UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:	)	
GENERAL ORDER	)	AMENDMENTS TO LOCAL
03-04	)	RULES 2002-1, 2083-1, 5005-1,
	)	9001-1 and 9004-1
	)	

Local Bankruptcy Rules 2002-1 Notice to Creditors & Other Interested Parties, 2083-1 Chapter 13 - General, 5005-1 Filing Papers & Requirements, 9001-1 Definitions, and 9004-1 Papers - Requirements of Form have been changed for the United States Bankruptcy Court for the Eastern District of Washington pursuant to that certain General Order of the United States District Court for the Eastern District of Washington dated March 6, 1996, FRBP 8018,and 9029, FRCP 83 and USC 2171.

Rules 2002-1, 2083-1, 5005-1, 9001-1 and 9004-1 shall be effective ~~April~~ June 1, 2004 and shall govern all pending matters, except to the extent, in the opinion of the Court that their application in a case pending on ~~April 1,~~ June 1, 2004 would not be feasible or would work an injustice, in which event the procedure set forth in the former shall apply.

Dated this 7th day of May 2004

Patricia C. Williams
Chief Bankruptcy Judge

John A. Rossmeissl
Bankruptcy Judge

John M. Klobucher
Bankruptcy Judge

Rule 2002 - 1

Notice To Creditors & Other Interested Parties

(a) Notice

(1) Unless otherwise provided in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these rules, whenever the Code or Rules authorizes any act, or authorizes the Court to enter an order, "after notice and hearing" or a similar phrase, the party giving the notice shall clearly state in the notice:

(A) The purpose of the notice;

(B) What a party receiving the notice must do in order to object to the action contemplated by the notice and the time within which an objecting party must act; and

(C) That the act may be performed or the Court may enter an order without an actual hearing or further notice unless a written objection is timely served and filed.

(b) Service of Notice

(1) To Whom Given

(A) "Notice," as used in this rule shall mean notice by mail to all creditors, equity security holders, indenture trustees, the debtor, the chairperson of any committee appointed in the case, the United States trustee, and any other parties in interest.

(B) Less inclusive notice may be given if not prohibited by the Code or Rules and specifically allowed by the Court or local rules. Notice is appropriate if it reaches all those with a potential good faith objection to the proposed order or action.

(2) By Whom Given

Any party seeking an order or other authority based on notice and hearing shall be responsible to give such notice as is required.

(3) Certification of Mailing of Notice

As soon as practicable, a party giving notice pursuant to this rule shall file as

a separate document, an affidavit of mailing or unsworn declaration under penalty of perjury to which shall be attached a list containing the names and addresses to whom the notice was sent along with a copy of the notice, unless electronically linked.

(c) Time Allowed for Objections

(1) The moving party shall provide at least twenty (20) days, plus three (3) additional days if required by FRBP 9006(f), for objections prior to presentation of an order or the taking of an action, unless a different time is prescribed.

(2) A motion for an order reducing the time for making objections to a proposed action may be made and granted after notice and hearing for cause shown. Notice of such a motion shall clearly state the reasons supporting the necessity for a reduction of time and that objections may be made to the requested reduction. The objections will be considered by the court at the time of hearing on the motion for the principal relief requested. A motion for an order as to the principal relief requested and for the reduction in time may be combined provided both motions are clearly captioned and the requests separated in the body of the combined pleading.

(d) Mailing Lists

(1) The addressees of notices shall be in accordance with FRBP 2002(g). Notice required to be given to all creditors is presumed to be appropriate if mailed to all entities on a Master Mailing List or Limited Mailing List retrieved from the data base of the court within twenty (20) days of the notice.

(A) Master Mailing List (MML)

A Master Mailing List is maintained by the Office of the Clerk for each pending case. This list is updated in accordance with FRBP 2002(g). The Master Mailing List is produced and maintained using the matrix provided by the debtor pursuant to LBR 1007- 2 and LBR 1009-1(a), requests from governmental agencies, written requests by entities who wish to be added, deleted or have their address changed, and proofs of claim.

(B) Limited Mailing List (LML)

A Limited Mailing List is maintained by the Office of the Clerk and is based on an order of the Court. A party desiring that a Limited Mailing List be established in a case shall do so by notice and hearing. The proposed order establishing a Limited Mailing List shall contain a list of each entity to be listed on the Limited Mailing List, with directions, if appropriate, as to classes or types of entities to be added. The order shall also state the scope

and duration of the order. Once established, the Limited Mailing List will be maintained by the Clerk in the manner provided in subparagraph (A) above.

(C) Changes to Mailing Lists

Additions, deletions or amendments to a mailing list shall be by filed request of the party requesting such change. Withdrawal by an attorney from a case is not sufficient for removal of such attorney's name from the Master Mailing List or the Limited Mailing List; however, a formal notice of appearance in a case by an attorney is sufficient to add such attorney to the Master Mailing List or the Limited Mailing List. A filed request to receive all notices will be sufficient to add such requesting party to both the Master Mailing List and the Limited Mailing List.

(e) Signing of Orders Where No Objection is Pending

(1) If no objection is made as provided in paragraph (f) of this Rule or if withdrawal of an objection is filed or the objecting party has endorsed the related order, an actual hearing is not required for any "notice and hearing" matter.

(2) The moving party may request entry of an ex parte order by:

(A) presenting the proposed order to the Clerk and filing a motion or application for entry of an order and an affidavit or statement under penalty of perjury, that no objections are pending, and if notice was to a MML or LML, that it was retrieved from the data base of the court within twenty days of the giving of the notice, or

(B) by filing a request for entry of an ex parte order on the prescribed form, in which case the court will prepare and enter the order.

(C) If the Court nonetheless wishes to hold the hearing, the Court will inform the moving party of the date of the hearing.

(f) Objection

(1) A party objecting to an act or the entry of an order contemplated by a notice shall file with the Clerk and serve on the moving party a written objection within the time set forth in the notice. The objection shall state briefly the grounds therefor.

(2) If an objection states no grounds, the Court may strike the objection on ex parte motion of the moving party. The moving party, however, may make such ex parte motion to strike only after the objecting party fails within ten (10) days, to respond to a request by the moving party for a brief statement of the grounds for the objection.

(3) If an objection is filed, the moving party shall promptly request a hearing date from the Clerk.

(g) Closing Case Where no Action Taken after Notice or Objection

Issues raised by notice and hearing will be deemed moot for purposes of case closing thirty (30) days following the time to object to an act or entry of an order or from the filing of an objection unless:

(1) An order has been presented ex parte if no objection has been filed;

(2) A hearing has been requested if objection has been filed; or

(3) A motion and affidavit or statement under penalty of perjury of explanation that the case not be closed.

Related Provisions

FRBP 2002	Notice to Creditors and the United States
FRBP 9006	Time
FRBP 9007	Authority to Regulate Notices
FRBP 9014	Contested Matters
FRBP 9036	Notice by Electronic Transmission
LBR 9001-1	Definitions
11 USC 102(1)	Construction of "notice and hearing"
11 USC 350	Closing Case

Rule 2083 - 1

Chapter 13 - General

(a) Applicability

This rule shall apply only to cases under Chapter 13 of the Bankruptcy Code.

(b) Filing The Plan and Other Documents and Number of Copies

The debtor shall file the following documents as prescribed by the appropriate local form:

1) Chapter 13 Plan
2) Plan Payment Declaration
3) Plan Funding Analysis
4) Liquidation Analysis

(c) Mailing of Plan and Notice to Parties in Interest

The Clerk of Court shall mail a copy of the plan to each party in interest as required by FRBP 3015(d), unless the court specifically directs another entity to do so.

(d) Valuation of Security, Determination of Extent of Lien, and Lien Avoidance

(1) Valuation of claims secured by a lien on property in which the estate has an interest shall be by a separate motion pursuant to LBR 3012-1. The order valuing the claim voids the lien to the extent of the unsecured portion of the claim pursuant to 11 USC 506(d). In the event of dismissal of the case prior to discharge, this voided lien will be reinstated pursuant to 11 USC 349(b)(1)(C) unless otherwise ordered.

(2) All actions to determine the validity, priority or, other than (1) above, the extent of a lien, shall be made by Adversary Proceeding, however, such relief may also be sought in an objection to allowance of claim pursuant to LBR 3007-1.

(3) Actions to avoid judicial or non-possessory non-purchase money security interests under 11 USC 522(f) shall be by a separate motion pursuant to LBR 4003-2.

(e) Delinquent Tax Returns

A statement as to whether or not the debtor is delinquent in the filing of any tax return shall be included in the plan as well as a statement as to when any delinquencies in filing will be cured. Failure by the debtor to file tax returns in accordance with a confirmed plan may constitute a material default in the plan.

(f) Treatment of Secured Creditors Whose Rights are Modified by the Plan and Arrearages

(1) If the plan proposes to modify the rights of a secured creditor or, if at the time of the filing a petition for relief, a delinquency exists on any payments for a secured debt, including the debtor's personal residence, then all payments, both current and delinquent, for such debt shall be paid through the office of the Chapter 13 trustee.

(2) If during the pendency of the plan a secured debt falls into arrearage, then the plan may be modified pursuant to subsection (l) of this rule to require payments, both current and delinquent, to be paid through the office of the Chapter 13 trustee.

(3) If during the pendency of the plan Arrearages are brought current, then the plan may be modified to allow for payments to be made directly to the creditor by the debtor.

(g) Funding of Plan by Sales

(1) If the debtor proposes to partially fund the plan through the sale of property of the estate, then the debtor must also file a marketing plan with the plan. The marketing plan shall include:

(A) a description of the property to be sold;
(B) identification of all lien holders and the amount of each lien;
(C) if a broker is to be employed, the name of the broker and when the property was or will be listed;
(D) the terms of the broker's agreement;
(E) the price sought for the property;
(F) the method used in arriving at the value of the property; and
(G) the time frame, including mileposts where appropriate, during which the property will be marketed.

(2) The debtor shall provide quarterly status reports to the Chapter 13 trustee.

(h) Challenges to Eligibility of Debtor

Challenges to the eligibility of the debtor should be initiated at the earliest possible time in the case. Such challenges may be made by fifteen (15) days notice and hearing to the Master Mailing List pursuant to LBR 2002 - 1.

(i) Objections to Confirmation

If no objections to confirmation of a plan have been filed and served within twenty-five (25) days following service of the plan or within five (5) days following the conclusion of the meeting of creditors, whichever is later, the plan may be confirmed.

(j) Confirmation

If no objection to confirmation is pending, a plan may be confirmed promptly upon expiration of the time set to object to confirmation without additional notice so long as the Chapter 13 trustee has verified by affidavit or unsworn statement under penalty of perjury that the plan is feasible and satisfies the requirements of 11 USC 1325.

(k) Modification of Plans

(1) Modification Prior to Confirmation

Modifications made pursuant to 11 USC 1323 shall be on twenty (20) days notice and hearing in accordance with LBR 2002-1. A plan shall not be confirmed until the time to object to any such modification has expired and all objections resolved.

(2) Modification After Confirmation

(A) A modification proposed by any entity other than the debtor shall be on twenty (20) days notice and hearing to any adversely affected party, the Chapter 13 trustee, debtor and debtor's attorney. The modification shall become effective upon the expiration of the time to file objections, if there are no objections, or upon resolution of all objections made.

(B) A modification proposed by the debtor shall be on twenty (20) days notice and hearing to the Chapter 13 trustee and any adversely affected party, and if the modification provides for payment of a postpetition debt, the holder of such debt. The modification shall become conditionally effective upon the filing and service of the notice.

The modification shall become permanent upon the expiration of the time to file objections if no objections are timely made or upon resolution of all objections made.

(3) Effect of Disallowance of Modifications

If a proposed modification is disallowed, the plan in effect immediately prior to such modification shall be the plan, and debtor shall be responsible for curing any default occurring during the period of conditional modification.

(4) Modification by Stipulation Between Chapter 13 Trustee and Debtor

The Chapter 13 trustee and the debtor may stipulate to a modification before or after confirmation where no parties are adversely affected. Such modifications shall be effective upon the filing of the stipulation.

(5) Certificate of Modification

The proponent of a modification pursuant to (1) or (2) above shall serve on the Chapter 13 trustee, promptly after the time to file objections has expired, a copy of the modification and a certificate indicating the date the modification was filed, that notice and hearing were properly given and that no objections were received or filed.

(6) The debtor shall file an amended Plan Funding Analysis (LF 2083B) upon the making or proposing of a modification pursuant to subparagraph (k)(1) or (2) of this rule.

(l) Distributions and Payments By Chapter 13 Trustee

(1) The Chapter 13 trustee shall not pay funds from the estate, except pursuant to a proof of claim or an order of the court.

(2) Filing Fee Installments

Installment payments of filing fees where allowed shall be paid directly to the Clerk, however, if such fees are received by the Chapter 13 trustee, the Chapter 13 trustee may return them to the payor or deliver them to the Clerk without further order of the Court.

(3) Distributions by Chapter 13 Trustee Based on Modifications

(A) The proponent of a modification shall be responsible to serve notice on the Chapter 13 trustee in writing when a modification becomes effective, either conditionally or permanently, and until so notified the Chapter 13 trustee may make distributions without regard to such modification.

(B) Distributions may be made by the Chapter 13 trustee in accordance with a conditional modification until such modification becomes permanent, is disallowed or otherwise ordered, and the Chapter 13 trustee is served with a copy of such order by the objecting party.

(4) Postpetition Claims

Proofs of claim filed pursuant to 11 USC 1305(a)(1) for postpetition tax claims may be paid without a modification to the plan, however, proofs of claim filed pursuant to 11 USC 1305(a)(2) for consumer debt may only be paid if a modification to the plan so provides.

(5) Disposition of Funds on Conversion or Dismissal

(A) On the conversion or dismissal of a case, the Chapter 13 trustee shall, as soon as practicable, disburse any remaining funds in accordance with 11 USC 1326. If a motion is filed pursuant to 11 USC 348(f)(2) and the trustee is served a copy thereof prior to disbursement, then the Chapter 13 trustee shall not further disburse until resolution of the motion.

(B) If a case is dismissed or converted prior to confirmation, then the Chapter 13 trustee shall be entitled to deduct and retain as reimbursement for set up and maintenance costs an amount as established by the Court.

(6) Adequate Protection Payments

The Chapter 13 trustee may make adequate protection payments prior to the confirmation of the plan with an order of the court. On each such payment, the Chapter 13 trustee will be entitled to an administrative fee equivalent to that authorized by 11 USC 1326(b). Upon confirmation of the plan, payments will be made as set out in the plan. An application by the debtor that adequate protection payments be made prior to confirmation shall be as prescribed by the appropriate local form.

(m) Postconfirmation Sale of Property by Debtor

If the debtor proposes to sell property pursuant to 11 USC 363, then, unless the property is fully exempt or is valued in an amount of seven thousand, five hundred (7,500) dollars or less, the debtor shall promptly provide to the Chapter 13 trustee an amended statement of income and expenses as prescribed by the appropriate official form projecting any changes occasioned by the sale and a good faith estimate of closing costs or other similar document and any other documents requested by the Chapter 13 trustee relating to such sale.

(n) Incurring Credit by Debtor During the Pendency of the Plan

If the debtor proposes to purchase any property involving a credit transaction that may potentially affect the debtor's ability to satisfy the plan, the debtor, in addition to obtaining the Chapter 13 trustee's approval if practicable, shall transmit to the Chapter 13 trustee an amended statement of

income and expense as prescribed by the appropriate official form projecting any changes caused by the purchase, and if the transaction involves real estate, a good faith estimate of closing costs or other similar document and any other documents requested by the Chapter 13 trustee.

(o) Debtors Engaged in Business

Debtors engaged in business shall comply with the applicable provisions of LBR 3016-1(f) and 28 USC 959(b), and serve a copy of the Monthly Financial Report on the trustee.

(p) Income Directive

(1) The Chapter 13 trustee may, at any time, issue a Trustee's Income Directive or present an ex-parte order, based upon a proposed or confirmed plan requiring any entity from whom the debtor receives money to pay all or part of such income to the Chapter 13 trustee.

(2) In any case in which a debtor desires to make plan payments directly to the trustee in lieu of an income directive, the debtor may do so only upon the entry of an order of the court authorizing such direct payments. Such an order will be entered only:

(A) upon the filing of an objection to the income directive by the debtor prior to the entry thereof; and

(B) after ten (10) days notice and hearing to the trustee; and

(C) upon a showing of cause.

(q) Motion to Dismiss or Convert Case

(1) A party in interest desiring that a case be dismissed or converted shall give twenty (20) days notice and hearing to the Master Mailing List.

(2) The Chapter 13 trustee may move the Court for an order of dismissal or conversion on five (5) days notice to the debtor and debtor's attorney and any entity that has filed and served the Chapter 13 trustee with a request to receive such notice for failure to timely file schedules or other required documents or attend the meeting of creditors and on twenty (20) days notice for failure to timely make payments required by 11 USC 1326(a) or pursuant to a confirmed plan.

(3) A debtor shall serve a copy of a request for voluntary dismissal on the trustee.

r) Minimum Plan Payments

A plan that proposes payments of less than fifty (50) dollars per month to be paid to the Chapter 13 trustee shall be supported by an affidavit or unsworn declaration under penalty of perjury explaining the necessity of such minimum payments.

(s) Orders to be Served on Chapter 13 Trustee

A conformed copy of all orders in a Chapter 13 case shall be served on the Chapter 13 trustee by the party obtaining such order. If the order directs the Chapter 13 trustee to act or refrain from acting, the order shall not be effective as to the Chapter 13 trustee until such service has been accomplished.

Related Provisions

FRBP 1006	Filing Fees
FRBP 1007	Schedules
FRBP 1017	Dismissal or Conversion of Case
FRBP 1019	Conversion
FRBP 2002	Notice and Hearing
FRBP 2016	Compensation of Attorneys
FRBP 3007	Objection to Claims
FRBP 3012	Valuation of Security
FRBP 3015	Filing of Plan
FRBP 6004	Sale of Estate Property
FRBP 9013	Motions
FRBP 9014	Contested Matters
LBR 2016 - 1	Application of Administrative Expenses
LBR 3016 - 1	Chapter 11 Cases
LBR 4001 - 2	Cash Collateral
LBR 4003 - 2	Lien Avoidance
LBR 9011 - 1	Attorney Transactions With Debtors
11 USC 348	Conversion
11 USC 349	Effect of Dismissal
11 USC 506	Determination of Secured Status
11 USC 522(f)	Avoidance of Liens
11 USC 1304	Debtor Engaged in Business
11 USC 1304	Postpetition Claims
11 USC 1307	Conversion or Dismissal
11 USC 1323	Modification Before Confirmation
11 USC 1325(c)	Income Directive
11 USC 1326	Payments
11 USC 1329	Modification After Confirmation
28 USC 959	Duties of Managers of Estate Property

Rule 5005 - 1

Filing Requirements

(a) Place For Filing

All pleadings and other documents shall be filed with the Clerk of the Court.

(b) Methods of Filing

(1) in person by delivery to the Office of the Clerk at either West 904 Riverside Avenue, Room 304, Spokane, Washington, or East 402 Yakima Avenue, Suite 200, Yakima, Washington; or

(2) by mail to P.O. Box 2164, Spokane WA 99210-2164 or E. 402 Yakima Avenue, Suite 200, Yakima, Washington 98901;

(3) by electronic transmission in accordance with The General Order of the Court Establishing Standards for the Electronic Filing, Signing and Verification of Documents; or

(4) by facsimile in accordance with the General Order of the Court concerning FAX filing, or

(5) for documents other than initial petitions for relief or complaints for adversary proceedings, by delivery to a deputy clerk in open court while the Court is in session.

(c) Return of Conformed Copies

A party filing a paper document desiring a conformed copy shall provide such copy along with the document to be filed. If the party desires that the conformed copy be returned by mail, that party must also provide along with the document to be filed a pre-addressed and stamped envelope.

(d) Time of Filing

The time of filing of a document is the local time when the document is received by the court either conventionally or electronically.

(e) Electronic Filing

Documents may be filed, signed or verified by electronic means that are consistent with standards established by order of the court.

Related Provisions

FRBP 5005	Filing of Papers
FRBP 9006	Service of Motion
FRBP 9011	Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers
FRBP 9036	Notice of Electronic Transmission
28 USC 152	Appointment of Bankruptcy Judges

Rule 9001 - 1

Definitions

The following words and phrases used in these rules have the meanings indicated:

(1) "Debtor." For purposes of FRBP 9001(5), the debtor shall include the officers and members of the board of directors of a corporation and in the case of a partnership, all general partners.

An order designating some other individual as the debtor for purposes of FRBP 9001(5) may be presented on ten (10) days notice and hearing to the attorney for the debtor.

(2) "Mailing." Whenever the term "mailing" or "mail" is used in conjunction with providing service or notice, it included any form of electronic transmission authorized by FRBP 9036.

Related Provisions

FRBP 9001	General Definitions

LBR 9001 - 1
June 1, 2004

Rule 9004 - 1

Documents - Requirements of Form

(a) General Requirements of Form

(1) All documents presented for filing shall be prepared letter size (8 ½" x 11"). Without prior approval of the Court, all attachments shall also be no larger than letter size (8 ½" x 11"). Attachments shall not be tabbed.

(2) All documents presented for filing shall be single-sided. Documents containing two or more pages shall be stapled at the top left corner, however, separate documents shall not be stapled together.

(3) All documents filed must be of good quality on which line numbers appear at the left margin. The material thereon shall be typed, printed or prepared by a clearly legible duplicating process and shall be double-spaced. Quoted material may be single spaced, however footnotes shall be double-spaced. All typed and printed matter must appear in either a proportionately spaced typeface of 14 points or more, or a monospaced typeface of no more than 10.5 characters per inch may be used in a brief. A proportionately spaced typeface has characters with different widths. A monospaced typeface has characters with the same advanced width. Text shall be in roman (upright letters), non-script type. No pleading, document, or brief may have an average of more than 280 words per page, including footnotes and quotations. The word count does not include addenda containing statutes, rules, regulations etc.

(4) On the first page of each pleading or similar document the title of the Court shall appear on or below the fifth line. All pleadings shall be signed as required by FRBP 9011. Names shall be typed underneath all signature lines.

(5) In the space to the right of the center of the first page, opposite the caption of the case, there shall be placed:

(A) the case number and in the case of an adversary proceeding, the related case number above the adversary proceeding number;

(B) the nature of the document, such as complaint, answer, motion, order, affidavit and so forth;

(C) the name and status of the party on whose behalf the document is filed; and

(D) the words "Demand for Jury Trial" or its equivalent when a party demands a jury.

(6) The first page of every pleading or other document (except instructions) shall contain the name, mailing address and telephone number of the attorney or firm submitting the document on the left side above line five.

(7) At the left side of the bottom of each document of all documents (other than instructions) an abbreviated name of the document should be repeated, followed by the page number.

(8) All appendices to pleadings shall be paginated progressively, but shall, following the number on the page, show also the appendix number which may be alphabetical, numerical or a combination thereof.

(9) On a written motion or stipulation, the form of proposed order granting the motion or approving the stipulation shall be submitted separately.

(10) Any document requiring the signature of the Court shall provide as follows:

Dated:

_____
United States Bankruptcy Judge

and the signature page shall include a portion of the text of the document.

(b) Cover Sheet and Summons

Every Adversary Proceeding shall be accompanied by an Adversary Proceeding Cover Sheet (B104). A form summons need only be prepared by counsel for issuance by the Clerk with sufficient copies for service, if specifically requested by the Clerk. These forms may be obtained from the Office of the Clerk.

(c) Prescribed Forms Excepted

Except as to sub-paragraph (a)(2) above, this rule shall not apply where a prescribed form is used.

Related Provisions

FRBP 7010	Form of Pleadings
FRBP 9004	General Requirements of Form
FRBP 9011	Signing and Verification of Papers
FRBP 9021	Entry of Judgment
LBR 9009 - 1	Forms
LBR 9015 - 1	Jury Trial

LBR 9004 - 1
June 1, 2004