

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:

**LOCAL RULES OF THE UNITED STATES
BANKRUPTCY COURT FOR THE MIDDLE
DISTRICT OF PENNSYLVANIA**

Misc. No. 5-04-mp-50010 (District-wide)

ORDER AMENDING LOCAL COURT RULES AND FORMS

IT IS HEREBY ORDERED that the attached shall constitute the Local Rules and Forms of the United States Bankruptcy Court for the Middle District of Pennsylvania further amending the Local Bankruptcy Rules and Forms previously adopted by the judges of this Court. The amended Local Bankruptcy Rules and Forms are effective December 1, 2018. The judges of this Court amend the Local Bankruptcy Rules and Forms pursuant to Federal Rule of Bankruptcy Procedure 9029, and under the authority of the United States District Court for the Middle District of Pennsylvania. The amended Local Bankruptcy Rules and Forms shall be used in conjunction with the Federal Rules of Bankruptcy Procedure in all cases and proceedings under Title 11 of the United States Code, except as otherwise ordered by the presiding judge in a case or proceeding.

By the Court,



Robert N. Opel, II, Chief Bankruptcy Judge (BI)

November 7, 2018

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**



LOCAL BANKRUPTCY RULES

Effective: January 1, 2005

(Modified: December 1, 2018)

TABLE OF CONTENTS

| | | |
|-------------|--|----|
| Rule 1001-1 | <i>Local Rules - General.</i> | 1 |
| Rule 1002-1 | <i>Petition - General.</i> | 1 |
| Rule 1006-1 | <i>Fees - Installment Payments and Waiver.</i> | 1 |
| Rule 1007-1 | <i>Lists, Schedules, Statements, Plans, and Other Documents.</i> | 2 |
| Rule 1007-2 | <i>Mailing List or Matrix.</i> | 2 |
| Rule 1007-3 | <i>Summary of Your Assets and Liabilities and Certain Statistical Information.</i> | 3 |
| Rule 1009-1 | <i>Amendments to Voluntary Petitions, Lists, Schedules, and Statements.</i> | 3 |
| Rule 1015-1 | <i>Joint Administration/Consolidation.</i> | 3 |
| Rule 1017-1 | <i>Reinstatement of Dismissed Case.</i> | 4 |
| Rule 1019-1 | <i>Final Reports in Cases Converted from Chapter 13 to Chapter 7.</i> | 5 |
| Rule 1071-1 | <i>District Boundaries and Divisional Offices.</i> | 5 |
| Rule 1071-2 | <i>Assignment of Cases.</i> | 5 |
| Rule 2002-1 | <i>Notice to Creditors and Other Interested Parties.</i> | 6 |
| Rule 2003-1 | <i>Meeting of Creditors and Equity Security Holders.</i> | 7 |
| Rule 2004-1 | <i>Depositions and Examinations.</i> | 7 |
| Rule 2014-1 | <i>Employment of Professionals.</i> | 7 |
| Rule 2016-1 | <i>Compensation of Professionals.</i> | 8 |
| Rule 2016-2 | <i>Compensation of Debtors' Attorneys in Chapter 13 Cases.</i> | 10 |
| Rule 2090-1 | <i>Attorneys - Admission to Practice.</i> | 12 |
| Rule 2090-2 | <i>Attorneys - Discipline and Disbarment.</i> | 12 |
| Rule 3001-1 | <i>Claims and Equity Security Interests - General.</i> | 14 |
| Rule 3002-1 | <i>Filing Proofs of Claim in Closed Cases.</i> | 14 |

| | | |
|---------------|---|----|
| Rule 3002.1-1 | <i>Response to Notice of Final Cure Payments.</i> | 14 |
| Rule 3003-1 | <i>Filing Proofs of Claim in Chapter 11 Cases.</i> | 14 |
| Rule 3004-1 | <i>Filing of Proofs of Claim by Debtor or Trustee.</i> | 15 |
| Rule 3005-1 | <i>Filing of Proofs of Claim by Co-Debtor.</i> | 15 |
| Rule 3006-1 | <i>Claims - Withdrawal.</i> | 15 |
| Rule 3007-1 | <i>Claims - Objection.</i> | 15 |
| Rule 3010-1 | <i>Small Dividends in Chapter 13 Cases.</i> | 16 |
| Rule 3015-1 | <i>Chapter 13 - Model Plan.</i> | 16 |
| Rule 3015-2 | <i>Chapter 12 or Chapter 13 - Amendments to Plans.</i> | 16 |
| Rule 3015-3 | <i>Chapter 12 or Chapter 13 - Confirmation Hearing.</i> | 18 |
| Rule 3015-4 | <i>Chapter 13 - Adequate Protection Payments.</i> | 19 |
| Rule 3015-5 | <i>Entry of Chapter 13 Discharge.</i> | 20 |
| Rule 3015-6 | <i>Chapter 12 - Individual Debtor Discharge.</i> | 20 |
| Rule 3016-1 | <i>Disclosure Statement - General.</i> | 20 |
| Rule 3017-1 | <i>Disclosure Statement - Approval.</i> | 21 |
| Rule 3018-1 | <i>Ballots - Voting on Plans.</i> | 21 |
| Rule 3019-1 | <i>Chapter 11 - Amendments to Plan.</i> | 21 |
| Rule 4001-1 | <i>Automatic Stay - Relief from.</i> | 23 |
| Rule 4001-2 | <i>Cash Collateral.</i> | 23 |
| Rule 4001-4 | <i>Filing a Motion Seeking to Prohibit or Condition the Use, Sale, or Lease of Property Other Than Cash Collateral.</i> | 26 |
| Rule 4001-5 | <i>Motions to Extend the Automatic Stay Under Section 362(c)(3) and Motions to Impose Automatic Stay Under Section 362(c)(4).</i> | 26 |
| Rule 4001-6 | <i>Service of Motions under F.R.B.P 4001.</i> | 27 |
| Rule 4003-1 | <i>Exemptions.</i> | 27 |
| Rule 4004-1 | <i>Motion to Defer Entry of Discharge Order.</i> | 27 |

| | | |
|-------------|--|----|
| Rule 4006-1 | <i>Closing Chapter 7 or Chapter 13 Cases Without Discharge.</i> | 27 |
| Rule 4008-1 | <i>Reaffirmation.</i> | 28 |
| Rule 5001-1 | <i>Clerk's Office.</i> | 29 |
| Rule 5004-1 | <i>Disqualification.</i> | 29 |
| Rule 5005-1 | <i>Filing and Transmittal of Papers.</i> | 29 |
| Rule 5005-2 | <i>Filing Papers - Number of Copies; Time-Stamped Copies.</i> | 30 |
| Rule 5005-3 | <i>Filings During Technical Failures.</i> | 31 |
| Rule 5005-4 | <i>Filing Papers After Hours.</i> | 31 |
| Rule 5010-1 | <i>Reopening Cases.</i> | 32 |
| Rule 5011-1 | <i>Withdrawal of Reference.</i> | 32 |
| Rule 6002-1 | <i>Accounting by Prior Custodian of Property of the Estate.</i> | 34 |
| Rule 6004-1 | <i>Use, Sale, or Lease of Property.</i> | 34 |
| Rule 6004-2 | <i>Objections to Section 363(b) Sale.</i> | 35 |
| Rule 6004-3 | <i>Public Sale Bidding Procedures in a Chapter 11 Case.</i> | 35 |
| Rule 6004-4 | <i>Special Sale Provisions in a Chapter 11 Case.</i> | 36 |
| Rule 6004-5 | <i>Sales of Property Free and Clear of Liens - Section 363(f).</i> | 37 |
| Rule 6005-1 | <i>Appraisers, Real Estate Agents, and Auctioneers.</i> | 37 |
| Rule 6006-1 | <i>Executory Contracts.</i> | 38 |
| Rule 6007-1 | <i>Abandonment or Disposition of Property.</i> | 38 |
| Rule 7002-1 | <i>District Court Rules.</i> | 40 |
| Rule 7003-1 | <i>Adversary Proceeding Cover Sheet.</i> | 40 |
| Rule 7005-1 | <i>Filing of Discovery Materials.</i> | 40 |
| Rule 7007-1 | <i>Motions in Adversary Proceedings.</i> | 40 |
| Rule 7008-1 | <i>Statement of Consent to Final Orders or Judgment.</i> | 41 |
| Rule 7012-1 | <i>Statement of Consent to Final Orders or Judgment in Responsive Pleadings.</i> | 41 |

| | | |
|-------------|---|----|
| Rule 7016-1 | <i>Pre-Trial Procedure.</i> | 42 |
| Rule 7041-1 | <i>Notice of Dismissal of Adversary Proceeding.</i> | 42 |
| Rule 7055-1 | <i>Default - Failure to Prosecute.</i> | 42 |
| Rule 7055-2 | <i>Order of Default.</i> | 42 |
| Rule 7056-1 | <i>Summary Judgment - Applicability of Local Rule 56.1.</i> | 42 |
| Rule 7067-1 | <i>Registry Funds.</i> | 43 |
| Rule 8006-1 | <i>Designation of Record.</i> | 46 |
| Rule 8007-1 | <i>Completion of Record.</i> | 46 |
| Rule 9001-1 | <i>Definitions.</i> | 47 |
| Rule 9002-1 | <i>Self-Scheduled Matters.</i> | 48 |
| Rule 9003-1 | <i>Ex Parte Relief.</i> | 48 |
| Rule 9004-1 | <i>Caption of Pleadings.</i> | 49 |
| Rule 9010-1 | <i>Attorneys - Notice of Appearance.</i> | 49 |
| Rule 9010-2 | <i>Facsimile and E-mail Addresses.</i> | 50 |
| Rule 9011-1 | <i>Attorneys' Duties.</i> | 50 |
| Rule 9013-1 | <i>Motion Practice.</i> | 50 |
| Rule 9013-2 | <i>Certification of Service.</i> | 51 |
| Rule 9013-3 | <i>Continuances.</i> | 51 |
| Rule 9014-1 | <i>Default and Summary Judgment.</i> | 52 |
| Rule 9015-1 | <i>Jury Trials.</i> | 52 |
| Rule 9016-1 | <i>Subpoena.</i> | 52 |
| Rule 9018-1 | <i>Motions to Publicly File Redacted Documents and to File Unredacted Documents Under Seal.</i> | 52 |
| Rule 9019-1 | <i>Settlements and Agreed Orders.</i> | 53 |
| Rule 9019-2 | <i>Alternative Dispute Resolution.</i> | 53 |
| Rule 9019-3 | <i>Mortgage Modification Mediation Program.</i> | 57 |

| | | |
|-----------------|--|----|
| Rule 9023-1 | <i>Motions for Reconsideration.</i> | 65 |
| Rule 9023-2 | <i>Post-Trial Motions.</i> | 65 |
| Rule 9024-1 | <i>Relief from Judgment or Order.</i> | 66 |
| Rule 9029-1 | <i>Attorney Advisory Committee.</i> | 66 |
| Rule 9036-1 | <i>Notice by Electronic Transmission.</i> | 67 |
| Rule 9037-1 | <i>Redaction of Personal Identifiers in Filings Made with the Court.</i> | 67 |
| Rule 9070-1 | <i>Exhibits.</i> | 67 |
| Rule 9070-2 | <i>Exhibits After Final Judgment.</i> | 68 |
| Rule 9071-1 | <i>Stipulations.</i> | 68 |
| Rule 9073-1 | <i>Hearings.</i> | 69 |
| Rule 9074-1 | <i>Telephone or Video Appearance.</i> | 69 |
| Rule 9075-1 | <i>Emergency Orders.</i> | 70 |
| Appendix 2016-1 | | 76 |

PART I
COMMENCEMENT OF CASE; PROCEEDINGS
RELATING TO PETITION AND ORDER FOR RELIEF

Rule 1001-1 *Local Rules - General.*

- (a) *Scope.* The Local Bankruptcy Rules and Local Bankruptcy Forms are adopted to govern the practice and procedure before the United States Bankruptcy Court for the Middle District of Pennsylvania.
- (b) *Short Title.* These rules may be cited and referred to as the Local Bankruptcy Rules (or "L.B.R.") and the forms as the [Local Bankruptcy Forms](#) (or "L.B.F.").

Rule 1002-1 *Petition - General.*

- (a) *Unsigned Petition.* The clerk must accept for filing any petition in bankruptcy. If a petition is not signed by either the petitioner or counsel, a signed document must be filed within seven (7) days or the petition may be dismissed. The clerk will notify the party of the deficiency and the deadline by which the deficiency must be cured.
- (b) *Petition Submitted by Facsimile.* A petition may not be filed by facsimile unless prior approval has been obtained from the court. The court will not approve a filing by facsimile except in an emergency, as determined by the court.

Rule 1006-1 *Fees - Installment Payments and Waiver.*

- (a) *Petitions.* If a petition is filed without the required fee, without an application to pay in installments ([Official Form B103A](#)), and without a request for waiver ([Official Form B103B](#)), it is considered deficient and may be dismissed after a hearing on notice pursuant to [F.R.B.P. 1017\(b\)\(1\)](#).
- (b) *Other Filings.* The clerk must accept all pleadings for filing regardless of whether the fee required by the bankruptcy court fee schedule is paid. If the required fee is not paid at the time the pleading is filed, the clerk will notify the filing party that the party has seven (7) days to pay the fee or the pleading may be stricken by the court. Current information regarding fees and the number of copies required by the clerk may be found on the court's website (www.pamb.uscourts.gov).

COMMENTS: *L.B.R. 1006-1 was amended effective December 1, 2017, to ensure compliance with [F.R.B.P. 1017\(b\)\(1\)](#) which requires a hearing on notice to the debtor and the trustee before a case may be dismissed for failure to pay any installment of the filing fee.*

Rule 1007-1 *Lists, Schedules, Statements, Plans, and Other Documents.*

- (a) *Motion.* A motion for an extension of time to file lists, schedules, statements, plans, or other required documents must be filed with the court within fourteen (14) days of the entry of an order for relief or before any previously granted extension expires. If the motion is untimely, the court may deny the motion and dismiss the case. The motion must state why the extension is needed and be served on the unsecured creditors' committee and any examiner, if one has been appointed.
- (b) *Objection to Extension.* An objection to an extension of time must be filed within seven (7) days of service of the motion requesting the extension.
- (c) *Certification of No Payment Advices.* If a debtor does not receive payment advices, he must file a certification ([L.B.F. 1007-1\(c\)](#)) within the time specified in [F.R.B.P. 1007\(c\)](#). Nothing in this rule is intended to create an exception to the requirements of [11 U.S.C. § 521](#) or [F.R.B.P. 1007](#).

Rule 1007-2 *Mailing List or Matrix.*

- (a) *Mailing Matrix Required.* Unless filed electronically through the ECF system, the debtor must file with the petition a master list of creditors and other parties in interest ("mailing matrix") in the form prescribed by the clerk. Failure to file the matrix may constitute cause for dismissal of the case.
- (b) *Form of Paper Mailing Matrix.*
 - (1) The mailing matrix must be filed with the petition in paper form as prescribed by the clerk.
 - (2) Mailing matrices must be prepared so that each address is contained within five (5) lines, with each line not exceeding forty (40) characters (including spaces).
- (c) *Electronically Filed Cases.* Electronic filers must comply with the instructions found on the court's website (www.pamb.uscourts.gov) when entering the matrix docket event and uploading creditors into the ECF system in lieu of filing a paper matrix.
- (d) *Accuracy of Mailing Matrix.* The debtor is responsible for the accuracy and completeness of the mailing matrix. If debtor's counsel or a pro se debtor is notified by the Bankruptcy Noticing Center (BNC) that a document was not served on a party because of an incomplete address, counsel or the pro se debtor must notify the clerk in writing of the correct address and must re-mail the notice to the affected party.

Rule 1007-3 *Summary of Your Assets and Liabilities and Certain Statistical Information.*

A debtor must timely complete and file the Summary of Your Assets and Liabilities and Certain Statistical Information ([Official Form 106Sum](#)).

Rule 1009-1 *Amendments to Voluntary Petitions, Lists, Schedules, and Statements.*

- (a) *Notice.* An amendment to a voluntary petition, schedule, or statement must be served on any official committee and any affected entity or creditor. The debtor must file a certification that service has been made on these parties.
- (b) *Requirements.* An amendment must contain:
 - (1) the caption of the case;
 - (2) the case number; and
 - (3) a title including the word "AMENDED" or "AMENDMENT."
- (c) *Form.* An amendment to a schedule or statement must be filed in a format similar to the original Official Form and include only the additions or deletions to the schedule or statement. The change must be prefaced by the statement: "ADD" or "DELETE." An entire set of statements and schedules should not be refiled.
- (d) *Electronically Filed Amendments.* Debtor's counsel must comply with the instructions found on the court's website (www.pamb.uscourts.gov) regarding uploading any new creditors into the ECF system.

Rule 1015-1 *Joint Administration/Consolidation.*

- (a) *Joint Administration.*
 - (1) *Motion.* A request for joint administration must be made by motion. For each case subject to the motion, movant must serve the motion and notice of the answer date on:
 - (A) the debtor;
 - (B) all secured creditors;
 - (C) all parties in interest who have filed a request to receive copies and notices; and
 - (D) any creditors' committee. If there is no creditors' committee, then the motion must be served as specified in [F.R.B.P. 1007\(d\)](#).

- (2) *Passive Notice.* Notice of the filing of a motion for joint administration must provide for a twenty-one (21) day objection period. If no objection is filed within twenty-one (21) days, the court may enter the order. A hearing will be set only upon filing of a timely objection to the motion.
- (b) *Substantive Consolidation.* A request for substantive consolidation must be filed using the self-scheduling procedures set forth in L.B.R. 9002-1. Unless service is made electronically through the ECF system, the movant must serve the motion and hearing required notice upon all parties in interest. The notice must provide for a twenty-one (21) day objection period.
- (c) *Severance or Deconsolidation.*
 - (1) A request to deconsolidate cases that have been substantively consolidated must be filed using the self-scheduling procedures set forth in L.B.R. 9002-1. Unless service is made electronically through the ECF system, the movant must serve the motion and hearing required notice upon all parties in interest.
 - (2) A request to sever jointly administered cases must be made by motion. Unless service is made electronically through the ECF system, the movant must serve the motion and passive notice on the debtor, all secured creditors, all parties who have specifically asked to receive copies and notices, and the creditors' committee. If there is no creditors' committee, then the motion must be served as specified in [F.R.B.P. 1007\(d\)](#). No hearing will be held on a motion to sever jointly administered cases unless an objection to the motion is filed within fourteen (14) days of service.

COMMENTS: *L.B.R. 1015-1 was amended effective October 15, 2010, to eliminate subparagraph (c)(3). The amendment reflects the present capability of CM/ECF to dismiss a debtor from a joint case without requiring case severance.*

Rule 1017-1 *Reinstatement of Dismissed Case.*

- (a) A motion to reinstate a dismissed case must be in writing. If the court sets a hearing on the motion, notice of the date by which objections must be filed and the hearing date must be served on the following:
 - (1) the debtor; and
 - (2) all parties previously notified of the dismissal under [F.R.B.P. 2002\(f\)\(2\)](#).
- (b) Any motion to reinstate a dismissed case may be granted summarily.

Rule 1019-1 *Final Reports in Cases Converted from Chapter 13 to Chapter 7.*

Pursuant to [F.R.B.P. 1019\(5\)\(B\)](#), the chapter 13 trustee must file a final report and account within sixty (60) days after conversion of the case.

Rule 1071-1 *District Boundaries and Divisional Offices.*

- (a) The Middle District of Pennsylvania is comprised of the following counties as set forth in [28 U.S.C. § 118\(b\)](#): Adams, Bradford, Cameron, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.
- (b) For the purpose of accepting bankruptcy petitions, conducting hearings, and all other court business, the Middle District is organized under geographical divisions of Wilkes-Barre, Harrisburg, and Williamsport. Subject to court discretion, the counties listed in subsection (a) above are assigned to these divisions, with specific county assignment posted on the court's website under the "County Maps" link. (www.pamb.uscourts.gov).

Rule 1071-2 *Assignment of Cases.*

- (a) Upon filing, the clerk will assign bankruptcy cases to a bankruptcy judge within this District by random blind draw so that no party, their attorneys, or the public at large is able to make a deliberate choice of a particular judge.
- (b) The provisions of L.B.R. 1071-2(a) do not apply to cases filed under chapter 9. These cases are assigned to a bankruptcy judge by the Chief Judge of the Third Circuit Court of Appeals pursuant to [11 U.S.C. § 921\(b\)](#).

PART II
OFFICERS AND ADMINISTRATION; NOTICES;
MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS
AND ACCOUNTANTS

Rule 2002-1 *Notice to Creditors and Other Interested Parties.*

- (a) *Passive Notice.* A notice served under [F.R.B.P. 2002\(a\)\(3\), \(6\), \(7\), or \(8\)](#) must provide that if no objections are filed by the objection deadline, the court may grant the relief requested. No hearing date will be included in the notice unless a written request is filed.
- (b) *Notice to Parties in Interest.* In a case filed under any chapter, a proponent must give notice to all parties in interest as required under [F.R.B.P. 2002\(a\)\(2\), \(4\), \(5\), and \(6\)](#). In a chapter 11 case, a proponent also must give the notice required by [F.R.B.P. 2002\(b\) and \(d\)](#).
- (c) *Notices by a Chapter 7, 11, 12, or 13 Trustee.* Generally, the clerk will provide any notice required to be served on all parties in interest by a chapter 7, 11, 12, or 13 trustee. Notwithstanding the above, a chapter 7 trustee pursuing assets is required to provide notice to all creditors and parties in interest, under these rules or under the Federal Rules of Bankruptcy Procedure, of the following:
- (1) a trustee's application for compensation;
 - (2) an attorney for trustee's application for compensation;
 - (3) any notice of sale;
 - (4) any notice of compromise or settlement pursuant to [F.R.B.P. 9019](#); and
 - (5) notice of a trustee's final report, if the net proceeds realized exceed \$1,500.00.
- (d) *Notice of § 341(a) Meeting.*
- (1) *General Rule.* The clerk must serve notice of a meeting under [11 U.S.C. § 341\(a\)](#) on all parties in interest listed on the mailing matrix.
 - (2) *Amended Mailing Matrix.* The debtor must serve notice of a meeting under [11 U.S.C. § 341\(a\)](#) on all parties in interest added to the mailing matrix after notice of the meeting has been served pursuant to L.B.R. 2002-1(d)(1).
 - (3) *Notice of Rescheduled Meeting.* If the meeting under [11 U.S.C. § 341\(a\)](#) is rescheduled before the meeting is called to order, notice of the rescheduled meeting must be given to all parties in interest by the party requesting the rescheduled meeting. When rescheduling is caused by inclement weather, Acts of God, sudden illness, or the debtor's failure to file required documents,

the clerk will provide notice of the rescheduled meeting. However, in each case for a pro se debtor, the clerk must provide notice of the rescheduled meeting to all parties in interest.

- (4) *Chapter 13 cases.* In a chapter 13 case, notice of the meeting under [11 U.S.C. § 341\(a\)](#) must include instructions on filing a proof of claim under L.B.R. 3001-1.
- (e) *Notice to Equity Security Holders.* The debtor must provide notice of the order for relief and any other notices required under [F.R.B.P. 2002\(d\)](#) to its equity security holders.
- (f) *Certificate of Service.* The certificate of service showing compliance with this rule must be filed with the clerk no later than seven (7) days following the date of service.

Rule 2003-1 *Meeting of Creditors and Equity Security Holders.*

- (a) *Date and Place.* Any request to deviate from the general requirement that a debtor personally appear at a meeting under [11 U.S.C. § 341\(a\)](#) must be made first to the United States trustee, or his designee. If the United States trustee denies the request, the debtor may file a motion with the court.
- (b) *Attendance.* Debtor's attorney should accompany debtor to a meeting under [11 U.S.C. § 341\(a\)](#). If a debtor's attorney is unable to attend, he or she must arrange for a partner, member, or regular associate of his or her firm to serve as counsel or for another attorney to attend, if permitted under the Pennsylvania Rules of Professional Conduct.
- (c) *Adjournment/Continuance.* If the meeting under [11 U.S.C. § 341\(a\)](#) has been called to order by the trustee, the trustee must orally announce the new date and time to the parties in attendance at the originally scheduled meeting. The requirement, pursuant to [F.R.B.P. 2003\(e\)](#), that the presiding official, the trustee, file a statement specifying the date and time to which a meeting of creditors is adjourned may be satisfied by using the continued feature within the trustee interface of the ECF system.

Rule 2004-1 *Depositions and Examinations.*

The court will consider a motion under [F.R.B.P. 2004\(a\)](#) fourteen (14) days after service on the respondent. If no objection or answer is filed within fourteen (14) days, an order may be entered by the court. The order may be entered immediately if the motion contains a certification that the respondent has agreed to submit to the examination.

Rule 2014-1 *Employment of Professionals.*

- (a) *Application to Employ Counsel or Other Professionals.* An application to employ counsel or other professionals must be filed with the clerk along with a verified statement of disinterestedness and a proposed order.

- (b) *Application to Employ Persons for the Sale or Lease of Estate Property.* An application for employment of an agent or broker for the sale or lease of estate property must be accompanied by a copy of the signed written contract employing the agent or broker. An application for employment of an auctioneer must be accompanied by a copy of the auctioneer's surety bond or other security. A contract for employment must provide that it is effective only upon court approval. When an applicant seeks appointment as a real estate agent or broker, as an appraiser, or as an auctioneer, the applicant must state if he or she is seeking compensation at a flat rate or on a percentage basis. Under L.B.R. 6005-1(b), an applicant for compensation at a flat rate or on a percentage basis may request the court to approve the terms of compensation without filing a separate fee application, but if applicant later requests compensation on different terms, the court must approve compensation. An application for employment under this rule requires conformity with the notice requirements of [F.R.B.P. 2002\(a\)\(6\)](#).
- (c) *Objection by the United States Trustee.* Any objection to an application to employ must be filed by the United States trustee within seven (7) days from the date of service of the application unless the application is filed within fourteen (14) days of the filing of the petition. If the application is filed within fourteen (14) days of the filing of the petition, any objection must be filed within twenty-one (21) days of the filing of the petition.

Rule 2016-1 *Compensation of Professionals.*

This rule governs the procedure for professional applications for compensation. All professional fees paid from property of the estate are subject to court approval. Compensation of attorneys for chapter 13 debtors are also subject to the provisions of L.B.R. 2016-2.

- (a) *Fee Applications.* A fee application must include:
- (1) *Cover Sheet.* A fee application must include a cover sheet that provides the court with a summary of the fee application. The cover sheet must conform substantially to [L.B.F. 2016-1](#).
 - (2) the date of the order appointing the professional;
 - (3) a statement indicating whether the application is for final or interim compensation and expenses, the total amounts requested, and the time period for the services rendered;
 - (4) the date and amount of previous compensation, if any, including any retainers paid;
 - (5) a chronological listing of services performed. Whenever applicable, the listing should include:

- (A) an identification of the subject matter of any correspondence or phone call together with the party with whom that communication occurred;
 - (B) an identification of the subject matter of and parties involved in any hearing or trial, if the service involved is attendance at a hearing or trial;
 - (C) an identification of any pleading drafted; and
 - (D) the date the service or expense was incurred and the time expended, in tenths of hours, for the service rendered;
- (6) an itemization of the expenses for which reimbursement is requested;
- (7) an allegation that the professional is a disinterested person and has not represented or held an interest adverse to the interest of the estate on the matter on which he or she was employed in compliance with [11 U.S.C. § 327\(a\)](#);
- (8) for applications filed on behalf of attorneys, a history of the case in narrative form. The history should include, if applicable:
- (A) a description of the debtor's financial situation when the case was filed;
 - (B) a description of significant events that have occurred post-petition;
 - (C) a description of specific issues that the debtor is required to resolve before a plan can be confirmed or the case otherwise resolved (for example, liquidation of real estate or resolution of pre-petition litigation);
 - (D) the status of any specific issues and their resolution; and
 - (E) items that need to be completed before the case can be confirmed or otherwise brought to a conclusion;
- (9) a certification that the entity on whose behalf the applicant is employed has been given the opportunity to review the application and whether that entity has approved the requested amount;
- (10) the names and hourly rates of all applicant's professionals and paraprofessionals who billed time. This should be accompanied by an explanation of any changes in hourly rates from those previously billed; and
- (11) a proposed order of the court approving the application.

- (b) *Categorical Listing of Services.*
- (1) In a case under any chapter in which the total aggregate amount requested for compensation by a professional is in excess of \$100,000.00 the applicant must include a categorical listing of services. Appendix 2016-1 provides a non-exclusive list of suggested project categories.
 - (2) The description of each category must include the following information:
 - (A) a heading generally describing the services within the category;
 - (B) a narrative summary that:
 - (i) describes the project and its status, including all pending litigation for which compensation and reimbursement are requested; and
 - (ii) states the number of hours spent and the amount of compensation requested for each professional and paraprofessional on the project.
- (c) *Non-Attorney Professionals Compensated on Non-Hourly Basis.* If the court has previously entered an order approving the employment of a non-attorney who is customarily paid on a non-hourly basis and whose terms of compensation the court has approved as provided in L.B.R. 2014-1(b), then no application for compensation is required for such non-attorney.

Rule 2016-2 *Compensation of Debtors' Attorneys in Chapter 13 Cases.*

The provisions of this rule will apply to all chapter 13 cases filed on or after October 1, 2014.

- (a) *Rights and Responsibilities Agreement.* Unless otherwise ordered by the court, in all chapter 13 cases in which a debtor is represented by an attorney, the debtor and the attorney must execute the Rights and Responsibilities Agreement as set forth in [L.B.F. 2016-2\(a\)](#). Counsel must retain the original Agreement in the case file and provide a fully executed copy to the debtor.
- (b) *General Rule.* Except as provided in L.B.R. 2016-2(c), an attorney representing a debtor in a chapter 13 case must file an application for approval of compensation in order to be paid for all services rendered after the filing of the case. The fee application must comply with L.B.R. 2016-1, except the information required under (a)(1) and (a)(8) of that rule may be omitted. A model fee application form for use by attorneys representing a chapter 13 debtor is set forth in [L.B.F. 2016-2\(b\)](#) ("lodestar fee"). The attorney must also file a certification that a Rights and Responsibilities Agreement ([L.B.F. 2016-2\(a\)](#)) has been executed by the attorney and by the debtor. Filing of the certification may be accomplished by a virtual entry in the ECF system. After the

petition is filed, an attorney may not receive payment of fees except through the chapter 13 plan, unless payment is otherwise approved by the court.

- (c) *Presumptively Reasonable Fee.* When the Rights and Responsibilities Agreement provides for the payment of the presumptively reasonable fee, the attorney may receive compensation in the maximum amount of \$4000.00. Further, no fee application is required to be filed where the presumptively reasonable fee is agreed to. In such case, the attorney is only required to file [L.B.F. 2016-2\(c\)](#) - Request for Payment of Chapter 13 Compensation and Expenses, with parts A and C completed. If the chapter 13 trustee requires the debtor to file a business report, or if the debtor holds a controlling interest in a corporation or LLC operating a business, an attorney may receive additional compensation in the maximum amount of \$1000.00 without seeking approval from the court. An attorney representing a consumer debtor who proposes to make mortgage payments through a chapter 13 plan ("conduit plan") may receive additional compensation of \$500.00, without seeking approval from the court. When an attorney agrees to accept a presumptively reasonable fee, all covered legal services rendered by the attorney through confirmation of the plan must be included in the fee, except as provided in paragraph (e). Approval of the allowance of a presumptively reasonable fee will be considered by the court at confirmation and any approval will be given by virtue of the entry of the confirmation order. Consideration of the allowance of a fee for the preparation, filing, and defense of a modified plan will be given by virtue of the entry of the order granting or denying the motion to modify.
- (d) *Indication of Type of Fee in Plan.* The attorney for the debtor must indicate in section 3A of the model plan ([L.B.F. 3015-1](#)) whether the attorney seeks the presumptively reasonable fee or the lodestar fee.
- (e) *Additional Fees.* An attorney who has agreed to accept a presumptively reasonable fee may request additional fees under L.B.R. 2016-2(b) for services rendered after confirmation of the plan or in connection with adversary proceedings. In the event that an attorney determines that services required to be rendered before confirmation of plan exceed normal and customary services in a chapter 13 case, the attorney may seek approval of additional fees under L.B.R. 2016-2(b).
- (f) *Post-Confirmation Modification Plans.* An attorney who has agreed to payment of the presumptively reasonable fee may receive additional compensation of \$500.00 for each post-confirmation plan modification which is filed, without seeking approval from the court.
- (g) *Payment of Fees Through Plan.* An attorney who has agreed to be paid through a proposed plan must file a Request for Payment of Chapter 13 Compensation and Expenses ([L.B.F. 2016-2\(c\)](#)) ("Request for Payment") no later than seven (7) days before the confirmation hearing on the plan. Failure to timely file a Request for Payment may result in a delay of confirmation of the chapter 13 plan. In the event the confirmation hearing is continued, the Request for Payment is not required to be refiled, if no additional fees are requested. When additional fees are requested, a new

Request for Payment must be filed no later than seven (7) days before the continued confirmation hearing.

COMMENTS: *Effective September 1, 2015, former L.B.R. 2016-2(h) was repealed because it conflicted with the Supreme Court decision Harris v. Viegelahn, 135 S.Ct. 1829 (2015).*

L.B.R. 2016-2 is being adopted as of September 1, 2014, to provide for specific procedures for the approval of attorneys' fees in chapter 13 cases. The new rule will apply to chapter 13 cases which are filed on or after October 1, 2014. The general rule will be applicable to attorneys who have agreed to provide services using the lodestar approach. A fee application form is adopted as L.B.F. 2016-2(b). To provide a more efficient means of approving fees in chapter 13 cases, a presumptively reasonable fee is being adopted; this will enable attorneys to obtain approval for fees in certain amounts without filing a fee application. The rule also adopts a Rights and Responsibilities Agreement form to be completed by all represented debtors and their attorneys. The Agreement specifies the services an attorney will perform, if required under the circumstances of a particular case, as well as the responsibilities of the debtor to assist in the prosecution of the case. The Agreement also will specify the compensation arrangements agreed to by the debtor and the attorney. The rule also provides for a Request for Payment of Chapter 13 Compensation and Expenses to be filed prior to confirmation to allow the chapter 13 trustee to determine the amount of fees that will be paid through the plan.

Rule 2090-1 *Attorneys - Admission to Practice.*

- (a) *General Admission.* Except as provided below, no attorney may appear on behalf of another unless first admitted to practice in the United States District Court for the Middle District of Pennsylvania.
- (b) *Admission Pro Hac Vice.* An attorney who is admitted to practice before any United States district court and the highest court of any state or the District of Columbia, and who is a member of the bar in good standing in every jurisdiction where admitted to practice, and who is not subject to pending disciplinary proceedings in any jurisdiction, may be admitted to practice before this court, but only for the purpose of a particular case and not generally under subdivision (a). A request for admission under this subdivision must be made by written motion of a member of the bar of this court or by the attorney intending to practice before this court. The court, in its discretion, may grant an oral motion for admission made in open court.

Rule 2090-2 *Attorneys - Discipline and Disbarment.*

- (a) *Suspension or Disbarment from Practice.* This court has the power and authority to govern, control, and discipline the conduct of attorneys appearing before it, including the power to suspend or disbar attorneys from practice before it.
- (b) *Failure to Appear.* An attorney who fails to appear without just cause, either on a matter before the court or as counsel for a debtor who fails to attend the debtor's § 341(a) meeting, may be subject to discipline by the court.

- (c) *Failure to Prepare.* An attorney who, without just cause, fails to adequately prepare for any pretrial conference, hearing, or trial may be subject to discipline by the court.

PART III
CLAIMS AND DISTRIBUTION TO CREDITORS AND
EQUITY INTEREST HOLDER; PLANS

Rule 3001-1 *Claims and Equity Security Interests - General.*

- (a) *Proof of Claim - Contents.* Any proof of claim filed must be substantially in compliance with the Proof of Claim ([Official Form 410](#)) and [F.R.B.P. 3001](#).
- (b) *Proof of Claim - Service.* In a chapter 7 asset case, a chapter 12 case, or a chapter 13 case, a claimant must serve a copy of its proof of claim, with all attachments, on a prose debtor.

COMMENTS: *L.B.R. 3001-1 was amended effective December 1, 2011, to avoid repetition of the provisions of [F.R.B.P. 3001](#) and to incorporate the requirements of [F.R.B.P. 3001\(c\)](#) for proofs of claim filed in individual debtor cases.*

Rule 3002-1 *Filing Proofs of Claim in Closed Cases.*

Unless filed electronically, any proof of claim received by the clerk in a closed case will be returned to the claimant and marked: "Not Filed, Case Closed."

Rule 3002.1-1 *Response to Notice of Final Cure Payments.*

In chapter 13 cases, a holder's response to a notice of final cure payment made pursuant to [F.R.B.P. 3002.1\(g\)](#) must be made by filing and serving the Response to Notice of Final Cure Payment ([Official Form 4100R](#)). Filing and service must be made in accordance with the provisions of [F.R.B.P. 3002.1\(g\)](#).

COMMENTS: *L.B.R. 3002.1-1 was amended effective June 1, 2016, to provide for the use of [Official Form 4100R](#) - Response to Notice of Final Cure Payment and to eliminate L.B.F. 3002.1-1.*

Rule 3003-1 *Filing Proofs of Claim in Chapter 11 Cases.*

In chapter 11 cases, notice of a deadline for proofs of claim must be given in the following manner:

- (a) *Party Request.* A party requesting the court to set a date within which claims must be filed must provide notice of the bar date and a form of proof of claim to all creditors.
- (b) *Sua Sponte.* If the court sua sponte sets a date within which claims must be filed, the clerk must provide notice of the bar date and a form of proof of claim to all creditors.

Rule 3004-1 *Filing of Proofs of Claim by Debtor or Trustee.*

A debtor or trustee filing a proof of claim in the name of a creditor under [F.R.B.P. 3004](#) must file an original and serve a copy on the creditor.

Rule 3005-1 *Filing of Proofs of Claim by Co-Debtor.*

A co-debtor filing a proof of claim in the name of a creditor under [F.R.B.P. 3005](#) must file an original and serve a copy on the creditor, any co-debtors, and the debtor.

Rule 3006-1 *Claims - Withdrawal.*

A request to withdraw a claim must state:

- (a) whether an objection to the claim was filed;
- (b) whether a complaint was filed against the claimant; and
- (c) whether the claimant has accepted or rejected a plan or otherwise participated significantly in the case.

Rule 3007-1 *Claims - Objection.*

- (a) *Contents.* An objection to the allowance of a claim must list in the caption or the pleading the claim number recorded on the claims register and state particular grounds for the objection, including, but not limited to:
 - (1) whether the claim should be disallowed in its entirety;
 - (2) whether the claim should be allowed in an amount different from that requested; or
 - (3) whether the classification of the claim (secured, priority unsecured, general unsecured) is incorrect.
- (b) *Separate Objection.* As set forth in subdivision (c) and (d) of this rule, a separate objection and notice that substantially conforms with [L.B.F. 3007-1](#) must be filed for each claim objected to, except for omnibus objections filed pursuant to [F.R.B.P. 3007\(d\)](#).
- (c) *Filing and Notice.* The objecting party must serve the objection to claim and a notice of same using [L.B.F. 3007-1](#) (Notice of Objection to Claim and Deadline to Request Hearing) upon the persons specified under [F.R.B.P. 3007\(a\)\(2\)\(B\)](#). Unless otherwise ordered by the court, a hearing on the objection to claim will not be scheduled unless the claimant files a request for hearing or response to the objection no later than thirty (30) days from the date the notice is served. If required, a certificate of service substantially conforming to L.B.R. 9013-2 must also be filed.

COMMENTS: *L.B.R. 3007-1 was amended effective December 1, 2018, to eliminate subdivision (d), which provided for special service requirements for non-ECF filers. This amendment was necessary to conform to [F.R.B.P. 3007](#), which became effective December 1, 2017. [F.R.B.P. 3007\(a\)](#) was amended to specify the manner in which an objection to a claim and notice of the objection must be served. The rule provides specific instruction in cases where the claimant is the "United States or any of its officers or agencies" or an "insured depository institution." Changes to subdivision (c) and elimination of subdivision (d) of L.B.R. 3007-1 were necessary to incorporate these provisions of [F.R.B.P. 3007](#). Changes to subdivision (b) reflect the requirement that any "notice of objection" must "substantially conform to the appropriate Official Form." Likewise, amendments to subdivision (c) of L.B.R. 3007-1 have been made to incorporate amendments to subdivision (a) of [F.R.B.P. 3007](#), which no longer require that a hearing be scheduled or held on every objection. The rule now requires the objecting party to provide notice and an opportunity for hearing on the objection and requires the claimant to timely request a hearing or file a response in order to obtain a hearing. Amended [L.B.F. 3007-1](#), which must be served with a copy of the objection, informs the claimant of the actions that must be taken to request a hearing.*

Rule 3010-1 *Small Dividends in Chapter 13 Cases.*

The chapter 13 trustee may make payments of amounts less than \$15.00 to a creditor.

Rule 3015-1 *Chapter 13 - Model Plan.*

- (a) *Use of Plan Form.* In chapter 13 cases, the plan must conform with [L.B.F. 3015-1](#).
- (b) *Service.* If a chapter 13 plan includes either a request for determination of the amount of a secured claim or a request to avoid a lien or other transfer of property exempt under the Code, debtor must serve the plan upon all affected parties in the manner provided for in [F.R.B.P. 3012\(b\)](#) and [F.R.B.P. 4003\(d\)](#).

COMMENTS: *L.B.R. 3015-1 was amended effective December 1, 2017, to comply with amended [F.R.B.P. 3015\(c\)](#) and new [F.R.B.P. 3015.1](#). Subsection (a) formally adopts [L.B.F. 3015-1](#) as the local chapter 13 plan form to be used in lieu of Official Form 113 pursuant to [F.R.B.P. 3015\(c\)](#). Subsection (b) incorporates the heightened service requirements imposed upon chapter 13 plans that contain requests for determination of the amount of a secured claim and/or request to avoid liens or other transfers of property exempt under the Code as imposed by amended [F.R.B.P. 3012\(b\)](#) and [4003\(d\)](#).*

Rule 3015-2 *Chapter 12 or Chapter 13 - Amendments to Plans.*

- (a) *Numbering.* Amended plans must be numbered sequentially beginning with "First Amended Plan."
- (b) *Amendments to the Chapter 12 or Chapter 13 Plan Prior to Confirmation.* Once a plan has been filed, any changes to the plan proposed by the debtor must be made by filing an amended plan and not by filing a stipulation between the affected parties.

- (c) *Filing and Service of Chapter 12 or Chapter 13 Amended Plan - Pre-Confirmation by a CM/ECF Filer.* If an amended plan is filed after the clerk's office notices the initial confirmation hearing but prior to the confirmation of the plan, a CM/ECF filer may request a new confirmation hearing date by using the self-scheduling procedures as set forth in L.B.R. 9002-1. At the time the amended plan is filed, and subject to the service requirements set forth in L.B.R. 3015-1(b) and [F.R.B.P. 4003\(d\)](#), the CM/ECF filer must provide a copy of the amended plan and the notice setting confirmation objection and hearing dates for the pre confirmation amended plan to each party on the mailing matrix, either by U.S. mail or electronically through the CM/ECF system. The CM/ECF filer must also file a certificate of service which complies with L.B.R. 9013-2.
- (d) *Filing and Service of Chapter 12 or Chapter 13 Amended Plan - Pre-Confirmation by a Pro Se Debtor.* A chapter 12 or chapter 13 debtor who represents him or herself must file the amended plan with the clerk's office. When the amended plan is filed, and subject to the service requirements set forth in L.B.R. 3015-1(b) and [F.R.B.P. 4003\(d\)](#), the pro se debtor must, within five (5) days, provide a copy of the amended plan to each party on the mailing matrix, either by U.S. mail or electronically through the CM/ECF system. The pro se debtor must also file a certificate of service which complies with L.B.R. 9013-2. After the certificate of service is filed, the clerk will then issue and send to creditors and parties in interest a notice setting confirmation objection and hearing dates for the pre-confirmation amended plan.
- (e) *Modification of the Chapter 12 or Chapter 13 Plan After Confirmation by a CM/ECF Filer.* After a plan has been confirmed, a motion may be filed to modify the confirmed plan. The proposed modified plan and a proposed order must be attached to the motion to modify.
- (f) *Service of Chapter 13 Amended Plan After Confirmation by a CM/ECF Filer.* Subject to the service requirements set forth in L.B.R. 3015-1(b) and [F.R.B.P. 4003\(d\)](#), an amended post confirmation plan and a passive notice containing the objection date must be provided to each creditor and party in interest, either by U.S. mail or electronically through the CM/ECF system. If an amended plan is filed that alters the treatment of the claims of a limited number of creditors, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing [L.B.F. 3015-2\(a\)](#), certifying that service has been made on the affected creditors. Further, if an amended plan is filed to alter funding of the plan or to make technical amendments, but does not affect the payment of any creditor's claim, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing [L.B.F. 3015-2\(b\)](#), certifying the limited changes to the confirmed plan.
- (g) *Service of Chapter 12 Amended Plan After Confirmation by a CM/ECF Filer.* Subject to the service requirements set forth in L.B.R. 3015-1(b) and [F.R.B.P. 4003\(d\)](#), an amended post confirmation plan and a passive notice containing the objection date must be provided to each creditor and party in interest, either by U.S. mail or electronically through the CM/ECF system. If an amended plan is filed that alters the

treatment of the claims of a limited number of creditors, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing [L.B.F. 3015-2\(c\)](#), certifying that service has been made on the affected creditors. Further, if an amended plan is filed to alter funding of the plan or to make technical amendments, but does not affect the payment of any creditor's claim, the debtor may be excused from serving the motion, notice, and amended plan on all creditors by filing [L.B.F. 3015-2\(d\)](#), certifying the limited changes to the confirmed plan.

- (h) *Filing and Service of Chapter 13 Amended Plan After Confirmation by Pro Se Debtor.* A pro se debtor who wishes to amend a confirmed plan must file a motion to modify the confirmed plan with the clerk's office. The proposed modified plan and a proposed order must be attached to the motion to modify. Subject to the service requirements set forth in L.B.R. 3015-1(b), the pro se debtor must, within five (5) days, mail a copy of the amended plan, the motion to modify, and a proposed order to each creditor and party in interest. The pro se debtor must also file a certificate of service, which complies with L.B.R. 9013-2. After the certificate of service is filed, the clerk will then issue and send to creditors and parties in interest a passive notice setting the objection date on the post confirmation amended plan.
- (i) *Filing and Service of Chapter 12 Amended Plan After Confirmation by Pro Se Debtor.* A pro se debtor who wishes to amend a confirmed plan must file a motion to modify the confirmed plan with the clerk's office. The proposed modified plan and a proposed order must be attached to the motion to modify. Subject to the service requirements set forth in L.B.R. 3015-1(b), the pro se debtor must, within five (5) days, mail a copy of the amended plan, the motion to modify, and a proposed order to each creditor and party in interest. The pro se debtor must also file a certificate of service, which complies with L.B.R. 9013-2. After the certificate of service is filed, the clerk will then issue and send to creditors and parties in interest a passive notice setting the objection date on the post confirmation amended plan.
- (j) *Waiver of Objections to Chapter 12 or Chapter 13 Plans.* The failure to file a timely objection, upon notice, is deemed a waiver of all objections to the amended plan and any prior plans, and the court may confirm the amended plan without further notice or hearing.

Rule 3015-3 *Chapter 12 or Chapter 13 - Confirmation Hearing.*

- (a) *Chapter 13 Pre-Confirmation Certifications.* Debtor must file with the clerk a Pre-Confirmation Certification in conformity with [L.B.F. 3015-3\(a\)](#) and submit to the Chapter 13 Trustee a Certification Regarding Domestic Support Obligation(s) in conformity with [L.B.F. 3015-3\(b\)](#), if applicable, at least twenty-four (24) hours prior to the time of the hearing.
- (b) *Chapter 12 Pre-Confirmation Certification.* Debtor must file with the clerk a Pre-Confirmation Certification in conformity with [L.B.F. 3015-3\(c\)](#) certifying compliance with [11 U.S.C. § 1225\(a\)\(7\)](#) at least twenty-four (24) hours prior to the time of the hearing.

- (c) *Appearances at Hearing.* Neither the debtor nor debtor's counsel need appear at the confirmation hearing if:
 - (1) No objections to the chapter 13 plan have been timely filed or any timely filed objections have been withdrawn; and
 - (2) The Pre-Confirmation Certifications have been filed in conformity with L.B.R. 3015-3(a).

If neither the debtor nor debtor's counsel appear at the hearing under this subsection and a party in interest appears and is permitted to lodge an untimely objection, the court will reschedule the hearing on confirmation. Otherwise, debtor and debtor's counsel must attend all scheduled confirmation hearings.

- (d) *Payment of Filing Fee.* The entire case filing fee must be paid prior to the confirmation of any chapter 13 plan. Provided, the requirements of this subparagraph may be waived by the court, upon motion for cause.

Rule 3015-4 *Chapter 13 - Adequate Protection Payments.*

For cases filed on or after October 17, 2005, the debtor must make pre-confirmation adequate protection payments as follows:

- (a) *Adequate Protection Payments to Lessors.* Adequate protection payments to a lessor of personal property must be made by the debtor directly to the lessor if the debtor's plan so provides. If the debtor's plan provides for the lease payments to be made by the trustee, the debtor's plan payments must be made timely so that the trustee may begin prompt distribution.
- (b) *Adequate Protection Payments to Secured Creditors.* Pre-confirmation adequate protection payments to a secured creditor must be made by the debtor directly to the secured creditor if the debtor's plan so provides. If the plan does not so provide, the adequate protection payments must be paid to the trustee and not directly to the secured creditor. The adequate protection payments must be made timely so that the trustee may begin prompt distribution.
- (c) *Creditor Identification.* The debtor's plan must separately identify by creditor name, address, account number, and monthly payment amount each creditor entitled to receive adequate protection payments.
- (d) *Adequate Protection Payment Distribution.* The trustee will distribute pre-confirmation adequate protection payments to any creditor identified in the plan as receiving payments from trustee and for which a proof of claim has been filed, less the trustee's statutory compensation and expenses, as soon as practicable after receipt of said payment from the debtor.

Rule 3015-5 *Entry of Chapter 13 Discharge.*

A Chapter 13 discharge will not be entered unless the debtor has filed, after the completion of plan payments, the Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q) ([Official Form 2830](#)) and has completed an instructional course concerning personal financial management described in [11 U.S.C. § 111](#) and [§ 1328\(g\)\(1\)](#), and either the debtor or the course provider has filed a Certification About a Financial Management Course ([Official Form 423](#))).

COMMENTS: *L.B.R. 3015-5 was amended effective June 1, 2016, to provide for the use of [Official Form 423](#) - Certification About a Financial Management Course and to eliminate L.B.F. 3015-5.*

Rule 3015-6 *Chapter 12 - Individual Debtor Discharge.*

For all individual chapter 12 cases, a discharge will not be entered unless the debtor has filed, within seven (7) days after completion of plan payments, an Individual Chapter 12 Debtor's Certification Regarding Domestic Support Obligations ([L.B.F. 3015-6](#)), in conformity with the requirements of [11 U.S.C. § 1228\(a\) and \(f\)](#).

Rule 3016-1 *Disclosure Statement - General.*

- (a) *Contents.* Unless the court orders otherwise, any disclosure statement or amended disclosure statement must include the following information in addition to all other information required by applicable law:
- (1) an introductory narrative summarizing the plan, which must include:
 - (A) an identification of each class of claims or interests;
 - (B) the composition of each class as to number and type of creditor or interest;
 - (C) the amount of claims and interests (specifying any that are known to be disputed and how they will be treated under the plan);
 - (D) the amount (dollar and/or percentages) to be paid to each class and the timing of payments to be made under the plan; and
 - (E) all sources and amounts of funding in reasonable detail;
 - (2) a summary exhibit setting forth a liquidation analysis as if assets of the debtor were to be liquidated under chapter 7; and
 - (3) a narrative summarizing the scheduled assets and liabilities as of the date of the order for relief:

- (A) reciting the disposition of assets during the chapter 11 case;
 - (B) describing the process for handling initial and subsequent disbursements under the plan; and
 - (C) identifying persons responsible for making disbursements under the plan.
- (b) *Disclosure Statement Accompanying Reorganization Plan.* Unless a liquidating plan is proposed, each disclosure statement must also include a projected cash flow and budget, including plan payments over the shorter of the life of the plan or three fiscal years following confirmation, showing all anticipated income and expenses.

Rule 3017-1 *Disclosure Statement - Approval.*

- (a) *Notice and Hearing.* Upon receipt of a disclosure statement, the court will issue an order and notice for hearing on the disclosure statement. The plan proponent filing the disclosure statement must mail the order and notice to all parties listed in [F.R.B.P. 3017\(a\)](#).
- (b) *Amended Disclosure Statements.* With every amended disclosure statement, the plan proponent must file a certification in substantial compliance with [L.B.F. 3017-1](#). The plan proponent must serve copies of the amended disclosure statement on parties in interest whose claims or interests may be affected by the changes and notify them of a new objection date as directed by the court.
- (c) *Transmission of Approved Disclosure Statement and Order.* After entry of an order approving the disclosure statement, the plan proponent must mail the order, the plan or a court-approved summary of the plan, the disclosure statement, and a ballot for accepting or rejecting the plan conforming to Class [] Ballot for Accepting or Rejecting Plan of Reorganization ([Official Form 314](#)) to all creditors and interest holders. The ballot must state that ballots are to be returned to the plan proponent and not to the clerk.

Rule 3018-1 *Ballots - Voting on Plans.*

- (a) *Service of Ballots and Report of Results of Balloting.* Any ballot accepting or rejecting a plan must be served on the plan proponent as specified on the ballot. No less than seven (7) days before the confirmation hearing, the plan proponent must file a report of the balloting with the clerk and serve a copy on the debtor (unless the debtor is the plan proponent) and each committee. The proponent must retain the ballots.
- (b) *Form of Report of Balloting.* The report of balloting must substantially conform to [L.B.F. 3018-1](#).

Rule 3019-1 *Chapter 11 - Amendments to Plan.*

With every plan that is amended or modified before confirmation, a plan proponent must file a certification in substantial compliance with [L.B.F. 3019-1](#). The plan proponent must serve copies of the amended plan on parties in interest whose claims or interests may be affected by the changes and notify them of a new objection date as directed by the court.

Rule 3020-1 *Chapter 11 - Individual Debtor Confirmation.*

For all individual chapter 11 cases, a confirmation order will not be entered unless the debtor has filed, at least seven (7) days before the confirmation hearing, an Individual Chapter 11 Debtor's Certification Regarding Domestic Support Obligations ([L.B.F. 3020-1](#)) in conformity with the requirements of [11 U.S.C. § 1129\(a\)\(14\)](#).

COMMENTS: L.B.R. 3020-1 was amended effective September 1, 2014, to clarify that the requirement of the Individual Chapter 11 Debtor's Certification Regarding Domestic Support Obligations is a condition for confirmation, not discharge.

Rule 3022-1 *Final Report/Decree (Chapter 11).*

- (a) *Motion.* A motion for a final decree must certify that the estate is fully administered and list all pending adversary proceedings related to the case.
- (b) *Service of Motion.* The motion must be served on all secured creditors and any committee appointed under [11 U.S.C. § 1102](#), or its authorized agent. If no committee of unsecured creditors has been appointed under [11 U.S.C. § 1102](#), the motion must be served on the creditors included on the list filed under [F.R.B.P. 1007\(d\)](#).

PART IV
THE DEBTOR: DUTIES AND BENEFITS

Rule 4001-1 *Automatic Stay - Relief from.*

- (a) *Filing a Motion for Relief from the Automatic Stay.* A motion for relief from the automatic stay must be filed using the self-scheduling procedures set forth in L.B.R. 9002-1. Unless service is made electronically through the ECF system, the movant must serve the motion and semi-passive notice upon the persons specified under [F.R.B.P. 4001](#) and L.B.R. 4001-6.
- (b) *Combination of Motions.* A motion for relief from the stay may not be combined with a request for any other relief.
- (c) *Proposed Order.* Each motion for relief from the automatic stay must be accompanied by a proposed order granting the relief requested in the motion.
- (d) *Contents of Motion.* The motion seeking relief must state the following:
 - (1) the location of the property;
 - (2) the priority of the movant's lien relative to any other liens against the property, if known without further inquiry;
 - (3) the contract amount of current monthly installments; and
 - (4) the stage to which debt enforcement or foreclosure actions had progressed when the order for relief was entered.
- (e) *Debtor's Principal Residence.* If relief is sought for a post-petition default in a chapter 11 or 13 case with respect to property that is a debtor's principal residence, the movant must file [L.B.F. 4001-1](#), signed by the movant, or an officer or employee of the movant, with the motion.
- (f) *Concurrence in Motion.* The movant must seek the concurrence of the debtor and of the trustee, if one has been appointed in the case. The movant must file a certificate with the motion for relief stating whether concurrence was obtained. If a certificate of concurrence/nonconcurrence is not filed with the motion for relief, the court may deny the motion *sua sponte*.

Rule 4001-2 *Cash Collateral.*

- (a) *Filing a Motion to Authorize or Prohibit Use of Cash Collateral.* A motion seeking to authorize or prohibit the use of cash collateral must be filed using the self-scheduling procedures set forth in L.B.R. 9002-1. Unless service is made electronically through the ECF system, the movant must serve the motion and hearing required notice upon the persons specified under [F.R.B.P. 4001](#) and L.B.R. 4001-6.

- (b) *Required Disclosure of Certain Provisions of Financing Motion.* Each motion to use cash collateral must comply with L.B.R. 4001-3(c), (d), and (e), and interim and final relief must be granted, denied, or conditioned as provided under L.B.R. 4001-3(f) and (g).

Rule 4001-3 *Obtaining Credit.*

- (a) *Filing a Motion to Obtain Credit.* A motion seeking authority to obtain credit must be filed using the self-scheduling procedures set forth in L.B.R. 9002-1. Unless service is made electronically through the ECF system, the movant must serve the motion and semi-passive notice upon the persons specified under [F.R.B.P. 4001](#) and L.B.R. 4001-6.
- (b) *Credit Agreement.* Each motion for authority to obtain credit must be accompanied by the proposed credit agreement.
- (c) *Required Disclosure of Certain Provisions of Financing Motion, Order, or Stipulation - Chapter 9 or Chapter 11 Cases.* All motions seeking authorization to use cash collateral and all motions for authority to obtain credit - collectively, the “Financing Motions” - must:
 - (1) recite whether the proposed form of order, underlying cash collateral stipulation, or loan agreement contains any provision of the type indicated below;
 - (2) identify the location of any such provision in the proposed form of order, cash collateral stipulation, or loan agreement; and
 - (3) 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 creditor (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 parties in interest with respect to validity, perfection, priority, or amount of the secured creditor’s prepetition lien or debt 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 for relief 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 any rights the estate may have under [11 U.S.C. § 506\(c\)](#).
 - (D) Provisions that 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) 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 under [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 that provided for the professionals retained by the debtor with respect to a professional fee carveout, and provisions that limit the committee counsel's use of the carveout.
 - (G) Provisions that prime any secured lien without the consent of the lienholder.
 - (H) Provisions that release the secured creditor from lender liability.
 - (I) Provisions that grant the lender expedited relief from the automatic stay under [11 U.S.C. § 362](#) or relief from the automatic stay without further order of court.
- (d) *Summary of Essential Terms.* Any Financing Motion must provide a summary of the essential terms of the proposed use of cash collateral or financing, including:
- (1) the amount to be borrowed or advanced on both an interim and final basis;
 - (2) the terms of repayment;
 - (3) the interest rate;
 - (4) the description of any collateral;
 - (5) events of default; and
 - (6) limitations on the use of funds.
- (e) *Budget.* Any Financing Motion must include a budget covering the time period during which the proposed financing will remain in effect. The budget must state in as much detail as is reasonably practical the amount of the projected receipts and disbursements during the period covered by the budget.

- (f) *Interim Relief.* If a Financing Motion is filed with the court on or shortly after the date of the order for relief, the court may grant interim relief pending review by parties in interest of the proposed debtor in possession financing arrangements. Interim relief will be granted only to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the court will not approve interim financing orders that include any of the provisions previously identified under L.B.R. 4001-3(c)(3).
- (g) *Final Approval of Financing Motion.* A final order may be entered only after notice and hearing under [F.R.B.P. 4001](#). If formation of a creditors' committee is anticipated, a final hearing may not be held until at least fourteen (14) days following the organizational meeting of the creditors' committee contemplated by [11 U.S.C. § 1102](#) unless the court, upon motion, orders otherwise.

COMMENTS: *L.B.R. 4001-3 was amended effective December 1, 2009, to limit the detailed disclosures concerning motions seeking authority to use cash collateral or obtain credit to cases filed under Chapters 9 or 11.*

Rule 4001-4 *Filing a Motion Seeking to Prohibit or Condition the Use, Sale, or Lease of Property Other Than Cash Collateral.*

Unless service is made electronically through the ECF system, the movant must serve the motion seeking to prohibit or condition the use, sale, or lease of property and semi-passive notice upon the persons specified under [F.R.B.P. 4001](#) and L.B.R. 4001-6.

COMMENTS: *L.B.R. 4001-4 was amended effective September 1, 2014, to align with current noticing procedures. Motions to prohibit or allow the use of cash collateral are governed by L.B.R. 4001-2.*

Rule 4001-5 *Motions to Extend the Automatic Stay Under Section 362(c)(3) and Motions to Impose Automatic Stay Under Section 362(c)(4).*

- (a) *Contents.* If the stay is to be extended or imposed with regard to all creditors, then the motion must so indicate. If the motion seeks only to extend the stay or to impose the stay as to particular creditors, then the motion must identify those particular creditors. The motion also must state with particularity why the later filing has been made in good faith.
- (b) *Service.* A motion that seeks to extend or impose the stay as to all creditors must be served upon all creditors. A motion that seeks to extend or impose the stay only as to particular creditors must be served upon those particular creditors.
- (c) *Affidavit.* The movant may file a verified affidavit setting forth the substantial changes in the financial or personal affairs of the debtor since the dismissal of the next most previous bankruptcy case. In the absence of timely filed objections, the court may enter an order extending the automatic stay without a hearing where a sufficient affidavit has been filed.

Rule 4001-6 *Service of Motions under [F.R.B.P 4001](#).*

In addition to the parties identified in [F.R.B.P. 4001](#), the following motions must also be served upon creditors listed on the schedules as holding claims secured by the asset(s) identified in the motion:

- (a) A motion for relief from the stay;
- (b) A motion seeking an order prohibiting or conditioning the use, sale, or lease of property;
- (c) A motion to use cash collateral;
- (d) A motion for authority to obtain credit;
- (e) Any agreement regarding any of the preceding motions;
- (f) A motion to extend, continue, or impose the automatic stay; or
- (g) A motion to confirm the termination or absence of the automatic stay.

Rule 4003-1 *Exemptions.*

- (a) *Notice of Response Date to Objection.* When an objection is filed to a debtor's exemptions, the clerk will give twenty-one (21) days' notice by mail of the time fixed for filing a response to the objection.
- (b) *Hearing Date for Objection to Exemptions.* Except as provided in subdivision (c), the clerk will set a hearing date on the objection if a response is filed by the debtor.
- (c) *Request for Hearing Required.* If the chapter 13 trustee files an objection to exemptions, the clerk will not set a hearing date until requested by the debtor or the trustee.

Rule 4004-1 *Motion to Defer Entry of Discharge Order.*

A motion to defer entry of the discharge order for the purposes of obtaining additional time to file the Certification About a Financial Management Course ([Official Form 423](#)) must indicate why debtor is unable to obtain and file the certification within the required time period.

Rule 4006-1 *Closing Chapter 7 or Chapter 13 Cases Without Discharge.*

If the Certification About a Financial Management Course ([Official Form 423](#)) is not filed in accordance with [F.R.B.P. 1007\(b\)\(7\)](#) and [\(c\)](#) and the time limits contained therein, the clerk may close the case without the issuance of an order of discharge and notify creditors thereof.

Rule 4008-1 *Reaffirmation.*

- (a) *General Procedure.* A reaffirmation agreement must be substantially in compliance with [L.B.F. 4008-1\(a\)](#). A reaffirmation agreement must be accompanied by the Cover Sheet for Reaffirmation Agreement ([Official Form 427](#)). If the presumption arises that the reaffirmation agreement will impose an undue hardship on the debtor, and if the presumption is not rebutted to the satisfaction of the court by a statement on the reaffirmation agreement that identifies additional sources of funds to make the agreed payments, the court will set the matter for hearing.
- (b) *Hearings.* Hearings will be held on all reaffirmation agreements filed by pro se debtors and debtors whose counsel has not signed the certification page of the agreement. Hearing will be held on any agreement which, in the judgment of the court, may impose an undue hardship on the debtor.

COMMENTS: *L.B.R. 4008-1 was amended effective December 1, 2009, to provide for the filing of a reaffirmation cover sheet in accordance with [F.R.B.P. 4008](#) and to delete the former requirement for submission of a proposed order complying with L.B.F. 4008-1(b), which form was eliminated as part of the amendments.*

**PART V
COURTS AND CLERKS**

Rule 5001-1 *Clerk's Office.*

Except as otherwise ordered by the court, or when closed by federal or official holiday, the clerk's offices in Wilkes-Barre and Harrisburg will be open to the public from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Rule 5004-1 *Disqualification.*

- (a) *Motion.* A request for disqualification of a judge must be made by written motion. If a hearing is set, the clerk will provide to the movant an order setting the hearing date. The movant must serve the order upon:
- (1) the debtor; and
 - (2) if disqualification from the entire case is not sought, all parties that are engaged in litigation before the court with regard to an adversary proceeding or contested matter from which the basis for disqualification arose unless service is made on such parties electronically through the ECF system.
- (b) *Oral Motion.* The motion may be made orally in open court if grounds for disqualification are first presented during proceedings before the judge.

Rule 5005-1 *Filing and Transmittal of Papers.*

- (a) *Electronic Filing and Signing.*
- (1) *By a Represented Entity.* An entity represented by an attorney must file documents by electronic means in accordance with the [Administrative Procedures](#) available on the court's website (www.pamb.uscourts.gov). However, non-electronic filing may be allowed for good cause, or as otherwise provided for by these rules;
 - (2) *By an Unrepresented Individual.* An individual not represented by an attorney:
 - (A) may file electronically only if allowed by court order or through compliance with the conditions authorizing same as set forth in the [Administrative Procedures](#) adopted by this District; and
 - (B) may be required to file electronically only by court order or as otherwise provided for in the [Administrative Procedures](#) adopted by this District.
 - (3) *Signing.*

Documents that are electronically filed and require original signatures or require verification under [F.R.B.P. 1008](#) or contain an unsworn declaration under [28 U.S.C. § 1746](#), must be maintained in paper form by the filing user for 7 years as set forth in the [Administrative Procedures](#) adopted by this District.

- (4) *Same as a Written Paper.* A paper filed electronically is a written paper for purposes of these rules, the Federal Rules of Bankruptcy Procedure, and [Section 107](#) of the Code.
- (b) *Filing Proofs of Claim.* Notwithstanding the requirements of L.B.R. 5005-1(a), pursuant to [Miscellaneous Order 5:14-mp-00003](#), claims may be filed, amended, or withdrawn through the court's Electronic Proof of Claim (ePOC) system without the need to register or login as a user in the court's ECF system (CM/ECF). Any claim filed, amended, or withdrawn electronically through the ePOC system will constitute the filer's approved signature and have the same force and effect as if the authorized individual signed a paper copy of the proof of claim form, amendment, or withdrawal.
- (c) *Temporary Paper Filing.* An attorney who is not a registered CM/ECF filer may file initial papers in person, by facsimile, or by email after seeking permission from the court as set forth in [Miscellaneous Order 5:05-mp-50007](#). Before any additional papers are filed, the attorney must apply for and obtain a CM/ECF login and password. Registration may be completed through the court's website: www.pamb.uscourts.gov using "Electronic Filing Registration" under the Court Info tab.
- (d) *CM/ECF Filing Systems Failure.* A registered CM/ECF filer may file papers in person, by facsimile, or by email for up to seventy-two (72) hours when electronic filing is not possible due to a failure in the CM/ECF filer's systems, including, without limitation, hardware, software, or internet connection. Any filing made by means other than CM/ECF must be accompanied by an affidavit stating why the document was not filed electronically.

COMMENTS: *L.B.R. 5005-1 was amended effective December 1, 2018, to conform to new F.R.B.P. 5005. Reasonable exceptions are recognized and paper filing is still allowed for good cause. Compelling pro se litigants to file electronically is unrealistic and may impede their access to the court. Therefore, filings by an individual not represented by an attorney are treated separately. Rather than mandate electronic filing, pro se litigants can only be required to file electronically by court order, or as otherwise provided for in the [Administrative Procedures](#) adopted by this District.*

Rule 5005-2 *Filing Papers - Number of Copies; Time-Stamped Copies.*

- (a) *Petition and Supporting Documents.* In all chapters, only the original petition and supporting documents must be filed.

- (b) *No Copies of Electronic Filings Required.* Except when paper copies are required by a local rule or by court order, when a petition, pleading, or any other paper is filed electronically, no copies are required.
- (c) *Stamped “Filed” Copies.* To receive a time-stamped copy of a document, the filing party must provide the clerk with a copy of the document and a self-addressed, stamped envelope.

Rule 5005-3 *Filings During Technical Failures.*

In the event of a technical failure, as defined in L.B.R. 9001-1, an electronic filer may use any of the following filing methods:

- (a) file the documents as a PDF attachment to an email sent to the following address: [PAMB ECF Failure@pamb.uscourts.gov](mailto:PAMB_ECF_Failure@pamb.uscourts.gov);
- (b) file the documents in person by bringing the documents to the clerk’s office in paper, accompanied by an electronic storage format (i.e., flash drive, CD-ROM) that contains the document in PDF format without any password requirement;
- (c) file the documents via facsimile to: 570-829-0249 (Wilkes-Barre) or 717-901-2822 (Harrisburg); or
- (d) seek appropriate relief from the court or proceed pursuant to any generally applicable order that may have been entered addressing the technical failure.

Electronic filers are cautioned that the court’s ability to grant relief may be limited by [F.R.B.P. 9006\(b\)](#).

COMMENTS: *L.B.R. 5005-3 was adopted effective June 1, 2016, to provide for filing alternatives in the event of a technical failure as now defined in L.B.R. 9001-1.*

Rule 5005-4 *Filing Papers After Hours.*

- (a) *After Hours Filings.* Except as otherwise authorized by the court, non-ECF filers may file petitions and other papers by facsimile only pursuant to the provisions of this rule.
- (b) *Time and Manner of Filing.* Papers may be filed by facsimile to the Harrisburg or Wilkes-Barre facsimile numbers indicated on the court’s website (www.pamb.uscourts.gov) when the clerk’s office is not open. After 4:00 p.m. EST, and before Midnight (12:00 a.m.) EST, transmit by facsimile only the first page and the signature page of the document.
- (c) *Filing of Original Document.* The entire original paper document, together with any required filing fee, must be filed in person and time-stamped by the clerk no later than 4:00 p.m. EST on the next business day after the facsimile filing when the clerk’s office is open.

- (d) *Clerk's Procedures Concerning Facsimile Documents.* If the original document is not timely filed after the facsimile transmittal, the clerk will note that fact and the facsimile will have no force or effect. The clerk's office will not acknowledge the filing of a document or assign a case number or adversary number to a document unless the original is timely filed pursuant to the provisions of this rule. Upon timely receipt of the original document and any required fee, the clerk will stamp the following notation on the document: "This document is deemed filed on _____ (date) pursuant to L.B.R. 5005-4 - Filing Papers After Hours." Documents filed in accordance with this rule will be deemed filed on the date and at the time printed on the document by the facsimile machine in the clerk's office which received the facsimile.

Rule 5010-1 *Reopening Cases.*

A motion to reopen a case, which may be granted summarily, must be accompanied by the appropriate filing fee unless waived by the court. The filing fee may be waived if the case is opened to correct an administrative error, to assert the protection of the discharge injunction, or for cause shown. The motion must be served on:

- (a) the debtor; and
- (b) any other party as directed by the court.

Rule 5011-1 *Withdrawal of Reference.*

- (a) *Filing of Motion.* The movant must file a motion, proposed order, and supporting brief with the clerk of the bankruptcy court. The clerk of the bankruptcy court will transmit the motion and supporting documents to the district court. All documents filed after the initial motion, proposed order, and supporting brief must be filed with the clerk of the district court.
- (b) *Motion Contents.* The motion must address the following:
 - (1) whether the proceeding for which withdrawal is being sought is core under [28 U.S.C. § 157\(b\)](#) or non-core under [28 U.S.C. § 157\(c\)](#) and, if core, whether the bankruptcy court lacks the constitutional authority to enter a final order or judgment;
 - (2) whether withdrawal of the reference is permissive under [28 U.S.C. § 157\(d\)](#);
 - (3) whether withdrawal of the reference is mandatory under [28 U.S.C. § 157\(d\)](#).
- (c) *Notice of the Motion.* The movant must provide notice to all creditors and parties in interest if the motion requests withdrawal of the entire bankruptcy case or provide notice to the parties in the adversary proceeding if the motion requests withdrawal of an adversary proceeding or counts within the proceeding.

- (d) *Objections to the Motion.* Any party opposing the motion must file with the district court and serve on the movant and other interested parties an objection and brief within fourteen (14) days after service of the motion and a supporting brief.
- (e) *Bankruptcy Court Report and Recommendations.* After the time for filing objections has expired, the bankruptcy judge assigned to the bankruptcy case will file with the district court, within fourteen (14) days, a report and recommendation on the motion to withdraw the reference. Once the report and recommendation is submitted by the bankruptcy judge, any party may object to the report and recommendations within fourteen (14) days after being served with a copy thereof. Thereafter, the motion will be ripe for disposition by the district court.
- (f) *Procedure After Grant of the Motion.* If the district court grants the motion, all further proceedings will be governed by the Rules of Court for the Middle District of Pennsylvania.

COMMENTS: *L.B.R. 5011-1 was adopted effective June 1, 2016, to provide the procedure for filing a motion to withdraw the reference.*

PART VI
COLLECTION AND LIQUIDATION OF THE ESTATE

Rule 6002-1 *Accounting by Prior Custodian of Property of the Estate.*

A prior custodian must submit a report and accounting to the United States trustee that contains sufficient detail to inform the trustee or any other party in interest of the custodian's activities while in possession of what is now the property of the estate. No particular format is required under this rule.

Rule 6004-1 *Use, Sale, or Lease of Property.*

- (a) *Sale on Notice.* A sale of assets, other than in the ordinary course of business, under and subject to liens, may be conducted, on notice, pursuant to [11 U.S.C. § 363\(b\)](#). The notice of sale is subject to the notice requirements of this rule.
- (b) *Sale Upon Motion.* Any sale on motion is subject to the notice requirements of this rule. Any motion for a free and clear sale is subject to the notice requirements of this rule and to the additional requirements of L.B.R. 6004-5.
- (c) *Sale Notices.* When the proposed use, sale, or lease of property is upon notice or motion (unless subject to the exceptions in [F.R.B.P. 6004\(d\)](#) or L.B.R. 9075-1), the required notice must include:
 - (1) the caption of the case;
 - (2) the name and address of the seller;
 - (3) a general description of the property to be sold;
 - (4) the place, date, and time the property may be examined prior to the sale or an explanation of how an interested party may be afforded an opportunity to examine the property prior to the sale;
 - (5) the terms and conditions of sale, including the terms of any pending offers, or minimum bid requirements, or breakup fee provisions;
 - (6) the date, time, and place of any public sale;
 - (7) whether the sale is subject to higher and better offers and how such offers must be submitted;
 - (8) in any private sale, the identity of the purchaser and any affiliation or relationship with the debtor or an insider of the debtor;
 - (9) the last date by which objections to the sale must be filed with the court - which must be not less than twenty-one (21) days after the notice is mailed, unless

the court shortens the time under [F.R.B.P. 9006](#) or directs another method of giving notice; and

- (10) a statement that inquiries regarding the sale should be directed to the seller or their counsel or agent and not to the clerk.
- (d) *Service.* Unless the court directs otherwise, and unless service is made electronically through the ECF system, the notice of sale must be served on the following:
- (1) the debtor;
 - (2) the trustee, if any;
 - (3) indenture trustees, if any;
 - (4) all creditors;
 - (5) all committees appointed under the Bankruptcy Code, if any;
 - (6) the United States trustee;
 - (7) the United States as required by [F.R.B.P. 2002\(j\)](#); and
 - (8) all holders of liens or encumbrances against the property.
- (e) *Address for Service.* Service of a notice of sale must be made at the address set forth in any request for notices filed under [F.R.B.P. 2002\(g\)\(1\)](#). If a request has not been filed, the notice must be served under [F.R.B.P. 2002\(g\)\(2\)](#) unless a different address is listed in a late r-filed proof of claim. In the latter instance, the address stated in the proof of claim must be used.

Rule 6004-2 *Objections to Section 363(b) Sale.*

Any party who objects to a proposed sale must file an objection within the time period fixed by the notice of sale. The objecting party must serve a copy of the objection on the seller and the seller's counsel of record.

Rule 6004-3 *Public Sale Bidding Procedures in a Chapter 11 Case.*

In the case of a public sale conducted in a chapter 11 case by other than a professional auctioneer, the seller must file a sale procedure motion which will detail the bidding procedures, including the following:

- (1) any minimum bid requirements;
- (2) any minimum bid increment requirements;

- (3) whether any bidder who has a contractual right to a topping or breakup fee will receive a credit equal to the breakup or topping fee when bidding on the property; and a provision that all bidding must take place outside the presence of the court.

Rule 6004-4 *Special Sale Provisions in a Chapter 11 Case.*

- (a) *Breakup/Topping Fees and Expense Reimbursement.* When the seller in a chapter 11 case is seeking court approval of a breakup or topping fee or other bidding protections (such as the estate's proposed payment of out-of-pocket expenses incurred by a bidder or contract purchaser), the sale motion must include the following:
 - (1) the name of the party entitled to the breakup or topping fee;
 - (2) the dollar amount or the method to calculate the breakup or topping fee; and
 - (3) any relationship between the seller and the party eligible for the breakup or topping fee.
- (b) *Sale to Insider.* If the seller seeks court approval of a sale to an insider of the debtor, the motion must include the following information:
 - (1) the name of the insider;
 - (2) the relationship of the insider to the debtor; and
 - (3) the measures that have and will be taken to ensure the fairness of the sale process.
- (c) *Agreements with Management.* Any motion seeking approval of the private sale of an ongoing business must disclose the following:
 - (1) whether the proposed purchaser has entered into any agreements with management or key employees concerning compensation or future employment;
 - (2) the material terms of any agreements between the proposed purchaser and management or key employees; and
 - (3) what measures have or will be taken to ensure the fairness of the sale in light of such agreements with management or key employees.
- (d) *Tax Exemption.* If the debtor is seeking to have a sale declared exempt from taxes under [11 U.S.C. § 1146\(a\)](#), the sale motion must disclose the type of tax (i.e., recording tax, stamp tax, use tax, capital gains tax) for which the exemption is sought. The debtor must also identify the state or states in which the affected property is located. The sale motion must state whether or not the chapter 11 plan has been confirmed.

- (e) *Relief from [F.R.B.P. 6004\(h\)](#).* If the seller seeks relief from the stay imposed by [F.R.B.P. 6004\(h\)](#), the sale motion must state the basis for the request.

COMMENTS: *L.B.R. 6004-4(d) was amended effective December 1, 2009, to comply with the decision of [Florida Dept. of Revenue v. Piccadilly Cafeterias, Inc.](#), 128 S.Ct. 2326 (U.S. 2008).*

Rule 6004-5 *Sales of Property Free and Clear of Liens - Section 363(f).*

- (a) *Notice.* All free and clear sales are subject to the applicable notice requirements of L.B.R. 6004-1(b), (c), and (d).
- (b) *Motion.* A sale of property free and clear of liens must be commenced by motion, except as provided in subdivision (c) below. A motion for a free and clear sale must name as respondents all parties claiming an interest in the property.
- (c) *Complaint.* A sale of property free and clear of liens must be brought as an adversary proceeding and commenced by a complaint under Part VII of the Federal Rules of Bankruptcy Procedure and Part VII of the Local Bankruptcy Rules when the seller also seeks:
- (1) to determine the validity, priority, or extent of a lien or other interest in property, other than the avoidance of a lien or other transfer of property exempt under [11 U.S.C. § 522\(f\)](#); or
 - (2) to obtain approval under [11 U.S.C. § 363\(h\)](#) for the sale of both the interest of the estate and of a co-owner in the property unless the concurrence of the co-owner has been obtained.
- (d) *Order.* When a motion is filed for a sale free and clear of liens, the clerk will issue an order fixing a response date and a hearing date. A hearing will be held only if a responsive pleading is timely filed, unless a hearing is requested by the moving party or is ordered by the court. Otherwise, an order granting the relief requested will be entered without a hearing.
- (e) *Service of Motion.* The seller must serve a copy of the motion and the order referred to in subparagraph (d) upon all lienholders and other parties claiming an interest in the property and their counsel of record.
- (f) *Service of Notice.* Unless the court directs otherwise, the seller must serve the notice on the respondent and any parties referenced in L.B.R. 6004-1(c), at least twenty-one (21) days before the hearing on the sale.

Rule 6005-1 *Appraisers, Real Estate Agents, and Auctioneers.*

- (a) *Form of Application.* All applications must conform to L.B.R. 2014-1.

- (b) *Payment of Compensation.* An appraiser, real estate agent, or auctioneer may receive compensation and reimbursement of expenses from the proceeds of any sale approved by the court without filing a separate application for the approval of compensation and expenses under the following conditions:
- (1) the terms for the payment of compensation and reimbursement of expenses were disclosed in the application for employment;
 - (2) the order approving retention of the appraiser, real estate agent, or auctioneer approved the compensation arrangement proposed in the application for employment; and
 - (3) the order approving the sale authorized the payment of compensation and expenses to the appraiser, real estate agent, or auctioneer.

Rule 6006-1 *Executory Contracts.*

- (a) *Motion.* A motion for the assumption, rejection, or assignment of an executory contract or unexpired lease must be filed in conformity with [F.R.B.P. 6006](#).
- (b) *Notice.* A notice for the assumption, rejection, or assignment of an executory contract or unexpired lease must contain the following:
- (1) a date by which objections may be filed;
 - (2) a statement that in the event there are no objections filed an order may be entered approving the proposed assumption, rejection, or assignment without further notice; and
 - (3) the hearing date and time when any objection to the motion is to be heard.
- (c) *Response.* No response is required to an objection.

Rule 6007-1 *Abandonment or Disposition of Property.*

- (a) *Proposed Abandonment.* A trustee or debtor in possession may abandon property by filing a notice of intent to abandon property with the clerk. The notice must contain sufficient information to allow parties in interest to make an informed decision regarding whether abandonment of a particular asset is in the best interest of the estate. The notice must provide that parties have fourteen (14) days from the mailing of the notice to file objections to the proposed abandonment. Unless service is made electronically through the ECF system, the trustee or debtor in possession must serve the passive notice upon the persons specified under [F.R.B.P. 6007](#).

- (b) *Objection to Abandonment.* An objection to a proposed abandonment of property of the estate must state specific grounds for the objection. No response is required to an objection.
- (c) *Filing of Motion to Compel Abandonment.* Unless service is made electronically through the ECF system, the movant must serve the motion to compel abandonment and passive notice upon any party against whom relief is sought.

**PART VII
ADVERSARY PROCEEDINGS**

Rule 7002-1 *District Court Rules.*

Local Rules of the United States District Court for the Middle District of Pennsylvania LR 7.1 through 7.8 and 15.1 (www.pamd.uscourts.gov) apply in adversary proceedings unless modified by these rules.

COMMENTS: L.B.R. 7002-1 was amended effective September 1, 2014, to make District Court Rule 15.1, concerning amended pleadings, applicable to adversary proceedings.

Rule 7003-1 *Adversary Proceeding Cover Sheet.*

Any paper complaint filed under Part VII of the Federal Rules of Bankruptcy Procedure must be accompanied by an Adversary Proceeding Cover Sheet ([Official Form 1040](#)).

Rule 7005-1 *Filing of Discovery Materials.*

- (a) *Discovery Motions.* A party seeking a protective order, an order to compel discovery, or other relief under [F.R.B.P. 7026](#) must attach to the motion only that portion of the deposition, interrogatory, request for document, or request for admissions that is the subject of the objection. An attachment to the motion must conform with the requirements of L.B.R. 5005-1 and any administrative order issued regarding electronic case filing.
- (b) *Documentation Not in Record.* When discovery documentation not previously in the record is needed for appeal purposes, upon motion and order of the court, or by stipulation of counsel, the necessary discovery papers must be filed with the clerk. See Local Rule 5.4(d) of the Local Rules of the United States District Court for the Middle District of Pennsylvania (www.pamd.uscourts.gov).
- (c) *Original Response and Certificate of Service.* A party who serves a discovery request must retain the original response as its custodian. Certificates of service of discovery materials must not be filed separately with the clerk. The original of any deposition upon oral examination must be retained by the party taking such deposition. See Local Rule 5.4(b) of the Local Rules of the United States District Court for the Middle District of Pennsylvania (www.pamd.uscourts.gov).

Rule 7007-1 *Motions in Adversary Proceedings.*

- (a) *Written Motion.* A motion must be in writing unless made during a hearing or trial.
- (b) *Grounds and Relief to be Stated.* A motion filed in an adversary proceeding must contain a descriptive title of the motion in addition to the complete adversary caption.

The caption must be substantially in compliance with the Caption for Use in Adversary Proceeding ([Official Form 416D](#)).

- (c) *Response.* No response to any motion filed in an adversary proceeding pursuant to [F.R.C.P. 12\(b\)\(1\)-\(6\)](#), as made applicable through [F.R.B.P. 7012\(b\)](#), is required unless otherwise ordered by the court. The response to any other motion must be filed and served within fourteen (14) days after service of the motion. If a response is required and no response is timely filed, the motion may be deemed uncontested, and the court may dispose of the motion.
- (d) *Continuances.* A request for continuance of a trial date must be made in conformity with L.B.R. 9013-3.
- (e) *Hearing.* Oral argument or hearing on a motion filed in an adversary proceeding will be held only if requested by the court.
- (f) *Proposed Order.* A proposed order of court as required under L.B.R. 9013-1(b) must be filed as an attachment to any motion and other pleading requesting relief in accordance with the procedures set forth in the [Miscellaneous Order 5:05-mp-50007](#) and the [Administrative Procedures](#) available on the court's website (www.pamb.uscourts.gov).

COMMENTS: *L.B.R. 7007-1 was amended effective December 1, 2017, to clarify the conditions under which an answer or response is due to any motion filed within an adversary proceeding.*

Rule 7008-1 *Statement of Consent to Final Orders or Judgment.*

In any adversary proceeding, each complaint, counterclaim, cross-claim, or third-party complaint must contain a statement that the pleader does or does not consent to the entry of final orders or judgment by the bankruptcy court.

Rule 7012-1 *Statement of Consent to Final Orders or Judgment in Responsive Pleadings.*

In any adversary proceeding, each responsive pleading must contain a statement that the pleader does or does not consent to the entry of final orders or judgment by the bankruptcy court.

Rule 7016-1 *Pre-Trial Procedure.*

- (a) *Applicability of [Fed. R. Civ. P. 16\(b\)](#).* Unless the court directs otherwise, an adversary proceeding is exempt from the provisions of [Fed. R. Civ. P. 16\(b\)](#), as incorporated in [F.R.B.P. 7016](#).
- (b) *Scheduling Order.* Notwithstanding subdivision (a), the court generally will issue a scheduling order.
- (c) *Pre-trial Motions.* The court may dispose of pre-trial motions in summary fashion at any time during their pendency.

Rule 7021-1 *Misjoinder and Non-Joinder of Parties.*

When an adversary is severed into two or more proceedings, a separate filing fee is payable to the clerk for each severed proceeding.

COMMENTS: L.B.R. 7024-2 was eliminated effective September 1, 2014, because the subject matter is covered by [F.R.B.P. 9005.1](#).

Rule 7041-1 *Notice of Dismissal of Adversary Proceeding.*

Before any adversary proceeding is involuntarily dismissed pursuant to [F.R.B.P. 7041](#), a thirty (30) day notice will be given by the clerk to each party whose claim is to be dismissed and to the counsel of record for that party, if any.

Rule 7055-1 *Default - Failure to Prosecute.*

Subject to L.B.R. 7041-1, an adversary complaint may be dismissed if neither a response nor a motion for default judgment has been filed within forty-five (45) days after the response date to the complaint. If a motion for default judgment is filed, the court may enter judgment by default against the defendant seven (7) days after the motion has been served on the defendant.

Rule 7055-2 *Order of Default.*

The order of default may award damages for the amount to which the plaintiff is entitled if it is a sum certain or can be made certain by computation. If damages cannot be computed from the complaint, they must be assessed at a hearing at which the issues are limited to the amount of the damages.

Rule 7056-1 *Summary Judgment - Applicability of Local Rule 56.1.*

Local Rule 56.1 for the United States District Court for the Middle District of Pennsylvania (www.pamd.uscourts.gov) applies in adversary proceedings.

Rule 7067-1 *Registry Funds.*

- (a) *Deposit Funds into Court Registry Account.* A party who wishes to deposit funds while litigation is pending may move the court to have such funds deposited into the court's registry account. The movant must attach a proposed order directing investment, which includes the following:
- (1) the amount to be invested; and
 - (2) the mode of deposit (i.e., check, wire transfer).
- (b) *Receipt of Funds.*
- (1) No funds may be sent for deposit in the court's registry without first obtaining a court order signed by the presiding judge in the case or proceeding.
 - (2) The party making the deposit, or transferring the funds, to the court's registry account must serve the order permitting the deposit or transfer on the clerk.
 - (3) Unless provided for elsewhere in this rule, all monies ordered to be paid to the court in any case pending or adjudicated must be deposited with the Treasurer of the United States in the name and to the credit of this court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.
- (c) *Investment of Registry Funds.*
- (1) Where, by order of the court, funds on deposit with the court are to be placed in some form of interest-bearing account or invested in a court-approved, interest-bearing instrument in accordance with Rule 67 of the Federal Rules of Civil Procedure, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, is the only investment mechanism authorized.
 - (2) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a "Disputed Ownership Fund" ("DOF"), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.
 - (3) The Director of the Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee will perform the duties of ~~the~~ custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the court.

- (4) Money from each case deposited in the CRIS must be “pooled” together with those on deposit with Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.
 - (5) An account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account’s principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.
 - (6) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund (“DOF”), titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.
- (d) *Fees and Taxes.*
- (1) The custodian is authorized and directed to deduct from all deposited CRIS funds (excluding DOF funds) a fee, as stated on the Court’s Miscellaneous Fee Schedule. This fee is for the management of investments in the CRIS.
 - (2) The custodian is authorized and directed to deduct from all deposited DOF funds a fee, as stated on the Court’s Miscellaneous Fee Schedule. This fee is for the management of investments and tax administration in the DOF. The custodian is further authorized and directed to withhold and pay federal taxes due on behalf of the DOF.
 - (3) The applicable CRIS or DOF fees must be deducted by the custodian from interest earnings before a pro rata distribution is made to court cases.
- (e) *Motion to Withdraw Funds.* In order to withdraw deposited funds, a motion for disbursement of invested registry funds and a proposed order must be filed with the court. The proposed order for disbursement of invested registry funds must include

the name and address of the payee in addition to the total amount of the principal and interest (if the interest is not known, the order may read “plus interest”) that will be disbursed to each payee.

- (f) *Order for Payment.* After entry of an order for disbursement, the parties to whom funds are to be disbursed must provide to the clerk their tax identification numbers or social security numbers and complete any forms required by the Internal Revenue Service for the reporting of earned interest. Disbursements may not be made until this information and the required Internal Revenue Service forms are submitted to the clerk.
- (g) *Deduction of Fees.* The custodian is authorized and directed to deduct the investment services fee for the management of investments in CRIS and the registry fee for maintaining accounts deposited with the court. The investment services fee is assessed from interest earnings to the pool according to the Court’s Miscellaneous Fee Schedule and is to be assessed before a pro rata distribution of earnings to court cases. The registry fee is assessed by the custodian from each case’s pro rata distribution of the earnings and is to be determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference of the United States.

COMMENTS: *L.B.R. 7067-1 was amended effective December 1, 2016, to comply with new IRS directives concerning certain registry funds. Withholding of federal taxes within the CRIS Disputed Ownership Fund will commence with interpleader registry deposits made on and after April 1, 2017. For interpleader deposits made up until that date, the court will appoint, by separate order, a tax administrator.*

**PART VIII
APPEALS TO DISTRICT COURT OR
BANKRUPTCY APPELLATE PANEL**

Rule 8006-1 *Designation of Record.*

Each designation of items to be included in the record of appeal must clearly indicate each document to be included in the record by listing its title, filing date, and document number, if any, as it appears on the case or adversary docket.

Rule 8007-1 *Completion of Record.*

The clerk is not responsible for the failure to transmit items not designated in accordance with L.B.R. 8006-1.

**PART IX
GENERAL PROVISIONS**

Rule 9001-1 *Definitions.*

Unless inconsistent within the context of a particular rule, the following terms are defined for the purposes of the Local Bankruptcy Rules and Local Bankruptcy Forms as follows:

- (a) “*Amended plan*” means a plan modified under the provisions of [11 U.S.C. §§ 942, 1127, 1223, 1229, 1323, and 1329](#). The terms “modified” and “amended” are used interchangeably.
- (b) “*Chapter*” means one of the chapters of Title 11 of the Bankruptcy Code.
- (c) “*Clerk*” means the office of the Clerk of the United States Bankruptcy Court for the Middle District of Pennsylvania.
- (d) “*Contract amount*” means the amount of principal and interest payable each month under the terms of a note secured by a mortgage without the inclusion of late fees or other default fees or charges.
- (e) “*Counsel of record*” means any attorney who has entered an appearance on the docket of a bankruptcy case or who has filed a paper on behalf of a party. An attorney remains counsel of record until an order authorizing withdrawal has been entered or another attorney has entered an appearance on behalf of the party.
- (f) “*Electronic filer*” means a filing user registered with the clerk to file, serve, and receive documents through the electronic filing system established by the United States Bankruptcy Court for the Middle District of Pennsylvania.
- (g) “*F.R.B.P.*” means [The Federal Rules of Bankruptcy Procedure](#).
- (h) “*Hearing required notice*” is a notice that may provide an objection/response deadline and sets the matter for hearing. The hearing will take place at the date, time, and location indicated in the notice regardless of whether or not objections/responses are filed.
- (i) “*Paper filer*” means an individual or entity that is not an electronic filer and files, serves, and receives paper documents in compliance with all rules and court orders.
- (j) “*Party in interest*” means a person or entity who may be affected by a bankruptcy proceeding. In these rules, a party in interest also includes a creditor.
- (k) “*Passive notice*” is a notice stating that if no response is filed, the court may enter the requested relief without further notice or hearing.

- (l) “*Retainer agreement*” means an agreement between a client and an attorney in which the client deposits funds with the attorney for services to be performed whether entered before the filing of a bankruptcy petition or during the pendency of the case.
- (m) “*Schedules and statements*” include all documents required to be filed by a debtor under [11 U.S.C. § 521](#).
- (n) “*Semi passive notice*” is a notice setting an objection/response deadline and a proposed hearing date if objections/responses are filed. If no objections/responses are filed, the court may enter an order without conducting a hearing. If objections/responses are filed, the matter will proceed to hearing at the date, time, and location indicated in the notice. If a default order has not been signed and entered on the docket, the parties or their counsel are required to appear in court.
- (o) “*Technical failure*” means any day on which the court’s CM/ECF site is unable to accept filings continuously over a period of more than two (2) hours after 7:00 a.m.

COMMENTS: *L.B.R. 9001-1 was amended effective September 1, 2014, to add definitions for the terms “Hearing required notice” and “semi passive notice”.*

Rule 9002-1 *Self-Scheduled Matters.*

- (a) *Filing a Self-Scheduled Matter.* When a motion or other document is filed using self-scheduling, the electronic filer must use the Courtroom Hearing Scheduler (“CHS”).
- (b) *Self-Scheduled Matters.* A list of the matters that may be self-scheduled, as well as the filing procedures, are posted on the court’s website under the Self-Scheduling Hearings button. (www.pamb.uscourts.gov).
- (c) *Matters Which Cannot Be Self-Scheduled.* No matters other than those listed under the Self-Scheduling Hearings button can be self-scheduled.

COMMENTS: *L.B.R. 9002-1 was amended effective September 1, 2014, to refer electronic filers to the court’s website to determine what matters can and cannot be self-scheduled.*

Rule 9003-1 *Ex Parte Relief.*

The following requests may be considered ex parte by the court:

- (a) for conversion or dismissal under [11 U.S.C. §§ 1208\(b\)](#) or [1307\(b\)](#);
- (b) for entry of a wage order under [11 U.S.C. §§ 1225\(c\)](#) or [1325\(c\)](#);
- (c) for approval to pay filing fees in installments;
- (d) for waiver of filing fees for documents including the bankruptcy petition;

- (e) to limit notice;
- (f) for admission *pro hac vice*;
- (g) for emergency relief;
- (h) for an extension of time to file documents required under [11 U.S.C. § 521](#);
- (i) for protection from or application of disclosure of information under [11 U.S.C. § 107](#); and
- (j) for relief after dismissal of an involuntary case.

Rule 9004-1 *Caption of Pleadings.*

Unless additional information is required under [11 U.S.C. § 342\(c\)](#), any pleading filed with the clerk in a contested matter must contain a caption substantially in compliance with [L.B.F. 9004-1](#). Unless additional information is required under [11 U.S.C. § 342\(c\)](#), any pleading filed with the clerk in an adversary proceeding must contain a caption substantially in compliance with the Caption for Use in Adversary Proceeding ([Official Form 416D](#)).

COMMENTS: *L.B.R. 9004-1 was amended effective June 1, 2016, to provide for the use of [Official Form 416D](#) - Caption for Use in Adversary Proceeding and to eliminate L.B.F. 9004-2.*

Rule 9010-1 *Attorneys - Notice of Appearance.*

- (a) *General Appearance.* An attorney who files with the clerk any application, motion, stipulation, or other document, other than as set forth in subdivision (b), is deemed to have entered an appearance for the party on whose behalf the document is filed.
- (b) *Limited Appearance.* An attorney filing a proof of claim or interest is deemed to have entered an appearance only for the purpose of any objection that may be filed to that claim.
- (c) *Change of Address.* When attorneys, or parties representing themselves, change their e-mail or physical addresses, they are required to provide notification as follows:
 - (1) Electronic filers must immediately update their addresses in the ECF system. If an address changes in a specific case, electronic filers must docket a change of address in each case in which the change should appear to enable the clerk to update the information.
 - (2) Paper filers must notify the clerk in writing of their new address so that the clerk may enter it in the ECF system. If an attorney has entered an appearance

in more than one case, he also must file with the clerk a listing of all such cases so the new address may be entered by the clerk on the docket of each case.

- (d) *Withdrawal of Appearance.* The debtor's attorney or an attorney in a pending adversary or contested matter may not withdraw his or her appearance except upon motion, after hearing and by order of the court, unless another attorney eligible to appear before the court enters his or her appearance simultaneously with the request for withdrawal of appearance. If the firm has not entered an appearance in a case, it must enter an appearance in the cases it is retaining. An attorney may not submit a change of address as a substitute for filing a motion to withdraw.
- (e) *Notice to Parties.* Unless service is made electronically through the ECF system, an attorney who files a request to note change of address must mail a copy of same to any attorney who has entered an appearance in an adversary proceeding or contested matter that is pending at the time the request is filed.

Rule 9010-2 *Facsimile and E-mail Addresses.*

In addition to the requirements of [F.R.B.P. 9010\(b\)](#), an attorney must provide the attorney's facsimile number and e-mail address, if any.

Rule 9011-1 *Attorneys' Duties.*

Subject to L.B.R. 9010-1(b) an attorney who files a petition in bankruptcy on behalf of a debtor, or who later enters an appearance on behalf of a debtor - other than as special counsel - is counsel of record in all matters arising during the administration of the case.

Rule 9013-1 *Motion Practice.*

- (a) *Title of Motion and Answer.* The title of each motion must identify the party filing the motion and the nature of the relief sought. Any answer filed must identify the party filing the answer and the motion to which the party is responding. The answer must include in the caption the docket number reference of the document to which the party is responding.
- (b) *Orders to Accompany Motions.* Each motion must be accompanied by a proposed form of order which, if entered by the court, would grant the relief sought by the motion in accordance with the procedures set forth in the [Miscellaneous Order 5:05-mp-50007](#) and the [Administrative Procedures](#) available on the court's website (www.pamb.uscourts.gov).
- (c) *Service of Motion - Generally.* Unless service is made electronically through the ECF system, the moving party must serve a copy of its motion and attachments on the following:
 - (1) the respondent;

- (2) the debtor;
 - (3) any committee appointed pursuant to [11 U.S.C. § 1102](#); and
 - (4) such other entities as the court may direct.
- (d) *Service of Motion to Dismiss or Convert.* Unless service is made electronically through the ECF system, the moving party must serve a copy of a motion to dismiss or convert a case to another chapter on the debtor and on debtor's counsel, in addition to those parties listed in paragraph (c).
- (e) *Service of Motion Against Counsel.* Unless service is made electronically through the ECF system, the moving party must serve a copy of a motion seeking sanctions or other relief against a party's counsel on the party and on counsel.

Rule 9013-2 *Certification of Service.*

Each document filed with the court, except for those served through the court's electronic filing system, must include a certificate of service containing the following information:

- (a) the title of the paper served;
- (b) the names and addresses of all persons upon whom the paper has been served;
- (c) the entities the persons served represent; and
- (d) a description of when and how service was made.

Rule 9013-3 *Continuances.*

A request for a continuance must be made in writing and contain a certification that counsel making the request has sought the concurrence of all interested parties and that concurrence has been either granted or denied. A request may be denied if concurrence has not been obtained. If a request is the first request for a continuance of the matter, the request should be submitted using [L.B.F. 9013-3](#). All further requests for a continuance must be made by motion. Requests received by the court within twenty-four (24) hours of the hearing will not be considered except in emergency situations, and the request will be granted only in the court's discretion. A party who obtains a continuance must immediately notify other parties of the continuance by email, telephone, facsimile transmission, or first class mail, whichever method is necessary to ensure that notice is received no later than twenty-four (24) hours prior to the time set for the hearing.

COMMENTS: L.B.R. 9013-3 was amended effective December 1, 2009, to provide that a continuance request may be denied if concurrence has not been obtained from all interested parties.

Rule 9014-1 *Default and Summary Judgment.*

[F.R.B.P. 7055](#) and [7056](#) as well as L.B.R. 7055-1 and 7002-1 do not apply in contested matters except as otherwise provided in the Local Rules. If a response is required but none is filed, the court may, without hearing, grant the relief requested in the motion.

Rule 9015-1 *Jury Trials.*

The parties may consent to have a jury trial conducted by a bankruptcy judge under [28 U.S.C. § 157\(e\)](#) by jointly or separately filing a statement of consent no later than thirty (30) days after time of demand or designation, whichever last occurs, if right to a jury trial applies; a timely demand has been filed under [Fed. R. Civ. P. 38\(b\)](#); and the bankruptcy judge has been specially designated to conduct the jury trial.

Rule 9016-1 *Subpoena.*

A subpoena may be issued by an attorney as an officer of the court under [Fed. R. Civ. P. 45\(a\)\(3\)](#). The clerk must issue a subpoena signed, but otherwise blank, when requested by a pro se party.

Rule 9018-1 *Motions to Publicly File Redacted Documents and to File Unredacted Documents Under Seal.*

- (a) *Generally.* Unless otherwise required by these Local Rules, the Federal Rules of Bankruptcy Procedure, the Bankruptcy Code, or order of this court, requests to file under seal shall consist of two parts: (i) a motion to seal; and (ii) the documents to be sealed.
- (b) *Motion to Seal.* The motion to seal shall include:
 - (1) the grounds for sealing;
 - (2) the identity of any parties, other than the moving party, who will have access to the documents to be sealed;
 - (3) the duration of the seal;
 - (4) the time when the movant will either unseal the documents or retrieve the physical documents (if any) at the conclusion of the matter;
 - (5) a redacted copy of the documents sought to be sealed with only those redactions necessary to preserve confidentiality, made in good faith; and

- (6) a proposed order that contains language indicating the order is without prejudice to the rights of any party in interest, or the United States Trustee, to seek to unseal the documents, or any part thereof.
- (c) *Documents to be Sealed.* Upon filing the motion to seal, the moving party must electronically file a copy of the unredacted documents sought to be sealed with the clerk's office. The documents must be electronically filed using a special ECF docket entry conspicuously marked "DOCUMENTS FILED UNDER PENDING MOTION TO SEAL." Access to documents filed pursuant to this subparagraph shall be strictly limited to the clerk of court and his or her designees, as well as to the presiding judge and his or her chambers.

COMMENTS: *L.B.R. 9018-1 was amended effective December 1, 2017, to provide a uniform standard procedure for electronically filing a motion under seal. The rule distinguishes between the motion to seal, which should be filed publicly on the docket, and the documents to be sealed. The motion should include a redacted copy of the documents to be sealed. The time to file and serve the underlying motion for which purpose the motion to seal is being made should be in accordance with all applicable rules pertaining to service of the underlying motion.*

Rule 9019-1 *Settlements and Agreed Orders.*

- (a) *Settlement of Adversary Matters and Contested Matters.* In an adversary proceeding or contested matter, whenever the parties have reached a settlement, they must file a stipulation resolving the matter before the hearing date, submit a Request to Remove from the Hearing/Trial List ([L.B.F. 9019-1](#)), or announce the settlement at the hearing set on the matter. If a Request to Remove form is filed, within the time specified in the form, the moving party or plaintiff must file a stipulation or stipulated order and any requisite motion to compromise or settle. Failure to file a stipulation or stipulated order may result in the dismissal of the matter or proceeding. A motion to extend the time to comply with this rule or to re-list the matter for hearing may be filed within the period specified for filing a stipulation or stipulated order in the Request to Remove form, but the motion will be granted only upon cause shown.
- (b) *Hearing.* When a matter has been settled and a stipulation has been filed or is expected to be filed within a period not to exceed sixty (60) days, the hearing before the court may be stricken by filing a Request to Remove form ([L.B.F. 9019-1](#)). A Request to Remove form must be filed with the court no later than twenty-four (24) hours before the hearing.

Rule 9019-2 *Alternative Dispute Resolution.*

- (a) *Setting Mediation.* The court may set a case for mediation provided consideration is given to any reasons advanced by the parties as to why such mediation would not be in the best interest of justice. Once set for mediation, the matter can be removed from mediation by the court or on application by the mediator.

- (b) *Request for Mediation.* The parties may request a case be assigned by the court to mediation by completing and filing [L.B.F. 9019-2](#).
- (c) *Assigning Matters and Cases.* The court may assign to mediation any adversary proceeding or contested matter or any issue within such adversary proceeding or contested matter.
- (d) *Certification of Mediators.*
 - (1) The court may certify as many mediators as determined to be necessary under this rule.
 - (2) An individual may be certified to serve as a mediator if:
 - (A) he or she has been a member of the bar of the highest court of a state or the District of Columbia for a minimum of five (5) years;
 - (B) he or she is admitted to practice before this court;
 - (C) he or she has successfully completed a mediation training program established or recognized by the District Court or the Bankruptcy Court for the Middle District of Pennsylvania; and
 - (D) he or she has been determined by the appointing court to be competent to perform the duties of a mediator.
 - (3) The court will solicit qualified individuals to serve as mediators.
 - (4) Each individual certified as a mediator must take the oath or affirmation prescribed by [28 U.S.C. § 453](#) before serving as a mediator.
 - (5) The clerk must maintain a list of all persons certified as mediators.
 - (6) The appointing judge may remove anyone from the list of certified mediators for cause.
 - (7) Persons acting as mediators under this rule are assisting the court in performing its judicial function. They must be disqualified for bias or prejudice as provided by [28 U.S.C. § 144](#) and must disqualify themselves in any action in which they would be required under [28 U.S.C. § 455](#) to disqualify themselves if they were a justice or judge.
- (e) *Compensation and Expenses of Mediators.* A mediator who accepts a case for mediation initially volunteers the time expended to prepare for and conduct a mediation conference or conferences lasting up to a total of four (4) hours. After completion of four (4) hours service, the mediator may either:

- (1) continue to volunteer the mediator's time; or
 - (2) give the mediation parties the option to agree to pay the mediator his prevailing hourly rate for bankruptcy services for the additional time spent on the mediation. The parties must each pay a *pro rata* share of the mediator's compensation, unless they agree among themselves to a different allocation. A motion to enforce a party's obligation to compensate a mediator is governed by [F.R.B.P. 9014](#).
- (f) *Frequency of Service.* An individual certified as a mediator will not be called upon more than twice in a twelve (12) month period to serve as a mediator without the prior approval of the mediator.
- (g) *Scheduling Mediation Conference.*
- (1) Upon referral of a case to mediation, the court will serve the order of referral to the mediator, all counsel, and any unrepresented party directing the mediator to establish the date, place, and time of the mediation session. The order will include the address, telephone number, email address, and facsimile number of the mediator, counsel, and unrepresented parties. The date of the mediation session must be a date within thirty (30) days from the date of the order of referral.
 - (2) The appointment is effective unless the designee rejects the appointment within seven (7) days.
 - (3) Upon docketing of the order of referral to mediation, the clerk must transmit to the mediator, either by email or regular mail, a copy of the docket sheet that reflects all filings to date. The mediator may identify to the clerk those filed documents which the mediator wishes to review for the mediation. Unless otherwise ordered by the court, the clerk will provide the mediator with electronic or paper copies of the requested documents free of charge.
 - (4) A mediator may change the date and time for the mediation session if the session takes place within forty-five (45) days of the date of the order of referral. Any continuance of the session beyond forty-five (45) days must be approved by the court.
- (h) *The Mediation Process.*
- (1) Not later than seven (7) days before the initial conference, each party must deliver or send a facsimile or email to the mediator a mediation conference memorandum no longer than two (2) pages, summarizing the nature of the case and the party's position on:
 - (A) the major factual and legal issues affecting liability and damages;

- (B) the relief sought by each party; and
 - (C) the position of the parties relative to settlement.
- (2) The memoranda required by this subdivision are solely for use in the mediation process and are not to be filed with the clerk.
- (i) *The Mediation Session.*
- (1) The mediation session must take place on the date and at the time set forth by the mediator. The mediation session must take place at a neutral setting as designated by the mediator that may include the mediator's office. A party must not contact or forward any document to the mediator unless the mediator requests the information or unless as otherwise provided under these rules.
 - (2) Counsel primarily responsible for the case and any unrepresented party must attend the mediation session. All parties or principals of parties with decision-making authority must attend the mediation session in person, unless attendance is excused by the mediator for good cause shown. Willful failure to attend the mediation conference must be reported to the court and may result in the imposition of sanctions. The participants must be prepared to discuss:
 - (A) all liability issues;
 - (B) all damage issues;
 - (C) all equitable and declaratory remedies if such are requested; and
 - (D) the position of the parties relative to settlement.
 - (3) Unless otherwise provided in this rule, and as may be necessary to the reporting of or the processing of complaints about unlawful or unethical conduct, nothing communicated during the mediation process - including any oral or written statement made by a party, attorney, or other participant, and any proposed settlement figure stated by the mediator or on behalf of any party - may be placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party may be bound by anything done or said during the mediation process except to enforce a settlement agreement or any other agreement achieved in that process.
 - (4) In the event the mediator determines that no settlement is likely to result from the mediation session, the mediator must terminate the session and promptly send a report to the court that there has been compliance with the requirements of these paragraphs, but that no resolution has been reached. In the event that a settlement is achieved at the mediation session, the mediator must send a written report to the judge to whom the case is assigned stating that a settlement

has been achieved. The parties are responsible for the circulation of any required notice of settlement.

- (5) Notwithstanding the above paragraph, the mediator must submit a written report to the court advising the court of the status of the mediation within sixty (60) days after the order of appointment of the mediator.
 - (6) No one may have a recording or transcript made of the mediation session, including the mediator, unless otherwise agreed to by the parties.
 - (7) The mediator cannot be called as a witness at trial.
- (j) *Neutral Evaluator.* Any time after an action or proceeding has been filed, the action may be referred to a neutral evaluator to be selected with the approval of the parties.
- (k) *Relationship to Other Procedures.* Nothing in this rule modifies the provisions of [Fed.R.Civ.P. 16](#) and [26](#), or L.B.R. 7016-1 or any order of court, nor does it preclude the use of any kind of mediation outside of the mediation process established by this rule or the use of any other means of alternative dispute resolution.

Rule 9019-3 *Mortgage Modification Mediation Program.*

- (a) *Program Description.* The Mortgage Modification Mediation Program (“MMM Program”) is available to any chapter 13 debtor seeking to modify a mortgage obligation with respect to his or her principal residence. In order to qualify for the MMM Program, debtor must meet the following criteria:
- (1) Debtor has regular, verifiable income and is the owner/occupant of a residential property used as debtor’s primary residence.
 - (2) Debtor has a mortgage balance of less than \$729,750.00, and the mortgage payment is unaffordable due to financial hardship.
 - (3) Debtor will make monthly post-petition mortgage payments of seventy-five percent (75%) of debtor’s current mortgage payment starting with the next monthly scheduled due date (plus any grace period, after the Motion to Participate is filed and granted). Debtor agrees that in the event debtor misses one of the modified mortgage payments, the lender and/or servicer for the mortgagee of record (“Mortgage Creditor”) may file a motion for relief from the automatic stay and seek removal of debtor from the MMM Program.
 - (4) Debtor has filed complete bankruptcy schedules and must supply Mortgage Creditor with the last two (2) years’ signed tax returns, last sixty (60) days’ payment advices, and any other document Mortgage Creditor requests. Failure to supply the documents within thirty (30) days of admission to the MMM Program is grounds for dismissal from the MMM Program.

- (5) If a mediator is used, debtor must pay a mediation fee of \$125.00 to the mediator. Mortgage Creditor must also pay \$125.00 to the mediator. Neither fee is refundable under any circumstances. Mediation is to be completed within sixty (60) days, unless otherwise extended consistent with the paragraphs contained herein.

(b) *Application to the MMM Program.*

- (1) *Motion.* To seek admission to the MMM Program, debtor must file a Motion to Participate in the Mortgage Modification Mediation Program (“Motion to Participate”), together with the Notice of Filing of Motion to Participate in Mortgage Modification Mediation Program, [L.B.F. 9019-3\(a\)](#), and serve copies of same on Mortgage Creditor and any counsel of record. In the Motion to Participate, debtor must state whether he wishes to utilize the DMM Portal, or such other portal as may be designated by the court, (the “Portal”) or to communicate directly with Mortgage Creditor and its counsel. Additional information related to the Portal is posted on the court’s website at <http://www.pamb.uscourts.gov> and may be updated from time to time by the court.
- (2) *Response.* Mortgage Creditor will have twenty-one (21) days to file a response to the Motion to Participate.
 - (A) *Acceptance.* If Mortgage Creditor agrees to participation, Mortgage Creditor will file a Consent to Participation in Mortgage Modification Mediation Program (“Creditor Consent Form”), [L.B.F. 9019-3\(b\)](#) and the court will enter an Order Granting Entry in MMM Program. Prior to filing the Creditor Consent Form, the parties will confer as to whether they wish to utilize the Portal or to communicate directly with one another outside the Portal for the modification process. The Creditor Consent Form will reflect the decision of the parties. Should the Creditor Consent Form not contain a designation as to whether or not the Portal will be used, the preference stated by debtor in the Motion to Participate will govern. Should both the Motion to Participate and the Creditor Consent Form fail to include a designation as to the Portal, the parties will be deemed to have opted not to use the Portal.
 - (B) *Objection.* If Mortgage Creditor objects to participation, a written response stating the basis for the objection must be filed with the court. Upon filed written objection, the Motion to Participate will be denied without prejudice to re-filing.
 - (C) *Failure to Respond.* If Mortgage Creditor fails to file either the Creditor Consent Form or an objection to participation within twenty-one (21) days, Mortgage Creditor will be deemed to have waived any objection and the court may enter an Order Granting Entry in MMM

Program (“Participation Order”) without further notice or hearing. The preference elected by debtor as to the Portal in the Motion to Participate will govern. Should the Motion to Participate fail to elect a preference, the parties will be deemed to have opted not to use the Portal.

(D) *Re-filing the Motion to Participate.* A Motion to Participate may be re-filed after an objection by Mortgage Creditor, only with written concurrence of Mortgage Creditor unless the motion includes information demonstrating a material change in debtor’s circumstances that either renders Mortgage Creditor’s prior objection moot or otherwise rebuts the objection. If Mortgage Creditor files an objection to the refiled Motion to Participate, the court may set a hearing thereon or rule on the refiled Motion to Participate without a hearing.

(c) *Proceeding in the MMM Program Using Portal.*

- (1) Within fourteen (14) days of entry of a Participation Order, unless not previously registered, Mortgage Creditor must, register with the Portal and post on the Portal the required loss mitigation application to be completed by debtor.
- (2) Debtor must upload and submit a completed loss mitigation application on the Portal within thirty (30) days after Mortgage Creditor registers with the Portal. If Mortgage Creditor is registered with the Portal at the time the Participation Order is entered, debtor will be required to upload and submit a completed loss mitigation application on the Portal within thirty (30) days after such Participation Order is entered. Failure to do so may result in debtor being removed from the MMM Program upon written motion of Mortgage Creditor.
- (3) Within fourteen (14) days after debtor’s submission of the loss mitigation application, Mortgage Creditor must designate, via the Portal, a specific individual who is the single point of contact for the loss mitigation process. The designated representative will be responsible for all communications in the Portal with debtor. Mortgage Creditor must provide the designated representative’s name, title, email address, and either a direct telephone number or direct extension. At the same time, Mortgage Creditor must acknowledge, via the Portal, receipt of debtor’s loss mitigation application and advise debtor of any additional or missing information required for Mortgage Creditor to proceed with its review.
- (4) Debtor must promptly submit any and all additional or missing information required for Mortgage Creditor to proceed with its review, but in no event may the documents be submitted more than twenty-one (21) days after the date they are requested by Mortgage Creditor. Mortgage Creditor must continue reviewing the loss mitigation application in good faith while awaiting submission of additional or missing information.

- (5) Once the parties have opted to utilize the Portal, all material communications between debtor and Mortgage Creditor must be conducted exclusively through the Portal.
 - (6) In the event that the loan being reviewed under the MMM Program becomes subject to a transfer or the service rights are scheduled to be assigned to a new servicer, then no less than fourteen (14) days prior to the scheduled transfer/assignment, Mortgage Creditor must file a Proposed Order Substituting MMM Servicer, [L.B.F. 9019-3\(c\)](#), and update the Portal to identify the successor creditor (“Substituted Creditor”). In addition to updating the Portal, Mortgage Creditor must forthwith provide Substituted Creditor with all loss mitigation notes, applications, and correspondence related to the pending loss mitigation review. Substituted Creditor is responsible for ensuring all such documents are received from Mortgage Creditor and must continue the loss mitigation review without requiring a new Motion to Participate or initial application from debtor. Within thirty (30) days of the service transfer, Substituted Creditor must designate a representative who is the single point of contact for the loss mitigation process on behalf of Substituted Creditor. The designated representative is responsible for all communications in the Portal with debtor. Substituted Creditor must provide the designated representative’s name, title, email address, and either a direct telephone number or direct extension. To the extent updated or additional documents are required by Substituted Creditor in order to complete the loss mitigation review, Substituted Creditor must request such information or documents contemporaneously with designating its single point of contact on the Portal.
- (d) *Proceeding in the MMM Program Outside the Portal.*
- (1) Upon entry of a Participation Order, Mortgage Creditor must provide debtor with the required loss mitigation package and document checklist within fourteen (14) days. Documents that may be requested include, but are not limited to, IRS Form 4506-T, utility bills, bank statements, payment advices, and federal tax returns.
 - (2) Within thirty (30) days of the entry of the Participation Order, debtor must provide the last two (2) years’ signed tax returns, last sixty (60) days’ payment advices, and any other document Mortgage Creditor requests. Failure to do so may result in debtor being removed from the MMM Program upon written motion of Mortgage Creditor.
 - (3) Within fourteen (14) days after debtor’s submission of the loss mitigation application, Mortgage Creditor must designate, via written notice to debtor and debtor’s counsel, a specific individual who is the single point of contact for the loss mitigation process. The designated representative is responsible for all communications with debtor with respect to the loss mitigation review. Mortgage Creditor must provide the designated representative’s name, title,

email address, and either a direct telephone number or direct extension. At the same time, Mortgage Creditor must acknowledge receipt of debtor's loss mitigation application and advise debtor of any additional or missing information required for Mortgage Creditor to proceed with its review.

- (4) Debtor must promptly submit all additional or missing information required for Mortgage Creditor to proceed with its review, but in no event may the documents be submitted more than twenty-one (21) days after the date they are requested by Mortgage Creditor. Mortgage Creditor must continue reviewing the loss mitigation application in good faith while awaiting submission of additional or missing information.
- (5) In the event that the loan being reviewed under the MMM Program becomes subject to a transfer or the service rights are scheduled to be assigned to a new servicer, then no less than fourteen (14) days prior to the scheduled transfer/assignment, Mortgage Creditor must file a Proposed Order Substituting MMM Servicer, [L.B.F. 9019-3\(c\)](#), identifying the successor creditor ("Substituted Creditor"). Mortgage Creditor must forthwith provide Substituted Creditor with all loss mitigation notes, applications, and correspondence related to the pending loss mitigation review. Substituted Creditor is responsible for ensuring all such documents are received from Mortgage Creditor and must continue the loss mitigation review without requiring a new Motion to Participate or initial application from debtor. Within thirty (30) days of the service transfer, Substituted Creditor must designate a representative who is the single point of contact for the loss mitigation process on behalf of Substituted Creditor and provide written notice thereof to debtor and debtor's counsel of record. The designated representative is responsible for all loss mitigation communications with debtor. Substituted Creditor must provide the designated representative's name, title, email address, and either a direct telephone number or direct extension. To the extent updated or additional documents are required by Substituted Creditor in order to complete the loss mitigation review, Substituted Creditor will request such information or documents contemporaneously with providing written notice of its single point of contact.

(e) *Request for Status Conference and/or Appointment of Mediator.*

- (1) Upon the motion of either party, the court may schedule a status conference concerning the loss mitigation process. Such motion must include the grounds for requesting said conference along with a description of the efforts made to resolve any differences prior to requesting the status conference. The motion must be served upon the other party and his counsel. The court may, on its own initiative, schedule a status conference.
- (2) At the time of the status conference, both parties must be prepared to provide the court with sufficient detail as to the status of the loss mitigation review so that the court can assess whether further two-party negotiations are likely to

be productive and/or whether the appointment of a mediator may be beneficial to the parties.

- (3) After the status conference, if the court determines that the appointment of a mediator may be beneficial, the court will issue an order of referral to the mediator, all counsel, and any unrepresented party, directing the mediator to establish the date, place, and time of the mediation session. The order will include the address, telephone number, email address, and facsimile number of the mediator, counsel, and unrepresented parties. The date of the mediation session will be a date within thirty (30) days from the date of the order of referral.
- (4) The appointment is effective unless the mediator rejects the appointment within seven (7) days of the date of the order of referral.
- (5) Upon docketing of the order of referral to mediation, the clerk must transmit to the mediator a copy of the docket sheet that reflects all filings to date. The mediator may specify those documents in the case that the mediator wishes to review for the mediation. Unless otherwise ordered by the court, the clerk will provide the mediator with electronic or paper copies of the requested documents.
- (6) Mediation must be completed within thirty (30) days, but the mediator may extend the time to complete the mediation for a period up to forty-five (45) days from the date of the order of referral. Any continuance of the session beyond forty-five (45) days must be approved by the court.
- (7) Debtor must pay a mediation fee of \$125.00 to the appointed mediator. Mortgage Creditor (or, if applicable, Substituted Creditor) must also pay \$125.00 to the appointed mediator. Neither fee is refundable under any circumstances.

(f) *The Mediation Process.*

- (1) Not later than seven (7) days before the scheduled mediation session, debtor and Mortgage Creditor (or, if applicable, Substituted Creditor) must each deliver or send by facsimile or email to the mediator and the opposing party a mediation conference memorandum no longer than two (2) pages, summarizing the status of the loss mitigation process.
- (2) The memoranda required by this subdivision are solely for use in the mediation process and are not to be filed with the clerk.

(g) *The Mediation Session.*

- (1) The mediation session must take place on the date and at the time set by the mediator. The mediation session must take place at a neutral setting as

designated by the mediator that may include the mediator's office. A party must not contact or forward any document to the mediator unless the mediator requests the information or unless as otherwise provided under these rules.

- (2) Debtor must appear in person at the mediation session with counsel, unless unrepresented. Counsel for Mortgage Creditor (or, if applicable, Substituted Creditor) who is primarily responsible for the case must appear in person. A representative of Mortgage Creditor (or, if applicable, Substituted Creditor) must be available by phone for the mediation session. The participants must be prepared to discuss:
 - (A) the status of the loss mitigation process; and
 - (B) the position of the parties relative to settlement.
- (3) Unless otherwise provided in this rule, and as may be necessary to the reporting or processing of complaints about unlawful or unethical conduct, nothing communicated during the mediation process - including any oral or written statement made by a party, attorney, or other participant, and any proposed settlement figure stated by the mediator or on behalf of any party - may be placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party may be bound by anything done or said during the mediation process except to enforce a settlement agreement or any other agreement achieved in that process.
- (4) In the event the mediator determines that no settlement is likely to result from the mediation session, the mediator must terminate the session and promptly send a report to the court that there has been compliance with the requirements of L.B.R. 9019-3(g), but that no resolution has been reached. In the event that a settlement is achieved at the mediation session, the mediator must send a written report to the court stating that a settlement has been reached.
- (5) Notwithstanding the above paragraph, the mediator must submit a written report to the court describing the status of the mediation no later than thirty (30) days after the completion of the mediation session.
- (6) No one may have a recording or transcript made of the mediation session, including the mediator, unless otherwise agreed to by the parties.
- (7) The mediator cannot be called as a witness at trial.
- (h) *Compensation and Expenses of Mediators.* A mediator who accepts a case for mediation initially will receive a total of \$250.00 from the parties for up three (3) hours of actual mediation services for time expended to prepare and conduct a mediation conference or conferences. After completion of three (3) hours' service, the mediator may either

- (1) continue to volunteer the mediator's time; or
 - (2) give the mediation parties the option to agree to pay the mediator his prevailing hourly rate for bankruptcy services for the additional time spent on the mediation. The parties must each pay a pro rata share of the mediator's compensation, unless they agree among themselves to a different allocation. A motion to enforce a party's obligation to compensate a mediator is governed by [F.R.B.P. 9014](#).
- (i) *Frequency of Service.* An individual certified as a mediator will not be called upon more than four (4) times in a twelve (12) month period to serve as a mediator under the MMM Program without the prior approval of the mediator.
- (j) *MMM Program Results.*
- (1) If the MMM Program is successful, Mortgage Creditor (or, if applicable, Substituted Creditor) will file a motion to approve final modification with a copy of the modification agreement.
 - (2) When debtor's primary residence remains property of the estate, notice of the filing of the motion to approve final modification must be provided to creditors and parties in interest. Such notice must be provided by Mortgage Creditor (or, if applicable, Substituted Creditor). A passive notice, pursuant to L.B.R. 2002-1(a), is required allowing a twenty-one (21) day objection period. A certificate of mailing evidencing compliance with this notice provision must be filed within seven (7) days following the date of the notice.
 - (3) If the MMM Program is unsuccessful and no loan modification is agreed to by the parties, debtor must file an amended/modified chapter 13 plan within twenty-one (21) days to address the pre-petition mortgage arrears and any post-petition arrears that may have accrued as a result of the reduced monthly payments. If an amended/modified chapter 13 plan is not timely filed, Mortgage Creditor (or, if applicable, Substituted Creditor) may file a motion for relief from the automatic stay.
 - (4) If within one hundred and twenty (120) days from the entry of the Participation Order, neither a motion to approve loan modification nor an amended/modified chapter 13 plan to address Mortgage Creditor's lien has been filed, debtor must file and serve a Loss Mitigation Status Report with an attached printout of the current and complete account history from the Portal. If the parties opted not to use the Portal, the Loss Mitigation Status Report must include a history of the loss mitigation review process along with the outcome of same. Such Status Report is to be filed on the bankruptcy docket and, if applicable, in the Portal. The obligation to timely file a Loss Mitigation Status Report applies in all cases in the MMM Program unless the bankruptcy case has been dismissed or converted prior to the time for filing the Status Report, in which

case no report is required. Upon the motion of any party, or on its own initiative, the court may set a hearing on the Status Report.

- (k) *Relationship to Other Procedures.* Nothing in this rule modifies the provisions of [F.R.C.P. 16](#) and [26](#), or L.B.R. 7016-1 or any order of court, nor does it preclude the use of any kind of mediation outside of the mediation process established by this rule or the use of any other means of alternative dispute resolution.

COMMENTS: *L.B.R. 9019-3 was amended effective June 1, 2016, in part, to provide for optional use of a Portal to upload and exchange documents which will facilitate the mortgage modification process.*

Rule 9023-1 *Motions for Reconsideration.*

A motion for reconsideration must be filed within fourteen (14) days after the entry of the judgment, order, or decree concerned.

Rule 9023-2 *Post-Trial Motions.*

- (a) *Post-Trial Motions to be Written.* All motions after trial must be written and must contain a certification by counsel for the movant that he or she has sought concurrence in the motion from each party and that it has been either given or denied. In accordance with the procedures set forth in the [Miscellaneous Order 5:05-mp-50007](#) and the [Administrative Procedures](#) available on the court's website (www.pamb.uscourts.gov), every motion must be accompanied by a proposed order. (See L.B.R. 9013-1(b)).
- (b) *Documents Supporting Post-Trial Motions.* When allegations of fact not of record are relied upon in support of a motion, all pertinent affidavits, transcripts of depositions, and other documents must accompany the motion whenever practicable. In any event, such supporting documents must be filed within fourteen (14) days after the motion has been filed, unless otherwise ordered by the court. Affidavits in support of a motion for new trial must be served with the motion as required by [Fed.R.Civ.P. 59\(c\)](#).
- (c) *Grounds.* Post-trial motions must state with particularity any trial errors alleged as grounds for relief.
- (d) *Post-Trial Brief of Moving Party.* The brief of the moving party must be filed within fourteen (14) days after the filing of the motion, unless, upon motion and for good cause shown, the court directs otherwise. If a supporting legal brief is not filed within the time provided, the motion may be deemed to be withdrawn.
- (e) *Post-Trial Brief of Respondent.* The brief of the respondent must be filed within fourteen (14) days after service of the brief of the moving party, unless, upon motion and for good cause shown, the court directs otherwise. If a responsive legal brief is not filed within the time provided herein, the respondent may be deemed not to oppose such motion.

- (f) *After-Discovered Evidence.* A motion for a new trial on the ground of after-discovered evidence must, in addition to all other requirements, be accompanied by the affidavits of the witnesses relied upon, stating the substance of their testimony and the reasons why it could not have been introduced at trial.
- (g) *Disposal of Post-Trial Motions.* Notwithstanding the deadlines set forth in this rule, the court may summarily dispose of post-trial motions at any time during their pendency.

Rule 9024-1 *Relief from Judgment or Order.*

A motion filed under [F.R.B.P. 9024](#) is governed by the provisions of L.B.R. 9023-1.

Rule 9029-1 *Attorney Advisory Committee.*

The court will appoint a committee of attorneys who regularly practice in the Bankruptcy Court for the Middle District of Pennsylvania to advise the court on issues identified by the court and by the members of the bar.

- (a) *Membership.* The committee consists of the three (3) judges of the court, the Assistant United States trustee for the District, or his or her designee, the chapter 13 trustee, or his or her designee, the President of the Middle District Bankruptcy Bar Association, or his or her designee, the Chair of the Middle District Bankruptcy Bar Association Rules Committee, and eight (8) attorneys who are engaged in bankruptcy practice in the District and who represent the diverse interests of the District. The bankruptcy attorney members of the committee will be appointed by the Chief Judge after consultation with the other judges of the court and the President of the Middle District Bankruptcy Bar Association. The names of the committee members will be posted on the court's website (www.pamb.uscourts.gov). The clerk, or his or her designee, will serve as the secretary of the committee, and may invite staff to attend the meetings in order to facilitate the discussion of agenda items.
- (b) *Term of Office.* Each bankruptcy attorney member of the committee will serve a three (3) year term, beginning January 1 of each year. In the event of a vacancy on the committee, the Chief Judge will select a bankruptcy attorney to fill the vacancy for the remainder of the term.
- (c) *Meetings.* The committee will meet quarterly or as otherwise determined by the Chief Judge. All minutes of the committee meetings will be posted on the court's website (www.pamb.uscourts.gov).
- (d) *Duties.* The committee will advise the court on matters of court administration and serve as a liaison between the bankruptcy bar and the court on administrative matters. The committee, or designated subcommittees thereof, will make any studies and render any reports and recommendations requested by the court. The committee, or

designated subcommittees thereof, will recommend amendments to the Local Bankruptcy Rules and Forms.

Rule 9036-1 *Notice by Electronic Transmission.*

Unless otherwise ordered, the clerk may send notices or other information by electronic transmission.

Rule 9037-1 *Redaction of Personal Identifiers in Filings Made with the Court.*

- (a) *Personal Identifiers.* As used in this rule, the term “Personal Identifiers” includes:
- (1) A social security number, taxpayer-identification number, or financial-account number showing more than the last four (4) digits;
 - (2) An individual’s birth date showing more than the year; and
 - (3) The name of an individual, other than the debtor, known to be and identified as a minor.
- (b) *Redacted Documents.* Any attorney, party, or other person filing documents with the court shall ensure that Personal Identifiers are redacted in accordance with [F.R.B.P. 9037](#).
- (c) *Responsibility for Redaction.* The clerk is not responsible for reviewing documents filed to ensure compliance with [F.R.B.P. 9037](#). Unless the court orders otherwise, the clerk is not required to redact any pleadings or documents filed in violation of [F.R.B.P. 9037](#).
- (d) *Request to Redact.* Any party in interest or person whose Personal Identifiers are contained in a document filed with the court may file a request to redact. A redaction request may be made using the court’s Application Requesting Redaction of Personal Information form ([L.B.F. 9037-1](#)). The request must include the applicable redaction fee, unless the court has granted a waiver of the fee. A person making a redaction request must serve the request on the debtor, any individual whose Personal Identifiers have been exposed, the case trustee (if any), and the United States trustee. A certificate of service conforming to L.B.R. 9013-2 demonstrating service on the above-referenced parties must be filed within five (5) days of filing the request. If the request is approved, the clerk will promptly restrict the original documents from public view and make a notation on the docket that the original has been restricted from public view. Unless the court orders otherwise, the requesting party must then file the redacted document within fourteen (14) days of the court’s approval.

Rule 9070-1 *Exhibits.*

- (a) *Paper Exhibits.* A complete copy of the exhibits must be provided to all parties at least three (3) days prior to the trial or hearing, and to the court at the time of trial or

hearing, unless otherwise ordered by the court. This requirement applies only to exhibits used in a party's case in chief and not to exhibits used for purposes of impeachment or rebuttal. Failure to timely exchange proposed exhibits in accordance with this rule may result in the court barring the admissions of any unexchanged exhibits. Whenever the number of exhibits in any case to be presented at hearing or trial by either party exceeds fifteen (15), the party intending to offer such exhibits must tab, number, and index them in a binder.

- (b) *Electronic Exhibits.* Any attorney or pro se party who wishes to electronically submit and display exhibits may do so by:
- (1) completing the Courtroom Technology Request form available on the Court's website for each hearing/trial for which electronic evidence is to be used;
 - (2) pre-marking all electronic exhibits by using the file naming conventions specified in the Court's Electronic Evidence Presentation System Procedures (these are available on the Court's website, www.pamb.uscourts.gov);
 - (3) subject to the exceptions stated in this rule, the presiding judge's "Judicial Practices and Procedures" (which are available on the Court's website, www.pamb.uscourts.gov) or a showing of good cause, uploading all electronic exhibits into the Cloud Evidence System ("CES") at least three (3) days before the hearing/trial;
 - (4) sharing a copy of all electronic exhibits with opposing counsel/parties at least three days prior to the hearing/trial; and
 - (5) complying with the technical requirements specified in the Electronic Evidence Presentation System Procedures, including completing training on use of the Court's Electronic Evidence Presentation System.

The requirement to upload and share exhibits three (3) days prior to hearing/trial applies only to exhibits used in a party's case in chief and not to exhibits used for purposes of impeachment or rebuttal. Failure to timely upload and/or exchange proposed exhibits in accordance with this rule may result in the court barring the admission of any such exhibits.

Rule 9070-2 *Exhibits After Final Judgment.*

Fourteen (14) days after entry of final, non-appealable judgment, each party is responsible for retrieving any exhibits, models, diagrams, or other physical evidence introduced at trial or hearing. If exhibits are not retrieved within the required time period, the clerk may dispose of the items without notice.

Rule 9071-1 *Stipulations.*

Any proposed order requesting approval of a stipulation must be submitted as a separate document.

Rule 9073-1 *Hearings.*

- (a) *Testimony of Witnesses.* Unless otherwise directed, all hearings and trials are evidentiary in nature at which witnesses may testify.
- (b) *Contested Matters - Procedure.*
 - (1) *Hearing.* Upon the filing of a motion, the clerk will set a date by which an answer or other responsive pleading must be filed. If a responsive pleading is not filed by the answer date, the court may grant the relief requested subject to the limitations of [F.R.B.P. 9006\(f\)](#). Except as otherwise provided in these rules, no hearing date on the motion will be set.
 - (2) *Motions.* Notwithstanding the language of paragraph (1), hearings are required and will be set on the following motions:
 - (A) for relief under [11 U.S.C. § 362\(k\)](#);
 - (B) for sanctions under [F.R.B.P. 9011](#);
 - (C) for contempt;
 - (D) to substantively consolidate under L.B.R. 1015-1(b);
 - (E) to dismiss the case with prejudice, including all motions filed pursuant to [11 U.S.C. § 109](#); and
 - (F) to disqualify counsel.
 - (3) *Approval of Sales of Property Free and Clear of Liens.* While not required in the absence of a responsive pleading, at the request of the movant, a hearing will be held regarding a motion for approval of sales of property free and clear of liens under L.B.R. 6004-5(c).

Rule 9074-1 *Telephone or Video Appearance.*

- (a) *General Telephone Procedure.* An attorney or pro se party who wishes to participate in a matter telephonically must consult “Telephonic Court Appearance Information (CourtCall)” located on the court’s website (www.pamb.uscourts.gov).
- (b) *Request for Appearance by Video.* A request to appear by video must allege cause and be submitted in writing at least seven (7) days before the scheduled conference or hearing. Requests must include a certificate of concurrence or nonconcurrence from the other parties concerning the request. If the request is granted, the requestor must provide the court with the location and video conference numbers at the remote site. It is the responsibility of the requestor to arrange with the clerk’s office for a test of

the system prior to the date of the hearing or conference to ensure compatibility of the conferencing systems.

Rule 9075-1 *Emergency Orders.*

- (a) *General Procedure.* In any case where a party files a pleading that requires an immediate hearing date or is seeking emergency relief from the court (i.e., temporary restraining orders or preliminary injunctions), the proponent must proceed as follows:
- (1) Any motion filed under this rule must state in the caption that it is an “Emergency Motion” or “Request for Expedited Consideration”. Prior to filing the motion, movant must provide email notification of the intention to file the motion to the appropriate judge’s chambers.
 - (2) All interested parties must be notified of the request by facsimile, email, or other electronic means prior to the filing of the request for expedited consideration.
 - (3) The emergency motion must specify the reasons why expedited consideration is necessary and attach a copy of the underlying pleading as an exhibit.
 - (4) A proposed order granting the motion for expedited relief and proposing a method of prompt service of the order and the underlying substantive motion must be filed with the emergency motion.
- (b) *Emergency Sale.* A seller, without any notice or with such notice as the court directs, may conduct an emergency sale. Such sale may be conducted only upon leave of court obtained after filing a motion specifying the following:
- (1) the property to be sold;
 - (2) the terms of the sale; and
 - (3) the reasons why the sale must be conducted without notice.

COMMENTS: *L.B.R. 9075-1 was amended effective September 1, 2014, to provide for advanced notice of emergency filings by email to chambers.*

L.B.R. 9075-1 was amended effective December 1, 2009, to modify the captioning requirements for requests for expedited relief or consideration and to delete provisions for facsimile transmission to the court.

APPENDIX 2016-1

PROJECT CATEGORIES

ASSET ANALYSIS AND RECOVERY: Identification and review of potential assets including causes of action and non-litigation recoveries.

ASSET DISPOSITION: Sales, leases (§365 matters), abandonment, and related transaction work.

BUSINESS OPERATIONS: Issues related to debtor-in-possession operating in chapter 11 such as employee, vendor, tenant issues, and other similar problems.

CASE ADMINISTRATION: Coordination and compliance activities, including preparation of statement of financial affairs; schedules; list of contracts; United States trustee interim statements and operating reports; contacts with the United States trustee; general creditor inquiries.

CLAIMS ADMINISTRATION AND OBJECTIONS: Specific claim inquiries; bar date motions; analyses, objections, and allowances of claims.

EMPLOYEE BENEFITS/PENSIONS: Review issues such as severance, retention, 401K coverage, and continuance of pension plan.

FEE/EMPLOYMENT APPLICATIONS: Preparations of employment and fee applications for self or others; motions to establish interim procedures.

FEE/EMPLOYMENT OBJECTIONS: Review of and objections to the employment and fee applications of others.

FINANCING: Matters under [11 U.S.C. §§ 361](#), [363](#) and [364](#) including cash collateral and secured claims; loan document analysis.

LITIGATION: There should be a separate category established for each matter (i.e., XYZ Litigation).

MEETINGS OF CREDITORS: Preparing for and attending the conference of creditors, the [11 U.S.C. § 341\(a\)](#) meeting, and other creditors' committee meetings.

PLAN AND DISCLOSURE STATEMENT: Formulation, presentation, and confirmation; compliance with the plan confirmation order, related orders, and rules; disbursement and case closing activities, except those related to the allowance and objections to allowance of claims.

RELIEF FROM STAY PROCEEDINGS: Matters relating to termination or continuation of automatic stay under [11 U.S.C. § 362](#).

The following categories are generally more applicable to accountants and financial advisors, but may be used by all professionals as appropriate.

ACCOUNTING/AUDITING: Activities related to maintaining and auditing books of account, preparation of financial statements, and account analysis.

BUSINESS ANALYSIS: Preparation and review of company business plan; development and review of strategies; preparation and review of cash flow forecasts and feasibility studies.

CORPORATE FINANCE: Review financial aspects of potential mergers, acquisitions, and disposition of company or subsidiaries.

DATA ANALYSIS: Management information systems review, installation and analysis, construction, maintenance and reporting of significant case financial data, lease rejection, claims, etc.

LITIGATION CONSULTING: Providing consulting and expert witness services relating to various bankruptcy matters such as insolvency, feasibility, avoiding actions, forensic accounting, etc.

RECONSTRUCTION ACCOUNTING: Reconstructing books and records from past transactions and bringing accounting current.

TAX ISSUES: Analysis of tax issues and preparation of state and federal tax returns.

VALUATION: Appraise or review appraisals of assets.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**



LOCAL BANKRUPTCY FORMS

Effective: January 1, 2005

(Modified: December 1, 2018)

TABLE OF CONTENTS

| | |
|---|--------------------|
| FORM 1007-1(c) – Certification of No Payment Advices pursuant to 11 U.S.C. § 521(a)(1)(B)(iv) | 4 |
| FORM 2016-1 – Summary Cover Sheet - Fees and Expenses Application. | 5 |
| FORM 2016-2(a) – Rights and Responsibilities Agreement Between Chapter 13 Debtors and Their Attorneys. | 6 |
| FORM 2016-2(b) – Application of Attorney for Chapter 13 Debtor for Compensation and Reimbursement of Expenses..... | 12 |
| FORM 2016-2(c) – Request for Payment of Chapter 13 Compensation and Expenses. | 14 |
| FORM 3007-1 – Notice of Objection to Claim and Deadline to Request Hearing Date..... | 15 |
| FORM 3015-1 – Chapter 13 Plan. | 17 |
| FORM 3015-2(a) – Certification Regarding Service of Amended Chapter 13 Plan (Altering Treatment of Claims). | 29 |
| FORM 3015-2(b) – Certification Regarding Service of Amended Chapter 13 Plan (Altering Funding or Making Technical Amendments).. | 30 |
| FORM 3015-2(c) – Certification Regarding Service of Amended Chapter 12 Plan (Altering Treatment of Claims). | 31 |
| FORM 3015-2(d) – Certification Regarding Service of Amended Chapter 12 Plan (Altering Funding or Making Technical Amendments).. | 32 |
| FORM 3015-3(a) – Chapter 13 Debtor’s Pre-Confirmation Certification of Compliance with Post Petition Domestic Support and Prepetition Tax Return Filing Obligations.. | 33 |
| FORM 3015-3(b) – Certification Regarding Domestic Support Obligations(s). | 34 |
| FORM 3015-3(c) – Chapter 12 Individual Debtor’s Pre-Confirmation Certification of Compliance with Post Petition Domestic Support Obligations..... | 35 |
| FORM 3015-6 – Chapter 12 Individual Debtor’s Certifications Regarding Domestic Support Obligations and 11 U.S.C. § 522(q).. | 36 |
| FORM 3017-1 – Certification Regarding Amended Disclosure Statement..... | 38 |

FORM 3018-1 – Section 1126 Ballot Report Form..... [39](#)

FORM 3019-1 – Certification Regarding Amended Plan of Reorganization. [40](#)

FORM 3020-1 – Chapter 11 Individual Debtor’s Pre-Confirmation Certification of
Compliance with Post Petition Domestic Support Obligations..... [41](#)

FORM 4001-1 – Post-Petition Payment History..... [42](#)

FORM 4008-1(a) – Reaffirmation Agreement. [44](#)

FORM 9004-1 – Contested Matter Caption..... [53](#)

FORM 9013-3 – Request to Continue Hearing/Trial with Concurrence [54](#)

FORM 9019-1 – Request to Remove from the Hearing/Trial List. [55](#)

FORM 9019-2 – Request for Mediation. [56](#)

FORM 9019-3(a) – Motion to Participate in Mortgage Modification Mediation Program.. [57](#)

FORM 9019-3(b) – Consent to Participate in Mortgage Modification Mediation Program. [62](#)

FORM 9019-3(c) – Order Substituting MMM Servicer. [64](#)

FORM 9037-1 – Application Requesting Redaction of Personal Identifiers. [66](#)

FORM 9074-1 – Certification of Concurrence for Telephonic Testimony via CourtCall.. [67](#)

LOCAL BANKRUPTCY FORM 1007-1(c)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Debtor(s) : **CHAPTER** _____
: **CASE NO.** ___ - ___ -bk- _____
:
:
:
:
:

**CERTIFICATION OF NO PAYMENT ADVICES
pursuant to 11 U.S.C. § 521(a)(1)(B)(iv)**

I, _____, hereby certify that within sixty (60) days before the date of filing the above-captioned bankruptcy petition, I did not receive payment advices (e.g. "pay stubs"), as contemplated by 11 U.S.C. § 521(a)(1)(B)(iv), from any source of employment. I further certify that I received no payment advices during that period because:

- I have been unable to work due to a disability throughout the sixty (60) days immediately preceding the date of the above-captioned petition.
- I have received no regular income other than Social Security payments throughout the sixty (60) days immediately preceding the date of the above-captioned petition.
- My sole source of regular employment income throughout the sixty (60) days immediately preceding the date of the above-captioned petition has been through self-employment from which I do not receive evidence of wages or a salary at fixed intervals.
- I have been unemployed throughout the sixty (60) days immediately preceding the date of the above-captioned petition.
- I did not receive payment advices due to factors other than those listed above. (Please explain) _____

I certify under penalty of perjury that the information provided in this certification is true and correct to the best of my knowledge and belief.

DATE: _____

Debtor

Joint Debtor

LOCAL BANKRUPTCY FORM 2016-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Debtor(s) : CHAPTER ____
: :
: CASE NO. __ - __ -bk- _____
: :
: :
: :

**SUMMARY COVER SHEET
FEES AND EXPENSES APPLICATION**

- a. Your applicant was appointed on _____, based on an application filed _____.
- b. Your applicant represents _____.
- c. This application is a _____
(state whether interim or final application).
- d. The total amount of compensation for which reimbursement is sought is _____ and is for the period from _____ to _____.
- e. The total amount of expenses for which reimbursement is sought is _____ and is for the period from _____ to _____.
- f. The dates and amounts of any retainer received are _____.
- g. The dates and amounts of withdrawals from the retainer by the Applicant are _____.
- h. The dates and amounts of previous compensation allowed are:
_____.
- i. The dates and amounts of previous compensation paid are:
_____.
- j. There are/are no objections to prior fee applications of Applicant that have not been ruled upon by the Court in this bankruptcy case.

Applicant's Signature

DATED: _____

LOCAL BANKRUPTCY FORM 2016-2(a)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: * **CHAPTER 13**
*
Debtor * **CASE NO. __ - __ -bk- _____**
*

**RIGHTS AND RESPONSIBILITIES AGREEMENT BETWEEN
CHAPTER 13 DEBTORS AND THEIR ATTORNEYS**

It is important for persons who file for bankruptcy under Chapter 13 to understand their rights and responsibilities. It is also important for them to know what their attorneys' responsibilities are and to appreciate the necessity of communicating openly with their attorneys to achieve successful results. These clients are entitled to expect certain services to be performed by their attorneys. The following Rights and Responsibilities Agreement has been adopted by the Bankruptcy Court for the Middle District of Pennsylvania. By signing this Rights and Responsibilities Agreement, attorneys and their clients accept the responsibilities outlined in this Agreement.

Under the rules of the Bankruptcy Court an attorney who files a bankruptcy case or who appears on behalf of a client filing for bankruptcy, other than as special counsel, is required to represent the client throughout the case, unless the client hires a new attorney or decides to represent himself or herself. However, an attorney may ask the Bankruptcy Court for permission to withdraw from a case. An attorney may request the Bankruptcy Court to approve additional fees, beyond those described in the Agreement, but only after the client has been given an opportunity to object and Court approval is obtained.

NOTICE TO ATTORNEYS: Attorneys have additional responsibilities which are imposed by the Bankruptcy Code and the Rules of Professional Conduct.

NOTICE TO CLIENTS: Your attorney may be unable to provide the services described in this Agreement if you do not provide accurate and complete information promptly and if you do not cooperate with your attorney during your case.

BEFORE THE CASE IS FILED:

You agree to:

1. Provide your attorney with complete and accurate financial information, as promptly as possible, including any forms your attorney asks you to complete and copies of any documents that have been requested.
2. Discuss your financial goals with your attorney.

3. Review all documents prepared by your attorney, advise your attorney about any necessary corrections or additions, and ask for explanations of any statements that you do not understand.

Your attorney agrees to:

1. Meet with you to review your debts, assets, liabilities, income, and expenses.
2. Discuss with you alternatives to bankruptcy, credit counseling, and the availability of relief under other chapters of the Bankruptcy Code.
3. Make all the disclosures required of your attorney as a debt relief agency.
4. Discuss the terms under which your attorney will represent you and prepare a written agreement describing the fee arrangement, including how your attorney will be paid.
5. Explain the expenses, in addition to attorneys fees, that will be incurred or may be incurred by you and how they must be paid.
6. Explain to you which payments must be made directly to creditors and which payments must be made to the Chapter 13 trustee.
7. Explain to you where to submit Chapter 13 plan payments, when to begin making payments, and the day of the month payments are due.
8. Explain to you the importance of insuring that your attorney is informed as to all changes in your contact information, including your phone number, mailing address, any email address, and place of employment.
9. Explain to you the consequences of failing to make direct payments to creditors, such as mortgage and auto payments, and failing to make payments to the Chapter 13 trustee.
10. Advise you concerning your obligation to attend the meeting of creditors.
11. Advise you of the necessity of maintaining appropriate insurance, such as homeowner's insurance and liability, collision, and comprehensive insurance on vehicles.
12. Timely prepare, file, and serve the bankruptcy petition, as well as statements, schedules, the plan, and other required documents and certificates, unless these documents are filed after the petition as permitted under the Bankruptcy Rules.

AFTER THE CASE IS FILED:

You agree to:

1. Begin making plan payments to the Chapter 13 trustee as instructed by your attorney.

2. Attend the meeting of creditors and any other court proceeding for which you receive notice unless informed by your attorney that your presence is not necessary.
3. Review and comply with notices you receive from the Court and respond to communications from your attorney.
4. Keep your attorney and the Chapter 13 trustee informed of any changes to your contact information, including phone numbers and mailing addresses.
5. Keep your attorney informed of any significant changes in your situation, including job loss or layoff, significant health problems requiring absence from work, and divorce or separation.
6. Inform your attorney immediately if contacted by a creditor or if any action is taken against any of your assets or against you.
7. Contact your attorney before buying, selling, or refinancing major assets such as a home or vehicle.
8. Promptly provide copies of all documents requested by your attorney.
9. Reimburse your attorney for all fees paid to third parties and charges advanced on your behalf (for example, credit counseling fees or credit report charges) unless your attorney agrees that these amounts will be paid through the plan.

The attorney agrees to provide all services necessary for representation and specifically to:

1. Submit to the Chapter 13 trustee properly documented proof of all sources of income and most recently filed tax return for you.
2. Appear at the meeting of creditors with you.
3. Respond to objections to plan confirmation and, where necessary, prepare an amended plan.
4. Prepare, file, and serve all statements, schedules, and the plan (if not filed with the petition) as well as any required amendments to any of these documents.
5. Prepare, file, and serve motions to buy, sell, or refinance real estate or personal property.
6. Review the file to ascertain if all required tax returns were filed and obtain and file the Pre-Confirmation Certification.
7. Obtain the Domestic Support Obligation Certification, if necessary, and forward it to the Chapter 13 trustee.
8. Attempt to obtain all secured Proofs of Claim, and/or prepare and file Proofs of Claim on behalf of creditors provided for in the plan, when appropriate.

9. Prepare, file, and serve objections to claims, if necessary.
10. Notify you of any pleading seeking relief against you and provide you with a deadline by which you must contact your attorney to discuss a response to the pleading, which also will explain possible consequences if you fail to respond.
11. Represent you at all hearings in which you have sought relief or have filed a response to a pleading seeking relief unless the matter has been settled. This does not include representation at adversary hearings.
12. Review any Transfer of Claims and any Notice of Mortgage Payment Change and advise of same, if necessary.
13. Prepare and serve any Motion to Suspend Trustee Payments.
14. Prepare and file any Motion for Wage Attachment for the Chapter 13 trustee or other secured creditor.
15. After your plan is confirmed, prepare and file any necessary motions to modify the confirmed plan and modified plans.
16. Explain to you what services will require the payment of additional legal fees and how those fees will be requested from the Court and that they may require the filing of an amended or modified plan. This explanation will include a discussion of what types of issues must be resolved through adversary proceedings.
17. Provide you with copies of all applications for the payment of fees for legal services, including time records, if required, before the applications are filed with the Bankruptcy Court.
18. Assist you in monitoring the status of your plan payments and in resolving any discrepancies between your records and those of the Chapter 13 trustee.
19. When appropriate, file motions to extend or impose the automatic stay.
20. If you qualify, assist you in attempting to obtain a mortgage modification. This only includes a modification which is necessary to obtain confirmation of the plan.
21. Respond promptly to your questions and communications throughout the term of the plan.
22. Advise you as to the requirement to complete an instructional course in personal financial management and the consequences of not doing so.
23. Advise you as to the requirements to complete the Debtors Certification Regarding Domestic Support Obligations and the consequences of not doing so.
24. Obtain a "No Position Letter" from the Chapter 13 trustee or file a Motion to Incur Debt and serve same.

25. Timely notify you when a hearing has been rescheduled or when a hearing is no longer required.
26. Review the Notice of Final Cure Payment and any response to the Notice of Final Cure Payment, and, if necessary, prepare and file a Motion for Determination of Final Cure and Payment of All Post-Petition Payments.
27. Prepare a Motion for Early and/or Hardship Discharge if the facts and law support same.

SUMMARY OF AGREEMENT FOR PAYMENT OF ATTORNEY'S FEES

The Bankruptcy Court has adopted a “presumptively reasonable fee” of **\$4000.00** for legal services provided through the confirmation of a Chapter 13 plan. If you operate a business and the Chapter 13 trustee requires you to provide a business examination report or if you hold the controlling interest in a corporation or LLC that is operating a business, the Court has determined that an additional **\$1000.00** fee for legal services is also presumptively reasonable. In addition, if your plan provides for future mortgage payments to be made through the plan (“conduit plan”) rather than directly to the mortgage company, an additional **\$500.00** fee has been determined to be presumptively reasonable. Debtor(s’) counsel will be allowed to charge an additional fee of \$500.00 for amending the plan post-confirmation due to late Proofs of Claim being filed, adding post-petition payments to the plan, to resolve a Motion to Dismiss for material default, change in financial circumstances, or extending the plan term due to the Debtor(s) request. Counsel may elect either to accept an additional \$500.00 fee for a post-confirmation plan amendment, or counsel may request compensation for same if the time and expense incurred exceeds \$500.00. The cost of serving the modified plan will be your responsibility and must be reimbursed by you. Debtor(s’) counsel will not be allowed to charge the additional legal fee of \$500.00 for making minor changes, such as changing the name of a creditor. In addition, Debtor(s’) counsel will be allowed to charge additional legal fees for preparing, filing, and serving a Motion to Sell Real or Personal Property. The fee will be disclosed in the Motion, Notice, and Order and served on all creditors. No fee application is required. The attorney fee will be paid at closing. In the event that the sale does not proceed to closing, Debtor(s’) counsel will be allowed to file a Fee Application to collect said fees. Debtor(s’) counsel will be allowed to collect the sale motion filing fee prior to filing the Motion to Sell, without Court approval.

These “presumptively reasonable fees” are neither minimum nor maximum fees for Chapter 13 cases. If an attorney agrees to perform the services set forth in this Rights and Responsibilities Agreement and to charge no more for these services than is described above, the attorney is not required to file a fee application detailing the work performed through the confirmation of a plan. If you and your attorney agree that you will pay for services provided based on an hourly rate, or through some other arrangement, the attorney must submit an application to the Court with time records to obtain approval of the fees. In addition, even if an attorney has agreed to accept a “presumptively reasonable fee” for services through the confirmation of a plan, the attorney must submit fee applications and obtain Court approval for any additional fees charged for services related to adversary proceedings or for services provided after a plan is confirmed.

In this case the parties agree that the legal fees for services to be provided through the confirmation of a plan, excluding adversary proceedings will be (complete one of the following boxes:)

- \$ _____, the presumptively reasonable fee
- \$ _____ per hour, to be adjusted in accordance with the terms of the written fee agreement between you and your attorney (describe material terms of fee agreement or attach fee agreement) _____

Other than the initial retainer, your attorney may not receive fees directly from you after your bankruptcy case is filed. All other attorney’s fees must be paid through the Chapter 13 Plan unless otherwise ordered by the Bankruptcy Court. These fees are separate from and in addition to any filing fees that you must pay when documents are filed by your attorney with the Bankruptcy Court.

If you dispute the legal services provided or the fees charged by your attorney, you may file an objection with the Bankruptcy Court. If your attorney believes that he or she cannot continue to represent you due to lack of cooperation or because of an ethical conflict, your attorney may request the Bankruptcy Court to permit him or her to withdraw from your case. You will receive notice of a request to withdraw and may contest the request at a hearing before the Court.

IN NO CASE SHALL YOUR ATTORNEY BE REQUIRED TO FILE A MOTION, PLAN, OBJECTION, OR ANSWER THAT IS NOT SUPPORTED BY CURRENT LAW.

Client: By signing this Rights and Responsibilities Agreement, I certify that have read the Agreement and understand and agree to carry out the terms to the best of my ability. I understand I am entitled to receive a signed copy of the Agreement.

Attorney: By signing this Agreement, your attorney certifies that he or she has reviewed this Agreement with you and answered your questions and that he or she agrees to perform the services described.

Client Date

Client Date

Attorney Date

Instructions: This Agreement is not to be filed with the Court. The original must be retained by the attorney and a copy provided to the client.

LOCAL BANKRUPTCY FORM 2016-2(b)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: **CHAPTER 13**
:
: **CASE NO. __ - __ -bk- _____**
:
:
:
Debtor(s) :

**APPLICATION OF ATTORNEY FOR CHAPTER 13 DEBTOR
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

(Name of applicant) _____ applies for approval of compensation as Chapter 13 Debtor(s)' counsel and for reimbursement of expenses pursuant to 11 U.S.C. § 330 as follows:

1. Applicant is counsel for Debtor(s).
2. Debtor(s) filed a petition for bankruptcy relief on _____ (date).
3. Applicant previously filed a Disclosure of Compensation of Attorney for Debtor(s) pursuant to Fed. R. Bankr. P. 2016(b), which is attached as Exhibit "A" to this Application.
4. Debtor(s) and Applicant have executed a Rights and Responsibilities Agreement and a copy of the Agreement was provided to Debtor(s).
5. This Application is _____ (state whether an interim or a final application).
6. (Check all applicable items)
 - () a. Debtor(s)' Chapter 13 Plan was confirmed on _____ (date).
 - () b. The order approving the last post-confirmation modification of Debtor(s)' confirmed Chapter 13 plan was entered on _____ (date).
 - () c. Debtor(s) have not confirmed a Plan.
7. The dates and amounts of previous compensation paid are:
 - a. as a retainer _____ (list dates and amounts);
 - b. paid by the Chapter 13 Trustee through a confirmed Plan _____ (list dates and amounts);

c. other _____
(describe source, amount and date paid).

8. Compensation previously approved by the Court following the filing of an interim Application are: _____

_____ (dates and amounts).

9. If Applicant has not agreed with Debtor(s) to accept the Presumptively Reasonable Fee (“PRF”), or is filing a supplemental fee application after confirmation of the Plan in addition to the PRF, Applicant requests compensation in the amount of \$_____ and reimbursement of expenses in the amount of \$_____ for the period of _____ to _____. A chronological listing of services performed and itemization of expenses for which reimbursement is requested for this time is attached as Exhibit “B” to this Application.

10. Legal services were provided by all professionals at the hourly rates set forth at the beginning of the chronological listing of services provided on Exhibit “B.”

11. (Check one)

Debtor(s) have reviewed this Application prior to its filing and have approved the requested amounts.

Debtor(s) have reviewed this Application prior to its filing and have not approved the request amounts.

Debtor(s) have not reviewed this Application prior to its filing.

Debtor(s) have not approved the requested amounts.

12. Objections are pending to the following prior fee applications: (list date application was filed and name of objector, if no objections pending state “none”).

WHEREFORE, your Applicant respectfully requests this Honorable Court to approve the requested compensation in the amount of \$_____ and reimbursement of expenses in the amount of \$_____ pursuant to 11 U.S.C. § 330, and if this is a Final Fee Application, to determine that all prior interim orders are final.

Dated: _____

Applicant’s Signature

LOCAL BANKRUPTCY FORM 2016-2(c)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: * **CHAPTER 13**
 *
Debtor * **CASE NO. __ - __ -bk- _____**
 *

REQUEST FOR PAYMENT OF CHAPTER 13 COMPENSATION AND EXPENSES

Instructions: Complete **Part A** for payment of the presumptively reasonable fee, as described in L.B.R. 2016-2(c), reimbursement of expenses to be paid through a Chapter 13 plan. Complete **Part B** for payment of compensation and reimbursement of expenses to be allowed upon a separate application and Court order. Complete **Part C** for all requests for payment of compensation and reimbursement of expenses.

| | |
|---|----|
| A. Presumptively reasonable fees under L.B.R. 2016-2(c) | |
| 1. Amount agreed to by debtor | \$ |
| 2. Less amount paid to attorney outside of plan distributions | \$ |
| 3. Balance of compensation to be paid through plan distributions | \$ |
| 4. Expenses advanced to be paid through plan distributions: (describe expense and amount) | \$ |

| | |
|--|----|
| B. Compensation and reimbursement of expenses allowed upon application and order under L.B.R. 2016-2(a) | |
| 1. Compensation and expenses to be approved by the Court | \$ |
| 2. Less amounts paid to attorney outside of plan distributions | \$ |
| 3. Balance of compensation and expenses to be paid through plan distributions | \$ |

| | |
|---|----|
| C. The undersigned hereby requests payment through the plan for compensation and reimbursement of expenses under 11 U.S.C. § 503(b)(2) in the following amount based on the information above: | \$ |
|---|----|

Dated: _____

Attorney for Debtor

LOCAL BANKRUPTCY FORM 3007-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: CHAPTER ____

:

:

: CASE NO. ___ - ___ -bk- _____

:

Debtor(s) :

:

:

:

Objector :

v. :

:

:

Claimant :

TO: _____ (“Claimant”)

**NOTICE OF OBJECTION TO CLAIM AND DEADLINE TO REQUEST HEARING
DATE**

_____ has filed an objection to the proof of claim you filed in this bankruptcy case.

NOTICE: Your claim may be reduced, modified, or eliminated. You should read this notice and the objection carefully and discuss them with your attorney, if you have one.

If you do not want the court to enter an order affecting your claim, then on or before [date], (30 days from the date of service), you or your lawyer must file a request for hearing or a written response to the objection explaining your position.

Those not permitted to file electronically must deliver any request for hearing or response by U.S. mail, courier, overnight/express mail, or in person at:

(select the appropriate address)

_____ 274 Max Rosenn U.S. Courthouse
197 South Main Street
Wilkes-Barre, PA 18701

_____ Ronald Reagan Federal Building
228 Walnut Street Rm 320
Harrisburg, PA 17101

If you mail your request for hearing or response to the court, you must mail it early enough so the court will receive it on or before the date stated above.

You must also send a copy of your request for hearing or response to:

(movant's attorney's name and address)
(names and addresses of others to be served)

If you or your attorney do not take these steps, the court may decide that you do not oppose an order affecting your claim.

Attorney for Objector

(Address)

(Phone)

(Facsimile)

(Email)

(Attorney ID No.)

Date of Notice: _____

LOCAL BANKRUPTCY FORM 3015-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

CHAPTER 13

CASE NO.

___ ORIGINAL PLAN

___ AMENDED PLAN (Indicate 1st, 2nd,
3rd, etc.)

___ Number of Motions to Avoid Liens

___ Number of Motions to Value Collateral

CHAPTER 13 PLAN

NOTICES

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as “Not Included” or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the plan.

| | | | |
|---|---|-----------------------------------|---------------------------------------|
| 1 | The plan contains nonstandard provisions, set out in § 9, which are not included in the standard plan as approved by the U.S. Bankruptcy Court for the Middle District of Pennsylvania. | <input type="checkbox"/> Included | <input type="checkbox"/> Not Included |
| 2 | The plan contains a limit on the amount of a secured claim, set out in § 2.E, which may result in a partial payment or no payment at all to the secured creditor. | <input type="checkbox"/> Included | <input type="checkbox"/> Not Included |
| 3 | The plan avoids a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 2.G. | <input type="checkbox"/> Included | <input type="checkbox"/> Not Included |

YOUR RIGHTS WILL BE AFFECTED

READ THIS PLAN CAREFULLY. If you oppose any provision of this plan, you must file a timely written objection. This plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the plan.

1. PLAN FUNDING AND LENGTH OF PLAN.

A. Plan Payments From Future Income

1. To date, the Debtor paid \$_____ (enter \$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of the plan the following payments. If applicable, in addition to monthly plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base plan is \$_____, plus other payments and property stated in § 1B below:

| Start mm/yyyy | End mm/yyyy | Plan Payment | Estimated Conduit Payment | Total Monthly Payment | Total Payment Over Plan Tier |
|--------------------------|------------------------|-------------------------|--|--------------------------------------|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | Total Payments: | |

2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding. Debtor must pay all post-petition mortgage payments that come due before the initiation of conduit mortgage payments.
3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the plan.
4. CHECK ONE: () Debtor is at or under median income. *If this line is checked, the rest of § 1.A.4 need not be completed or reproduced.*

() Debtor is over median income. Debtor estimates that a minimum of \$_____ must be paid to allowed unsecured creditors in order to comply with the Means Test.

B. Additional Plan Funding From Liquidation of Assets/Other

- 1. The Debtor estimates that the liquidation value of this estate is \$_____. (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

Check one of the following two lines.

___ No assets will be liquidated. *If this line is checked, the rest of § 1.B need not be completed or reproduced.*

___ Certain assets will be liquidated as follows:

- 2. In addition to the above specified plan payments, Debtor shall dedicate to the plan proceeds in the estimated amount of \$_____ from the sale of property known and designated as _____
_____. All sales shall be completed by _____, 20____. If the property does not sell by the date specified, then the disposition of the property shall be as follows:
_____.

- 3. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows: _____

2. SECURED CLAIMS.

A. Pre-Confirmation Distributions. *Check one.*

___ None. *If "None" is checked, the rest of § 2.A need not be completed or reproduced.*

___ Adequate protection and conduit payments in the following amounts will be paid by the Debtor to the Trustee. The Trustee will disburse these payments for which a proof of claim has been filed as soon as practicable after receipt of said payments from the Debtor.

| Name of Creditor | Last Four Digits of Account Number | Estimated Monthly Payment |
|------------------|------------------------------------|---------------------------|
| | | |
| | | |
| | | |

1. The Trustee will not make a partial payment. If the Debtor makes a partial plan payment, or if it is not paid on time and the Trustee is unable to pay timely a payment due on a claim in this section, the Debtor’s cure of this default must include any applicable late charges.

2. If a mortgagee files a notice pursuant to Fed. R. Bankr. P. 3002.1(b), the change in the conduit payment to the Trustee will not require modification of this plan.

B. Mortgages (Including Claims Secured by Debtor’s Principal Residence) and Other Direct Payments by Debtor. Check one.

- None. *If “None” is checked, the rest of § 2.B need not be completed or reproduced.*
- Payments will be made by the Debtor directly to the creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the plan if not avoided or paid in full under the plan.

| Name of Creditor | Description of Collateral | Last Four Digits of Account Number |
|------------------|---------------------------|------------------------------------|
| | | |
| | | |

| | | |
|--|--|--|
| | | |
|--|--|--|

C. Arrears (Including, but not limited to, claims secured by Debtor’s principal residence). Check one.

- None. *If “None” is checked, the rest of § 2.C need not be completed or reproduced.*
- The Trustee shall distribute to each creditor set forth below the amount of arrearages in the allowed ~~proof of~~ claim. If post-petition arrears are not itemized in an allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the creditor as to that collateral shall cease, and the claim will no longer be provided for under § 1322(b)(5) of the Bankruptcy Code:

| Name of Creditor | Description of Collateral | Estimated Pre-petition Arrears to be Cured | Estimated Postpetition Arrears to be Cured | Estimated Total to be paid in plan |
|------------------|---------------------------|--|--|------------------------------------|
| | | | | |
| | | | | |
| | | | | |

D. Other secured claims (conduit payments and claims for which a § 506 valuation is not applicable, etc.)

- None. *If “None” is checked, the rest of § 2.D need not be completed or reproduced.*
- The claims below are secured claims for which a § 506 valuation is not applicable, and can include: (1) claims that were either (a) incurred within 910 days of the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor, or (b) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value; (2) conduit payments; or (3) secured claims not provided for elsewhere.

1. The allowed secured claims listed below shall be paid in full and their liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under §1328 of the Code.
2. In addition to payment of the allowed secured claim, present value interest pursuant to 11 U.S.C. §1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below, unless an objection is raised. If an objection is raised, then the court will determine the present value interest rate and amount at the confirmation hearing.
3. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

| Name of Creditor | Description of Collateral | Principal Balance of Claim | Interest Rate | Total to be Paid in Plan |
|------------------|---------------------------|----------------------------|---------------|--------------------------|
| | | | | |
| | | | | |
| | | | | |

E. Secured claims for which a § 506 valuation is applicable. *Check one.*

- None. *If “None” is checked, the rest of § 2.E need not be completed or reproduced.*
- Claims listed in the subsection are debts secured by property not described in § 2.D of this plan. These claims will be paid in the plan according to modified terms, and liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under §1328 of the Code. The excess of the creditor’s claim will be treated as an unsecured claim. Any claim listed as “\$0.00” or “NO VALUE” in the “Modified Principal Balance” column below will be treated as an unsecured claim. The liens will be avoided or limited through the plan or Debtor will file an adversary or other action (select method in last column). To the extent not already determined, the amount, extent or validity of the allowed secured claim for each claim listed below will be determined by the court at the confirmation hearing. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

| Name of Creditor | Description of Collateral | Value of Collateral (Modified Principal) | Interest Rate | Total Payment | Plan, Adversary or Other Action |
|------------------|---------------------------|--|---------------|---------------|---------------------------------|
| | | | | | |
| | | | | | |
| | | | | | |

F. Surrender of Collateral. *Check one.*

None. *If “None” is checked, the rest of § 2.F need not be completed or reproduced.*

The Debtor elects to surrender to each creditor listed below the collateral that secures the creditor’s claim. The Debtor requests that upon confirmation of this plan or upon approval of any modified plan the stay under 11 U.S.C. §362(a) be terminated as to the collateral only and that the stay under §1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 4 below.

| Name of Creditor | Description of Collateral to be Surrendered |
|------------------|---|
| | |
| | |
| | |

G. Lien Avoidance. *Do not use for mortgages or for statutory liens, such as tax liens. Check one.*

None. *If “None” is checked, the rest of § 2.G need not be completed or reproduced.*

___ The Debtor moves to avoid the following judicial and/or nonpossessory, nonpurchase money liens of the following creditors pursuant to § 522(f) (this § should not be used for statutory or consensual liens such as mortgages).

| | | | |
|---|--|--|--|
| Name of Lien Holder | | | |
| Lien Description For judicial lien, include court and docket number. | | | |
| Description of the liened property | | | |
| Liened Asset Value | | | |
| Sum of Senior Liens | | | |
| Exemption Claimed | | | |
| Amount of Lien | | | |
| Amount Avoided | | | |

3. PRIORITY CLAIMS.

A. Administrative Claims

1. Trustee’s Fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee.
2. Attorney’s fees. Complete only one of the following options:
 - a. In addition to the retainer of \$_____ already paid by the Debtor, the amount of \$_____ in the plan. This represents the unpaid balance of the presumptively reasonable fee specified in L.B.R. 2016-2(c); or
 - b. \$_____ per hour, with the hourly rate to be adjusted in accordance with the terms of the written fee agreement between the Debtor and the attorney. Payment of such lodestar compensation shall require a separate fee application with the compensation approved by the Court pursuant to L.B.R. 2016-2(b).
3. Other. Other administrative claims not included in §§ 3.A.1 or 3.A.2 above. *Check one of the following two lines.*
 - ___ None. *If “None” is checked, the rest of § 3.A.3 need not be completed or reproduced.*
 - ___ The following administrative claims will be paid in full.

| Name of Creditor | Estimated Total Payment |
|------------------|-------------------------|
| | |
| | |

B. Priority Claims (including, certain Domestic Support Obligations)

Allowed unsecured claims entitled to priority under § 1322(a) will be paid in full unless modified under §9.

| Name of Creditor | Estimated Total Payment |
|------------------|-------------------------|
| | |
| | |
| | |

C. Domestic Support Obligations assigned to or owed to a governmental unit under 11 U.S.C. §507(a)(1)(B). Check one of the following two lines.

- ___ None. *If “None” is checked, the rest of § 3.C need not be completed or reproduced.*
- ___ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim. *This plan provision requires that payments in § 1.A. be for a term of 60 months (see 11 U.S.C. §1322(a)(4)).*

| Name of Creditor | Estimated Total Payment |
|------------------|-------------------------|
| | |

4. UNSECURED CLAIMS

A. Claims of Unsecured Nonpriority Creditors Specially Classified. *Check one of the following two lines.*

___ None. *If "None" is checked, the rest of § 4.A need not be completed or reproduced.*

___ To the extent that funds are available, the allowed amount of the following unsecured claims, such as co-signed unsecured debts, will be paid before other, unclassified, unsecured claims. The claim shall be paid interest at the rate stated below. If no rate is stated, the interest rate set forth in the proof of claim shall apply.

| Name of Creditor | Reason for Special Classification | Estimated Amount of Claim | Interest Rate | Estimated Total Payment |
|------------------|-----------------------------------|---------------------------|---------------|-------------------------|
| | | | | |

B. Remaining allowed unsecured claims will receive a pro-rata distribution of funds remaining after payment of other classes.

5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES. *Check one of the following two lines.*

___ None. *If "None" is checked, the rest of § 5 need not be completed or reproduced.*

___ The following contracts and leases are assumed (and arrears in the allowed claim to be cured in the plan) or rejected:

| Name of Other Party | Description of Contract or Lease | Monthly Payment | Interest Rate | Estimated Arrears | Total Plan Payment | Assume or Reject |
|---------------------|----------------------------------|-----------------|---------------|-------------------|--------------------|------------------|
| | | | | | | |
| | | | | | | |

| | | | | | | |
|--|--|--|--|--|--|--|
| | | | | | | |
|--|--|--|--|--|--|--|

6. VESTING OF PROPERTY OF THE ESTATE.

Property of the estate will vest in the Debtor upon

Check the applicable line:

- ___ plan confirmation.
- ___ entry of discharge.
- ___ closing of case.

7. DISCHARGE: (Check one)

- The debtor will seek a discharge pursuant to § 1328(a).
- The debtor is not eligible for a discharge because the debtor has previously received a discharge described in § 1328(f).

8. ORDER OF DISTRIBUTION:

If a pre-petition creditor files a secured, priority or specially classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor.

Payments from the plan will be made by the Trustee in the following order:

- Level 1: _____
- Level 2: _____
- Level 3: _____
- Level 4: _____
- Level 5: _____
- Level 6: _____
- Level 7: _____ Level
- 8: _____

If the above Levels are filled in, the rest of § 8 need not be completed or reproduced. If the above Levels are not filled-in, then the order of distribution of plan payments will be determined by the Trustee using the following as a guide:

- Level 1: Adequate protection payments. Level
- 2: Debtor’s attorney’s fees.
- Level 3: Domestic Support Obligations.
- Level 4: Priority claims, pro rata.
- Level 5: Secured claims, pro rata.
- Level 6: Specially classified unsecured claims.
- Level 7: Timely filed general unsecured claims.
- Level 8: Untimely filed general unsecured claims to which the Debtor has not objected.

9. NONSTANDARD PLAN PROVISIONS

Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the plan is void. (NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)

Dated:_____

Attorney for Debtor

Debtor

_____ Joint
Debtor

By filing this document, the debtor, if not represented by an attorney, or the Attorney for Debtor also certifies that this plan contains no nonstandard provisions other than those set out in § 9.

LOCAL BANKRUPTCY FORM 3015-2(b)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Debtor(s) : **CHAPTER 13**
:
:
: **CASE NO. __ - __ -bk- _____**
:
:

CERTIFICATION REGARDING SERVICE OF AMENDED CHAPTER 13 PLAN
(Altering Funding or Making Technical Amendments)

The undersigned, counsel for the above-captioned Debtor(s), hereby certifies that the _____ Amended Chapter 13 Plan filed on _____ proposes to alter the funding of, or to make technical amendments to, the Chapter 13 Plan confirmed on _____, but does not affect the treatment of the claims of any creditors included in the confirmed Plan, including the amounts to be paid, the timing of the payments or the treatment of collateral:

I further certify that the _____ Amended Chapter 13 Plan has been served on the Chapter 13 trustee, and because none of the claims provided for in the plan will be affected by the provisions of the _____ Amended Chapter 13 Plan, no further notice is required.

Counsel for Debtor(s)

Dated: _____

LOCAL BANKRUPTCY FORM 3015-2(c)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: :

:

CHAPTER 12

:

CASE NO. __ - __ -bk- _____

:

:

:

:

:

:

:

:

Debtor(s) :

CERTIFICATION REGARDING SERVICE OF AMENDED CHAPTER 12 PLAN
(Altering Treatment of Claims)

The undersigned, counsel for the above-captioned Debtor(s), hereby certifies that the _____ Amended Chapter 12 Plan filed on _____ proposes to alter the treatment of the claims of the following creditors included in the confirmed Chapter 12 Plan:

I further certify that notice of the filing of the _____ Amended Chapter 12 Plan has been served on the above listed creditors and the Chapter 12 trustee, as evidenced by the attached certificate of service, and that no other party, other than the creditors listed above, will be affected by the provisions of the _____ Amended Chapter 12 Plan.

I further certify that the _____ Amended Chapter 13 Plan seeks a determination of the amount of a claim in favor of _____, and that service of the _____ Amended Chapter 13 Plan has been made upon same in accordance with Rule 3012(b).

Counsel for Debtor(s)

Dated: _____

LOCAL BANKRUPTCY FORM 3015-2(d)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

| | | |
|------------------|---|--------------------------------------|
| | : | CHAPTER 12 |
| | : | |
| | : | |
| | : | CASE NO. ___ - ___ -bk- _____ |
| | : | |
| Debtor(s) | : | |

CERTIFICATION REGARDING SERVICE OF AMENDED CHAPTER 12 PLAN
(Altering Funding or Making Technical Amendments)

The undersigned, counsel for the above-captioned Debtor(s), hereby certifies that the _____ Amended Chapter 12 Plan filed on _____ proposes to alter the funding of, or to make technical amendments to, the Chapter 12 Plan confirmed on _____, but does not affect the treatment of the claims of any creditors included in the confirmed Plan, including the amounts to be paid, the timing of the payments or the treatment of collateral:

I further certify that the _____ Amended Chapter 12 Plan has been served on the Chapter 12 trustee, and because none of the claims provided for in the plan will be affected by the provisions of the _____ Amended Chapter 12 Plan, no further notice is required.

Counsel for Debtor(s)

Dated: _____

LOCAL BANKRUPTCY FORM 3015-3(a)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: CHAPTER 13
:
: CASE NO. __ - __ -bk- _____
:
:
:
:
: Debtor(s)

**CHAPTER 13 DEBTOR’S PRE-CONFIRMATION CERTIFICATION OF COMPLIANCE
WITH POST PETITION DOMESTIC SUPPORT AND PREPETITION
TAX RETURN FILING OBLIGATIONS**

If a joint petition is filed, each spouse must complete and file a separate certification.

I, _____, upon oath or affirmation, hereby certify as follows:

1. That the below information is being supplied for compliance with the confirmation hearing date on _____.
2. That all post-petition amounts required to be paid under any and all Domestic Support Obligations have been paid as required by 11 U.S.C. § 1325(a)(8).
3. That all applicable Federal, State, and local tax returns, as required by 11 U.S.C. Section 1308 have been filed.
4. If this Certification is being signed by counsel for Debtor, that the Debtor was duly questioned about the statements in this Certification and supplied answers consistent with this Certification.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment for perjury.

DATED: _____

BY: _____
Counsel for Debtor

DATED: _____

BY: _____
Debtor

LOCAL BANKRUPTCY FORM 3015-3(b)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Debtor(s) : **CHAPTER** ____
: **CASE NO.** __-__-**bk-**_____
:
:
:
:
:

**CERTIFICATION REGARDING
DOMESTIC SUPPORT OBLIGATION(S)**

If there are domestic support obligation claims in a case, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 requires the trustee to provide written notice to the holder of the claim and to the applicable state child support enforcement agency. In order for the trustee to comply with the Act, the Debtor/Obligor must complete the following information and verify the information is true and correct by signing at the bottom of this form.

1. Name of Person Entitled to Receive Domestic Support (“Recipient”):

Claim Holder _____
Last Name First Middle Initial

2. Address of Domestic Support Recipient:

Claim Holder _____
Street City
County State Zip

3. Telephone Number of Domestic Support Recipient:

Claim Holder _____
(Area Code) Phone Number

4. If you are paying a Domestic Support Obligation pursuant to a Court Order, provide the following:

Name of Court

Address of Court

Docket Number PACSES Number

The undersigned hereby certifies that the foregoing statements are true and correct under penalty of perjury.

DATED: _____ BY: _____
Debtor

LOCAL BANKRUPTCY FORM 3015-3(c)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: **CHAPTER 12**
:
: **CASE NO. __ - __ -bk- _____**
:
:
:
:
:
Debtor(s) :

CHAPTER 12 INDIVIDUAL DEBTOR’S PRE-CONFIRMATION CERTIFICATION OF COMPLIANCE WITH POST PETITION DOMESTIC SUPPORT OBLIGATIONS

If a joint petition is filed, each spouse must complete and file a separate certification.

I, _____, upon oath or affirmation, hereby certify as follows:

1. That the below information is being supplied for compliance with the confirmation hearing date on _____.
2. That all post-petition amounts required to be paid under any and all Domestic Support Obligations have been paid as required by 11 U.S.C. § 1225(a)(7).
3. If this Certification is being signed by counsel for Debtor, that the Debtor was duly questioned about the statements in this Certification and supplied answers consistent with this Certification.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment for perjury.

DATED: _____

BY: _____
Counsel for Debtor

DATED: _____

BY: _____
Debtor

LOCAL BANKRUPTCY FORM 3015-6

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: **CHAPTER 12**
:
: **CASE NO. __ - __ -bk- _____**
:
:
: **Debtor(s)** :

**CHAPTER 12 INDIVIDUAL DEBTOR'S CERTIFICATIONS REGARDING
DOMESTIC SUPPORT OBLIGATIONS AND 11 U.S.C. § 522(q)**

If a joint petition is filed, each spouse must complete and file a separate certification.

Part I. Certification Regarding Domestic Support Obligations (check no more than one)

Pursuant to 11 U.S.C. § 1228, I certify that:

- I owed no domestic support obligation when I filed my bankruptcy petition, and I have not been required to pay any such obligation since then.
- I am or have been required to pay a domestic support obligation. I have paid all such amounts that my chapter 12 plan required me to pay. I have also paid all such amounts that became due between the filing of my bankruptcy petition and today.

Part II. If you checked the second box, you must provide the information below.

My current address is: _____

My current employer and my employer's address: _____

Part III. Certification Regarding 11 U.S.C. § 522(q) (check no more than one)

Pursuant to 11 U.S.C. § 1228(f), I certify that:

- I have not claimed an exemption pursuant to 11 U.S.C. § 522(b)(3) and state or local law (1) in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in 11 U.S.C. § 522(p)(1), and (2) that exceeds the aggregate value allowed in 11 U.S.C. § 522(q)(1), as amended.
- I have claimed an exemption in property pursuant to 11 U.S.C. § 522(b)(3) and state or local law (1) that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in 11 U.S.C. § 522(p)(1), and (2) that exceeds the aggregate value allowed in 11 U.S.C. § 522(q)(1), as amended.

Part IV. Debtor's Signature

I certify under penalty of perjury that the information provided in these certifications is true and correct to the best of my knowledge and belief.

DATED: _____

BY: _____
Debtor

LOCAL BANKRUPTCY FORM 3017-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Debtor(s) : **CHAPTER** ____
 : :
 : **CASE NO.** __ - __ -**bk-**_____
 : :
 : :
 :

**CERTIFICATION REGARDING
AMENDED DISCLOSURE STATEMENT**

The undersigned counsel for the plan proponent in the above-captioned case, hereby certifies that the Amended Disclosure Statement, filed _____, contains changes to the Disclosure Statement, filed _____, of such nature and degree that:

- 1. _____ notice must be circulated as if an original Disclosure Statement;
- 2. _____ notice need be sent only to the objectors to the last filed Disclosure Statement;
- 3. _____ no further notice is required and the Amended Disclosure Statement can be approved as submitted.

Dated: _____

Counsel for Plan Proponent

LOCAL BANKRUPTCY FORM 3018-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: **CHAPTER** _____
:
:
: **CASE NO.** ___ - ___ -**bk-** _____
:
:
: **Debtor(s)**

SECTION 1126 BALLOT REPORT FORM

| | # BALLOTS CAST | # ACCEPTING | # REJECTING | \$ ACCEPTING | \$ REJECTING | CLASS ACCEPTING | CLASS REJECTING |
|-----------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| CLASS I | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| CLASS II | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| CLASS III | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| CLASS IV | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

The following classes are impaired: _____.

Copies of all ballots not accepted are attached. An explanation of why the ballots were rejected, if applicable, is attached.

| | | |
|------------------|-----|----|
| PLAN ACCEPTED | YES | NO |
|------------------|-----|----|

The foregoing Report is accurate and complete.

Dated: _____

Counsel for Plan Proponent

LOCAL BANKRUPTCY FORM 3019-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

| | | |
|------------------|---|------------------------------------|
| | : | CHAPTER 11 |
| | : | |
| | : | CASE NO. __ - __ -bk- _____ |
| | : | |
| | : | |
| Debtor(s) | : | |

**CERTIFICATION REGARDING
AMENDED PLAN OF REORGANIZATION**

The undersigned counsel for the plan proponent in the above-captioned case, hereby certifies that the Amended Plan of Reorganization, filed _____, contains changes to the Plan of Reorganization, filed _____, of such nature and degree that:

1. _____ notice must be circulated as if an original Plan of Reorganization;
2. _____ notice need be sent only to the objectors to the last filed Plan of Reorganization;
3. _____ no further notice is required and the Amended Plan of Reorganization can be confirmed as submitted. All pending objections to confirmation of the Plan of Reorganization have been resolved or settled by the modifications included in the Amended Plan of Reorganization, and the Amended Plan of Reorganization complies with the requirements of 11 U.S.C. § 1123 and § 1129.

Dated: _____

Counsel for Plan Proponent

LOCAL BANKRUPTCY FORM 3020-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: **CHAPTER 11**
:
: **CASE NO. __ - __ -bk- _____**
:
:
:
:
Debtor(s) :

**CHAPTER 11 INDIVIDUAL DEBTOR’S PRE-CONFIRMATION CERTIFICATION OF
COMPLIANCE WITH POST PETITION DOMESTIC SUPPORT OBLIGATIONS**

If a joint petition is filed, each spouse must complete and file a separate certification.

I, _____, upon oath or affirmation, hereby certify as follows:

1. That the below information is being supplied for compliance with the confirmation hearing date on _____.
2. That all post-petition amounts required to be paid under any and all Domestic Support Obligations have been paid as required by 11 U.S.C. § 1129(a)(14).
3. If this Certification is being signed by counsel for Debtor, that the Debtor was duly questioned about the statements in this Certification and supplied answers consistent with this Certification.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment for perjury.

DATED: _____

BY: _____
Counsel for Debtor

DATED: _____

BY: _____
Debtor

LOCAL BANKRUPTCY FORM 4001-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Debtor(s) : **CHAPTER 13**
: **CASE NO. __ - __ -bk- _____**
:
:
:
:
:

POST-PETITION PAYMENT HISTORY
NOTE AND MORTGAGE DATED _____

Recorded on _____, in _____ County, at _____.

Property Address:

Mortgage Servicer:

Post-petition mailing address for Debtor(s) to send payment:

Mortgagor(s)/Debtor(s):

Payments are contractually due:

Monthly____ Semi-monthly____ Bi-weekly____ Other _____

Each Monthly Payment is comprised of:

Principal and Interest..... _____

R.E. Taxes..... _____

Insurance..... _____

Late Charge..... _____

Other..... _____ (Specify: _____)

TOTAL..... _____

POST-PETITION PAYMENTS (Petition was filed on _____)

| Payment amount due | Date payment was due | Date payment was received | Amount received | Check number | How payment was applied (mo./yr.) |
|---------------------------|-----------------------------|----------------------------------|------------------------|---------------------|--|
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[Continue on attached sheets if necessary]

TOTAL NUMBER OF POST-PETITION PAYMENTS PAST DUE: _____ as of _____.

TOTAL AMOUNT OF POST-PETITION ARREARS: _____ as of _____.

Dated: _____

Mortgage Company

(Print Name and Title)

| |
|--|
| <input type="checkbox"/> Presumption of Undue Hardship <input type="checkbox"/> No Presumption of Undue Hardship (Check box as directed in Part D: Debtor's Statement in Support of Reaffirmation Agreement) |
|--|

LOCAL BANKRUPTCY FORM 4008-1(a)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: **CHAPTER** ____

:

: **CASE NO.** __ - __ -bk- _____

:

:

: **Debtor(s)**

REAFFIRMATION AGREEMENT

[Indicate all documents included in this filing by checking each applicable box.]

- | | |
|--|---|
| <input type="checkbox"/> Part A; Disclosures, Instructions, and Notice to Debtor (pages 1–5) | <input type="checkbox"/> Part D: Debtor's Statement in Support of Reaffirmation Agreement |
| <input type="checkbox"/> Part B: Reaffirmation Agreement | <input type="checkbox"/> Part E: Motion for Court Approval |
| <input type="checkbox"/> Part C: Certification by Debtor's Attorney | |

[Note: Complete Part E only if debtor was not represented by an attorney during the course of negotiating this agreement. Note also: If you complete Part E, you must prepare and file Form 2400C ALT - Order on Reaffirmation Agreement.]

Name of Creditor: _____

- [Check this box if]* Creditor is a Credit Union as defined in §19(b)(1)(a)(iv) of the Federal Reserve Act

PART A: DISCLOSURE STATEMENT, INSTRUCTIONS AND NOTICE TO DEBTOR

1. DISCLOSURE STATEMENT

Before Agreeing to Reaffirm a Debt, Review These Important Disclosures:

SUMMARY OF REAFFIRMATION AGREEMENT

This Summary is made pursuant to the requirements of the Bankruptcy Code.

AMOUNT REAFFIRMED

The amount of debt you have agreed to reaffirm \$ _____

The amount of debt you have agreed to reaffirm includes all fees and costs (if any) that have accrued as of the date of this disclosure. Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.

ANNUAL PERCENTAGE RATE

[The annual percentage rate can be disclosed in different ways, depending on the type of debt.]

a. If the debt is an extension of “credit” under an “open end credit plan,” as those terms are defined in § 103 of the Truth in Lending Act, such as a credit card, the creditor may disclose the annual percentage rate shown in (i) below or, to the extent this rate is not readily available or not applicable, the simple interest rate shown in (ii) below, or both.

(i) The Annual Percentage Rate disclosed, or that would have been disclosed, to the debtor in the most recent periodic statement prior to entering into the reaffirmation agreement described in Part B below or, if no such periodic statement was given to the debtor during the prior six months, the annual percentage rate as it would have been so disclosed at the time of the disclosure statement: _____ %.

– And/Or –

(ii) The simple interest rate applicable to the amount reaffirmed as of the date this disclosure statement is given to the debtor: _____ %. If different simple interest rates apply to different balances included in the amount reaffirmed, the amount of each balance and the rate applicable to it are:

\$ _____ @ _____ %;
\$ _____ @ _____ %;
\$ _____ @ _____ %;

b. If the debt is an extension of credit other than under an open end credit plan, the creditor may disclose the annual percentage rate shown in (i) below, or, to the extent this rate is not readily available or not applicable, the simple interest rate shown in (ii) below, or both.

(i) The Annual Percentage Rate under §128(a)(4) of the Truth in Lending Act, as disclosed to the debtor in the most recent disclosure statement given to the debtor prior to entering into the reaffirmation agreement with respect to the debt or, if no such disclosure statement was given to the debtor, the annual percentage rate as it would have been so disclosed: _____ %.

– And/Or –

(ii) The simple interest rate applicable to the amount reaffirmed as of the date this disclosure statement is given to the debtor: _____ %. If different simple interest rates apply to different balances included in the amount reaffirmed, the amount of each balance and the rate applicable to it are:

- \$ _____ @ _____ %;
- \$ _____ @ _____ %;
- \$ _____ @ _____ %;

c. If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act:

The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.

d. If the reaffirmed debt is secured by a security interest or lien, which has not been waived or determined to be void by a final order of the court, the following items or types of items on the debtor’s goods or property remain subject to such security interest or lien in connection with the debt or debts being reaffirmed in the reaffirmation agreement described in Part B.

| <u>Item or Type of Item</u> | <u>Original Purchase Price or Original Amount of Loan</u> |
|-----------------------------|---|
|-----------------------------|---|

Optional — At the election of the creditor, a repayment schedule using one or a combination of the following may be provided:

Repayment Schedule:

Your first payment in the amount of \$ _____ is due on _____ (date), but the future payment amount may be different. Consult your reaffirmation agreement or credit agreement, as applicable.

--- Or ---

Your payment schedule will be: _____ (number) payments in the amount of \$ _____ each, payable (monthly, annually, weekly, etc.) on the _____ (day) of each _____ (week, month, etc.), unless altered later by mutual agreement in writing.

--- Or ---

A reasonably specific description of the debtor's repayment obligations to the extent known by the creditor or creditor's representative.

2. INSTRUCTIONS AND NOTICE TO DEBTOR

Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).
2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.
3. If you were represented by an attorney during the negotiation of your reaffirmation agreement, the attorney must have signed the certification in Part C.
4. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, you must have completed and signed Part E.
5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.
6. If the creditor is not a Credit Union and you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D. If the creditor is a Credit Union and you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.

7. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you and the creditor of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your reaffirmation agreement. The bankruptcy court must approve your reaffirmation agreement as consistent with your best interests, except that no court approval is required if your reaffirmation agreement is for a consumer debt secured by a mortgage, deed of trust, security deed, or other lien on your real property, like your home.

YOUR RIGHT TO RESCIND (CANCEL) YOUR REAFFIRMATION AGREEMENT

You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (canceled).

Frequently Asked Questions:

What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy case. That means if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of that agreement in the future under certain conditions.

Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A “lien” is often referred to as a security interest, deed of trust, mortgage, or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the property securing the lien if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State’s law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you must make a single payment to the creditor equal to the amount of the allowed secured claim, as agreed by the parties or determined by the court.

NOTE: When this disclosure refers to what a creditor “may” do, it does not use the word “may” to give the creditor specific permission. The word “may” is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement reaffirming a debt. If you don’t have an attorney helping you, the judge will explain the effect of reaffirming a debt when the hearing on the reaffirmation agreement is held.

PART B: REAFFIRMATION AGREEMENT

I (we) agree to reaffirm the debts arising under the credit agreement described below.

1. Brief description of credit agreement.

2. Description of any changes to the credit agreement made as part of this reaffirmation agreement:

SIGNATURE(S):

Borrower:

(Print Name)

(Signature)

Date: _____

Accepted by creditor:

(Print Name of Creditor)

(Address of Creditor)

(Signature)

Co-borrower, if also reaffirming these debts:

Creditor)

(Print Name)

(Signature)

Date: _____

(Printed name and Title of Individual Signing for

Date of creditor acceptance:

PART C: CERTIFICATION BY DEBTOR’S ATTORNEY (IF ANY).

[To be filed only if the attorney represented the debtor during the course of negotiating this agreement.]

I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor; (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

[Check box, if applicable and the creditor is not a Credit Union.] A presumption of undue hardship has been established with respect to this agreement. In my opinion, however, the debtor is able to make the required payment.

Printed Name of Debtor’s Attorney: _____

Signature of Debtor’s Attorney: _____

Date: _____

PART D: DEBTOR’S STATEMENT IN SUPPORT OF REAFFIRMATION AGREEMENT

*[Read and complete numbered paragraphs 1 and 2, OR, if the creditor is a Credit Union and the debtor is represented by an attorney, read section 3. Sign the appropriate signature line(s) and date your signature. If you complete sections 1 and 2 **and** your income less monthly expenses does not leave enough to make the payments under this reaffirmation agreement, check the box at the top of page 1 indicating “Presumption of Undue Hardship.” Otherwise, check the box at the top of page 1 indicating “No Presumption of Undue Hardship.”]*

1. I believe this reaffirmation agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is \$ _____, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total \$ _____, leaving \$ _____ to make the required payments on this reaffirmed debt.

I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here:

(Use an additional page if needed for a full explanation.)

2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.

Signed: _____

(Debtor)

(Joint Debtor, if any)

Date: _____

— Or —

[If the creditor is a Credit Union and the debtor is represented by an attorney]

3. I believe this reaffirmation agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.

Signed: _____

(Debtor)

(Joint Debtor, if any)

Date: _____

PART E: MOTION FOR COURT APPROVAL

[To be completed only if the debtor is not represented by an attorney during the course of negotiating this agreement.]

MOTION FOR COURT APPROVAL OF REAFFIRMATION AGREEMENT

I (we), the debtor(s), affirm the following to be true and correct:

I am not represented by an attorney in connection with this reaffirmation agreement.

I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement, and because (provide any additional relevant reasons the court should consider):

Therefore, I ask the court for an order approving this reaffirmation agreement under the following provisions *(check all applicable boxes)*:

11 U.S.C. § 524(c)(6) (debtor is not represented by an attorney during the course of the negotiation of the reaffirmation agreement)

11 U.S.C. § 524(m) (presumption of undue hardship has arisen because monthly expenses exceed monthly income)

Signed: _____
(Debtor)

(Joint Debtor, if any)

Date: _____

LOCAL BANKRUPTCY FORM 9004-1
[Contested Matter Caption]

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

| | | |
|-------------------------|---|---|
| JOHN DOE | : | CHAPTER ____ |
| | : | |
| Debtor(s) | : | CASE NO. __ - __ -bk- _____ (judge's initials) |
| | : | |
| XYZ MORTGAGE CO. | : | |
| Movant | : | |
| | : | |
| vs. | : | |
| | : | |
| JOHN DOE | : | |
| Respondent | : | |

MOTION OF XYZ MORTGAGE CO. FOR RELIEF FROM THE STAY

LOCAL BANKRUPTCY FORM 9013-3

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

| | | |
|-----------------------------------|---|------------------------------------|
| | : | CHAPTER _____ |
| | : | |
| | : | CASE NO. __ - __ -bk- _____ |
| | : | |
| | : | |
| Debtor(s) | : | |
| | : | ADVERSARY NO. __ - __ -ap- _____ |
| | : | (if applicable) |
| | : | |
| | : | |
| Plaintiff(s)/Movant(s) | : | |
| vs. | : | Nature of Proceeding: _____ |
| | : | _____ |
| | : | |
| | : | |
| Defendant(s)/Respondent(s) | : | Document #: _____ |

REQUEST TO CONTINUE HEARING/TRIAL WITH CONCURRENCE¹

This request must be filed at least twenty-four (24) hours prior to the hearing. All requests must be approved by the Court. Submitting a request is not an automatic continuance.

The undersigned hereby requests a continuance with the concurrence of the opposing party (parties). This is a first request for a continuance.²

Reason for the continuance.

Contemporaneous with the filing of this request, the undersigned has served a copy of this request upon all counsel participating in this proceeding.

Dated: _____

Attorney for _____

Name: _____

Phone Number: _____

¹ No alterations or interlineations of this document are permitted.

² If this is not a first request for a continuance, then a Motion to Continue must be filed.

LOCAL BANKRUPTCY FORM 9019-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

| | | |
|-----------------------------------|---|---|
| | : | CHAPTER _____ |
| | : | |
| | : | CASE NO. __ - __ -bk- _____ |
| | : | |
| Debtor(s) | : | |
| | : | |
| | : | ADVERSARY NO. __ - __ -ap- _____ |
| | : | (if applicable) |
| | : | |
| | : | |
| Plaintiff(s)/Movant(s) | : | |
| vs. | : | Nature of Proceeding: _____ |
| | : | |
| | : | Pleading: _____ |
| | : | |
| | : | |
| Defendant(s)/Respondent(s) | : | Document #: _____ |

REQUEST TO REMOVE FROM THE HEARING/TRIAL LIST*

CHECK ONE:

- The undersigned hereby withdraws the above identified pleading with the consent of the opposition, if any.

- The undersigned counsel certifies as follows:
 - (1) A settlement has been reached which will be reduced to writing, executed and filed within (please check only one).
 - Thirty (30) days.
 - Forty-five (45) days.
 - Sixty (60) days.

 - (2) If a stipulation is not filed or a hearing requested within the above-stated time frame, the Court may dismiss the matter without further notice.

 - (3) Contemporaneous with the filing of this request, the undersigned has served a copy of this request upon all counsel participating in this proceeding.

Dated: _____

Attorney for _____

*No alterations or interlineations of this document are permitted. This request must be filed twenty-four (24) hours prior to the hearing.

LOCAL BANKRUPTCY FORM 9019-2

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

| | | |
|-----------------------------------|---|---|
| | : | CHAPTER _____ |
| | : | |
| | : | CASE NO. ___ - ___ -bk- _____ |
| | : | |
| | : | |
| Debtor(s) | : | |
| | : | |
| | : | ADVERSARY NO. ___ - ___ -ap- _____ |
| | : | (if applicable) |
| | : | |
| | : | |
| Plaintiff(s)/Movant(s) | : | |
| vs. | : | Nature of Proceeding: _____ |
| | : | |
| | : | |
| | : | |
| Defendant(s)/Respondent(s) | : | |

REQUEST FOR MEDIATION*

CHECK ONE:

- The undersigned requests this dispute be assigned to mediation.
- The undersigned certifies that the other party or parties to the dispute join in this request.
(Check if applicable.)

Contemporaneously with the filing of this request, the undersigned has served a copy of this request upon all the parties or their respective legal counsel.

Dated: _____
Attorney for _____

*No alterations or interlineations of this document are permitted.

LOCAL BANKRUPTCY FORM 9019-3(a)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: **CHAPTER 13**
:
:
: **CASE NO. ___ - ___ -bk- _____**
:
:
:
Debtor(s) :

**MOTION TO PARTICIPATE IN
MORTGAGE MODIFICATION MEDIATION PROGRAM**

The undersigned debtor [and joint debtor if applicable] (the “Debtor”) moves as follows:

1. Debtor seeks to participate in the Mortgage Modification Mediation Program (“MMM Program”) pursuant to L.B.R. 9019-3.
2. Debtor states the following preference for the MMM Program loss mitigation review process (check only ONE box):
 - Debtor wishes to utilize the DMM Portal, or such other portal as may be designated by the Court, (the “Portal”) for the modification process and hereby requests the concurrence of the Mortgage Creditor for use of the Portal.
 - Debtor wishes to communicate directly with the Mortgage Creditor and its counsel during the modification process and will not utilize the Portal. Debtor hereby requests the concurrence of the Mortgage Creditor to opt out of the Portal.
3. By filing this Motion, Debtor certifies as follows:
 - a. Debtor is the owner/occupant of a one- to four-unit residential property used as the Debtor’s primary residence.
 - b. Debtor has regular income.
 - c. Debtor has an unpaid principal mortgage balance that is equal to or less than \$729,750.00 (for a one-unit property).
 - d. Debtor has a mortgage payment that is not affordable due to a financial hardship that can be documented.

4. Debtor agrees to make post-petition mortgage payments to Mortgage Creditor of seventy-five percent (75%) of Debtor's current mortgage payment ("Modified Mortgage Payment").
5. The first Modified Mortgage Payment will be due and must be received by Mortgage Creditor no later than the next monthly scheduled mortgage due date (plus any grace period) after the filing of this Motion. The only exception to this requirement is if Debtor does not know the identity of Mortgage Creditor at the time the payment is due; in that event Debtor will make the Modified Mortgage Payment to Debtor's attorney to be held in trust until Mortgage Creditor is identified.
6. Debtor will continue to make the Modified Mortgage Payments to Mortgage Creditor each month until the MMM Program is concluded or a court order expressly states otherwise.
7. Debtor has filed his or her Schedules and Statement of Financial Affairs which may be relied upon by Mortgage Creditor in evaluating Debtor's mortgage loan for modification.
8. Debtor will submit a completed loss mitigation application to Mortgage Creditor as provided in L.B.R. 9019-3 within thirty (30) days of the entry of an order granting this Motion. Failure to timely submit a completed loss mitigation application may result in Debtor being removed from the MMM Program upon written motion of Mortgage Creditor.
9. By filing this Motion, Debtor understands and consents to a modification of the automatic stay imposed by § 362(a) of the Bankruptcy Code as follows:
 - a. The automatic stay is immediately modified to permit Mortgage Creditor to request information, evaluate and analyze Debtor's financial situation, and to fully participate in the mortgage modification process and negotiate loan modification terms.
 - b. In the event Debtor misses a Modified Mortgage Payment, Mortgage Creditor may file a motion for relief from the automatic stay and seek removal of Debtor from the MMM Program.
 - c. If a request for loan modification is denied, Debtor must file an amended/modified plan within twenty-one (21) days of receiving notice of the denial. The amended/modified plan must address the treatment of the pre-petition mortgage arrears and any post-petition arrears that may have accrued. If an amended/modified Chapter 13 Plan is not timely filed, Mortgage Creditor may file a motion for relief from the automatic stay. A rejection of an offered loan modification by Debtor shall

be treated as a denial for the purposes of this paragraph.

10. If a loan modification is agreed upon, Debtor will cooperate in promptly formalizing any needed legal documents and seeking any necessary court approval for the mortgage modification.
11. If within one hundred and twenty (120) days from the entry of an order admitting Debtor into the MMM Program, no motion to approve loan modification has been filed and/or no amended/modified Chapter 13 plan has been filed, Debtor agrees to file a Loss Mitigation Status Report as required by L.B.R. 9019-3(j)(4).

WHEREFORE, Debtor requests that this Court enter an order authorizing Debtor and Mortgage Creditor to enter into the MMM Program.

Dated: _____

Attorney for Debtor(s)

Dated: _____

Debtor's Signature

Dated: _____

Joint Debtor's Signature

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: **CHAPTER 13**
:
:
: **CASE NO. ___ - ___ -bk- _____**
:
:
: **Debtor(s)**

**NOTICE OF FILING OF MOTION TO PARTICIPATE
IN MORTGAGE MODIFICATION MEDIATION PROGRAM**

TO: _____, and its successors, assigns,
and servicing agents (“Mortgage Creditor”)

PLEASE TAKE NOTICE CONCERNING THE FOLLOWING:

On this date, Debtor filed a Motion to Participate in Mortgage Modification Mediation Program (“Motion to Participate”)

Mortgage Creditor has twenty-one (21) days from the filing of the Motion to Participate to accept or object to Debtor’s entry into the MMM Program.

If Mortgage Creditor agrees to participation, Mortgage Creditor will file a Consent to Participation in Mortgage Modification Mediation Program (“Creditor Consent Form”), L.B.F. 9019-3(b).

Prior to filing the Creditor Consent Form, the parties shall confer as to whether loss mitigation review will be done by DMM Portal, or such other portal as may be designated by the Court, (the “Portal”) or between the parties outside of the Portal. The Creditor Consent Form shall reflect the decision of the parties.

If Mortgage Creditor objects to participation, a written objection must be filed with the Court. Upon written objection, the Motion to Participate will be denied without prejudice to re-filing.

If Mortgage Creditor fails to file the Creditor Consent Form or an objection to participation within twenty (21) days, the Motion to Participate may be granted without further notice or hearing and the preference elected by Debtor as to the Portal use will govern.

Should a mediator be appointed by the Court at any point during the loss mitigation process, Debtor and Mortgage Creditor will each pay \$125.00 (the "Mediation Fee") to the mediator no later than fourteen (14) days after appointment of the mediator. Mediators do not accept personal checks for the Mediation Fee.

Should a mediator be appointed by the Court at any point during the loss mitigation process, Debtor agrees to appear and participate in good faith in the mediation session(s). The Mediation Fee is nonrefundable regardless of the outcome of the mediation session.

Dated: _____

Attorney for Debtor(s)
Address: _____

Telephone: _____
Facsimile: _____
Email: _____

5. If at any time during the loss mitigation review process the loan being reviewed becomes subject to a transfer to another creditor (“Substituted Creditor”), Mortgage Creditor agrees to file a Proposed Order Substituting MMM Servicer as required by L.B.R. 9019-3(c)(6) or 9019-3(d)(5), whichever is applicable. Mortgage Creditor further agrees to ensure that all loss mitigation notes, applications, and correspondence related to loss mitigation review are forwarded to Substituted Creditor.
6. If at any time during the loss mitigation review process the Court appoints a mediator as permitted under L.B.R. 9019-3(e), Mortgage Creditor agrees that a specialist from Mortgage Creditor’s mortgage modification department or other representative with full authority to settle will participate in one or more mediation sessions with Debtor for the purpose of evaluating and considering Debtor’s request for a permanent mortgage modification on Debtor’s primary residence, and that attendance of a representative will be continuous throughout the mediation. The representative may participate by telephone or video conference.
7. If a mediator is appointed, Mortgage Creditor agrees to pay \$125.00 to the mediator no later than fourteen (14) days after appointment of the mediator.
8. Mortgage Creditor agrees to engage in the loss mitigation review and mediation processes in good faith, and understands that failure to do so may result in the imposition of damages and sanctions. Mortgage Creditor understands that the goal of the MMM Program is to negotiate toward a permanent loan modification.
9. In the event a mortgage modification is agreed upon, Mortgage Creditor agrees to promptly file a motion to approve loan modification, attaching a copy of the modification agreement thereto, and to file any appropriate amendments or withdrawals of its proof of claim.

Dated: _____

Attorneys for Mortgage Creditor

LOCAL BANKRUPTCY FORM 9019-3(c)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: **CHAPTER 13**
:
: **CASE NO. __ - __ -bk- _____**
:
:
:
Debtor(s) :

ORDER SUBSTITUTING MMM SERVICER

On _____ (Date of Motion to Participate) the above named Debtor(s) filed a Motion to Participate in Mortgage Modification Mediation Program and Notice of Filing of Motion to Participate in Mortgage Modification Mediation Program upon which the Court entered an Order Granting Entry in MMM Program dated _____, (Date of Order) at Docket No. _____, naming _____ (Full Name of Mortgage Creditor) (“Mortgage Creditor”) as the party responsible for representing Mortgage Creditor in the MMM Program and setting forth certain deadlines for the then named Mortgage Creditor.

Subsequent to entry of the above-referenced Order, counsel for Mortgage Creditor was notified that Mortgage Creditor is scheduled to change as of _____ (Date of Transfer) (the “Transfer Date”) and that as of the Transfer Date, the new servicer/lender will be _____ (Full Name of Substituted Creditor) with an address of _____ (Full Address of Substituted Creditor) (“Substituted Creditor”). On _____, (Date) Mortgage Creditor complied with all its obligations to properly designate Substituted Creditor on the MMM Program Portal (if applicable) and now it is incumbent on the Court to relieve Mortgage Creditor from any further responsibilities

under the current Order Granting Entry in MMM Program and formally transfer those duties, responsibilities, and obligations to Substituted Creditor.

After due consideration of the above, it is ORDERED that:

1. _____ (Mortgage Creditor) is relieved from any further responsibility pursuant to the Order Granting Entry in the MMM Program referred to above and that Order is VACATED as to it.

2. _____ (Substituted Creditor) is now designated as the current servicer responsible for completion of all MMM Program duties, responsibilities, and obligations previously imposed on Mortgage Creditor referred to in Paragraph 1, above. Substituted Creditor is now fully responsible for compliance with all MMM Program requirements as if originally designated in the Order Granting Entry in MMM Program in the first instance.

LOCAL BANKRUPTCY FORM 9037-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re:

* Debtors

CHAPTER:

CASE NO. __ - ____ -bk- _____

APPLICATION REQUESTING REDACTION OF PERSONAL INFORMATION

_____ [insert name], hereby states that the following document(s) contain personally identifiable information as defined in Fed. R. Bankr. P. 9037 and requests that these document(s) be redacted pursuant to Local Rule 9037-1:

[specifically describe the document(s) you are seeking to redact, preferably indicating the docket number. For example, Docket. No. 32, Exhibit A to Certification in Support of Motion for Relief from the Automatic Stay].

I am [check appropriate box]:

including the \$25.00 redaction fee.

requesting waiver of the redaction fee on the grounds that _____

[Specify the reason(s) you believe you should not have to pay the redaction fee. For example, "I am the debtor and am seeking to redact personal identifiers from records that were filed by a creditor in the case."]

I understand that I must serve a copy of this application on the debtor, any individual whose personal identifiers have been exposed, the case trustee (if any), and the United States trustee. I must file proof of service of this application within five (5) days of filing it with the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Applicant

Date: _____, 20__

LOCAL BANKRUPTCY FORM 9074-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Debtor(s) : **CHAPTER** _____
: :
: **CASE NO.** ___ - ___ -bk- _____
: :
: :
: **ADVERSARY NO.** ___ - ___ -ap- _____
: **(if applicable)**
: :
: :
Plaintiff(s)/Movant(s) :
vs. : **Nature of Proceeding:** _____
: :
: **Pleading:** _____
: :
: :
Defendant(s)/Respondent(s) : **Document #:** _____

**CERTIFICATION OF CONCURRENCE FOR TELEPHONIC TESTIMONY VIA
COURTCALL**

(Certification must be received at least 2 business days before the scheduled hearing. If a certification cannot be filed timely, leave to provide telephonic testimony must be obtained from the Court.)

1. HEARING INFORMATION

Hearing Type (e.g., Motion to Dismiss, Trial) _____

Hearing Date _____ Hearing Time _____

2. WITNESSES SCHEDULED TO PROVIDE TELEPHONIC TESTIMONY

3. I hereby certify that all parties participating in the above-described hearing have concurred in the telephonic appearance of the witness(es) set forth in paragraph 2 above.

Date

Signature of certifying attorney or pro se party

Name of attorney or pro se party