

**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)

* Debtors

ORDER AMENDING LOCAL COURT RULES

IT IS HEREBY ORDERED that the attached shall constitute the Local Rules of the United States Bankruptcy Court for the Middle District of Pennsylvania further amending the Local Bankruptcy Rules previously adopted by the judges of this Court. The amended Local Bankruptcy Rules are effective September 1, 2014. The judges of this Court amend the Local Bankruptcy Rules pursuant to Federal Rule of Bankruptcy Procedure 9029 and under the authority of the United States District Court for the Middle District of Pennsylvania to 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.

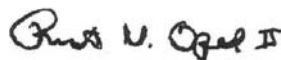
By the Court,


Chief Bankruptcy Judge
(VK)

Date: August 5, 2014



By the Court,



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

*** [Click here to access the Local Bankruptcy Forms \(as *one* PDF file\)](#) ***

** [Click here to access the Local Bankruptcy Forms \(as *separate* fillable PDF files\)](#) **

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



LOCAL BANKRUPTCY RULES

Effective: January 1, 2005

(Modified: September 1, 2014)

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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**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.* Each petition must be accompanied by the prescribed filing fee, including the miscellaneous fee, unless the petition is accompanied by an application to pay these fees in installments, or for a waiver in accordance with [F.R.B.P. 1006\(c\)](#). If a petition is filed without the required fee, without an application to pay in installments, or without a request for waiver, it is considered deficient and may be dismissed if the fee is not paid within seven (7) days. The court may dismiss a case without further notice if the approved installments are not paid when due.
- (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).

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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 the creditors' meeting notice 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 refile the notice to the affected party.

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Rule 1007-3 *Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data.* A debtor must timely complete and file both the Summary of Schedules and the Statistical Summary of Certain Liabilities and Related Data, as provided for in the current Official Bankruptcy Forms.

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

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- (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 on the parties named on the list filed pursuant to [F.R.B.P. 1007\(d\)](#) (twenty (20) largest unsecured creditors). 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

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(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\(b\)](#).

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**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; and
 - (4) 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

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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.

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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. 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;

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- (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

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- (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.

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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(s) is represented by an attorney, the debtor(s) 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(s).
- (b) *General Rule.* Except as provided in L.B.R. 2016-2(c), an attorney representing a debtor(s) 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)(7) of that rule may be omitted. A model fee application form for use by attorneys representing chapter 13 debtor(s) 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(s). 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(s) to file a business report, or if the debtor(s) 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(s) 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.

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- (d) *Indication of Type of Fee in Plan.* The attorney for the debtor must indicate in section 3B 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(a) 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(a).
- (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.
- (h) *Payment of Fees in Certain Dismissed or Converted Cases.* In dismissed or converted cases where funds are to be refunded to the debtor(s) by the trustee, counsel may request by motion, within fourteen (14) days of the order converting or dismissing the case, payment of any outstanding attorneys’ fees. If a motion is not filed timely, the trustee may disburse the funds to the debtor(s). The motion must be served on the debtor, the chapter 13 trustee, the U.S. Trustee and, if applicable, on any party entitled to share in the funds held by the trustee. Counsel may apply for payment of attorneys’ fees only from funds received on or before the date of the entry of the order of dismissal/conversion that otherwise would be refunded to the debtor(s). All orders dismissing chapter 13 cases will provide that the court will retain jurisdiction to rule on timely requests for payment of compensation.

COMMENTS: *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*

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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 debtor(s) 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(s) to assist in the prosecution of the case. The Agreement also will specify the compensation arrangements agreed to by the debtor(s) 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. The rule also provides that when a case is converted or dismissed and the chapter 13 trustee is required to return payments made to the debtor(s), counsel may request the payment of outstanding attorneys' fees.

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.

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**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 substantially comply with the Official Form 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 pro se 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 [L.B.F. 3002.1-1](#). Filing and service must be made in accordance with the provisions of [F.R.B.P. 3002.1\(g\)](#).

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.

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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 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.* A separate objection must be filed for each claim objected to, except for omnibus objections filed pursuant to [F.R.B.P. 3007\(d\)](#).
- (c) *Notice of Objection.*
 - (1) The objection, with a notice advising the claimant of the opportunity to request a hearing, must be served on the claimant, the debtor, and any other affected party in interest.
 - (2) The notice, conforming substantially to [L.B.F. 3007-1](#), must be dated as of the date of mailing and must advise the claimant that:
 - (A) the claimant may file an amended proof of claim, a response to the objection, or a request for hearing with the court within thirty (30) days after the date of the notice;
 - (B) the claimant is entitled to have a hearing on the objection if the claimant has filed a written response to the objection, or a written request for a hearing with the court within thirty (30) days after the date of the notice;

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- (C) the court may sustain the objection and disallow or modify the claim without further notice or hearing if the claimant does not file an amended proof of claim, a response to the objection, or a request for hearing within thirty (30) days after the date of the notice.
- (d) *Hearing.* If the claimant files either a timely answer or a request for hearing on the objection to claim, the clerk will set a date for the hearing on the objection.
- (e) *Entry of Default Judgment.* If the claimant does not file an amended claim, an answer, or request for hearing on the objection to claim within thirty (30) days of the date of the notice, the party filing the objection may move the court for a default judgment without further notice to the claimant.

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 be filed in substantial conformity with [L.B.F. 3015-1](#).

COMMENTS: *L.B.R. 3015-1 was amended effective March 1, 2013, principally to eliminate repetition of, or any conflict with, the provisions of [F.R.B.P. 3002.1](#) and to avoid any repetition of, or any conflict with, the requirements of RESPA concerning qualified written requests concerning residential mortgages.*

- (b) *Service.* If a chapter 13 plan includes either a motion to value collateral or a motion to avoid a lien, service of the plan must be made on affected parties under [F.R.B.P. 9014\(b\)](#).

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

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forth in L.B.R. 9002-1. At the time the amended plan is filed, 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.

- (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, the pro se debtor must, within five (5) days, mail a copy of the amended plan to each party on the mailing matrix. 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.* 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.* 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.

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- (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. 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. 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.
- (k) *Time for Filing Chapter 12 or Chapter 13 Amended Plans.* Within thirty (30) days after an order is entered that determines whether a lien may be avoided, determines the priority or extent of a lien, or resolves an objection to a claim, the debtor must file an amended plan to provide for the allowed amount and priority of the claim, if the allowed amount or priority differs from the claim as stated in the plan.

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

- (a) *Chapter 13 Pre-Confirmation Certifications.* Debtor must submit to the chapter 13 trustee a Pre-Confirmation Certification in conformity with [L.B.F. 3015-3\(a\)](#) and a Certification Regarding Domestic Support Obligations 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 submit to the chapter 12 trustee a Pre-Confirmation Certification in conformity with [L.B.F. 3015-3\(c\)](#) certifying compliance with [11 U.S.C. § 1225\(a\)\(7\)](#).

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- (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.

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Rule 3015-5 *Chapter 13 - Discharge for Cases Filed on or After October 17, 2005.* For all chapter 13 cases filed on or after October 17, 2005, a discharge will not be entered unless the debtor has filed, after the completion of plan payments, Debtor's Certifications Regarding Domestic Support Obligations and 11 U.S.C. § 522(q) ([L.B.F. 3015-5](#)) and has completed an instructional course concerning personal financial management described in [11 U.S.C. §§ 111](#) and [1328\(g\)\(1\)](#), and has filed a copy of Official Form 23 (*Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management*).

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;

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- (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 Official Form 14 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](#).

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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 § 1102, the motion must be served on the creditors included on the list filed under [F.R.B.P. 1007\(d\)](#).

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**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*.

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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

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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;

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- (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.*

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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.

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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 Official Form 23 (*Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management*) 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 Official Form 23 (*Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management*) 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 conform substantially with [L.B.F. 4008-1\(a\)](#). A reaffirmation agreement must be accompanied by Official Form 27 - Reaffirmation Agreement Cover Sheet. 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.*

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**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 Papers - Requirements - Place of Filing.* Unless otherwise provided, a paper document that is permitted or required to be filed by the Local Bankruptcy Rules must be filed in the clerk's office. A paper document must not be filed with the judge or the judge's staff unless the bankruptcy clerk's office is closed. In the event a paper document is filed with the judge, the filing date must be noted thereon, and it must be transmitted to the clerk. A bankruptcy paper may be filed with the district court clerk's office only in an emergency.

COMMENTS: *Subpart (b) of L.B.R. 5005-1 was reworded and renumbered as L.B.R. 9018-1 effective December 1, 2011.*

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.

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- (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 *Electronic Filing.*

- (a) *Filing of Documents.* Pursuant to [Miscellaneous Order 5:05-mp-50007](#), except as provided in paragraph (b) of this rule, documents must be filed, signed, and verified by electronic means in accordance with the [Administrative Procedures](#) available on the court’s website (www.pamb.uscourts.gov). A document filed under this rule constitutes a written document for the purpose of these Local Bankruptcy Rules, the Federal Rules of Bankruptcy Procedure and [11 U.S.C. § 107](#).
- (b) *Filing of Proofs of Claim.* Notwithstanding the requirements of paragraph (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.

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

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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.

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**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) the place, date, and time of the sale;
 - (4) the hearing date;
 - (5) a general description of the property to be sold;
 - (6) a statement describing where a complete description or inventory of the property may be obtained or examined;
 - (7) the place, date, and time the property may be examined prior to the sale or an explanation of how a prospective buyer may be afforded an opportunity to examine the property prior to the sale;
 - (8) the terms and conditions of sale, including the terms of any pending offers, or minimum bid requirements, or breakup fee provisions;

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- (9) whether the sale is subject to higher and better offers;
 - (10) in any private sale, the identity of the purchaser and any affiliation or relationship with the debtor or an insider of the debtor;
 - (11) whether the sale will be advertised and, if so, how and when;
 - (12) 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](#); and
 - (13) 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 later-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.

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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
- (4) 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:

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- (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 (e.g., 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

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- (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](#).

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- (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.

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**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 B104, which is available for download and printing at <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

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. 5005-4 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.

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- (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 conform to [L.B.F. 9004-3](#).
- (c) *Response.* The response to any motion must be filed and served within fourteen (14) days after service of the motion. If 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. 9013-4.
- (e) *Hearing.* Oral argument or hearing on a contested motion 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).

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.

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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) *Investment of Registry Funds.* Where, by order of the court, funds on deposit with the court are to be placed in some form of interest bearing account, the clerk is directed to use the Court Registry Investment System (CRIS), administered by the Administrative Office of the United States Courts. The Director of the United States Courts is designated as custodian for CRIS. The Director or the Director's designee will perform the duties of the custodian. CRIS will be the only investment mechanism authorized. Funds held in the CRIS remain subject to the control and jurisdiction of the court.
- (c) *Accounts in CRIS.* An account for each case will be established in CRIS, titled in the name of the case giving rise to the deposit of funds. Money from each case deposited in CRIS will be "pooled" together with those on deposit with Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, held at Treasury in an account in the name and credit of the Director of the Administrative Office of the United States Courts. 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

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in the fund. Income generated from fund investments will be distributed to each case. Reports showing the interest earned and the principal amounts contributed in each case will be made available to litigants and counsel.

- (d) *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(s) 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.
- (e) *Order for Payment.* After entry of an order for disbursement, the parties to whom funds are to be disbursed must provide to the financial deputy 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 financial deputy.
- (f) *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.

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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.

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**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 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.

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- (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.

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\(c\)](#) and [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;

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- (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 [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

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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 an attorney leaves a law firm and the firm remains counsel for certain cases, the law firm must submit a list of cases that the firm is retaining with its current address. 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;

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- (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.* 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), each document filed with the court must include a certificate of service containing the following information as to any paper filers on which service has been made:

- (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.*

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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 *Documents Under Seal.* Any party who seeks to file documents under seal must file a motion to that effect. The documents proposed to be filed under seal must be placed in a prominently marked envelope with a cover sheet attached containing the case or adversary caption, related docket number of the motion to file under seal, title of the document to be filed under seal, and the legend “DOCUMENTS TO BE KEPT UNDER SEAL” in bold print. The envelope must be delivered directly to the respective Judge’s chambers. The court will keep the documents segregated and under seal until the motion is decided. If the court grants the motion to file under seal, the clerk will electronically docket the cover sheet and will keep the documents segregated and under seal until the case or adversary proceeding is closed, at which time the sealed documents will be returned to the party that filed them. If the court denies the motion to file under seal, the clerk will return the segregated, proposed sealed documents to counsel for the moving party without any disclosure to third parties and such documents will not become part of the record in the case unless they are otherwise separately filed of record in accordance with the applicable rules.

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 form ([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

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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.

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- (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.

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- (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

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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.* Anytime 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.

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- (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, the 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 the 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 the 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. No mediation will be scheduled until all documents are provided. Failure to supply the documents within sixty (60) days of admission to the MMM Program is grounds for dismissal from the MMM Program.
- (5) 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 and is unrecoverable. 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, a debtor must file a Notice of Motion and Motion to Participate in the Mortgage Modification Mediation

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

Program (“Motion to Participate”), [L.B.F. 9019-3\(a\)](#), and serve a copy of same on the mortgage creditor and any counsel of record.

- (2) *Response.* Mortgage creditor will have twenty-one (21) days to file a response to the Motion to Participate. A response is required.
 - (A) *Acceptance.* If the mortgage creditor agrees to participation, mortgage creditor will file a Consent to Motion to Participate in Mortgage Modification Mediation Program (“Creditor Consent Form”), [L.B.F. 9019-3\(b\)](#).
 - (B) *Objection.* If the mortgage creditor objects to participation, a written response stating the basis for the objection must be filed with the court. Upon written objection, the Motion to Participate will be denied without prejudice to re-filing.
 - (C) *Failure to respond.* If the mortgage creditor fails to file the Creditor Consent Form or an objection to participation within twenty-one (21) days, the Motion to Participate will be dismissed without prejudice to re-filing.
 - (D) *Re-filing the Motion to Participate.* A Motion to Participate may only be re-filed after an objection by the mortgage creditor, if filed with written concurrence of the mortgage creditor.

(c) *Proceeding in the MMM Program.*

- (1) After the filing of the Creditor Consent Form, an order admitting the debtor into the MMM Program will be entered by the court. Upon entry of an order admitting the debtor into the MMM Program, [L.B.F. 9019-3\(c\)](#), the mortgage creditor must provide the debtor with the required loss mitigation package and document checklist within twenty-one (21) 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 sixty (60) days of the order admitting the debtor into the MMM Program, the 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 the debtor being removed from the MMM Program upon written request of the mortgage creditor. Debtor must file [L.B.F. 9019-3\(d\)](#), Debtor’s Certification of Readiness for Mediation, (“Debtor’s Certification”) as soon as the above documentation has been provided to the mortgage creditor.

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- (3) Upon filing of the Debtor's Certification, 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 sixty (60) 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 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.
 - (6) A mediator may change the date and time for the mediation session if the session takes place within seventy-five (75) days of the date of the order of referral. Any continuance of the session beyond seventy-five (75) days must be approved by the court.
- (d) *The Mediation Process.*
- (1) Not later than seven (7) days before the conference, the mortgage creditor must deliver or send by facsimile or email to the mediator and debtor and/or debtor's counsel, a mediation conference memorandum no longer than two (2) pages, summarizing the status of the loss mitigation process.
 - (2) Not later than seven (7) days before the conference, the debtor may deliver or send by facsimile or e-mail to the mediator and the mortgage creditor, a mediation conference memorandum no longer than two (2) pages, summarizing his or her position with respect to the loss mitigation process.
 - (3) The memoranda required by this subdivision are solely for use in the mediation process and are not to be filed with the clerk.
- (e) *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

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MIDDLE DISTRICT OF PENNSYLVANIA**

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. Debtor will appear in person at the mediation session. Counsel for the mortgage creditor will appear in person and a representative of the mortgage creditor will 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(e), 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.
 - (5) Notwithstanding the above paragraph, the mediator must submit a written report to the court advising the court of the status of the mediation no more 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.
- (f) *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

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conference or conferences. After completion of three (3) hours of 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](#).
- (g) *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 this MMM Program without the prior approval of the mediator.
- (h) *MMM Program Results.*
- (1) If the MMM Program is successful, the mortgage creditor will file a motion to approve final modification which includes a copy of the modification agreement.
 - (2) In the event there is either no confirmed plan or, the confirmed plan does not provide for the vesting of property in the debtor upon confirmation, the debtor's primary residence remains property of the estate. When a 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 either the mortgage creditor or the debtor. 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, the debtor will file an amended 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 chapter 13 plan is not filed, the mortgage creditor may file a motion for relief from the automatic stay.
- (i) *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.

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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.

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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, 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 9070-1 *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. A complete copy of the exhibits must be provided to all parties at least seven (7) 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

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exhibits in accordance with this rule may result in the court barring the admissions of any unexchanged 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

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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 (e.g., 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:

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- (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 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.*

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

*LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA*

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 §§361, 363 and 364 including cash collateral and secured claims; loan document analysis.

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

MEETINGS OF CREDITORS: Preparing for and attending the conference of creditors, the §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 §362.

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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: September 1, 2014)

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

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

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), being paid through a Chapter 13 plan and reimbursement of expenses. Complete **Part B** for payment of compensation and reimbursement of expenses awarded by separate 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 prior to filing petition	\$
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 LBR 2016-2(a)	
1. Retainer received	\$
2. Compensation earned prepetition and paid to attorney prior to filing petition	\$
3. Expenses reimbursed prepetition	\$
4. Balance in retainer after deduction of prepetition compensation and expenses	\$
5. Compensation and expenses approved by the Court to be paid through plan distributions less balance in client trust account	\$

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 3002.1-1

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

In re: _____

CHAPTER 13

CASE NO. __-____-bk-_____

STATEMENT IN RESPONSE TO NOTICE OF FINAL CURE PAYMENT

Part 1: Pre-Petition Arrears

Creditor agrees or does not agree that the debtor(s) has paid in full the amount required to cure the pre-petition default to be paid through the Chapter 13 Plan.

If creditor disagrees:

Amount due to cure pre-petition arrears: \$ _____

Attach an itemized account of any required pre-petition amounts that the secured creditor contends remain unpaid as of the date of the *Notice of Final Cure Payment*.

Part 2: Post-Petition Arrears

Outside the plan: Creditor agrees or does not agree that the debtor(s) has paid all post-petition amounts due to be paid outside the Chapter 13 Plan directly to the secured creditor.

If the creditor disagrees:

Amount due to cure post-petition arrears due outside the plan: \$ _____

Attach an itemized account of any required post-petition amounts that the secured creditor contends remain unpaid as of the date of the *Notice of Final Cure Payment*.

Inside the plan: Creditor agrees or does not agree that the debtor(s) has paid all post-petition amounts due to be paid through the Chapter 13 Plan.

If the creditor disagrees:

Amount due to cure post-petition arrears due inside the plan: \$ _____

Attach an itemized account of any required post-petition amounts that the secured creditor contends remain unpaid as of the date of the *Notice of Final Cure Payment*.

Part 3: Sign Here

The person completing this Statement must sign it. Please print your name and other identifying information.

Check the appropriate box.

I am the creditor.

I am the creditor's authorized agent.
(Attach a copy of power of attorney, if any.)

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

Signature

Date: _____

Print: _____
Name

Title

Company

Address

Phone

Email

Part 4: Service

Statement in Response to Notice of Final Cure Payment mailed to:

Debtor(s) (address): _____

Debtor(s)' Counsel:

Via CM/ECF

Via email (email address): _____

Via US Mail (address): _____

Trustee:

Via CM/ECF

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) :
:
:
:
:
Objectant :
v. :
:
:
:
Claimant :

TO: _____ (**“Claimant”**)

NOTICE TO CLAIMANT OF OBJECTION TO CLAIM

Attached to this notice is an objection to your proof of claim.

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.

The purpose of this notice is to advise you of the following rights:

(a) Within thirty (30) days after the date of this notice you are required to file one of the following with the Clerk of the Bankruptcy Court:

- (1) an amended proof of claim;
- (2) a response to the objection; or
- (3) a request for a hearing.

(b) If you send your amended proof of claim, response or request for a hearing by mail or by delivery service, you must send it so that the Clerk of the Bankruptcy Court receives it by the deadline at the following address:

Clerk, United States Bankruptcy Court
Middle District of Pennsylvania
Third and Walnut Streets
P.O. Box 908
Harrisburg, PA 17108

or

Clerk, United States Bankruptcy Court
Middle District of Pennsylvania
274 Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA 18701

You are required concurrently to serve a copy of the amended proof of claim, response to the objection, or request for a hearing upon counsel for the objecting party at the following address:

If you do not file an amended proof of claim, a response to the objection, or a request for a hearing within thirty (30) days after the date of this notice, the Court may grant the relief requested in the objection and disallow or modify your claim without further notice or hearing.

- (c) You are entitled to a hearing on the objection if you file either a written response to the objection or a written request for a hearing with the Court within thirty (30) days after the date of this notice.
- (d) An attorney or pro se party who wishes to participate in the hearing telephonically must consult the Court's website (www.pamb.uscourts.gov) and click on the Telephonic Court Appearances tab to review the assigned Judge's telephone procedures.
- (e) You may have other rights not referred to in this Notice.

This notice is not intended to advise you of all your rights regarding your claim and is not intended to provide legal advice. If you decline to obtain counsel regarding the attached objection, you do so at your own risk.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED BY THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.

This Notice was mailed to you by: _____

Date of Notice and Date of Mailing: _____, 20__

LOCAL BANKRUPTCY FORM 3015-1

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

IN RE:

Debtor(s) : **CHAPTER 13**
 : **CASE NO. __-__-bk-_____**
 :
 : **CHAPTER 13 PLAN**
 :
 : **(Indicate if applicable)**
 : () **# MOTIONS TO AVOID LIENS**
 : () **# MOTIONS TO VALUE COLLATERAL**
 :
 : () **ORIGINAL PLAN**
 : () **AMENDED PLAN**
 : **(Indicate 1ST, 2ND, 3RD, etc.)**

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

PLAN PROVISIONS

DISCHARGE: (Check one)

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

NOTICE OF SPECIAL PROVISIONS: (Check if applicable)

- () This plan contains special provisions that are not included in the standard plan as approved by the U.S. Bankruptcy Court for the Middle District of Pennsylvania. Those provisions are set out in Section 8 of this plan. Other than to insert text into the designated spaces or to expand the tables to include additional claims, the preprinted language of this form may not be altered. This does not mean that the Debtor is prohibited from proposing additional or different plan provisions in Section 8. The Debtor may propose additional or different plan provisions or specify that any of the provisions will not be applicable, provided however, that each such provision or deletion shall be set forth herein in Section 8.

1. PLAN FUNDING AND LENGTH OF PLAN

A. Plan Payments

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

Start mm/yy	End mm/yy	Plan Payment	Estimated Conduit Payment	Total Payment
----------------	--------------	--------------	------------------------------	---------------

	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 the attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding accordingly. Debtor(s) is responsible for all post-petition mortgage payments due prior to the initiation of conduit mortgage payments.
3. Debtor(s) shall take appropriate action to ensure that all applicable wage attachments are adjusted to conform to the terms of the plan.
4. CHECK ONE: () Debtor(s) is at or under median income

() Debtor(s) is over median income. Debtor(s) calculates that a minimum of \$_____ must be paid to unsecured, non-priority creditors in order to comply with the Means Test.

B. Liquidation of Assets

1. In addition to the above specified plan payments, Debtor(s) 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:

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

2. SECURED CLAIMS

A. Pre-Confirmation Distributions. 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	Address	Account #	Estimated Monthly Payment
			\$
			\$

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.

Upon receipt, Debtor shall mail to the Trustee all notices from mortgagees including statements, payment coupons, impound and escrow notices, and notices concerning changes of the interest rate on variable interest rate loans. If any such notice informs the Debtor that the amount of the payment has increased or decreased, the change in the plan payment to the Trustee will not require modification of this plan.

B. Mortgages and Other Direct Payments by Debtor. Payments will be made outside the plan according to the original contract terms, with no modification of contract terms, unless otherwise agreed to by the contracting parties, and with liens retained. All mortgage and other lien claim balances survive the plan if not avoided or paid in full under the plan.

Name of Creditor	Description of Collateral	Contractual Monthly Payment	Principal Balance of Claim
		\$	\$
		\$	\$
		\$	\$
		\$	\$

C. Arrears. The Trustee shall distribute the amount of pre-petition arrearages set forth in the allowed proof of claim to each secured creditor set forth below. If the Debtor or the Trustee objects to a proof of claim and the objection is sustained, or if the plan provides for payment of amounts greater than the allowed proof of claim, the creditor’s claim will be paid in the amount allowed by the court.

Name of Creditor	Description of Collateral	Estimated Pre-petition Arrears to be Cured	Estimated Post-petition Arrears to be Cured	Estimated Total to be paid in plan
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

D. Secured Claims Paid According to Modified Terms. These amounts will be paid in the plan according to modified terms, and liens retained until entry of discharge. The excess of the creditor’s claim will be treated as an unsecured claim. Any claim listed as “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(S) WILL FILE AN ADVERSARY ACTION TO DETERMINE THE EXTENT, VALIDITY, AND PRIORITY OF THE LIEN (Select method in last column):**

Name of Creditor	Description of Collateral	Modified Principal Balance	Interest Rate	Total Payment	Plan* or Adversary Action
		\$	%	\$	
		\$	%	\$	
		\$	%	\$	

*** “PLAN” INDICATES THAT THE DEBTOR(S) PROPOSES TO AVOID OR LIMIT THE LIEN OF THE CREDITOR IN THIS PLAN. CONFIRMATION OF THE PLAN SHALL CONSTITUTE A FINDING OF VALUATION PURSUANT TO SECTION 506(a). NO ADVERSARY COMPLAINT OR MOTION WILL BE FILED AND THE LIEN WILL BE AVOIDED BY A CONFIRMATION ORDER UPON DISCHARGE. IF THE CREDITOR WISHES TO CONTEST THE AVOIDANCE OF THE LIEN, THE CREDITOR MUST FILE AN OBJECTION TO THIS PLAN. OTHERWISE CONFIRMATION OF THE PLAN WILL AVOID THE LIEN UPON DISCHARGE.**

E. Other Secured Claims. (Including conduit payments)

Name of Creditor	Description of Collateral	Principal balance of Claim	Interest Rate	Total to be paid in plan
		\$	%	\$
		\$	%	\$
		\$	%	\$

F. Surrender of Collateral. Debtor(s) surrenders the following assets to secured creditors. Upon confirmation of the plan, bankruptcy stays are lifted as to the collateral to be surrendered. This provision does not prejudice a creditor’s right to move to lift the stay prior to confirmation.

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

- G. Lien Avoidance. The Debtor moves to avoid the following judicial and/or nonpossessory, non-purchase money liens of the following creditors pursuant to Section 522(f) (this section should not be used for statutory or consensual liens such as mortgages):

Name of Creditor	Description of Collateral
------------------	---------------------------

- H. Optional provisions regarding duties of certain mortgage holders and servicers. Property of the estate vests upon closing of the case, and Debtor elects to include the following provisions. (Check if applicable)

() Confirmation of the plan shall impose an affirmative duty on the holders and/or servicers of any claims secured by liens, mortgages and/or deeds of trust on the principal residence of the Debtor to do the following:

(1) Apply the payments received from the Trustee on the pre-petition arrearage, if any, only to such arrearage. If the plan provides for an allowed payment of post-petition arrearages as set forth in Section 2C, apply those payments to only the post-petition arrearages.

(2) Deem the pre-petition arrearage as contractually current upon confirmation of the plan for the sole purpose of precluding the imposition of late payment charges or other default-related fees and services based solely on the pre-petition default or defaults.

(3) Apply the post-petition monthly mortgage payments made by the Debtor to the post-petition mortgage obligations as provided for by the terms of the underlying mortgage note. Late charges may be assessed on post-petition payments as provided by the terms of the mortgage and note.

3. PRIORITY CLAIMS

- A. Allowed unsecured claims entitled to priority under section 1322(a) will be paid in full unless modified under Section 8:

Name of Creditor	Estimated Total Payment
	\$
	\$
	\$

B. Administrative Claims:

- (1) Trustee fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee, not to exceed 10%.
- (2) Attorney fees. Check one box:
 - () 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.
 - () \$_____ per hour, 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 requested amount of compensation approved by the Court.
- (3) Other administrative claims.

Name of Creditor	Estimated Total Payment
	\$
	\$
	\$

4. UNSECURED CLAIMS

- A. Claims of Unsecured Nonpriority Creditors Specially Classified. Includes unsecured claims, such as co-signed unsecured debts, that will be paid in full even though all other unsecured claims may not be paid in full.

Name of Creditor	Reason for Special Classification	Amount of Claim	Interest Rate	Total Payment
		\$	%	\$
		\$	%	\$

- B. All remaining allowed unsecured claims shall receive a pro-rata distribution of any funds remaining after payment of the other classes.

5. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES.** The following executory contracts and unexpired leases are assumed (and pre-petition arrears to be cured in the plan) or rejected (so indicate):

Name of Creditor	Description of Collateral	Monthly Payment	Interest Rate	Pre-petition Arrears	Total Payment	Assume/Reject
		\$	%	\$	\$	
		\$	%	\$	\$	

6. **REVESTING OF PROPERTY: (Check One)**

- Property of the estate will vest in the Debtor upon confirmation. (Not to be used with Section 2H)
- Property of the estate will vest in the Debtor upon closing of the case.

7. **STUDENT LOAN PROVISIONS**

A. Student loan provisions. This plan does not seek to discharge student loan(s) except as follows:

(NOTE: If you are not seeking to discharge a student loan(s), do not complete this section.)

Name of Creditor	Monthly Payment	Interest Rate	Pre-petition Arrears	Total Payment
	\$	%	\$	\$
	\$	%	\$	\$

8. **OTHER PLAN PROVISIONS**

A. Include the additional provisions below or on an attachment. **(NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)**

9. ORDER OF DISTRIBUTION:

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 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: General unsecured claims.
- Level 8: Untimely filed unsecured claims to which the Debtor has not objected.

GENERAL PRINCIPLES APPLICABLE TO ALL PLANS

All pre-petition arrears and cramdowns shall be paid to the Trustee and disbursed to creditors through the plan.

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. Claims filed after the bar date that are not properly served on the Trustee will not be paid. The Debtor is responsible for reviewing claims and filing objections, if appropriate.

Dated: _____

Attorney for Debtor

Debtor

Joint Debtor

LOCAL BANKRUPTCY FORM 3015-2(a)

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

IN RE:

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

CERTIFICATION REGARDING SERVICE OF AMENDED CHAPTER 13 PLAN
(Altering Treatment of Claims)

The undersigned, counsel for the above-captioned Debtor(s), hereby certifies that the _____ Amended Chapter 13 Plan filed on _____ proposes to alter the treatment of the claims of the following creditors included in the confirmed Chapter 13 Plan:

I further certify that notice of the filing of the _____ Amended Chapter 13 Plan has been served on the above listed creditors and the Chapter 13 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 13 Plan.

Counsel for Debtor(s)

Dated: _____

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:

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

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.

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:

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

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 Domestic Support Oblige

Claim Holder _____
Last Name First Middle Initial

2. Address of Domestic Support Oblige

Claim Holder _____
Street City
County State Zip

3. Telephone Number of Domestic Support Oblige

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 3015-5

**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 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. § 1328(a), 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 13 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. § 1328(h), 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 § 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 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** ____
:
:
:
:
:
Debtor(s) : **CASE NO.** __-__-bk-_____

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:

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:
:
:
:
:
:

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.)

[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.]

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: _____

Co-borrower, if also reaffirming these debts:

(Print Name)

(Signature)

Date: _____

Accepted by creditor:

(Print Name of Creditor)

(Address of Creditor)

(Signature)

(Printed name and Title of Individual Signing for Creditor)

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 9004-2
[Adversary Proceeding Caption]

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

IN RE:	:	
	:	CHAPTER _____
JOHN DOE	:	
	:	CASE NO. __-__-bk-_____ (judge's initials)
Debtor(s)	:	
	:	
XYZ MORTGAGE CO.	:	
Plaintiff	:	
	:	COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT
vs.	:	
	:	
JOHN DOE	:	
Defendant	:	ADVERSARY NO. __-__-ap-_____

MOTION OF XYZ MORTGAGE CO. FOR SUMMARY JUDGMENT

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:

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

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

To: _____ and its successors, assigns and servicing agents (“mortgage creditor”), please take notice:

The undersigned debtor [and joint debtor if applicable] (the “Debtor”) files this Motion seeking to enter into a mortgage modification agreement through the Court’s sanctioned Mortgage Modification Mediation Program (“MMM Program”).

The mortgage creditor has twenty-one (21) days from the filing of this Motion to accept or object to entry into the MMM Program. If the mortgage creditor agrees to participation, the mortgage creditor will file a Consent to Motion to Participate in Mortgage Modification (“Creditor Consent Form”), L.B.F. 9019-3(b). If the mortgage creditor objects to participation, a written objection must be filed with court. Upon written objection, the Motion to Participate will be denied without prejudice to re-filing. A Motion to Participate may only be re-filed after an objection by the mortgage creditor, if filed with the written concurrence of the mortgage creditor.

If the mortgage creditor fails to file the Creditor Consent Form or an objection to participation within twenty (21) days, the Motion to Participate will be dismissed without prejudice to re-filing.

The Debtor hereby moves the Court for authority to enter into the MMM Program. By this Motion, the Debtor agrees and certifies as follows:

Eligibility

1. The Debtor is the owner-occupant of a one- to four-unit residential property used as the Debtor's primary residence.
2. The Debtor has regular income.
3. The Debtor has an unpaid principal mortgage balance that is equal to or less than \$729,750.00 (for a one-unit property).
4. The Debtor has a mortgage payment that is not affordable due to a financial hardship that can be documented.

Participation Requirements

5. The Debtor agrees to make post-petition mortgage payments to the mortgage creditor of seventy-five percent (75%) of the Debtor's current mortgage payment (the "Modified Mortgage Payment").
6. The first Modified Mortgage Payment will be due and must be received by the 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 the Debtor does not know the identity of the mortgage creditor at the time the payment is due; in that event the Debtor will make the Modified Mortgage Payment to the Debtor's attorney to be held in trust until the mortgage creditor is identified.
7. The Debtor will continue to make the Modified Mortgage Payments to the mortgage creditor each month until the MMM Program is concluded or an Order of the Court expressly states otherwise.
8. The Debtor has filed the Schedules and Statement of Financial Affairs which may be relied upon by the mortgage creditor in evaluating the Debtor's loan for modification. The Debtor will provide the mortgage creditor with the following documents:
 - (A) Signed copies of the state and federal tax returns filed in the past two (2) years; and
 - (B) All payment advices received within the last sixty (60) days of the date of this Motion.
9. The Debtor will provide the mortgage creditor with all other reasonably requested financial records no later than twenty-one (21) days after the creditor files the Creditor Consent Form.

10. The Debtor and the 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.
11. The Debtor agrees to appear and participate in good faith in the mediation sessions. The Mediation Fee is nonrefundable even if the Debtor does not appear or does not agree with the outcome of the mediation session.

Agreed Modification of the Automatic Stay

The Debtor understands, agrees and consents to a Court order modifying the automatic stay as follows:

12. The automatic stay is immediately modified as of the date of this Motion to permit the mortgage creditor to request information, evaluate and analyze the Debtor’s financial situation, participate in the mortgage modification process and negotiate loan modification terms.
13. Debtor agrees that in the event Debtor misses one of the modified mortgage payments, the mortgage creditor may file a Motion for Relief from the Automatic Stay and seek removal of the debtor from the MMM Program.
14. If no agreement is reached as a result of the mediation, unless the creditor expressly agrees to extend the time or the Court orders otherwise, the Debtor shall file a modified plan within 21 days of the filing of the Mediator’s report to address the treatment of the pre-petition mortgage arrears and any post-petition arrears that may have accrued. If an amended Chapter 13 Plan is not filed, the mortgage creditor may file a Motion for Relief from the Automatic Stay.

Mediation Conclusion

15. The MMM Program will conclude no later than sixty (60) days after a mediator is selected, unless the mediator changes the date and time for the mediation session. In any event, the mediation session must place within seventy-five (75) days of the date of the order of referral. Any continuance of the session beyond seventy-five (75) days must be approved by the court. At that conclusion of the mediation session, the Mediator will issue a report to the Court.

No Modification Agreement Reached

16. If the Mediator’s report advises that no agreement was reached, the Debtor and mortgage creditor can agree to extend the deadline for the parties to attempt to reach agreement. The extension agreement must be in writing, and filed with the Court.
17. If no such extension agreement is filed within seven (7) days of the Mediator's report, then the Debtor will have fourteen (14) additional days (twenty-one (21) days after the

filing of the mediator's report) to file a modified, feasible plan. Failure to file a modified feasible plan within this deadline may be grounds for the mortgage creditor to file a Motion for Relief.

Mortgage Modification Agreement Reached

- 18. If a modification is agreed upon, the Debtor will cooperate in promptly formalizing any needed legal documents and seek any necessary court approval for the mortgage modification.

WHEREFORE, the Debtor requests that the Court enter an Order authorizing the Debtor and the mortgage creditor to enter into the MMM Program.

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)	:	

CERTIFICATE OF SERVICE

The Debtor's attorney certifies that on _____ (date), I served, or caused to be served, a copy of the **NOTICE OF MOTION AND MOTION TO PARTICIPATE IN MORTGAGE MODIFICATION MEDIATION PROGRAM** by (describe method of service) on the mortgage creditor, its counsel (if known), and the Chapter 13 Trustee at the following addresses:

LOCAL BANKRUPTCY FORM 9019-3(b)

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

IN RE:

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

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

_____ (the "mortgage creditor") consents to the Debtor's Motion to participate in the Mortgage Modification Mediation Program ("MMM Program").

1. The current monthly mortgage payment is _____, and seventy-five percent (75%) of same is _____.
2. Attached hereto is a checklist of documents, in addition to the bankruptcy schedules, last two years' signed tax returns and last sixty 60 days' payment advices, that are needed to evaluate the Debtor's request for a mortgage modification. (If no checklist is attached, no additional documents are needed).
3. By this Consent, the mortgage creditor agrees that a specialist from the mortgage creditor's mortgage modification department or other representative with full authority to settle will participate in one or more mediation sessions with the Debtor for the purpose of evaluating and considering the Debtor's request for a permanent mortgage modification on the 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.
4. The mortgage creditor agrees to pay \$125.00 to the Mediator no later than fourteen (14) days after appointment of the Mediator.
5. The mortgage creditor agrees to engage in the mediation process in good faith, and understands that failure to do so may result in the imposition of damages and sanctions. The mortgage creditor understands that the goal of the MMM Program is to negotiate toward a permanent loan modification.
6. In the event a mortgage modification is agreed upon, the mortgage creditor agrees to promptly prepare any necessary documents and to file any appropriate amendments or withdrawals of its proof of claim.

Dated: _____

Attorneys for mortgage creditor

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

IN RE:

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

CERTIFICATE OF SERVICE (OR AFFIDAVIT OF MAILING)

The mortgage creditor's attorney certifies that on _____ (date), I served, or caused to be served, a copy of the Consent to Motion to Participate in Mortgage Modification Mediation Program by (describe method of service) on the Debtor, Debtor's counsel, and the Chapter 13 Trustee at the following addresses:

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

The above-named debtor(s) (the “Debtor”) and _____
(the “mortgage creditor”) having consented to participate in the Mortgage Modification Mediation Program (“MMM Program”), IT IS THEREFORE ORDERED:

1. On or before _____, the Debtor will provide the following documents (the “Documents”) to the mortgage creditor: (1) signed copies of the Debtor’s state and federal tax returns for the last two (2) years; (2) copies of the Debtor’s payment advices for the last sixty (60) days; and (3) any other documents requested by the mortgage creditor, as shown on the checklist attached to the mortgage creditor’s Consent to Motion to Participate in Mortgage Modification Mediation Program.
2. Upon completion of delivery of the Documents, the Debtor will file Debtor’s Certification of Readiness for Mediation.”
3. Promptly after filing of the Debtor’s Certification of Readiness for Mediation, the Clerk will select a mediator from this Court’s list of approved mediators, and notify the parties and the Mediator of the appointment.
4. Promptly after receiving the notice of appointment, the Mediator will contact the parties and schedule the mediation session. The mediation sessions may include the negotiation of a modification of the debtor’s mortgage loan, whether by new payment terms, reduction or forgiveness of principal, interest, escrow shortage, advanced costs, (e.g. real estate tax advance), surrender or sale of the mortgaged property or otherwise. Disputes concerning the amount of the mortgage creditor’s claim, application of payments, and standing of the mortgage creditor to seek foreclosure are not included in the MMM Program.
5. No later than fourteen (14) days after appointment of the Mediator, the Debtor and the mortgage creditor will pay, directly to the Mediator, the sum of \$125.00 each. The Debtor’s personal check will not be accepted. The mediation fee is nonrefundable.
6. A specialist from the mortgage creditor’s mortgage modification department or other representative with **full authority to settle** will participate in one or more mediation sessions. The mortgage creditor is advised that the goal of the MMM program is a permanent modification. Attendance

of a representative will be continuous throughout the mediation. The representative may participate by telephone or video conference.

7. All statements made by the parties, attorneys and other participants at or associated with the mediation shall be privileged and not reported, recorded or placed into evidence, made known to the court or construed for any purposes as an admission. No party shall be bound by any statement made or action taken at the mediation conference unless an agreement is reached. The mediator will keep confidential all statements made at the mediation and will report to the Court only whether or not the mediation was successful.

8. The automatic stay is modified, to the extent necessary, to allow the Debtor and the mortgage creditor to negotiate loan modification terms during the pendency of this case.

9. The Debtor will comply with all payment terms in the Motion to Participate in Mortgage Modification Mediation Program. **Failure to comply with all payment terms may result in a Motion for Relief.**

10. All parties are directed to comply with the express terms of the Order and to engage in the mediation process in good faith. Failure to do so may result in the imposition of damages and sanctions.

11. The Debtor and the mortgage creditor are directed to promptly take all necessary and appropriate actions to formalize the modification, including filing an amendment to or withdrawal of the mortgage creditor's claim, and/or filing a modified plan.

LOCAL BANKRUPTCY FORM 9019-3(d)

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

IN RE:

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

DEBTOR'S CERTIFICATION OF READINESS FOR MEDIATION

Pursuant to the Notice of Motion and Motion to Participate in Mortgage Modification Mediation Program, the undersigned attorney for the Debtor hereby certifies that all requested documents have been provided to the mortgage creditor (or its attorney), and that this case is ready for appointment of a Mediator.

Dated: _____

Name and Address of Debtor's attorney

LOCAL BANKRUPTCY FORM 9074-1

**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 #: _____

**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