted that would permit discovery to be completed in a more just, speedy, inexpensive way. By way of illustration only, such alternatives could include different or additional deadlines for the filing of motions or the completion of all or part of discovery; accelerated exchanges of disclosures, additional data or descriptions of the parties' claims and defenses; sampling techniques; and substantial limitations on, or even the elimination of, depositions, coupled with alternative methods of exchanging or obtaining factual information or the equivalent of deposition testimony.

b. The parties and their counsel are encouraged to submit to the Court for approval their agreements to expand or limit discovery. If, however, counsel are unable to reach agreement on a discovery plan that substantially modifies the normal course of discovery, and either side believes that the Court's assistance would be helpful in framing or implementing such a plan, then the Court will make itself available with reasonable promptness, in response to a brief, written request for a discovery management conference that identifies the issues for consideration.

c. Counsel are expected to have read the Federal Rules of Civil Procedure, Local Rules of the Court, these Guidelines, and, with respect to discovery of electronically stored information (“ESI”), the Suggested Protocol for Discovery of ESI, posted on the Court’s website, www.mdd.uscourts.gov. Compliance with these Guidelines will be considered by the Court in resolving discovery disputes, including whether sanctions should be awarded pursuant to Fed. R. Civ. P. 37, or the Court’s inherent powers.

d. Attorneys are expected to behave professionally and with courtesy towards all involved in the discovery process, including but not limited to opposing counsel, parties and non-parties. This includes cooperation and civil conduct in an adversary system. Cooperation and civility include, at a minimum, being open to, and reasonably available for, discussion of legitimate differences in order to achieve the just, speedy, and inexpensive resolution of the action and every proceeding. Cooperation and communication can reduce the costs of discovery, and they are an obligation of counsel.

e. All discovery requests, responses and objections are governed by the requirements of Fed. R. Civ. P. 26(g) and counsel and parties are expected to be familiar with the requirements of the Rule.

f. Whenever possible, attorneys are expected to communicate with each other in good faith throughout the discovery process to resolve disputes without the need for intervention by the Court, and should do so promptly after becoming aware of the grounds for the dispute. In the event that such good faith efforts are unsuccessful, an unresolved dispute should be brought to the Court’s attention promptly after efforts to resolve it have been unsuccessful. A failure to do so may result in a determination by the Court that the dispute must be rejected as untimely. Counsel may bring the unresolved dispute to the Court’s attention by filing a letter, in lieu of a written motion, that briefly describes the dispute, unless otherwise directed by the Court.

g. Upon being notified by the parties of the unresolved discovery dispute, the Court will promptly schedule a conference call with counsel, or initiate other expedited procedures, to consider and resolve the discovery dispute. If the Court determines that the issue is too complicated to resolve informally, it may set an expedited briefing schedule to ensure that the dispute can be resolved promptly.

h. To the extent that any part of these Guidelines conflicts with any Local Rule of the Court, or an order of the Court in a particular case, then the conflicting rule or order should be considered to be governing.

Guideline 2: Stipulations Setting Discovery Deadlines

Subject to approval by the Court, attorneys are encouraged to enter into written discovery stipulations to supplement the Court's scheduling order. During the scheduling process, the Court will consider requests to impose milestone dates for motions, such as spoliation motions, and motions in limine (including *Daubert* motions) that do not normally otherwise have automatically-imposed deadlines. The Court encourages parties to submit to the Court for approval joint suggestions made pursuant to the Suggested Protocol for Discovery of ESI.

Guideline 3: Expert Witnesses

a. Unless counsel agree that each party will pay its own experts, the party taking an expert witness's deposition ordinarily pays the expert's fees for the time spent in deposition and related travel. See L.R. 104.11.a. Accordingly, counsel for the party that designated the expert witness should try to assure that the fee charged by the expert to the party taking the deposition is fair and reasonable. In the event a dispute arises as to the reasonableness or other aspects of an expert's fee, counsel should promptly confer and attempt in good faith to resolve the dispute without the involvement of the Court. If counsel are unsuccessful, the expert's deposition should proceed on the date noted, unless the Court orders otherwise, and the dispute respecting payment should be brought to the Court's attention promptly. The factors that may be considered in determining whether a fee is reasonable include, but are not limited to: (1) the expert's area of expertise; (2) the expert's education and training; (3) the fee being charged to the party who designated the expert; and (4) the fees ordinarily charged by the expert for non-litigation services, such as office consultations with patients or clients.

b. Recognizing that a treating physician may be considered both a fact witness and an expert, the Court has chosen to impose a specific limitation on the fee a treating physician may charge to either party. It is implicit in L.R. 104.11.b, which requires counsel to estimate the hours of deposition time required, that the physician may charge a fee for the entire time he or she reserved in accordance with the estimate, even if counsel conclude the deposition early. Further, unless the physician received notice at least two business days in advance of a cancellation, the physician is entitled to be paid for any time reserved that cannot reasonably be filled. Every effort should be made to schedule depositions at a time convenient for the witness, and to use videotaped or other visually recorded *de bene esse* depositions rather than requiring the physician's presence at trial. Note that this Discovery Guideline does not limit the reasonable fee a treating physician may charge if required to testify in Court.

c. The parties are encouraged not to designate multiple experts on the same or similar topics.

d. Guideline 4.d is applicable to expert witness depositions.

Guideline 4: Scheduling Depositions

a. Attorneys are expected to make a good faith effort to coordinate deposition dates with opposing counsel, parties, and non-party deponents, before noting a deposition.

b. Before agreeing to a deposition date, an attorney is expected to attempt to clear the date with his/her client if the client is a deponent, or wishes to attend the deposition, and with any witnesses the attorney agrees to attempt to produce at the deposition without the need to have the witness served with a subpoena.

c. An agreed-upon deposition date is presumptively binding. An attorney seeking to change an agreed-upon date has a duty to coordinate a new date before changing the agreed date. Noncompliance with Guideline 4.d may rebut the presumption contained herein.

d. If an attorney making a good faith effort to coordinate deposition dates under Guideline 4.a anticipates requesting that the deponent produce ESI at the deposition, that anticipated request should be disclosed to the opposing counsel, parties, and non-party deponents at the time of the Guideline 4.a coordination effort, or as soon thereafter as it becomes anticipated. At a minimum, the discovering/requesting party should describe the scope and form of ESI that will be requested. Counsel are encouraged to review and, if applicable, comply with the Suggested Protocol for Discovery of ESI.

e. Upon reasonable request, and where reasonably practicable, in order to expedite the deposition questioning, a deponent should produce documents including ESI, properly requested in a notice of deposition and accompanying subpoena, if any, a reasonable time prior to the deposition. Noncompliance with a reasonable and timely request for production of such documents prior to a deposition may be considered by the Court in a motion or request made pursuant to Fed. R. Civ. P. 30(d)(1) to determine whether additional time is needed to fairly examine the deponent or if the deponent, another person, or any other circumstance has impeded or delayed the examination.

Guideline 5: Designation by an Organization of Someone to Testify on Its Behalf

a. Requested Areas of Testimony.

A notice or subpoena to an entity, association or other organization should accurately and concisely identify the designated area(s) of requested testimony, giving due regard to the nature, business, size and complexity of the entity being asked to testify. The notice or subpoena should ask the recipient to provide the name(s) of the designated person(s) and the areas that each person will testify to by a reasonable date before the deposition is scheduled to begin.

b. Designating the Best Person to Testify for the Organization.

An entity, association or other organization responding to a deposition notice or subpoena should make a diligent inquiry to determine what individual(s) is (are) best suited to testify.

c. More Than One Person May Be Necessary.

When it appears that more than one individual should be designated to testify without duplication on the designated area(s) of inquiry, each such individual should be identified, a reasonable period of time before the date of the deposition, as a designated witness along with a description of the area(s) to which he or she will testify.

Guideline 6: Deposition Questioning, Objections and Procedure

a. An attorney should not intentionally ask a witness a question that misstates or mischaracterizes the witness's previous answer.

b. During the taking of a deposition, it is presumptively improper for an attorney to make objections which are not consistent with Fed. R. Civ. P. 30(c)(2). Objections should be stated as simply, concisely and non-argumentatively as possible to avoid coaching or making suggestions to the deponent, and to minimize interruptions in the questioning of the deponent (for example: "objection, leading;" "objection, asked and answered;" "objection, compound question;" "objection, form"). If an attorney desires to make an objection for the record during the taking of a deposition that reasonably could have the effect of coaching or suggesting to the deponent how to answer, then the deponent, at the request of any of the attorneys present, or, at the request of a party if unrepresented by an attorney, should be excused from the deposition during the making of the objection.

c. An attorney should not repeatedly ask the same or substantially identical question of a deponent if the question already has been asked and fully and responsively answered by the deponent. Upon objection by counsel for the deponent, or by the deponent if unrepresented, it is presumptively improper for an attorney to continue to ask the same or substantially identical question of a witness unless the previous answer was evasive or incomplete.

d. It is presumptively improper to instruct a witness not to answer a question during the taking of a deposition unless under the circumstances permitted by Fed. R. Civ. P. 30(c)(2). However, it is also presumptively improper to ask questions clearly beyond the scope of discovery permitted by Fed. R. Civ. P. 26(b)(1), particularly of a personal nature, and continuing to do so after objection shall be evidence that the deposition is being conducted in bad faith or in such a manner as unreasonably to annoy, embarrass, or oppress the deponent or party, which is prohibited by Fed. R. Civ. P. 30(d)(3).

e. If requested to supply an explanation as to the basis for an objection, the objecting attorney should do so, consistent with Guideline 6(b) above.

f. While the interrogation of the deponent is in progress, neither an attorney nor the deponent should initiate a private conversation except for the purpose of determining whether a privilege should be asserted. To do so otherwise is presumptively improper.

g. During breaks in the taking of a deposition, no one should discuss with the deponent the substance of the prior testimony given by the deponent during the deposition. Counsel for the deponent may discuss with the deponent at such time whether a privilege should be asserted or otherwise engage in discussion not regarding the substance of the witness's prior testimony.

h. Unless otherwise ordered by the Court, the following persons may, without advance notice, attend a deposition: individual parties; a representative of non-individual parties; and expert witnesses of parties. Except for the persons identified above, counsel should notify other parties not later than seven (7) days before the taking of a deposition if counsel desires to have a non-party present during a deposition. If the parties are unable to agree to the attendance of this person, then the person shall not be entitled to attend the deposition unless the party desiring to have the person attend obtains a court order permitting him/her to do so. Unless ordered by the Court, however, a dispute regarding who may attend a deposition should not be grounds for delaying the deposition. All persons present during the taking of a deposition should be identified on the record before the deposition begins. Other than the deponent, counsel representing a party or unrepresented party, persons

attending a deposition may not ask or answer questions during, or otherwise participate in the process of, the deposition.

i. Except for the person recording the deposition in accordance with Fed. R. Civ. P. 30(b), during the taking of a deposition no one may record the testimony without the consent of the deponent and all parties in attendance, unless otherwise ordered by the Court.

Guideline 7: Assertions of Privilege at Depositions

a. When a claim of privilege is asserted during a deposition, and information is not provided on the basis of such assertion:

b. In accordance with Fed. R. Civ. P. 26(b)(5), the person asserting the privilege should identify during the deposition the nature of the privilege (including work product) that is being claimed.

c. After a claim of privilege has been asserted, the person seeking disclosure should have reasonable latitude during the deposition to question the witness to establish other relevant information concerning the assertion of privilege, including: (i) the applicability of the particular privilege being asserted; (ii) any circumstances that, under Fed. R. Evid. 502, may demonstrate that a prior disclosure was or was not permitted without waiver of the privilege; (iii) any circumstances that may constitute an exception to the assertion of the privilege; and (iv) any circumstances which may result in the privilege having been waived.

d. In accordance with Fed. R. Civ. P. 26(b)(5), the party asserting the privilege, in providing the foregoing information, should not be required to reveal the information that is itself privileged or protected from disclosure.

Guideline 8: Making a Record of Improper Conduct During a Deposition

Upon request of any attorney, party unrepresented by an attorney, or the deponent if unrepresented by an attorney, the person recording the deposition in accordance with Fed. R. Civ. P. 30(b) should enter on the record a description by the requesting person of conduct of any attorney, party, or person attending the deposition which violates these guidelines, the Federal Rules of Civil Procedure, or the Local Rules of the Court.

Guideline 9: Delay in Responding to Discovery Requests

a. Interrogatories, Requests for Production of Documents, and Requests for Admission of Facts and Genuineness of Documents

The Federal Rules of Civil Procedure designate the time prescribed for responding to Interrogatories, Requests for Production of Documents, and Requests for Admission of Facts and Genuineness of Documents. Nothing contained in these guidelines modifies the time limits prescribed by the Federal Rules of Civil Procedure. Attorneys should make good faith efforts to respond to discovery requests within the time prescribed by those rules.

Absent exigent circumstances, attorneys seeking additional time to respond to discovery requests should contact opposing counsel as soon as practical after receipt of the discovery request, but not later than three (3) days before the response is due. In multiple party cases, the attorney wanting additional time should contact the attorney for the party propounding the discovery.

A request for additional time which does not conflict with a scheduling deadline imposed by the Federal Rules of Civil Procedure, the Local Rules of the Court, or a court order should not be unreasonably refused. If a request for additional time is granted, the requesting party should promptly prepare a writing which memorializes the agreement, which shall be served on all parties but need not be submitted to the Court for approval.

Unless otherwise provided by the Local Rules of the Court, no stipulation that modifies a court-imposed deadline shall be deemed effective unless and until the Court approves the stipulation.

b. Depositions

Unless otherwise ordered by the Court or agreed upon by the parties, fourteen (14) days notice should be deemed to be “reasonable notice” within the meaning of Fed. R. Civ. P. 30(b)(1), for the noting of depositions.

Guideline 10: Interrogatories, Requests for Production of Documents, Answers to Interrogatories, and Written Responses to Document Requests

a. A party may object to an interrogatory, document request, or part thereof, while simultaneously providing partial or incomplete answers to the request. If a partial or incomplete answer is provided, the answering party shall state that the answer is partial or incomplete.

b. No part of an interrogatory or document request should be left unanswered merely because an objection is interposed to another part of the interrogatory or document request.

c. In cases where a party is represented by more than one attorney of record, no discovery motion, response or opposition should be filed unless a senior attorney of record has read the contents of the motion and any supporting memorandum and exhibits.

d. In accordance with Fed. R. Civ. P. 26(b)(5), where a claim of privilege is asserted objecting to any interrogatory, document request, or part thereof, and information is not provided on the basis of such assertion:

i. The party asserting the privilege shall, in the objection to the interrogatory, document request, or part thereof, identify with specificity the nature of the privilege (including work product) that is being claimed.

ii. The following information should be provided in the objection, if known or reasonably available, unless divulging such information would cause disclosure of the allegedly privileged information:

a. For oral communications:

(i) the name of the person making the communication and the names of persons present while the communication was made, and, where not apparent, the relationship of the persons present to the person making the communication;

(ii) the date and place of the communication; and

(iii) the general subject matter of the communication.

b. For documents:

(i) the type of document;

(ii) the general subject matter of the document;

(iii) the date of the document; and

(iv) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.

iii. The above information should be provided separately for each document for which privilege/protection is asserted, unless doing so would be

excessively burdensome or expensive. In such instances, the party asserting privilege/protection should particularize why providing separate designations would be excessively burdensome or expensive, and then may identify by categories the voluminous documents or communications for which privilege/protection is asserted, providing the above information for each category. A party may only designate documents as privileged/protected by category if each document (1) is within the privilege/protection claimed, and (2) shares common characteristics such as sender, receiver, author, or specific subject matter. Where only part of a document or communication is privileged/protected, the unprivileged/unprotected portion should be disclosed if otherwise discoverable and within the scope of the discovery request.

iv. Reasonably promptly after receiving the information contained in Guideline 10.d.ii., the party seeking disclosure should notify the party from whom disclosure is sought of any deficiencies in the particularization of the basis for any privilege/protection asserted, including any “category designations” under Guideline 10.d.iii. Once done, the party from whom disclosure was sought shall, with reasonable promptness, provide sufficient factual information, including by affidavit, to establish the factual basis for each claim of privilege or protection that has been claimed. Failure to do so may result in a determination by the Court that the party asserting the privilege or work product protection has failed to particularize it as required by Fed. R. Civ. P. 26(b)(5), resulting in the waiver of any privilege/protection that has been claimed.

v. The parties are encouraged to confer and reach agreement regarding how to assert privilege/protection claims with respect to Email “chains” or “strings,” and if unable to do so, to bring to the attention of the Court their disagreement for prompt resolution.

e. If a party asserts in response to an interrogatory, request for production of documents, or request for admission of facts, that electronically stored information is not reasonably accessible because of undue burden or cost, within the meaning of Fed. R. Civ. P. 26(b)(2)(B), or otherwise asserts that requested discovery is unduly burdensome or expensive, the party making that assertion is expected to disclose, promptly and with particularity, the facts on which it relies to support that contention.

f. In addition to paper copies, parties are encouraged to exchange discovery requests and responses in a commonly-accepted word processing format, if requested, in order to reduce the clerical effort required to prepare responses and motions.

**COMPENSATION GUIDELINES FOR PROFESSIONALS
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

The following guidelines apply to professional fee applications in all bankruptcy cases in the United States Bankruptcy Court for the District of Maryland. These guidelines shall apply to all professionals seeking compensation pursuant to 11 U.S.C. §§327, 328, 330 and 331, including attorneys, accountants, examiners, investment bankers and real estate advisors, unless the court, in the order employing such professional or other order provides otherwise. These guidelines set forth information to be contained in both interim and final applications for the approval of fees and expenses.

Although conformity to these guidelines will ensure that certain necessary information is included to assist the court in its review of professional fee applications, it must be remembered that the following are guidelines only. Applications for compensation may vary from case to case, and each application must be reviewed on its own merits depending upon the facts and circumstances of the case. Familiarity with and adherence to the following guidelines will, it is hoped, promote the submission of more uniform professional fee applications containing adequate information, and facilitate a meaningful review process and more expeditious action by the court.

A. Format of Fee Applications.

Bankruptcy Rule 2016(a) sets forth certain requirements with respect to professional fee applications. The application should set forth a detailed statement of (1) the services rendered, (2) the time expended, (3) the expenses incurred, (4) the amounts requested, (5) the rates charged for such services, (6) how the services rendered were necessary to the administration of, or beneficial at the time at which the services were rendered toward the completion of, the case, (7) information relevant to a determination that the services were performed within a reasonable amount of time

commensurate with the complexity, importance and nature of the problem, issue or task addressed, and (8) an affirmation that the compensation requested is reasonable based upon the customary compensation and reimbursement of expenses charged by the applicant and comparably skilled professionals in nonbankruptcy matters. In addition, applications should include a statement as to what payments have been made or promised to the applicant, the source of the compensation paid or promised, whether there is any sharing arrangement and the particulars as to any such sharing arrangement. Applications should also set forth the date the order approving employment was entered and the dates of entry of any previous orders approving interim compensation to the applicant and the amounts of compensation previously approved. Finally, fee applications should include a "lodestar" analysis and discussion of the factors identified in Johnson v. Georgia Highway Express, Inc., 488 F.2d 714 (5th Cir. 1974), and adopted by the Fourth Circuit in Barber v. Kimbrell's, Inc., 577 F.2d 216 (4th Cir. 1978), Anderson v. Morris, 658 F.2d 246 (4th Cir. 1978) and Harman v. Levin, 772 F.2d 1150 (4th Cir. 1985).

B. Description of Services Rendered and Time Expended.

Daily time sheets or a listing of daily time entries, in legible form, should be included in or attached to the application.^{1/} The time sheets or time entries should provide an itemized listing of all services performed by each professional and paraprofessional and the time spent on each matter indicated. The applicable billing rate for each professional and paraprofessional should be indicated.

Each professional and paraprofessional should record time in increments of tenths of an hour and keep contemporaneous time records. Time records should set forth in reasonable detail an appropriate narrative description of the services rendered. As a general rule, the description should include indications of the participants in and the length and nature of the activities undertaken. Examples of insufficient descriptions include "telephone call," "telephone call to X," "conference with client," "research," "review of documents," "review of pleadings," and "correspondence."

^{1/} Fee applications for matters handled on a contingent fee basis and applications required to be submitted pursuant to §506(b) should also conform to the applicable format guidelines set forth herein.

Examples of satisfactory descriptions are set forth in footnote 3.

The broad "lumping" of services, or the grouping of different tasks within one block of time, should generally be avoided in favor of more specific descriptions.^{2/} In recording time for each day, each professional and paraprofessional may describe in one entry the nature of the services rendered on a given task during that day and the aggregate time expended that day on such task, provided, however, that if the professional or paraprofessional works more than one hour on a task on any given day, the time record for that day should include internally, within the description of services for that day, the amount of time spent on each particular activity. A hypothetical time record complying with the foregoing is included below.^{3/}

The description of services required to be set forth is not intended to require the disclosure of privileged or confidential information, provided, that if additional detail is required, the court may direct that such additional information be furnished subject to appropriate protective conditions. Information set forth in a fee application shall not operate as a waiver of any applicable privilege, including the attorney/client privilege or work product doctrine.

Charges for conferences between individuals in the same firm on the same case are not objectionable, if reasonable, necessary and limited. Similarly, more than one professional may charge for attending a meeting or hearing on behalf of the same client if such attendance is reasonable, necessary and limited. An explanation as to why more than one professional attended such meeting or hearing may in certain circumstances be required, particularly if such multiple professional attendance does not appear to be reasonable in a particular situation.^{4/}

^{2/} Notwithstanding the general prohibition of "lumping", time entries for periods of one hour or less on a given day may be grouped together provided that a reasonable description of the services rendered within such time entry is provided.

^{3/} A complying time entry would be:
"internal conference with X re cash collateral (.3); revise draft motion re cash collateral (.8); conf. call with Y and Z re cash collateral hearing (.5); review documents re cash collateral motion (1.1); legal research re cash collateral hearing (.5) ... Total Time 3.2"

^{4/} In appropriate cases where there are multiple counsel from different firms representing the same party, such counsel may be required to submit their applications simultaneously.
(continued...)

Ordinarily, time entries should be organized by tasks and presented chronologically. An applicant should either organize the time sheets or present a time entry listing by discrete tasks where an application covers multiple tasks undertaken by the applicant during the time period covered by the application. Within each task identified, the time entries of all timekeepers working on such task should appear chronologically. In addition, the application should include a summary by timekeeper of the time spent on each task, the billing value for each timekeeper and a total billing amount for each task. Finally, the application should also include a brief narrative description as to why each task was undertaken, the current status thereof and the results or benefits achieved to date.

It is not the intent of these guidelines to set forth a definitive listing of what tasks should be separately identified in each case or each professional fee application. However, where a discrete activity can reasonably be expected to continue over a period of at least three months and can reasonably be expected to constitute 10-20% or more of the fees to be sought for an interim period, the professional should present a separate chronological listing of time entries for such matter to the extent reasonably practicable. Examples of categories which might comprise separate tasks in a particular case are set forth below.^{5/}

(...continued)

^{5/} Sample Task Listing for Attorneys

- Asset analysis and recovery.
- Asset disposition/sales/leases/executory contracts.
- Business operations.
- Case administration.
- Claims administration and objections.
- Fee/employment applications and objections.
- Financing/cash collateral.
- Litigation [separately identify larger litigation matters as discrete tasks].
- Meetings of creditors.
- Plan and disclosure statement.

(continued...)

Subject to court approval, a trustee may employ himself or herself, or a firm with which the trustee is affiliated, as a professional. In such cases, applications for compensation should distinguish services rendered as trustee from those rendered by the professional seeking compensation.

Compensation sought for time spent traveling should indicate the mode and time of travel, the necessity for travel and whether any substantive work was performed while traveling (e.g., preparing for hearing). If excessive or unreasonable, compensation for travel time may be reduced. If time is spent during travel working on other matters, such travel time should not also be billed to the bankruptcy case.

Compensation for time spent preparing and defending fee applications is appropriate if reasonable. Compensation for the preparation of fee applications will be based on the level and skill reasonably required to prepare the application.

C. Reimbursement for Disbursements and Expenses.

Disbursements and expenses for which reimbursement is sought should be summarized in the fee application by category and any unusual items explained. Excessive charges will not be reimbursed. The following are guidelines with respect to some (but not necessarily all) of the categories of reimburseable disbursements and expenses:

Photocopying. The applicable charge for photocopying should be the actual cost of such copying not to exceed 20¢ per page or if an outside service is used, the actual cost of such copying.

Facsimile Transmission. Charges for out-going facsimile transmissions to long-distance

(...continued)

Sample Task Listing for Accountants

Accounting/auditing.
Business analysis.
Corporate finance.

Data analysis.
Litigation consulting.
Tax issues.
Valuation/projections.

telephone numbers are reimbursable at the lower of (i) toll charges or (ii) if such amount is not readily determinable, \$1.25 per page for domestic and \$2.50 per page for international transmissions. Charges for incoming facsimile transmissions are not reimbursable.

Mileage. The applicable charge for automobile mileage should not exceed the government approved rate, plus actual parking charges incurred.

Travel. The actual expenses incurred for out-of-town travel are reimbursable. However, first-class airfare, luxury accommodations and deluxe meals are not reimbursable, nor are personal or incidental charges unless necessary as a result of unforeseen circumstances.

Computerized Legal Research. Reasonable expenses may be charged for computerized legal research, including Lexis and Westlaw, provided that there is a description of the legal research undertaken and the charges do not exceed the actual cost to the attorney.

Postage, Telephone, Courier and Freight. The cost of postage, freight, overnight delivery, courier services and telephone toll charges may be reimbursable, if reasonably incurred. Only the long distance component of cellular telephone charges is reimbursable. Charges for services such as messengers and overnight mail should not be incurred indiscriminately. Charges for local telephone services are not reimbursable. If normal, routine first-class postage is not customarily charged to other clients, then such postage would not be reimbursable; however, special postage charges or bulk mailings would ordinarily be reimbursable.

Court Costs. Court costs and disbursements are reimbursable.

Meals. Charges for meals are generally not reimbursable unless justified under appropriate circumstances or unless incurred as part of otherwise reimbursable out-of-town travel.

Overtime Charges. Overtime for non-professional and paraprofessional staff is reimbursable only if specifically justified in the application as necessary under the circumstances. Overtime charges for professional staff is not reimbursable.

Word Processing, Proofreading, Secretarial and Other Staff Services. Daytime, ordinary business hour charges for word processing, proofreading secretarial, library and other staff services (exclusive of paraprofessional services) are generally considered office overhead items and,

therefore, not reimbursable unless specifically justified in exceptional circumstances.

With respect to all disbursements and expenses for which reimbursement is sought, it must be understood that they must be of a kind and at a rate customarily charged to and collected from other clients and subject to the test of reasonableness under the circumstances of each case.

Each professional fee application in which the applicant is seeking reimbursement for expenses should include a statement that, with respect to expenses for which reimbursement is sought, the applicant is familiar with and has submitted the application in conformity with the "Compensation Guidelines for Professionals in the United States Bankruptcy Court for the District of Maryland."

D. Lodestar Analysis, Johnson Factors And Billing Judgment.

Each professional fee application should contain a "lodestar" analysis and discussion of the Johnson v. Georgia Highway Express, Inc. (supra) factors, as adopted by the Fourth Circuit in Barber v. Kimbrell's, Inc. (supra), including a statement as to the professional's application of billing judgment to the compensation sought by such professional.

The "lodestar" analysis should include a summary listing the name of each professional and paraprofessional for whom compensation is sought, the number of hours worked by each identified individual, that individual's hourly rate (which should not exceed such individual's standard hourly rate in other bankruptcy and non-bankruptcy matters), the total compensation sought for each such individual and a total of all compensation sought for the period in question, before and after applying billing judgment to the compensation requested. A similar detailed summary of disbursements and expenses by category should also be presented.

The fee application should discuss the application of the twelve Johnson v. Georgia Highway Express, Inc. factors, to the extent that they apply in each particular case. Those factors may be summarized as follows:

1. the time and labor expended;
2. the novelty and difficulty of the questions raised;
3. the skill required to properly perform the professional services rendered;

4. the professional's opportunity costs in pursuing the matter;
5. the customary fee for like work;
6. the professional's expectations as to compensation at the outset of the matter;
7. the time limitations imposed by the client or circumstances;
8. the amount in controversy and the results obtained;
9. the experience, reputation and ability of the professional;
10. the desirability or undesirability of the case within the professional community in which the case arose;
11. the nature and length of the professional relationship between the professional and client; and
12. professional fee awards in similar cases.

Not all of the foregoing twelve factors will be applicable to every fee application. However, they should be considered in the professional's exercise of billing judgment and discussed in the fee application. If a particular factor is not considered to be applicable, the application should so state. In addition, if the professional believes that other factors are relevant to the compensation requested, the foregoing list is not intended to be exhaustive. Professionals are encouraged to state all facts and circumstances that such professional believes to be relevant to the compensation requested.

In the final analysis, in making its determination with respect to a fee application and the amount of compensation to be awarded, the court will consider the nature, the extent, and the value of the services rendered.

**MARYLAND STATE BAR ASSOCIATION
CODE OF CIVILITY**

In May 1997, the Maryland State Bar Association's Board of Governors approved the following aspirational Code of Civility for all lawyers and judges in Maryland. MSBA encourages all Maryland lawyers and judges to honor and voluntarily adhere to the standards set forth in these codes. Civility is the cornerstone of the legal profession.

LAWYERS' DUTIES

1. We will treat all participants in the legal process, in a civil, professional, and courteous manner and with respect at all times and in all communications, whether oral or written. These principles are intended to apply to all attorneys who practice law in the State of Maryland regardless of the nature of their practice. We will refrain from acting upon or manifesting racial, gender, or other bias or prejudice toward any participant in the legal process. We will treat all participants in the legal process with respect.
2. We will abstain from disparaging personal remarks or acrimony toward any participants in the legal process and treat everyone with fair consideration. We will advise our clients and witnesses to act civilly and respectfully to all participants in the legal process. We will, in all communications, speak and write civilly and respectfully to the Court, staff, and other court or agency personnel with an awareness that they, too, are an integral part of the judicial system.
3. We will not encourage any person under our control to engage in conduct that would be inappropriate under these standards if we were to engage in such conduct.
4. We will not bring the profession into disrepute by making unfounded accusations of impropriety or attacking counsel, and absent good cause, we will not attribute bad motives or improper conduct to other counsel.
5. We will strive for orderly, efficient, ethical and fair disposition of litigation, as well as disputed matters that are not yet the subject of litigation, and for the efficient, ethical, and fair negotiation and consummation of business transactions.
6. We will not engage in conduct that offends the dignity and decorum of judicial and administrative proceedings, bring disorder to the tribunal or undermines the image of the legal profession, nor will we allow clients or witnesses to engage in such conduct. We will educate clients and witnesses about proper courtroom decorum and to the best of our ability, prevent them from creating disorder or disruption in the courtroom.
7. We will not knowingly misrepresent, mischaracterize, or misquote fact or authorities cited.
8. We will be punctual and prepared for all scheduled appearances so that all matters may begin on time and proceed efficiently. Furthermore, we will also educate everyone involved concerning the need to be punctual and prepared, and if delayed we will notify everyone involved, if at all possible.
9. We will attempt to verify the availability of necessary participants and witnesses so we can promptly reschedule appearances if necessary.
10. We will avoid ex parte communications with the court, including the judge's staff, on pending matters in person (whether in social, professional or other contexts), by telephone, and in letters and other forms of written communication, unless authorized.

JUDGES' RESPONSIBILITIES

1. We will not use hostile, demeaning or humiliating words in opinions or in written or oral communications with lawyers, parties or witnesses.
2. We will be courteous, respectful and civil to lawyers, parties, witnesses, and court personnel. We will maintain control of all court proceedings, recognizing that judges have both the obligation and the authority to ensure that judicial proceedings are conducted with dignity, decorum and courtesy to all.
3. Within the practical limits of time, we will afford lawyers appropriate time to present proper arguments and to make a complete and accurate record.
4. We will make reasonable efforts to decide promptly all matters presented for decision.
5. We will be considerate of professional and personal time schedules of lawyers, parties, witnesses and court staff in scheduling hearings, meetings, and conferences, consistent with the efficient administration of justice.
6. We will be punctual in convening trials, hearings, meetings, and conferences; if they are not begun when scheduled; proper and prompt notification will be given.
7. We will inform counsel promptly of any rescheduling, postponement, or cancellation of hearings, meetings or conferences.
8. We will work cooperatively with all other judges and other jurisdictions with respect to availability of lawyers, witnesses, parties and court resources.
9. We will treat each other with courtesy and respect.
10. We will conscientiously assist and cooperate with other jurists to assure the efficient and expeditious processing of cases, while, when possible, accommodating the trial schedule of all lawyers, parties and witnesses.

**CHAPTER 13 DEBTOR'S COUNSEL
RESPONSIBILITIES AND FEES**

1. A copy of paragraphs 2 and 3 of this document, Chapter 13 Debtor's Counsel Responsibilities and Fees, must be delivered to the debtor(s) by counsel at the time counsel is employed, in addition to the retainer agreement by and between the debtor(s) and debtor's counsel.
2. With the exception of adversary proceedings, appeals, and United States Trustee audits, for which separate arrangements may be made, counsel must represent their client in all matters in the bankruptcy case as long as counsel is counsel of record. This includes defending motions, including motions for relief from stay, and bringing objections to claims and prosecuting motions on behalf of the debtor. After the initial engagement, counsel may not demand payments from the debtor as a precondition to doing the work. Notwithstanding the foregoing, the court may, upon prior application, allow counsel to enter a limited appearance, including, but not limited to, representation on a pro bono or reduced fee basis.
3. Counsel must remain as counsel of record until the entry of a court order allowing the withdrawal of appearance, or until the case is dismissed or closed. The failure to receive payment for services rendered or to be rendered may serve as the basis for counsel filing a motion to withdraw.
4. The following fee arrangements are presumed reasonable under 11 U.S.C. § 329 and allowable under 11 U.S.C. § 330 and require no application or approval, except as stated below. This presumption is rebuttable and the fee can be the subject of an order to justify the fee.

If no objection or order to justify fee is filed or entered, the presumptively reasonable fee is deemed allowed under 11 U.S.C. § 330 without the entry of an Order. However, if an objection or order to justify fee is filed or entered, the burden shall be upon debtor's counsel to prove that the fee should be allowed under 11 U.S.C. § 330 under the facts and circumstances of the case for which the fee is sought. The foregoing notwithstanding, any objection filed by a trustee or other party in interest shall describe the asserted factual basis for rebutting the presumption.

A. A flat fee, not to exceed \$3,825.00 for representation of the debtor for all matters in the main case. However, counsel may by application request approval of additional fees for work done upon matters that were both not reasonably expected and that are extraordinary, or for work done after 90 days following the entry of the order confirming plan until representation ends. Such application may be made on Local Form E with notice (Local Form E-1).

B. A flat fee, not to exceed \$4,925.00 for representation for all matters in the main case. Except as stated in the following sentence, counsel waives all opportunity to apply for additional fees in the main case. Counsel may by application request approval of additional fees for work done upon matters that were not reasonably expected and that are extraordinary. Such application may be made on Local Form E with notice (Local Form E-1).

C. A flat fee, not to exceed \$ 2,175.00 for representation of the debtor on all matters relating to plan confirmation. Counsel may by application request approval of additional fees for prosecuting or defending motions not relating to the plan confirmation, including, without limitation, motions for relief from stay, or for claims objections. Such application may be made on Local Form E with notice (Local Form E-1). The requirement for representation in all matters in the bankruptcy case, stated in paragraph 2 above, applies without regard to the more limited coverage of the fee arrangements set forth in this subparagraph.

D. On April 1, 2016, and at each 3-year interval ending on April 1 thereafter, each dollar amount in effect in paragraphs 4A, B and C of this Appendix immediately before such April 1 shall be adjusted –

(1) to reflect the change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for the most recent 3-year period ending immediately before January 1 preceding such April 1, and

(2) to round to the nearest \$25 the dollar number that represents such change.

Adjustments made in accordance with this paragraph shall not apply to cases commenced before such adjustments.

5. All fees are subject to subsequent disgorgement upon an order of the court. No plan or confirmation order shall bar by res judicata or otherwise the subsequent review and potential disgorgement of the fee, upon objection or order to justify fee and notice thereof.

6. Full compliance with Federal Bankruptcy Rule 2016(b) is required, including the filing of a Supplemental Disclosure on Local Form E-2 of additional funds received from any person, other than distributions from the trustee under a confirmed plan. Counsel shall state in the Disclosure of Compensation filed pursuant to Federal Bankruptcy Rule 2016(b) whether the fee arrangement is one of the flat fees described in subparagraphs A, B or C of paragraph 4 above, and, if so, which such fee arrangement applies.

7. Nothing in this Appendix F shall preclude, restrict, or prohibit counsel from entering into fee arrangements different from those arrangements described in paragraph 4 above. Counsel must file an application for compensation in accordance with the Bankruptcy Code, Bankruptcy Rules, and the Rules of this Court for any fee arrangement that is different from the fee arrangements described in paragraph 4 above.

ALTERNATIVE DISPUTE RESOLUTION

A Bankruptcy Dispute Resolution Program (“BDRP”) will be maintained and available to facilitate the resolution of disputes. The BDRP is to operate in such a way as to allow the participants to use a variety of alternative dispute resolution methods. These methods may include but are not limited to: mediation, negotiation, early neutral evaluation and settlement facilitation. The specific method or methods employed will be those that are appropriate, as determined by the Resolution Advocate and the parties.

(a) Cases Eligible for Inclusion in the BDRP. All controversies arising in an adversary proceeding, contested matter, or other dispute in a bankruptcy case, will be eligible for referral to the BDRP except:

- (1) Employment and compensation of professionals;
- (2) Compensation of trustees and examiners;
- (3) Objections to discharge under 11 U.S.C. § 727, except where such objections are joined with disputes over dischargeability of debts under 11 U.S.C. § 523; and
- (4) Matters involving contempt or other types of sanctions.

(b) Panel of Resolution Advocates. The court shall maintain a panel of professionals (the “Panel”) who have volunteered to serve as Resolution Advocates to assist in resolution of matters referred to the BDRP.

- (1) An application to serve as a member of the Panel (see Local Bankruptcy Form J-1) must be submitted to the BDRP Administrator by the deadlines established by the court each year.

(2) In order to qualify for service as a Resolution Advocate, each applicant must certify that the applicant is willing; (A) to serve as a Resolution Advocate for a minimum of one year; and (B) to evaluate or mediate pro bono matters not more often than once in six (6) months, subject only to unavailability due to conflicts, personal or professional commitments, or other matters that would make service inappropriate.

(3) The Applicant may indicate the Applicant's availability to act as a Compensated Resolution Advocate in addition to the unpaid services described in paragraph (2) above. The Applicant should state the rates the Applicant would charge for such services.

(4) The court may limit panel membership to keep the Panel at an appropriate size and to ensure that the Panel is comprised of individuals with broad-based experience, superior skills and qualifications.

(c) Administration of the BDRP. A judge of this court will be appointed by the Chief Judge to serve as the BDRP Administrator. The BDRP Administrator will be aided by a staff member of the court, who will collect applications, maintain the roster of the Panel, track and compile results of the BDRP, and handle such other administrative duties as are necessary.

(d) Assignment to Dispute Resolution.

(1) If requested in writing by the parties, a contested matter, adversary proceeding, or other dispute (hereinafter collectively referred to as "Matter" or "Matters") may be assigned to the BDRP by order of the court.

(2) While as a general rule participation in the BDRP is voluntary, any judge, acting sua sponte or on the request of a party, may designate specific Matters for inclusion in the program.

(3) If a Matter is assigned to the BDRP, the parties will be presented with the order assigning the Matter to the BDRP and a current roster of the Panel. The parties will be given the opportunity to confer and designate a mutually acceptable Resolution Advocate as well as an alternate Resolution Advocate.

(4) With the consent of the judge, the parties may select a Resolution Advocate who is not a member of the Panel, who shall be subject to the applicable provisions of this Rule.

(5) If the parties cannot agree, or if the judge deems selection by the court to be appropriate, the judge will select a Resolution Advocate.

(6) The order assigning a Matter to the BDRP will be Local Bankruptcy Form J-2(a). The Order Appointing Resolution Advocate will be Local Bankruptcy Form J-2(b). The original orders will be docketed and retained in the case or adversary proceeding file and copies mailed by the party so designated by the judge to the assigned Resolution Advocate, the alternate Resolution Advocate, the BDRP Administrator's staff assistant and to all parties with a cognizable interest in the dispute. Assignment to the BDRP does not alter or affect any time limits, deadlines, scheduling matters or orders in any adversary proceeding, contested matter or other proceeding, unless specifically ordered by the court.

(7) A Resolution Advocate must promptly determine all conflicts or potential conflicts in the same manner as under the applicable rules pertaining to the Resolution Advocate's profession. If the Resolution Advocate's firm has represented one or more of the parties, the Resolution Advocate must promptly disclose that circumstance to all parties in writing. A party who believes that the assigned Resolution Advocate has a

conflict of interest may promptly bring that matter to the attention of the Resolution Advocate. If the Resolution Advocate does not withdraw from the assignment, the matter must be brought to the attention of the court by the Resolution Advocate or any party.

(e) Dispute Resolution Procedures.

(1) Within seven (7) days of notification of appointment, the Resolution Advocate shall:

(A) give notice to the parties of the time and place for the BDRP conference. The conference will commence not later than sixty (60) days following the date of appointment of the Resolution Advocate unless the Order of Appointment provides a different time period in which to commence the BDRP Conference, and which will be held in a suitable neutral setting, such as the office of the Resolution Advocate. The Resolution Advocate will circulate for signature the Confidentiality Agreement, Local Bankruptcy Form J-3 at this conference; or

(B) if the Resolution Advocate is not available to serve in the Matter, notify the parties, the alternate Resolution Advocate, and the BDRP Administrator's staff assistant of that unavailability. The alternate Resolution Advocate will thereafter serve as the Resolution Advocate. Upon written stipulation between the Resolution Advocate and the parties, the BDRP conference may be continued for a period not to exceed thirty (30) days.

(2) Unless modified by the Resolution Advocate, no later than fourteen (14) days prior to the date of the BDRP Conference, each party must submit a written BDRP Statement directly to the Resolution Advocate. The plaintiff or movant will provide the Resolution Advocate with copies of the complaint or motion and the answer or

opposition with respect to the contested matter along with the BDRP Statement. For good cause, the judge may order a different schedule. The Resolution Advocate must keep a BDRP Statement confidential and not disclose its contents to anyone without express written consent of the party submitting it.

(3) Such statements will not exceed ten (10) pages (not counting exhibits and attachments). While such statements may include any information that would be useful, they must:

(A) identify the person(s), in addition to counsel, who will attend the session as representative of the party with decision making authority;

(B) describe briefly the substance of the dispute;

(C) address whether there are legal or factual issues whose early resolution might appreciably reduce the scope of the dispute or contribute significantly to settlement;

(D) identify the discovery that could contribute most to equipping the parties for meaningful discussions;

(E) set forth the history of past settlement discussions, including disclosure of prior and any presently outstanding offers and demands;

(F) make an estimate of the cost and time to be expended for further discovery, pretrial motions, expert witnesses and trial; and

(G) indicate presently scheduled dates for further status conferences, pretrial conferences, trial or otherwise.

(4) Parties may identify in the BDRP Statements persons connected to a party opponent (including a representative of a party opponent's insurance carrier) whose

presence at the BDRP Conference would improve substantially the prospects for making the session productive; the fact that a person has been so identified, will not, by itself, result in an order compelling that person to attend the BDRP Conference. A separate motion and court order are required.

(5) Parties must attach to their written BDRP Statements copies of documents out of which the dispute has arisen, e.g., contracts and those documents whose availability would materially advance the purposes of the BDRP Conference.

(6) The BDRP Statements shall not be filed. The court shall not have access to them.

(7) Counsel for each party who is primarily responsible for the Matter (or the party who is proceeding without counsel) will personally attend the BDRP Conference and any adjourned sessions of that conference. Counsel for each party must come prepared to discuss resolution of the Matter in detail and in good faith.

(8) All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, shall attend the BDRP Conference in person, unless excused by the Resolution Advocate for cause. A party or lawyer who is excused from appearing in person at the BDRP Conference may be required to participate by telephone.

(9) The Resolution Advocate may direct parties to attend a second BDRP Conference, if in the judgment of the Resolution Advocate, a subsequent mediation session would promote resolution of the dispute.

(10) Willful failure to attend the BDRP Conference, or other violations of this Rule, shall be reported to the court by the Resolution Advocate and may result in the imposition of sanctions by the court.

(11) (A) All written and oral communications made in connection with or during any BDRP Conference, including the BDRP Statements, will be subject to all protections afforded by Federal Rule of Evidence 408. No such communication may be used in any present or future proceeding for any purpose. Nevertheless, if all of the parties to the BDRP and the Resolution Advocate agree in writing, such communications may be disclosed. Notwithstanding the foregoing, this paragraph 11(A) does not require the exclusion of any evidence:

(i) otherwise discoverable, merely because it is presented in the course of a BDRP conference; or

(ii) offered for another purpose, such as providing bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

(B) Nothing in this section (e) will be construed to prevent parties, counsel or Resolution Advocates from responding in absolute confidentiality, to inquiries or surveys by persons authorized by this court to evaluate the BDRP. Nor will anything in this section be construed to prohibit parties from entering into written agreements resolving some or all of the Matter or entering or filing procedural or factual stipulations based on suggestions or agreements made in connection with a BDRP conference.

(12) If the Resolution Advocate makes any oral or written suggestions as to the advisability of a change in any party's position with respect to settlement, the attorney for that party must promptly transmit that suggestion to the client.

(13) The Resolution Advocate has no obligation to make any written comments or recommendations, but may, as a matter of discretion, provide the attorneys for the parties with a written settlement recommendation memorandum. No copy of any such memorandum will be filed with the clerk or made available in whole or in part, directly or indirectly, to the court.

(14) The BDRP Conference will proceed informally. Rules of evidence do not apply. There will be no formal examination or cross-examination of witnesses. Where necessary, the Resolution Advocate may conduct continued BDRP Conferences after the initial session. As appropriate, the Resolution Advocate may:

(A) permit each party (through counsel or otherwise) to make an oral presentation of its position;

(B) help the parties identify areas of agreement and, where feasible, enter stipulations;

(C) assess the relative strengths and weaknesses of the parties' contentions and evidence, and explain as carefully as possible the reasoning of the Resolution Advocate that supports these assessments;

(D) assist the parties, through separate consultation or otherwise, in settling the dispute;

(E) estimate, where feasible, the likelihood of liability and the dollar range of damages;

(F) help the parties devise a plan for sharing the important information and/or conducting the key discovery that will equip them as expeditiously as possible to participate in meaningful settlement discussions or to posture the cases for disposition by other means; and

(G) determine whether some form of follow-up to the conference would contribute to the case development process or to settlement.

(f) Procedure Upon Completion of Dispute Resolution Session. Upon the conclusion of the BDRP conference, the following procedure will be followed:

(1) If the parties have reached an agreement regarding the disposition of the Matter, the parties, with the advice of Resolution Advocate, will determine who will prepare the writing to dispose of the Matter, and they may continue the BDRP Conference to a date convenient to all parties and the Resolution Advocate as necessary. Where required by provisions of the Bankruptcy Code or other applicable law, they must promptly submit the fully executed stipulation to the court for approval. Where court approval is not required, the written agreement disposing of the matter will be enforceable pursuant to applicable law;

(2) The Resolution Advocate must file with the court and serve on the parties and the BDRP Administrator's staff assistant, within fourteen (14) days, Local Bankruptcy Form J-4 showing whether there has been compliance with the BDRP Conference requirements of this Rule, and whether or not a settlement has been reached. Regardless of the outcome of the BDRP Conference, the Resolution Advocate will not provide the court with any details of the substance of the conference; and

(3) In order to assist the BDRP Administrator in compiling useful data to evaluate the BDRP, and to aid the court in assessing the efforts of the members of the Panel, the Resolution Advocate will provide the BDRP Administrator's staff assistant with an estimate of the number of hours spent in the BDRP Conference and otherwise on the matter, which report must be on Local Bankruptcy Form J-5.

(g) Compensated Resolution Advocacy. In addition to serving as a Resolution Advocate on a pro bono basis, a panel member may act as a Compensated Resolution Advocate ("CRA") in other matters.

(1) The CRA will be appointed as set forth above in this Rule, but the appointing Order will set forth the terms of the CRA's engagement.

(2) If the CRA is to receive compensation from the bankruptcy estate,

(A) a notice shall be filed setting forth the identity of the Resolution Advocate (whether or not on the panel) and the terms and conditions of compensation (including hourly rate) with a right to object/comment on such terms and conditions, subject to such time limitations as the judge deems reasonable under the circumstances;

(B) if the proposed compensation to the Resolution Advocate is \$3,000.00 or less, there is no need for further court order to authorize payment to the Resolution Advocate;

(C) if the proposed compensation to the Resolution Advocate is proposed to be more than \$3,000.00, a notice for an award of final compensation shall be filed by or on behalf of the Resolution Advocate and served as an application under Federal Bankruptcy Rule 2002(a)(6) with an opportunity for

parties to object/comment within twenty-one (21) days after the filing of the notice; however, the inability of the BDRP to result in a settlement/stipulation shall not be a factor to be used in awarding less compensation than would be allowed based on an application of the terms and conditions of compensation upon retention of the Resolution Advocate; and

(D) the estate's share of such compensation shall be an administrative claim against the estate.

(3) Unless the appointing order provides for compensation solely by the bankruptcy estate, no CRA will be appointed without the consent of all parties to the controversy submitted to the BDRP.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

IN RE:	*	
CASE MANAGEMENT/	*	
ELECTRONIC CASE	*	Administrative Order No. 03-02
FILING PROCEDURES	*	
* * *	* * *	

***ADMINISTRATIVE ORDER ADOPTING
CASE MANAGEMENT/ELECTRONIC CASE FILING PROCEDURES***

WHEREAS Federal Rules of Bankruptcy Procedure 5005(a)(2) and 9029 authorize this Court to establish practices and procedures for the filing, signing, retaining and verification of pleadings and papers by electronic means (hereafter “Electronic Case Filing Procedures”), in the implementation of the Case Management/Electronic Case Filing System (“CM/ECF”), it is

ORDERED that Electronic Case Filing Procedures be and are hereby ADOPTED by the United States Bankruptcy Court for the District of Maryland. A copy of the said Electronic Case Filing Procedures is attached to this Administrative Order as Exhibit A; and it is further

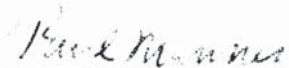
ORDERED that Procedures for Electronic Filing of Proofs of Claim and Transfers of Claims by Creditor’s Designee be and the same are hereby ADOPTED.


A copy of the said Procedures for Electronic Filing of Proofs of Claim and Transfers of Claims by Creditor's Designee is attached to this Administrative Order as Exhibit B.

The provisions of this Order shall apply to all electronically filed cases and proceedings presently pending and to those filed on and after April 7, 2003.

Dated: April 4, 2003


James F. Schneider, Chief Judge


Paul Mannes, Judge


E. Stephen Derby, Judge

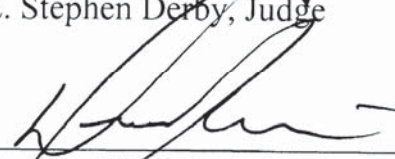

Duncan W. Keir, Judge

Exhibit A to Administrative Order 03-02
as amended December 2016

ELECTRONIC CASE FILING PROCEDURES FOR ELECTRONIC USER ACCESS

- I. Definitions. There are three categories of electronic users – filing, web filing, and non-filing users.
- A. *Filing User* – One who has a Court-issued login and password to file documents electronically. There are two types of Filing Users: Creditor Designees and Full Participants.
1. *Creditor Designee* – A Filing User who is eligible to file only proofs of claim, transfers of claim, withdrawals of claim, requests for notice, requests for preferred address, and reaffirmation agreements, or Notices of Mortgage Payment Change, and Notices of Postpetition Mortgage Fee, Expenses, and Charges pursuant to Federal Bankruptcy Rule 3002.1 using CM/ECF via the Internet, with the Clerk. (See Exhibit B).
 2. *Full Participants* – Attorneys in good standing admitted to the Bar of this Court, including those admitted *pro hac vice*; attorneys representing the United States Government; United States trustees and their assistants; bankruptcy administrators and their assistants; and bankruptcy trustees may register as Filing Users of the Court's CM/ECF System. Full Participants may also choose to designate staff to act as *Filing Agents* with the authority to file electronically on behalf of the Full Participant.
- B. *Web Filing User* – One who is filing a proof of claim electronically via the Court's web page. No login or password is required to file a proof of claim. (See Exhibit D)
- C. *Non-Filing User* – One who has a Court-issued login and password for the purpose of receiving email notifications of case activity. This designation is for use by self-represented debtors, debtors represented by attorneys, attorneys not admitted to practice in this state, and other Non-Filing Users. (See Exhibit C). As the name implies, a Non-Filing User may not file documents electronically.

II. Logins and Passwords

One login and password will be assigned by the Court to each user (excluding Web Filing Users). Users must protect the security of their logins and passwords and immediately notify the Court's Help Desk by phone or email to prevent unauthorized access. A Full Participant may obtain additional logins for Filing Agents from the Court.

III. Registration

- A. *How to Register* – To register and apply for a password, an applicant must complete the appropriate form found in the registration process on the Court’s website at www.mdb.uscourts.gov.
- B. *Training Requirements* – Full Participants, who have not filed electronically in another bankruptcy court, must complete an online training course to receive a login and password for the CM/ECF system. Full Participants, who have filed electronically in a bankruptcy court in another district, must complete a Training Waiver certifying the Filing User is a registered user in another bankruptcy court and is familiar with the Local Bankruptcy Rules for the District of Maryland, all administrative orders, and the attachments thereto.
- C. *Notice – Waiver and Consent* – Creditor Designees and Full Participants must maintain a current e-mail address. Registration as a Full Participant constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically, and (2) waiver of the right to service by personal service or first-class mail and consent to electronic service. Waiver of service and/or notice by first-class mail applies to notice of entry of an order or judgment under Federal Bankruptcy Rule 9022. Non-filing users do not waive their right to receive notice by first class mail.
- D. *Withdrawal* – Once registered, a Filing User may withdraw from participation in the System by written request to the Clerk. Upon receipt, the Filing User’s login will be canceled and the Filing User’s name will be deleted from the electronic service list.

IV. Filing

- A. *Effect of Filing Electronically*
 - 1. *Transmission Constitutes Filing* – Electronic transmission of a document to the CM/ECF system consistent with these procedures, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules and constitutes entry of the document on the docket kept by the Clerk under Federal Bankruptcy Rule 5003.
 - 2. *Binding Effect on Filing Party* – When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Clerk, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.
 - 3. *Deadlines* – Electronic filing of a document does not alter the deadline for filing that document. Except where the presiding judge specifically requires an earlier filing time, filing must be completed before midnight local time where the Court

is located in order to be considered timely filed that day. All references to time contained in these Electronic Case Filing Procedures are to Eastern Standard Time or Eastern Daylight Time, whichever is applicable at the time of filing.

B. Filing Requirements in CM/ECF

1. Except as expressly provided for in Section VII of these procedures, and in exceptional circumstances which prevent a Filing User from transmitting a pleading or other document using CM/ECF via the Internet, all pleadings or other documents required to be filed with the Clerk in connection with a case assigned to CM/ECF shall be filed as follows:
 - a. Filing Users shall transmit all pleadings or other documents electronically via the Internet.
 - b. Parties with non-registered legal representation shall file all pleadings or other documents electronically in portable document format (“PDF”) through submission of a CD ROM.
 - c. Parties without legal representation may file all pleadings and other documents by paper, or in PDF format through submission of a CD-ROM.
2. *Technical Problems* – If the CM/ECF system is inaccessible due to Court technical problems, the Court will accept alternate means of filing; notice of which will be on the Court’s web-site. If the Filing User is having technical problems, it is the Filing User’s responsibility to arrange for timely filing by other means.
3. *Large Documents* – The system cannot accommodate documents larger than twenty (20) megabytes in size. Large documents can be segmented into attachments to meet the document size parameters.
4. Fees Payable to the Clerk for filings that require a fee –
 - a. Filing Users shall make payment via the interactive credit card program or on-line ACH program.
 - b. Non-Filing Users and Non-Registered Parties must tender payment as provided by Local Bankruptcy Rule 1006-1.

V. Orders

- A. *Validity and Effect* – All orders, decrees, judgments, and proceedings of the Court will be entered in accordance with these procedures and will satisfy the requirements of Federal Bankruptcy Rules 5003 and 9021.
- B. *Required Submission and Form* – All requests for relief, except motions to dismiss or convert and pleadings initiating adversary proceedings under Federal Bankruptcy Rule 7001, must be accompanied by a proposed order. Such orders shall be filed as an attachment to the pleading. Orders that are submitted other than with the pleading, such as consent orders and orders embodying a ruling, shall be uploaded directly into the Court’s E-Orders system.

1. *Stipulations and Consent Orders* –

- a. Consent orders shall be circulated and signed conventionally. The original consent order bearing original signatures of the consenting parties shall be maintained by the Filing User until three (3) years after the bankruptcy case is closed.
- b. The name (in the form appearing on the original) of each party executing the Stipulation or proposed Consent Order must be printed at the end of the text, preceded by /s/ to indicate an original signature.
- c. Attorneys submitting proposed consent orders must include the following certification of consent:

I HEREBY CERTIFY that the terms of the copy of the consent order submitted to the Court are identical to those set forth in the original consent order; and the signatures represented by the /s/_____ on this copy reference the signatures of consenting parties on the original consent order.

2. *Proposed Orders* –

All orders submitted electronically must conform to the following specifications:

- a. The top margin on the first page must be no less than three (3) inches.
- b. The last line in the proposed order must state “End of Order,” and it must be centered in the middle of the line and in bold lettering to indicate the end of the order.
- c. There must not be a signature line for the judge. The judge will electronically sign the document in the blank space provided by the top margin on the first page.
- d. Multi-page orders must contain page numbers at the bottom center of each page.

VI. Attachments and Exhibits to Pleadings and Proofs of Claim

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits conventional filing. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

VII. Conventional Filing; Exceptions to Electronic Case Filing

Trial exhibits shall be filed conventionally in accordance with Local Bankruptcy Rule 7016-1(c).

VIII. Sensitive Documents

- A. *Sealed Documents* – Any party who seeks to file documents under seal must file a motion to that effect. The proposed sealed documents shall be filed separately from the motion, as restricted documents, in accordance with the CM/ECF User Manual.
- B. *Writs* – Requests for the issuance of a writ in aid of collection or recovery of property shall be filed electronically. The request is a private entry which prevents it from being viewed by parties. This status will be changed to a public docket entry when one of the following events occur: (1) 30 days have passed since the issuance of the writ, (2) a certificate of service of the writ has been filed, or (3) an answer to the writ is filed.

IX. Required Retention of Original Documents

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until three (3) years after the bankruptcy case is closed. Upon request of the Court or an interested party, the filer must provide original documents for review.

X. Signatures

- A. All pleadings and other papers and documents filed electronically shall indicate the signature by placing “/s/ *Filing User’s Name*” where the original signature occurs.
- B. Use of the Filing User’s login and password on the CM/ECF System constitutes the Filing User’s signature for all purposes for documents which must contain original signatures.
- C. In addition to the indicated signature, attorneys filing electronically must comply with Local Bankruptcy Rule 9011-1.

XI. Service of Documents

- A. *Automatic Service by the CM/ECF System on Registered Participants* – Upon filing of any pleading, the CM/ECF system will send a “Notice of Electronic Filing” to all Filing Users who have entered an appearance or requested notice in that case, and the confirmation received by the filing parties will contain a list of all parties receiving such notice. Debtors who have elected to receive notifications of case activity as a Non-Filing User are still entitled to receive paper copies of all filings they would otherwise have received in paper form.
- B. *Confirmed Transmission Constitutes Service* – Electronic transmission of the Notice of Electronic Filing constitutes service or notice of the filed document. A party filing electronically is not otherwise required to serve the pleading or other document on any party who is a registered CM/ECF participant and has consented to electronic notice.
- C. *Service on Parties Not Consenting to Electronic Notice* – Parties who have not consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document.
- D. *Service of a Summons under Federal Bankruptcy Rule 7004 or Subpoena under 9016 must also be served in paper form.* Return of service may be filed electronically.
- E. *Chambers Copies* – Printed paper copies of the following documents are required to be delivered to the Chambers of the presiding Judge at the time that the original documents are electronically filed:
 - 1. Motions, attachments, exhibits, and proposed orders filed at the outset of Chapter 11 cases for which expedited decisions are requested (commonly referred to as “first day motions”).
 - 2. All motions, attachments, exhibits, and proposed orders for use of cash collateral and/or approval of post-petition financing.
 - 3. Complaints, motions, exhibits, and proposed orders in adversary proceedings in which a temporary restraining order is requested.

4. Motions, attachments, exhibits, and proposed orders that seek “emergency relief” on less than 2 business days notice.
5. Plans of reorganization or liquidation and disclosure statements filed in Chapter 11 cases.

XII. Notice of Court Orders and Judgments

- A. *Entry of Court Orders and Judgments* – Upon entry of an order or judgment, the Clerk will transmit a Notice of Electronic Filing to Filing Users who have entered an appearance or requested notice in the case. Debtors who have elected to receive notifications of case activity as a Non-Filing User are still entitled to receive paper copies of all filings they would otherwise have received in paper form.
- B. *Transmission Constitutes Notice* – Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Federal Bankruptcy Rule 9022.

XIII. Public Access

- A. *Public Access at the Court* – Access to the electronic docket and documents filed in the CM/ECF system is available to the public at no charge at each Divisional Office of the Clerk during regular business hours.
- B. *Internet Access* – There are two forms of Internet Access, a CM/ECF login and PACER login. Full Participants and Creditor Designees are given Court specific CM/ECF logins in order to file documents electronically. Non-Filing Users are provided logins to monitor case activity by receiving email notification. All users must obtain a PACER login to view documents. A PACER login may be obtained at <http://pacer.psc.uscourts.gov>. PACER logins apply to all Federal Courts.
- C. *Limited Access; Privacy* – Any person may apply by motion for an order limiting electronic access to, excusing, or prohibiting the electronic filing of certain specifically identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing is likely to prejudice those privacy interests.
- D. *Paper Copies and Certified Copies* – Paper copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

Exhibit B to Administrative Order 03-02
as amended December 2016

PROCEDURES FOR ELECTRONIC FILING OF DOCUMENTS BY CREDITOR'S DESIGNEE

I. Registration

- A. *Forms* – An entity, including a governmental entity, (“Creditor”) desiring to electronically file proofs of claim, transfers of claim, reaffirmation agreements, or Notices of Mortgage Payment Change, and Notices of Postpetition Mortgage Fee, Expenses, and Charges pursuant to Federal Bankruptcy Rule 3002.1 should complete and submit the **Creditor/Creditor Designee Registration** Form found in the registration process on the Court’s website under Electronic Filing, Training and Registration.
- B. *Transmittal of Password* – Each Creditor Designee will receive a login and password via email notification after the court has reviewed the requestor’s registration.
- C. *Password Security* – Creditor Designees should change their passwords periodically. Any Creditor Designee having reason to believe that the security of an existing password has been compromised or that a threat to the Court’s computer system may exist shall immediately notify the Court’s Help Desk by phone or email to prevent unauthorized access.

II. Electronic Filing of Documents

Creditors and their designees who electronically file proofs of claim, transfers of claim, reaffirmation agreements, or Notices of Mortgage Payment Change, and Notices of Postpetition Mortgage Fees, Expenses, and Charges pursuant to Federal Bankruptcy Rule 3002.1 shall comply with the following procedures:

- A. *Form of Proof of Claim* – Each proof of claim must conform to Official Form 410 with respect to the information requested by that form, subject to the instructions concerning attachments below. Proofs of claim that are filed electronically must be text documents in PDF format (as opposed to scanned or imaged documents). By electronically filing the proof of claim or transfer of claim with a “/s/” representation of his/her signature, the Creditor Designee or creditor certifies the accuracy of the claim and that it is filed in good faith. The proof of claim form must include the following statement from Official Form 410: “**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned up to 5 years, or both.** 18 U.S.C. §§ 152, 157 and 3571.”
- B. *Form of Transfer of Claim* – A transfer of claim shall state the claim number of the proof of claim for each transferred claim.
- C. *Attachments* – Any document filed as an exhibit to a proof of claim shall be excerpted so as to include only the portion minimally necessary to support the claim. Only those

portions of documents should be attached that evidence the amount of the claim and demonstrate the claimant's interest, i.e., a note and critical portions of deeds, mortgages and security agreements. Examples include pages containing recording information, parties to the instrument, signatures, grants of liens or security interests, collateral descriptions, and summaries of accounts rather than copies of invoices. Exhibits must be prominently identified as an excerpt and the Creditor must make the original exhibit available in its entirety upon request by a party or the Court. Creditors filing excerpts of exhibits pursuant to this procedure do so without prejudice to their right to file additional exhibits or unedited exhibits.

- C. *Signatures; Authorization; Representations* – No person or entity shall cause a proof of claim, transfer of claim, or reaffirmation agreement to be filed electronically without the express authorization of the individual whose signature appears on the document for the entity on whose behalf the document is being filed. The name of the signatory on the pleading should be typed beneath the signature line.
- D. *Creditor Designee* – The Creditor Designee is the individual who authorizes the filing of a proof of claim, transfer of claim, or reaffirmation agreement. The “/s/” representation of the Creditor Designee shall constitute that person's signature for purposes of Federal Bankruptcy Rule 9011 and 18 U.S.C. §§ 152 and 3751. The signature of the Creditor Designee must appear on every document filed electronically on behalf of the Creditor, by placing “/s/ [Name of Creditor Designee]” on the signature line.
- E. *Electronic Filing of Pleadings – Representations to the Court* – In filing a document, the Creditor Designee certifies that:
 - 1. He/she is authorized to file the document by the entity on whose behalf the document is being filed;
 - 2. The Creditor is the same entity stated on that individual's application to use the CM/ECF system; and
 - 3. The Creditor Designee who electronically files a document certifies, on behalf of the Creditor, that the information in the pleading is true and correct within the meaning of Federal Bankruptcy Rule 9011.

Exhibit C to Administrative Order 03-02
as amended February 2013

PROCEDURES FOR NON-FILING USER ACCESS

I. Registration

- A. *Forms* – An individual desiring to monitor case activity by receiving email notifications through CM/ECF should complete and submit the online Non-Filing User Registration Form found in the registration process on the Court’s website under Electronic Filing, Training and Registration.
- B. *Transmittal of Password and Login* – Each Non-Filing User will receive a login and password upon registration.
- C. *Password Security* – Non-Filing Users should change their passwords periodically. Any Non-Filing User having reason to believe that the security of an existing password has been compromised or that a threat to the Court’s computer system may exist shall immediately notify the Court’s Help Desk by phone or email to prevent unauthorized access.

II. Non-Filing User Access

- A. *Notification Requests* – After logging in to CM/ECF, the Non-Filing User must update the Additional Cases List in the user account screen with the case number to receive email notification. Without this information correctly entered, email notification will not be provided. Directions will be sent when the user account is created.
- B. *Email Notification and Viewing Documents* – When there is activity in a listed case, the Non-Filing user will receive an email notification. To view documents, Non-Filing Users will need a PACER account and standard fees will apply. For more information see the PACER center web page at <http://pacer.psc.uscourts.gov>. Non-Filing Users will continue to receive paper notices from the Court at no cost. **Email notifications are for convenience only.**

Exhibit D to Administrative Order 03-02
February 2013

**PROCEDURES FOR ELECTRONICALLY FILING PROOFS OF CLAIM
(ePOC)**

Proofs of Claim forms for all chapters may be filed electronically via the ePOC system on the Court's website. No login or password is required. Further information about ePOC and instructions for using it are located on the Court's web site at <http://www.mdb.uscourts.gov/content/electronic-filing-claims>.

Notices of Mortgage Payment Change – Supplement 1 and Notices of Postpetition Mortgage Fees, Expenses, and Charges – Supplement 2 filed pursuant to Federal Bankruptcy Rule 3002.1, must be filed through CM/ECF and not through ePOC.

APPENDIX I

INTERIM AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

(See Local Bankruptcy Rule 9029-2)

**INTERIM AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 Rule 1007. Lists, Schedules, Statements, and Other

2 Documents; Time Limits

3 * * * * *

4 (b) SCHEDULES, STATEMENTS, AND OTHER

5 DOCUMENTS REQUIRED.

6 * * * * *

7 (5) An individual debtor in a chapter 11 case

8 (unless under subchapter V) shall file a statement of

9 current monthly income, prepared as prescribed by

10 the appropriate Official Form.

11 * * * * *

¹ These interim bankruptcy rules (the Interim Rules) have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process. New material is underlined in red; matter to be omitted is lined through.

12 (h) INTERESTS ACQUIRED OR ARISING
 13 AFTER PETITION. If, as provided by § 541(a)(5) of the
 14 Code, the debtor acquires or becomes entitled to acquire any
 15 interest in property, the debtor shall within 14 days after the
 16 information comes to the debtor's knowledge or within such
 17 further time the court may allow, file a supplemental
 18 schedule in the chapter 7 liquidation case, chapter 11
 19 reorganization case, chapter 12 family farmer's debt
 20 adjustment case, or chapter 13 individual debt adjustment
 21 case. If any of the property required to be reported under
 22 this subdivision is claimed by the debtor as exempt, the
 23 debtor shall claim the exemptions in the supplemental
 24 schedule. ~~The This duty to file a supplemental schedule in~~
 25 ~~accordance with this subdivision continues~~ even after the
 26 case is closed, except for property acquired after an order is
 27 entered: ~~notwithstanding the closing of the case, except that~~
 28 ~~the schedule need not be filed in a chapter 11, chapter 12, or~~

29 ~~chapter 13 case with respect to property acquired after entry~~
 30 ~~of the order~~

31 (1) confirming a chapter 11 plan (other than one
 32 confirmed under § 1191(b)); or
 33 (2) discharging the debtor in a chapter 12 case, or a
 34 chapter 13 case, or a case under subchapter V of
 35 chapter 11 in which the plan is confirmed under
 36 § 1191(b).

37 * * * * *

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. As amended, subdivision (b)(5) of the rule includes an exception for subchapter V cases. Because Code § 1129(a)(15) is inapplicable to such cases, there is no need for an individual debtor in a subchapter V case to file a statement of current monthly income.

Subdivision (h) is amended to provide that the duty to file a supplemental schedule under the rule terminates upon confirmation of the plan in a subchapter V case, unless the plan is confirmed under § 1191(b), in which case it terminates upon discharge as provided in § 1192.

1 **Rule 1020. Chapter 11 Reorganization Case for Small**

2 **Business Debtors or Debtors Under Subchapter V**

3 (a) ~~SMALL—BUSINESS—DEBTOR~~

4 DESIGNATION. In a voluntary chapter 11 case, the debtor
 5 shall state in the petition whether the debtor is a small
 6 business debtor or a debtor as defined in § 1182(1) of the
 7 Code and, if the latter so, whether the debtor elects to have
 8 subchapter V of chapter 11 apply. In an involuntary chapter
 9 11 case, the debtor shall file within 14 days after entry of the
 10 order for relief a statement as to whether the debtor is a small
 11 business debtor or a debtor as defined in § 1182(1) of the
 12 Code and, if the latter so, whether the debtor elects to have
 13 subchapter V of chapter 11 apply. The status of the case as
 14 a small business case or a case under subchapter V of chapter
 15 11 shall be in accordance with the debtor's statement under
 16 this subdivision, unless and until the court enters an order
 17 finding that the debtor's statement is incorrect.

18 (b) OBJECTING TO DESIGNATION. The United
 19 States trustee or a party in interest may file an objection to
 20 the debtor's statement under subdivision (a) no later than 30
 21 days after the conclusion of the meeting of creditors held

22 under § 341(a) of the Code, or within 30 days after any
23 amendment to the statement, whichever is later.

24 (c) PROCEDURE FOR OBJECTION OR
25 DETERMINATION. Any objection or request for a
26 determination under this rule shall be governed by Rule 9014
27 and served on: the debtor; the debtor’s attorney; the United
28 States trustee; the trustee; the creditors included on the list
29 filed under Rule 1007(d) or, if a committee has been
30 appointed under § 1102(a)(3), the committee or its
31 authorized agent; and any other entity as the court directs.

Committee Note

The interim rule is amended in response to the enactment of the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), Pub. L. No. 116-136, 134 Stat. 281. That law provides a new definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11. Subdivision (a) of the rule is amended to reflect that change. This amendment to the Code will terminate one year after the date of enactment of the CARES Act.

entered in an involuntary case, whether it elects to proceed under subchapter V. The rule does not address whether the court, on a case-by-case basis, may allow a debtor to make an election to proceed under subchapter V after the times specified in subdivision (a) or, if it can, under what conditions.

Former subdivision (c) of the rule is deleted because the existence or level of activity of a creditors' committee is no longer a criterion for small-business-debtor status. The SBRA eliminated that portion of the definition of "small business debtor" in § 101(51D) of the Code.

Former subdivision (d) is redesignated as subdivision (c), and the list of entities to be served is revised to reflect that in most small business and subchapter V cases there will not be a committee of creditors.

1 **Rule 2009. Trustees for Estates When Joint**
2 **Administration Ordered**

3 (a) ELECTION OF SINGLE TRUSTEE FOR
4 ESTATES BEING JOINTLY ADMINISTERED. If the
5 court orders a joint administration of two or more estates
6 under Rule 1015(b), creditors may elect a single trustee for
7 the estates being jointly administered, unless the case is
8 under subchapter V of chapter 7 or subchapter V of chapter
9 11 of the Code.

10 (b) RIGHT OF CREDITORS TO ELECT
11 SEPARATE TRUSTEE. Notwithstanding entry of an order
12 for joint administration under Rule 1015(b), the creditors of
13 any debtor may elect a separate trustee for the estate of the
14 debtor as provided in § 702 of the Code, unless the case is
15 under subchapter V of chapter 7 or subchapter V of chapter
16 11.

17 (c) APPOINTMENT OF TRUSTEES FOR
18 ESTATES BEING JOINTLY ADMINISTERED.

19

* * * * *

20

(2) *Chapter 11 Reorganization Cases.* If the

21

appointment of a trustee is ordered or is required by

22

the Code, the United States trustee may appoint one

23

or more trustees for estates being jointly

24

administered in chapter 11 cases.

25

* * * * *

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. In a case under that subchapter, § 1183 of the Code requires the United States trustee to appoint a trustee, so there will be no election. Accordingly, subdivisions (a) and (b) of the rule are amended to except cases under subchapter V from their coverage. Subdivision (c)(2), which addresses the appointment of trustees in jointly administered chapter 11 cases, is amended to make it applicable to cases under subchapter V.

1 **Rule 2012. Substitution of Trustee or Successor**

2 **Trustee; Accounting**

3 (a) TRUSTEE. If a trustee is appointed in a chapter
4 11 case (other than under subchapter V), or the debtor is
5 removed as debtor in possession in a chapter 12 case or in a
6 case under subchapter V of chapter 11, the trustee is
7 substituted automatically for the debtor in possession as a
8 party in any pending action, proceeding, or matter.

9 * * * * *

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (a) of the rule is amended to include any case under that subchapter in which the debtor is removed as debtor in possession under § 1185 of the Code.

1 **Rule 2015. Duty to Keep Records, Make Reports, and**
2 **Give Notice of Case or Change of Status**

3 (a) TRUSTEE OR DEBTOR IN POSSESSION. A
4 trustee or debtor in possession shall:

5 (1) in a chapter 7 liquidation case and, if the
6 court directs, in a chapter 11 reorganization case
7 (other than under subchapter V), file and transmit to
8 the United States trustee a complete inventory of the
9 property of the debtor within 30 days after qualifying
10 as a trustee or debtor in possession, unless such an
11 inventory has already been filed;

12 (2) keep a record of receipts and the
13 disposition of money and property received;

14 (3) file the reports and summaries required by
15 § 704(a)(8) of the Code, which shall include a
16 statement, if payments are made to employees, of the
17 amounts of deductions for all taxes required to be

18 withheld or paid for and in behalf of employees and
19 the place where these amounts are deposited;

20 (4) as soon as possible after the
21 commencement of the case, give notice of the case to
22 every entity known to be holding money or property
23 subject to withdrawal or order of the debtor,
24 including every bank, savings or building and loan
25 association, public utility company, and landlord
26 with whom the debtor has a deposit, and to every
27 insurance company which has issued a policy having
28 a cash surrender value payable to the debtor, except
29 that notice need not be given to any entity who has
30 knowledge or has previously been notified of the
31 case;

32 (5) in a chapter 11 reorganization case (other
33 than under subchapter V), on or before the last day
34 of the month after each calendar quarter during
35 which there is a duty to pay fees under 28 U.S.C.

36 § 1930(a)(6), file and transmit to the United States
37 trustee a statement of any disbursements made
38 during that quarter and of any fees payable under 28
39 U.S.C. § 1930(a)(6) for that quarter; and
40 (6) in a chapter 11 small business case, unless
41 the court, for cause, sets another reporting interval,
42 file and transmit to the United States trustee for each
43 calendar month after the order for relief, on the
44 appropriate Official Form, the report required by
45 § 308. If the order for relief is within the first 15 days
46 of a calendar month, a report shall be filed for the
47 portion of the month that follows the order for relief.
48 If the order for relief is after the 15th day of a
49 calendar month, the period for the remainder of the
50 month shall be included in the report for the next
51 calendar month. Each report shall be filed no later
52 than 21 days after the last day of the calendar month
53 following the month covered by the report. The

54 obligation to file reports under this subparagraph
 55 terminates on the effective date of the plan, or
 56 conversion or dismissal of the case.

57 (b) TRUSTEE, DEBTOR IN POSSESSION, AND
 58 DEBTOR IN A CASE UNDER SUBCHAPTER V OF
 59 CHAPTER 11. In a case under subchapter V of chapter 11,
 60 the debtor in possession shall perform the duties prescribed
 61 in (a)(2)–(4) and, if the court directs, shall file and transmit
 62 to the United States trustee a complete inventory of the
 63 debtor’s property within the time fixed by the court. If the
 64 debtor is removed as debtor in possession, the trustee shall
 65 perform the duties of the debtor in possession prescribed in
 66 this subdivision (b). The debtor shall perform the duties
 67 prescribed in (a)(6).

68 (~~b~~c) CHAPTER 12 TRUSTEE AND DEBTOR IN
 69 POSSESSION. In a chapter 12 family farmer’s debt
 70 adjustment case, the debtor in possession shall perform the
 71 duties prescribed in clauses (2)–(4) of subdivision (a) of this

72 rule and, if the court directs, shall file and transmit to the
 73 United States trustee a complete inventory of the property of
 74 the debtor within the time fixed by the court. If the debtor is
 75 removed as debtor in possession, the trustee shall perform
 76 the duties of the debtor in possession prescribed in this
 77 ~~paragraph~~ subdivision (c).

78 ~~(e)~~ CHAPTER 13 TRUSTEE AND
 79 DEBTOR.

80 (1) *Business Cases*. In a chapter 13
 81 individual's debt adjustment case, when the debtor is
 82 engaged in business, the debtor shall perform the
 83 duties prescribed by clauses (2)–(4) of subdivision
 84 (a) of this rule and, if the court directs, shall file and
 85 transmit to the United States trustee a complete
 86 inventory of the property of the debtor within the
 87 time fixed by the court.

88 (2) *Nonbusiness Cases*. In a chapter 13
 89 individual's debt adjustment case, when the debtor is

90 not engaged in business, the trustee shall perform the
91 duties prescribed by clause (2) of subdivision (a) of
92 this rule.

93 (~~d~~e) FOREIGN REPRESENTATIVE. In a case in
94 which the court has granted recognition of a foreign
95 proceeding under chapter 15, the foreign representative shall
96 file any notice required under § 1518 of the Code within 14
97 days after the date when the representative becomes aware
98 of the subsequent information.

99 (~~e~~f) TRANSMISSION OF REPORTS. In a chapter
100 11 case the court may direct that copies or summaries of
101 annual reports and copies or summaries of other reports shall
102 be mailed to the creditors, equity security holders, and
103 indenture trustees. The court may also direct the publication
104 of summaries of any such reports. A copy of every report or
105 summary mailed or published pursuant to this subdivision
106 shall be transmitted to the United States trustee.

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) is amended to prescribe the duties of a debtor in possession, trustee, and debtor in a subchapter V case. Those cases are excepted from subdivision (a) because, unlike other chapter 11 cases, there will generally be both a trustee and a debtor in possession. Subdivision (b) also reflects that § 1187 of the Code prescribes reporting duties for the debtor in a subchapter V case.

Former subdivisions (b), (c), (d), and (e) are redesignated (c), (d), (e), and (f) respectively.

1 **Rule 3010. Small Dividends and Payments in Cases**
2 **Under Chapter 7 Liquidation, Subchapter V of Chapter**
3 **11, Chapter 12 Family Farmer's Debt Adjustment, and**
4 **Chapter 13 Individual's Debt Adjustment Cases**

* * * * *

(b) CASES UNDER SUBCHAPTER V OF
CHAPTER 11, CHAPTER 12, AND CHAPTER 13
CASES. In a case under subchapter V of chapter 11, chapter
12, or chapter 13, ~~ease~~ no payment in an amount less than
\$15 shall be distributed by the trustee to any creditor unless
authorized by local rule or order of the court. Funds not
distributed because of this subdivision shall accumulate and
shall be paid whenever the accumulation aggregates \$15.
Any funds remaining shall be distributed with the final
payment.

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter

V of chapter 11. To avoid the undue cost and inconvenience of distributing small payments, the title and subdivision (b) are amended to include subchapter V cases.

- 1 **Rule 3011. Unclaimed Funds in Cases Under Chapter 7**
 2 **~~Liquidation,~~ Subchapter V of Chapter 11, Chapter 12**
 3 **~~Family Farmer's Debt Adjustment,~~ and Chapter 13**
 4 **~~Individual's Debt Adjustment Cases~~**

5 The trustee shall file a list of all known names and
 6 addresses of the entities and the amounts which they are
 7 entitled to be paid from remaining property of the estate that
 8 is paid into court pursuant to § 347(a) of the Code.

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The rule is amended to include such cases because § 347(a) of the Code applies to them.

1 **Rule 3014. Election Under § 1111(b) by Secured**
2 **Creditor in Chapter 9 Municipality or Chapter 11**
3 **Reorganization Case**

4 An election of application of § 1111(b)(2) of the
5 Code by a class of secured creditors in a chapter 9 or 11 case
6 may be made at any time prior to the conclusion of the
7 hearing on the disclosure statement or within such later time
8 as the court may fix. If the disclosure statement is
9 conditionally approved pursuant to Rule 3017.1, and a final
10 hearing on the disclosure statement is not held, the election
11 of application of § 1111(b)(2) may be made not later than the
12 date fixed pursuant to Rule 3017.1(a)(2) or another date the
13 court may fix. In a case under subchapter V of chapter 11 in
14 which § 1125 of the Code does not apply, the election may
15 be made not later than a date the court may fix. The election
16 shall be in writing and signed unless made at the hearing on
17 the disclosure statement. The election, if made by the

- 18 majorities required by § 1111(b)(1)(A)(i), shall be binding
19 on all members of the class with respect to the plan.

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, *see* § 1181(b) of the Code, the rule is amended to provide a deadline for making an election under § 1111(b) in such cases that is set by the court.

1 **Rule 3016. Filing of Plan and Disclosure Statement in a**
2 **Chapter 9 Municipality or Chapter 11 Reorganization**
3 **Case**

(a) IDENTIFICATION OF PLAN. Every proposed plan and any modification thereof shall be dated and, in a chapter 11 case, identified with the name of the entity or entities submitting or filing it.

(b) DISCLOSURE STATEMENT. In a chapter 9 or chapter 11 case, a disclosure statement, if required under § 1125 of the Code, or evidence showing compliance with § 1126(b) shall be filed with the plan or within a time fixed by the court, unless the plan is intended to provide adequate information under § 1125(f)(1). If the plan is intended to provide adequate information under § 1125(f)(1), it shall be so designated, and Rule 3017.1 shall apply as if the plan is a disclosure statement.

17 * * * * *

18 (d) STANDARD FORM SMALL BUSINESS
 19 DISCLOSURE STATEMENT AND PLAN. In a small
 20 business case or a case under subchapter V of chapter 11, the
 21 court may approve a disclosure statement and may confirm
 22 a plan that conform substantially to the appropriate Official
 23 Forms or other standard forms approved by the court.

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) of the rule is amended to reflect that under § 1181(b) of the Code, § 1125 does not apply to subchapter V cases (and thus a disclosure statement is not required) unless the court for cause orders otherwise. Subdivision (d) is amended to include subchapter V cases as ones in which Official Forms are available for a reorganization plan and, when required, a disclosure statement.

1 **Rule 3017.1. Court Consideration of Disclosure**
 2 **Statement in a Small Business Case or in a Case Under**
 3 **Subchapter V of Chapter 11**

4 (a) CONDITIONAL APPROVAL OF
 5 DISCLOSURE STATEMENT. In a small business case or
 6 in a case under subchapter V of chapter 11 in which the court
 7 has ordered that § 1125 applies, the court may, on
 8 application of the plan proponent or on its own initiative,
 9 conditionally approve a disclosure statement filed in
 10 accordance with Rule 3016. On or before conditional
 11 approval of the disclosure statement, the court shall:

- 12 (1) fix a time within which the holders of claims and
 13 interests may accept or reject the plan;
 14 (2) fix a time for filing objections to the disclosure
 15 statement;
 16 (3) fix a date for the hearing on final approval of the
 17 disclosure statement to be held if a timely objection
 18 is filed; and

19 (4) fix a date for the hearing on confirmation.

20 * * * * *

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to cover such cases when the court orders that § 1125 of the Code applies.

1 **Rule 3017.2. Fixing of Dates by the Court in Subchapter**

2 **V Cases in Which There Is No Disclosure Statement**

3 In a case under subchapter V of chapter 11 in which

4 § 1125 does not apply, the court shall:

5 (a) fix a time within which the holders of claims
 6 and interests may accept or reject the plan;

7 (b) fix a date on which an equity security holder
 8 or creditor whose claim is based on a security must
 9 be the holder of record of the security in order to be
 10 eligible to accept or reject the plan;

11 (c) fix a date for the hearing on confirmation; and

12 (d) fix a date for transmission of the plan, notice
 13 of the time within which the holders of claims and
 14 interests may accept or reject the plan, and notice of
 15 the date for the hearing on confirmation.

Committee Note

The rule is added in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter

V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, *see* § 1181(b) of the Code, the rule is added to authorize the court in such a case to act at a time other than when a disclosure statement is approved to set certain times and dates.

1 **Rule 3018. Acceptance or Rejection of Plan in a Chapter**
2 **9 Municipality or a Chapter 11 Reorganization Case**

3 (a) ENTITIES ENTITLED TO ACCEPT OR
4 REJECT PLAN; TIME FOR ACCEPTANCE OR
5 REJECTION. A plan may be accepted or rejected in
6 accordance with § 1126 of the Code within the time fixed by
7 the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject
8 to subdivision (b) of this rule, an equity security holder or
9 creditor whose claim is based on a security of record shall
10 not be entitled to accept or reject a plan unless the equity
11 security holder or creditor is the holder of record of the
12 security on the date the order approving the disclosure
13 statement is entered or on another date fixed by the court
14 under Rule 3017.2, or fixed for cause; after notice and a
15 hearing. For cause shown, the court after notice and hearing
16 may permit a creditor or equity security holder to change or
17 withdraw an acceptance or rejection. Notwithstanding
18 objection to a claim or interest, the court after notice and

19 hearing may temporarily allow the claim or interest in an
20 amount which the court deems proper for the purpose of
21 accepting or rejecting a plan.

22 * * * * *

Committee Note

Subdivision (a) of the rule is amended to take account of the court's authority to set times under Rules 3017.1 and 3017.2 in small business cases and cases under subchapter V of chapter 11.

1 **Rule 3019. Modification of Accepted Plan in a Chapter**
2 **9 Municipality or a Chapter 11 Reorganization Case**

3 * * * * *

4 (b) MODIFICATION OF PLAN AFTER
5 CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If
6 the debtor is an individual, a request to modify the plan under
7 § 1127(e) of the Code is governed by Rule 9014. The request
8 shall identify the proponent and shall be filed together with
9 the proposed modification. The clerk, or some other person
10 as the court may direct, shall give the debtor, the trustee, and
11 all creditors not less than 21 days' notice by mail of the time
12 fixed to file objections and, if an objection is filed, the
13 hearing to consider the proposed modification, unless the
14 court orders otherwise with respect to creditors who are not
15 affected by the proposed modification. A copy of the notice
16 shall be transmitted to the United States trustee, together
17 with a copy of the proposed modification. Any objection to
18 the proposed modification shall be filed and served on the

19 debtor, the proponent of the modification, the trustee, and
20 any other entity designated by the court, and shall be
21 transmitted to the United States trustee.

22 (c) MODIFICATION OF PLAN AFTER
23 CONFIRMATION IN A SUBCHAPTER V CASE. In a
24 case under subchapter V of chapter 11, a request to modify
25 the plan under § 1193(b) or (c) of the Code is governed by
26 Rule 9014, and the provisions of this Rule 3019(b) apply.

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (c) is added to the rule to govern requests to modify a plan after confirmation in such cases under § 1193(b) or (c) of the Code.