

In re:

AMENDMENTS TO LOCAL
BANKRUPTCY RULES 2082-1
AND 4001-1

No. 16-01

The amendments to the aforementioned local bankruptcy rules shall be effective August 1, 2016, and shall govern all pending matters, except to the extent, in the opinion of the court, application of the change would not be feasible or would work an injustice, in which event, the procedure set forth in the former shall apply.

DATED:

7-20-14

FOR THE COURT:

Frederick P. Corbit

Honorable Frederick P. Corbit, Chief Judge

Honorable Frank L. Kurtz
Honorable John A. Rossmeissl

Rule 2082-1

Chapter 12 - General

(a) Applicability

This rule applies only to cases under Chapter 12 of the Bankruptcy Code.

(b) Tax Returns

The debtor shall provide to the trustee, and any creditor who requests, at least seven (7) days before the meeting of creditors, a copy of federal income tax returns filed for the three (3) years prior to the year in which the petition is filed together with all schedules thereto.

(c) Debtor Eligibility Challenges

Challenges to the eligibility of the debtor should be initiated at the earliest possible time in the case. Such challenges may be made by fourteen (14) days notice and hearing to the Master Mailing List pursuant to LBR 2002-1.

• • •

~~(d) Domestic Support Obligation Certificate~~

~~Upon completion of all payments by the debtor under the plan, each debtor shall file a Domestic Support Obligation Certificate.~~

(e) Discharge of Debtor

Upon completion of all payments under the plan, the debtor(s) shall file a motion for entry of discharge on the prescribed local form *(LF 2082-1)* and provide ten (10) days notice to the Master Mailing List or file a written request to waive discharge.

Rule 4001-1

Automatic Stay

(a) Relief From Automatic Stay

(1) Notice

(A) As to Property of the Estate

A party in interest desiring relief from the automatic stay of an act against property of the estate shall file a motion and give fourteen (14) days notice in accordance with **FRBP 4001 and** LBR 2002-1 to the debtor(s), attorney for the debtor(s), trustee, United States Trustee, those requiring notice under FRBP 2002(i) and FRBP 4001, and any other party known to movant claiming an interest in the subject property.

(B) As to Other Acts

A party in interest desiring relief from the automatic stay of an act other than against property of the estate shall file a motion and give fourteen (14) days notice to the debtor and debtor's attorney in accordance with LBR 2002-1.

(C) Content of Notice

The notice and motion shall describe the property or interest involved, including a **statement** as to its fair **market value** and encumbrances thereon.

(D) General Provision

The date of the request shall be the date that a motion requesting a modification to the automatic stay is filed along with the certificate required by LBR 2002-1(b)(4).

(2) When an Objection is Made

(A) If an objection is timely filed and served, the party desiring relief from the stay shall obtain a hearing date and time from the court's Web site and shall notify the objecting party of the date of the hearing.

(B) The preliminary hearing will be by telephonic conference and based on affidavits only, but may be supported by written memoranda.

...