

**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**

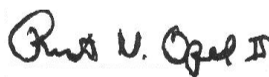
* Debtors

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

ORDER AMENDING LOCAL COURT RULES AND FORMS

IT IS HEREBY ORDERED that the attached shall constitute the Local Rules and Forms of the United States Bankruptcy Court for the Middle District of Pennsylvania further amending the Local Bankruptcy Rules and Forms previously adopted by the judges of this Court. The amended Local Bankruptcy Rules and Forms are effective April 4, 2011. The judges of this Court amend the Local Bankruptcy Rules and Forms pursuant to Federal Rule of Bankruptcy Procedure 9029 and under the authority of the United States District Court for the Middle District of Pennsylvania 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,



Date: March 4, 2011

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

By the Court,


Chief Bankruptcy Judge

Date: March 4, 2011

By the Court,



Date: March 7, 2011

John J. Thomas, Bankruptcy Judge
(CMS)

*** [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: **February 7, 2011** ~~October 15, 2010~~)

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

TABLE OF CONTENTS

Rule 1001-1	<i>Local Rules - General</i>	1
Rule 1002-1	<i>Petition - General</i>	1
Rule 1006-1	<i>Fees - Installment Payments and Waiver</i>	1
Rule 1007-1	<i>Lists, Schedules, Statements, Plans, and Other Documents</i>	2
Rule 1007-2	<i>Mailing List or Matrix</i>	2
Rule 1007-3	<i>Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data.</i>	3
Rule 1009-1	<i>Amendments to Voluntary Petitions, Lists, Schedules, and Statements</i>	3
Rule 1015-1	<i>Joint Administration/Consolidation</i>	3
Rule 1017-2	<i>Dismissal or Suspension - Case or Proceedings</i>	4
Rule 1019-1	<i>Final Reports in Cases Converted from Chapter 13 to Chapter 7.</i>	5
Rule 2002-1	<i>Notice to Creditors and Other Interested Parties</i>	6
Rule 2003-1	<i>Meeting of Creditors and Equity Security Holders</i>	7
Rule 2004-1	<i>Depositions and Examinations</i>	7
Rule 2014-1	<i>Employment of Professionals</i>	7
Rule 2016-1	<i>Compensation of Professionals</i>	8
Rule 2090-1	<i>Attorneys - Admission to Practice</i>	10
Rule 2090-2	<i>Attorneys - Discipline and Disbarment</i>	10
Rule 3001-1	<i>Claims and Equity Security Interests - General.</i>	11
Rule 3002-1	<i>Filing Proofs of Claim in Closed Cases.</i>	11

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

Rule 3003-1	<i>Filing Proofs of Claim in Chapter 11 Cases.</i>	12
Rule 3004-1	<i>Filing of Proofs of Claim by Debtor or Trustee.</i>	12
Rule 3005-1	<i>Filing of Proofs of Claim by Codebtor.</i>	12
Rule 3006-1	<i>Claims - Withdrawal.</i>	12
Rule 3007-1	<i>Claims - Objection.</i>	12
Rule 3010-1	<i>Small Dividends in Chapter 13 Cases.</i>	13
Rule 3015-1	<i>Chapter 13 - Model Plan</i>	13
Rule 3015-2	<i>Chapter 13 - Amendments to Plans</i>	14
Rule 3015-3	<i>Notice of Payment Changes.</i>	15
Rule 3015-4	<i>Chapter 13 -Confirmation Hearing</i>	15
Rule 3015-4 5	<i>Chapter 13 - Adequate Protection Payments.</i>	16
Rule 3015-5 6	<i>Chapter 13 - Discharge for Cases Filed On or After October 17, 2005</i>	16
Rule 3016-2	<i>Disclosure Statement - General.</i>	17
Rule 3017-1	<i>Disclosure Statement - Approval.</i>	18
Rule 3018-1	<i>Ballots - Voting on Plans.</i>	18
Rule 3019-1	<i>Chapter 11 - Amendments to Plan.</i>	18
Rule 3022-1	<i>Final Report/Decree (Chapter 11).</i>	18
Rule 4001-1	<i>Automatic Stay - Relief from.</i>	20
Rule 4001-2	<i>Cash Collateral</i>	21
Rule 4001-3	<i>Obtaining Credit.</i>	21
Rule 4001-4	<i>Prohibiting or Conditioning the Use, Sale, or Lease of Property.</i>	23

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

Rule 4001-5	<i>Motions to Extend the Automatic Stay Under Section 362(c)(3) and Motions to Impose Automatic Stay Under Section 362(c)(4)</i>	23
Rule 4001-6	<i>Service of Motions under <u>F.R.B.P 4001</u>.</i>	24
Rule 4003-1	<i>Exemptions.</i>	24
Rule 4004-1	<i>Motion to Defer Entry of Discharge Order</i>	25
Rule 4006-1	<i>Closing Chapter 7 or 13 Cases Without Discharge</i>	25
Rule 4008-1	<i>Reaffirmation</i>	25
Rule 5001-1	<i>Court Administration</i>	26
Rule 5004-1	<i>Disqualification</i>	26
Rule 5005-1	<i>Filing Papers - Requirements.</i>	26
Rule 5005-2	<i>Filing Papers - Number of Copies; Time-Stamped Copies.</i>	27
Rule 5005-4	<i>Electronic Filing.</i>	27
Rule 5005-5	<i>Filing Papers After Hours.</i>	27
Rule 5010-1	<i>Reopening Cases.</i>	28
Rule 6002-1	<i>Accounting by Prior Custodian of Property of the Estate.</i>	29
Rule 6004-1	<i>Use, Sale, or Lease of Property</i>	29
Rule 6004-2	<i>Objections to Section 363(b) Sale.</i>	30
Rule 6004-3	<i>Public Sale Bidding Procedures.</i>	30
Rule 6004-4	<i>Special Sale Provisions</i>	31
Rule 6004-5	<i>Sales of Property Free and Clear of Liens - Section 363(f)</i>	32
Rule 6005-1	<i>Appraisers, Real Estate Agents, and Auctioneers</i>	33

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

Rule 6006-1	<i>Executory Contracts</i>	33
Rule 6007-1	<i>Abandonment or Disposition of Property</i>	34
Rule 7002-1	<i>District Court Rules</i>	35
Rule 7003-1	<i>Adversary Proceeding Cover Sheet.</i>	35
Rule 7005-2	<i>Filing of Discovery Materials.</i>	35
Rule 7007-1	<i>Motions in Adversary Proceedings</i>	35
Rule 7016-1	<i>Pre-Trial Procedure</i>	36
Rule 7021-1	<i>Misjoinder and Non-Joinder of Parties.</i>	36
Rule 7024-2	<i>Unconstitutionality, Claim of.</i>	36
Rule 7041-1	<i>Notice of Dismissal of Adversary Proceeding.</i>	37
Rule 7055-1	<i>Default - Failure to Prosecute.</i>	37
Rule 7055-2	<i>Order of Default.</i>	37
Rule 7056-1	<i>Summary Judgment - Applicability of Local Rule 56.1.</i>	37
Rule 7067-1	<i>Registry Funds.</i>	37
Rule 8006-1	<i>Designation of Record.</i>	39
Rule 8007-1	<i>Completion of Record.</i>	39
Rule 9001-1	<i>Definitions.</i>	40
Rule 9002-1	<i>Self-Scheduling - Contested Matters</i>	41
Rule 9003-1	<i>Ex Parte Relief.</i>	41
Rule 9004-2	<i>Caption of Pleadings.</i>	42
Rule 9010-1	<i>Attorneys - Notice of Appearance</i>	42

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

Rule 9010-4	<i>Facsimile and E-mail Addresses.</i>	43
Rule 9011-1	<i>Attorneys' Duties.</i>	43
Rule 9013-1	<i>Motion Practice.</i>	43
Rule 9013-3	<i>Certification of Service.</i>	44
Rule 9013-4	<i>Continuances.</i>	44
Rule 9014-1	<i>Default and Summary Judgment.</i>	45
Rule 9015-1	<i>Jury Trials.</i>	45
Rule 9016-1	<i>Subpoena.</i>	45
Rule 9019-1	<i>Settlements and Agreed Orders</i>	45
Rule 9019-2	<i>Alternative Dispute Resolution</i>	45
Rule 9023-1	<i>Motions for Reconsideration.</i>	49
Rule 9023-2	<i>Post-Trial Motions</i>	49
Rule 9024-1	<i>Relief from Judgment or Order.</i>	50
Rule 9029-1	<i>Attorney Advisory Committee</i>	50
Rule 9070-1	<i>Exhibits.</i>	51
Rule 9070-2	<i>Exhibits After Final Judgment.</i>	51
Rule 9071-1	<i>Stipulations.</i>	51
Rule 9073-1	<i>Hearings</i>	52
Rule 9074-1	<i>Telephone or Video Appearance</i>	52
Rule 9075-1	<i>Emergency Orders</i>	53
APPENDIX 2016-1		54

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

**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).

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

Rule 1007-3 *Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data.*

A debtor shall 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;

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (C) all parties in interest who have filed a request to receive copies and notices; and
 - (D) any creditors' committee. If there is no creditors' committee, then the motion must be served as specified in [F.R.B.P. 1007\(d\)](#).
- (2) *Passive Notice.* Notice of the filing of a motion for joint administration must provide for a twenty-one (21) day objection period. If no objection is filed within twenty-one (21) days, the court may enter the order. A hearing will be set only upon filing of a timely objection to the motion.
- (b) *Substantive Consolidation.* A request for substantive consolidation must be made by motion. The movant must serve the motion on all parties in interest. The notice must provide for a twenty-one (21) day objection period. A hearing will be set even if no objections are filed.
- (c) *Severance or Deconsolidation.*
- (1) A request to deconsolidate cases that have been substantively consolidated must be made by motion. A hearing will be held on a motion to deconsolidate substantively consolidated cases. The movant must serve notice of the filing of the motion and the hearing on all parties in interest.
 - (2) A request to sever jointly administered cases must be made by motion. The movant must serve 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 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: *This Rule 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 1017-2 *Dismissal or Suspension - Case or Proceedings.*

- (a) *Self-Scheduling of United States Trustee's Motions.* The United States trustee may self-schedule a motion to dismiss a voluntary chapter 7 case under [11 U.S.C. § 707\(a\)\(3\)](#) according to the following procedure:

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (1) *Miscellaneous Court Schedules.* The court will designate, and the clerk must publish at the court website (www.pamb.uscourts.gov) on or before the first day of each month, a schedule of dates, times, and places for the “miscellaneous court” for the succeeding three months.
 - (2) *Notice.* The United States trustee must prepare a notice substantially conforming to [L.B.F. 1017-2](#). In the notice, the United States trustee must insert a miscellaneous court date that allows at least fourteen (14) days for a response and at least seven (7) days between the response date and the hearing date.
 - (3) *Filing and Service.* The United States trustee must file with the court and serve on the debtor, debtor’s counsel, and the trustee the motion to dismiss, the notice, and the proposed order granting the relief requested.
 - (4) *No Response Filed.* If a timely response in opposition is not filed, the United States trustee may certify default, and the court will issue an order dismissing the case.
- (b) *Reinstatement of Dismissed Case.*
- (1) 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:
 - (A) the debtor; and
 - (B) all parties previously notified of the dismissal under [F.R.B.P. 2002\(f\)\(2\)](#).
 - (2) 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.

*LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA*

**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) *Notice by Chapter 7, 12, or 13 Trustee.* The clerk will serve any notice required to be served on all parties in interest by a chapter 7, 12, or 13 trustee.
- (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 or Continued Meeting.* If the meeting under [11 U.S.C. § 341\(a\)](#) is rescheduled, notice must be given to all parties in interest by the clerk.
 - (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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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.

Rule 2004-1 *Depositions and Examinations.* The court will consider a motion under [F.R.B.P. 2004\(a\)](#) fourteen (14) days after service on the respondent. If no objection or answer is filed within fourteen (14) days, an order may be entered by the court. The order may be entered immediately if the motion contains a certification that the respondent has agreed to submit to the examination.

Rule 2014-1 *Employment of Professionals.*

- (a) *Application to Employ Counsel or Other Professionals.* An application to employ counsel or other professionals must be filed with the clerk along with a verified statement of disinterestedness and a proposed order.
- (b) *Application to Employ Persons for the Sale or Lease of Estate Property.* An application for employment of an agent or broker for the sale or lease of estate property must be accompanied by a copy of the signed written contract employing the agent or broker. An application for employment of an auctioneer must be accompanied by a copy of the auctioneer's surety bond. 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

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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.*

- (a) *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](#).
- (b) *Fee Applications.* A fee application must include:
 - (1) the date of the order appointing the professional;
 - (2) 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;
 - (3) the date and amount of previous compensation, if any, including any retainers paid;
 - (4) 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;
 - (5) an itemization of the expenses for which reimbursement is requested;
 - (6) 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\(a\)](#);
 - (7) for applications filed on behalf of attorneys, a history of the case in narrative form. The history should include, if applicable:

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (A) a description of the debtor's financial situation when the case was filed;
 - (B) a description of significant events that have occurred post-petition;
 - (C) a description of specific issues that the debtor is required to resolve before a plan can be confirmed or the case otherwise resolved (for example, liquidation of real estate or resolution of pre-petition litigation);
 - (D) the status of any specific issues and their resolution; and
 - (E) items that need to be completed before the case can be confirmed or otherwise brought to a conclusion;
- (8) 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;
- (9) 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
- (10) a proposed order of the court approving the application.
- (c) *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

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (ii) states the number of hours spent and the amount of compensation requested for each professional and paraprofessional on the project.

- (d) *Non-Attorney Professionals Compensated on Non-Hourly Basis.* If the court has previously entered an order approving the employment of a non-attorney who is customarily paid on a non-hourly basis and whose terms of compensation the court has approved as provided in L.B.R. 2014-1(b), then no application for compensation is required for such non-attorney.

Rule 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 on a matter before the court or as counsel for a debtor 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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

**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.* Each proof of claim presented for filing must include:
 - (1) the case name;
 - (2) the case number;
 - (3) the chapter;
 - (4) the claimant's original signature;
 - (5) the claimant's mailing address; and
 - (6) the claimed amount.
- (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 the debtor.
- (c) *Proof of Secured Claim - Chapter 13 Cases.* In a chapter 13 case, each proof of claim filed by a creditor claiming a security interest must identify:
 - (1) the collateral securing the claim;
 - (2) the principal balance of the obligation;
 - (3) prepetition arrearages;
 - (4) late fees; and
 - (5) attorneys fees and foreclosure costs, including a representation of whether the attorneys fees represent actual fees incurred by the creditor or a commission for collection.

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."

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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 Codebtor.* A codebtor 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 codebtors, and the debtor.

Rule 3006-1 *Claims - Withdrawal.* A request to withdraw a claim must state:

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

Rule 3007-1 *Claims - Objection.*

- (a) *Contents.* An objection to 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.
 - (4) A separate objection must be filed for each claim objected to, except for omnibus objections filed pursuant to [F.R.B.P. 3007\(d\)](#).

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (b) *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;
 - (C) if requested by the claimant, the court may allow the claimant to participate in the hearing by telephone; and
 - (D) 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.
- (c) *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.
- (d) *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](#).

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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 13 - Amendments to Plans.*

- (a) *Numbering.* Amended plans must be numbered sequentially beginning with "First Amended Plan."
- (b) *Amendments to the 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) *Service of Amended Plan - Pre Confirmation.* If an amended plan is filed prior to the confirmation, the clerk will provide notice of the filing of the amended plan under [F.R.B.P. 2002](#). A copy of the amended plan will be served with the notice.
- (d) *Modification of the Plan After Confirmation.* A debtor who seeks to modify a plan after confirmation must do so by filing a motion to modify the plan with a copy of the amended plan and a proposed order.
- (e) *Service of Amended Plan After Confirmation.* After filing a motion to amend a confirmed plan, the clerk will provide the debtor with a notice that the debtor must serve with a copy of the amended plan as provided herein. 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 notice and amended plan on all creditors if [L.B.F. 3015-2\(a\)](#) is filed certifying that service has been made on the affected creditors. 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 notice and amended plan on all creditors if [L.B.F. 3015-2\(b\)](#) is filed certifying the limited changes to the plan. If neither [L.B.F. 3015-2\(a\)](#) or [L.B.F. 3015-2\(b\)](#) is filed with the amended plan, the notice and the amended plan must be served under [F.R.B.P. 2002](#).
- (f) *Waiver of Objections.* 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.
- (g) *Time for Filing 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.

*LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA*

Rule 3015-3 *Notice of Payment Changes.*

- (a) ***Notice of Payment Changes.*** In a Chapter 13 case, if a claim secured by a security interest in the debtor's principal residence is provided for under the debtor's plan pursuant to [11 U.S.C. § 1325\(a\)\(5\)](#) of the Bankruptcy Code, the holder of the claim must file with the Court and serve on the debtor, debtor's counsel, and the trustee notice of any change in the payment amount, including any change that results from an interest rate or escrow account adjustment.
- (b) ***Form and Content.*** A notice filed and served pursuant to subdivision (a) of this Rule must conform substantially to the form of notice under applicable non-bankruptcy law and be substantially in the same form as a notice of change in terms routinely addressed to a residential mortgagor who has not filed for bankruptcy. Personal identifying information, such as the debtor's social security number, and all but the last four digits of the loan number, must be redacted from each notice.
- (c) ***Time of Service.*** A notice filed and served pursuant to subdivision (a) of this Rule must comply with any time requirements imposed by applicable non-bankruptcy law or by the underlying loan documents.

Rule 3015-3 4 *Chapter 13 -Confirmation Hearing.*

- (a) ***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) ***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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (c) *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 5 *Chapter 13 - Adequate Protection Payments.* For cases filed on or after October 17, 2005, the debtor shall make pre-confirmation adequate protection payments as follows:

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

Rule 3015-5 6 *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 Section 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*).

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

Rule 3016-2 *Disclosure Statement - General.*

- (a) *Contents.* Unless the court orders otherwise, any disclosure statement or amended disclosure statement must include the following information in addition to all other information required by applicable law:
- (1) an introductory narrative summarizing the plan, which must include:
 - (A) an identification of each class of claims or interests;
 - (B) the composition of each class as to number and type of creditor or interest;
 - (C) the amount of claims and interests (specifying any that are known to be disputed and how they will be treated under the plan);
 - (D) the amount (dollar and/or percentages) to be paid to each class and the timing of payments to be made under the plan; and
 - (E) all sources and amounts of funding in reasonable detail;
 - (2) a summary exhibit setting forth a liquidation analysis as if assets of the debtor were to be liquidated under chapter 7; and
 - (3) a narrative summarizing the scheduled assets and liabilities as of the date of the order for relief:
 - (A) reciting the disposition of assets during the chapter 11 case;
 - (B) describing the process for handling initial and subsequent disbursements under the plan; and
 - (C) identifying persons responsible for making disbursements under the plan.
- (b) *Disclosure Statement Accompanying Reorganization Plan.* Unless a liquidating plan is proposed, each disclosure statement must also include a projected cash flow and budget, including plan payments over the shorter of the life of the plan or three fiscal years following confirmation, showing all anticipated income and expenses.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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](#).

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 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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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\(d\)](#).

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

**PART IV
THE DEBTOR: DUTIES AND BENEFITS**

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

- (a) *Order Establishing Response and Hearing Dates.* When a motion for relief from the automatic stay is filed, the clerk will provide to the movant an order setting an answer date and a hearing date. Unless service is made electronically through the ECF system, the movant must serve the order upon the persons specified under [F.R.B.P. 4001](#) and L.B.R. 4001-6. In the alternative, a self-scheduled motion for the relief from the automatic stay will proceed as outlined in L.B.R. 9002-1.
- (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](#) 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*.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

Rule 4001-2 *Cash Collateral.*

- (a) *Order Establishing Response and Hearing Date.* When a motion for authorization to use cash collateral is filed, the clerk will provide the movant with an order containing an answer date and a hearing date. Unless service is made electronically through the ECF system, the movant must serve the order upon the persons specified under [F.R.B.P. 4001](#) and L.B.R. 4001-5.
- (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) *Credit Agreement.* Each motion for authority to obtain credit must be accompanied by the proposed credit agreement.
- (b) *Proposed Notice and Order.* A motion seeking authority to obtain credit must be accompanied by a proposed notice setting an objection date and a hearing date. Unless filed electronically through the ECF system, the clerk will return to the movant an updated mailing matrix to be used by the movant for the purpose of service.
- (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 pre-petition debt by postpetition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law).

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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 carve-out, and provisions that limit the committee counsel's use of the carve-out.
 - (G) Provisions that prime any secured lien without the consent of the lienholder.
 - (H) Provisions that release the secured creditor from lender liability.
 - (I) Provisions that grant the lender expedited relief from the automatic stay under [11 U.S.C. § 362](#) or relief from the automatic stay without further order of court.
- (d) *Summary of Essential Terms.* Any Financing Motion must provide a summary of the essential terms of the proposed use of cash collateral or financing, including:
- (1) the amount to be borrowed or advanced on both an interim and final basis;
 - (2) the terms of repayment;
 - (3) the interest rate;

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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 *Prohibiting or Conditioning the Use, Sale, or Lease of Property.* When a motion for an order prohibiting or conditioning the use, sale, or lease of property is filed, the clerk will provide to movant an order containing an answer date and a hearing date. Unless service is made electronically through the ECF system, the movant must serve the order upon the persons specified under [F.R.B.P. 4001](#) and L.B.R. 4001-6.

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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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) The movant may file a verified affidavit setting forth the substantial changes in the financial or personal affairs of the debtor since the dismissal of the next most previous bankruptcy case. In the absence of timely filed objections, the court may enter an Order extending the automatic stay without a hearing where a sufficient affidavit has been filed.

Rule 4001-6 *Service of Motions under [F.R.B.P. 4001](#).* In addition to the parties identified in [F.R.B.P. 4001](#), the following motions must also be served upon creditors listed on the schedules as holding claims secured by the asset(s) identified in the motion:

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

Rule 4003-1 *Exemptions.*

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

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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 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: *Local Rule 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.*

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

**PART V
COURTS AND CLERKS**

Rule 5001-1 *Court Administration.*

- (a) *Case Assignments.* A case filed by a resident of or an entity having a principal place of business in Adams, Centre, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Montour, Northumberland, Perry, Snyder, Union, or York county is assigned to the Harrisburg division. A case filed by a resident of or an entity having a place of business in Bradford, Cameron, Carbon, Clinton, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Pike, Potter, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, or Wyoming county is assigned to the Wilkes-Barre division. Regardless of case assignment, any judge may refer to another judge within the district any case, contested matter, or adversary proceeding.
- (b) *Chapter 9 Cases.* The provisions of L.B.R. 5001-1(a) do not apply to cases filed under chapter 9.

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.*

- (a) *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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (b) *Documents Under Seal.* A motion for an order authorizing the filing of documents under seal and an order authorizing such filing may be filed electronically unless prohibited by law. A document ordered to be placed under seal must be filed in paper form in a secure envelope and not electronically unless specifically authorized by the court. A party filing a document under seal must affix to the outside of the envelope a paper copy of the order authorizing the filing of the document under seal, which must provide a general description of the document with sufficient specificity to enable the court to identify the document, but without disclosing its content.

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

- (a) *Petition and Supporting Documents.* In all chapters, only the original petition and supporting documents must be filed.
- (b) *No Copies of Electronic Filings Required.* Except when paper copies are required by a local rule or by court order, when a petition, pleading, or any other paper is filed electronically, no copies are required.
- (c) *Stamped "Filed" Copies.* To receive a time-stamped copy of a document, the filing party must provide the clerk with a copy of the document and a self-addressed, stamped envelope.

Rule 5005-4 *Electronic Filing.* Documents may be filed, signed, and verified by electronic means in accordance with the procedures set forth in the [Miscellaneous Order 5:04-mp-50007](#) re: Electronic Case Filing dated August 18, 2004, as amended from time to time by the court, and 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](#).

Rule 5005-5 *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 Local 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 at 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.**

*LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA*

- (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 Bankruptcy Clerk no later than Noon (12:00 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 Bankruptcy Clerk's office will not acknowledge the filing of a document or assign a case number or adversary number to a document unless the original is timely filed pursuant to the provisions of this Rule. Upon timely receipt of the original document and any required fee, the Clerk will stamp the following notation on the document: "This document is deemed filed on _____ (date) pursuant to L.B.R. 5005-5 - Filing Papers After Hours". Documents filed in accordance with this Local Rule will be deemed filed on the date and at the time printed on the document by the facsimile machine in the Bankruptcy 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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

**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) *Motion.* A motion for the use, sale, or lease of property must be filed in conformity with [F.R.B.P. 9014](#). 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.
- (b) *Notice.* A motion for the proposed use, sale, or lease of property under [11 U.S.C. § 363\(b\)](#), unless subject to [F.R.B.P. 6004\(d\)](#) or L.B.R. 9075-1, must be accompanied by a notice that includes:
 - (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;
 - (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;

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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.
- (c) *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.
- (d) *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.

Rule 6004-3 *Public Sale Bidding Procedures.* In the case of a public sale conducted 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;

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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.*

- (a) *Breakup/Topping Fees and Expense Reimbursement.* When the seller is seeking court approval of a breakup or topping fee or other bidding protections (such as the estate's proposed payment of out-of-pocket expenses incurred by a bidder or contract purchaser), the sale motion must include the following:
 - (1) the name of the party entitled to the breakup or topping fee;
 - (2) the dollar amount or the method to calculate the breakup or topping fee; and
 - (3) any relationship between the seller and the party eligible for the breakup or topping fee.
- (b) *Sale to Insider.* If the seller seeks court approval of a sale to an insider of the debtor, the motion must include the following information:
 - (1) the name of the insider;
 - (2) the relationship of the insider to the debtor; and
 - (3) the measures that have and will be taken to ensure the fairness of the sale process.
- (c) *Agreements with Management.* Any motion seeking approval of the private sale of an ongoing business must disclose the following:
 - (1) whether the proposed purchaser has entered into any agreements with management or key employees concerning compensation or future employment;
 - (2) the material terms of any agreements between the proposed purchaser and management or key employees; and

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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 may 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 F.R.B.P. and Part VII of the L.B.R. when the seller also seeks:
 - (1) to determine the validity, priority, or extent of a lien or other interest in property, other than the avoidance of a lien or other transfer of property exempt under [11 U.S.C. § 522\(f\)](#); or
 - (2) to obtain approval under [11 U.S.C. § 363\(h\)](#) for the sale of both the interest of the estate and of a co-owner in the property unless the concurrence of the co-owner has been obtained.
- (d) *Order.* When a motion is filed for a sale free and clear of liens, the clerk will issue an order fixing a response date and a hearing date. A hearing will be held only if a responsive pleading is timely filed, unless a hearing is requested by the moving party or is ordered by the court. Otherwise, an order granting the relief requested will be entered without a hearing.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (e) *Service of Motion.* The seller must serve a copy of the motion and the order referred to in subparagraph (d) upon all lienholders and other parties claiming an interest in the property and their counsel of record.
- (f) *Service of Notice.* Unless the court directs otherwise, the seller must serve the notice on the respondent and any parties referenced in L.B.R. 6004-1(c), at least twenty-one (21) days before the hearing on the sale.

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

- (a) *Form of application.* All applications must conform to L.B.R. 2014-1.
- (b) *Payment of Compensation.* An appraiser, real estate agent, or auctioneer may receive compensation and reimbursement of expenses from the proceeds of any sale approved by the court without filing a separate application for the approval of compensation and expenses under the following conditions:
 - (1) the terms for the payment of compensation and reimbursement of expenses were disclosed in the application for employment;
 - (2) the order approving retention of the appraiser, real estate agent, or auctioneer approved the compensation arrangement proposed in the application for employment; and
 - (3) the order approving the sale authorized the payment of compensation and expenses to the appraiser, real estate agent, or auctioneer.

Rule 6006-1 *Executory Contracts.*

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

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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 and proposed order 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 to file objections to the proposed abandonment. A debtor in possession or chapter 11 trustee must serve notice of the proposed abandonment on parties in interest. The clerk will notice creditors and parties in interest of the proposed abandonment in chapter 7, 12, and 13 cases.
- (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) *Motion to Compel Abandonment.* A motion to compel abandonment must be served upon the parties against whom the relief is sought along with an order prepared by the clerk that fixes an answer date.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

**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 (www.pamd.uscourts.gov) apply in adversary proceedings unless modified by these rules.

Rule 7003-1 *Adversary Proceeding Cover Sheet.* Any paper complaint filed under Part VII of the F.R.B.P. must be accompanied by an adversary proceeding cover sheet provided by the clerk.

Rule 7005-2 *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.
- (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](#).

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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 5:04-mp-50007](#) re: Electronic Case Filing dated August 18, 2004, as amended from time to time by the court, 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.

Rule 7024-2 *Unconstitutionality, Claim of.* Local Rule 4.5 of the United States District Court for the Middle District of Pennsylvania (www.pamd.uscourts.gov) applies in any contested or adversary proceeding in which the constitutionality of any act of Congress affecting the public interest to which the United States or an officer, agency, or employee thereof is not a party or in which the constitutionality of a state statute affecting the public interest in any action to which the state or an officer, agency, or employee thereof is not a party.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

Rule 7041-1 *Notice of Dismissal of Adversary Proceeding.* Before any adversary proceeding is involuntarily dismissed pursuant to [F.R.B.P. 7041](#), a thirty (30) day notice will be given by the clerk to each party whose claim is to be dismissed and to the counsel of record for that party, if any.

Rule 7055-1 *Default - Failure to Prosecute.* Subject to L.B.R. 7041-1, an adversary complaint may be dismissed if neither a response nor a motion for default judgment has been filed within forty-five (45) days after the response date to the complaint. If a motion for default judgment is filed, the court may enter judgment by default against the defendant seven (7) days after the motion has been served on the defendant.

Rule 7055-2 *Order of Default.* The order of default may award damages for the amount to which the plaintiff is entitled if it is a sum certain or can be made certain by computation. If damages cannot be computed from the complaint, they must be assessed at a hearing at which the issues are limited to the amount of the damages.

Rule 7056-1 *Summary Judgment - Applicability of Local Rule 56.1.* Local Rule 56.1 for the United States District Court for the Middle District of Pennsylvania applies (www.pamd.uscourts.gov) in adversary proceedings.

Rule 7067-1 *Registry Funds.*

(a) *Motion to Deposit Funds.* A party who wishes to deposit funds while litigation is pending may move the court to have such funds invested in interest-bearing accounts or instruments. The movant must attach a proposed order directing investment, which includes the following:

- (1) the amount to be invested;
- (2) mode of deposit (i.e., check, wire transfer);
- (3) the type of account or instrument in which the funds are to be invested; and
- (4) the terms of investment, to include reinvestment instructions on short term instruments, any time limits on investment, and other material information required by a particular case.

(b) *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:

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (1) 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.
- (2) the clerk’s charge pursuant to *The Guide, Vol. I, Chapter VII, Section 2.7.4* (variable rate based on amount deposited and the years held) from interest earnings for handling of the Registry Fund.
- (3) the federal tax identification number or the last four digits of the social security number of each payee receiving earned interest.

*LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA*

**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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

**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) “*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.
- (i) “*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.
- (j) “*Passive notice*” is a notice stating that if no response is filed, the court may enter the requested relief without further notice or hearing.
- (k) “*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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (l) “*Schedules and statements*” include all documents required to be filed by a debtor under [11 U.S.C. § 521](#).

Rule 9002-1 *Self-Scheduling - Contested Matters.*

- (a) *Filing a Self-Scheduling Motion.* When a motion is filed using self-scheduling the electronic filer shall use the Courtroom Hearing Scheduler (“CHS”).
- (b) *Response and Hearing Dates.* CHS will set a response date for the motion. CHS will also provide a list of available hearing dates at court locations. The electronic filer will select a hearing date from the list.
- (c) *Notice of Response and Hearing Dates.* A notice containing the response date as well as a hearing location and date will be noticed by the Clerk’s office through the Bankruptcy Noticing Center.
- (d) *Service of the Self-Scheduled Motion.* The electronic filer shall serve the motion in the manner provided in L.B.R. 9013-1(c) and file a certificate of service pursuant to L.B.R. 9013-3. The certificate of service shall be filed within seven (7) days of the filing of the motion.
- (e) A movant seeking relief from the automatic stay who chooses to self-schedule the hearing will be deemed to have waived the 30-day hearing requirement contained in [11 U.S.C. § 362\(e\)](#) and the automatic stay will remain in effect pending further order of the Court.

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. §§ 706\(a\)](#), [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;
- (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](#);

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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 9004-2 *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. 9004-2](#). 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. 9004-3](#).

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

- (a) *General Appearance.* An attorney who files with the clerk any application, motion, stipulation, or other document, other than as set forth in subdivision (b) is deemed to have entered an appearance for the party on whose behalf the document is filed.
- (b) *Limited Appearance.* An attorney filing a proof of claim or interest is deemed to have entered an appearance only for the purpose of any objection that may be filed to that claim.
- (c) *Change of Address.* When attorneys or parties representing themselves change their e-mail or physical addresses, they are required to provide notification as follows:
 - (1) Electronic filers must immediately update their addresses in the ECF system. If an address changes in a specific case, electronic filers must docket a Change of Address in each case in which the change should appear to enable the clerk to update the information.
 - (2) Paper filers must notify the clerk in writing of their new address so that the clerk may enter it in the ECF system. If an attorney has entered an appearance in more than one case, he also must file with the clerk a listing of all such cases so the new address may be entered by the clerk on the docket of each case.
- (d) *Withdrawal of Appearance.* The debtor's attorney or an attorney in a pending adversary or contested matter may not withdraw his or her appearance except upon motion, after hearing and by order of the court, unless another attorney eligible to appear before the court enters his or her appearance simultaneously with the request for withdrawal of appearance. If 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,

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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 9010-4 *Facsimile and E-mail Addresses.* In addition to the requirements of [F.R.B.P. 9011\(a\)](#), 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 5:04-mp-50007](#) re: Electronic Case Filing dated August 18, 2004, as amended from time to time by the court, and the [Administrative Procedures](#) available on the court's website (www.pamb.uscourts.gov).
- (c) *Service of Motion - Generally.* Unless service is made electronically through the ECF system, the moving party must serve a copy of its motion and attachments on the following:
- (1) the respondent;
 - (2) the debtor;
 - (3) any committee appointed pursuant to [11 U.S.C. § 1102](#); and
 - (4) such other entities as the court may direct.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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 9013-3 *Certification of Service.* In accordance with the procedures set forth in the [Miscellaneous Order 5:04-mp-50007](#) re: Electronic Case Filing dated August 18, 2004, as amended from time to time by the court, 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 9013-4 *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. 9013-4](#). 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. 9013-4 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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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 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 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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (b) *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.
- (c) *Certification of Mediators.*
- (1) The court may certify as many mediators as determined to be necessary under this rule.
 - (2) An individual may be certified to serve as a mediator if:
 - (A) he or she has been a member of the bar of the highest court of a state or the District of Columbia for a minimum of five (5) years;
 - (B) he or she is admitted to practice before this court;
 - (C) he or she has successfully completed a mediation training program established or recognized by the District Court or the Bankruptcy Court for the Middle District of Pennsylvania; and
 - (D) he or she has been determined by the appointing court to be competent to perform the duties of a mediator.
 - (3) The court will solicit qualified individuals to serve as mediators.
 - (4) Each individual certified as a mediator must take the oath or affirmation prescribed by [28 U.S.C. § 453](#) before serving as a mediator.
 - (5) The clerk must maintain a list of all persons certified as mediators.
 - (6) The appointing judge may remove anyone from the list of certified mediators for cause.
 - (7) Persons acting as mediators under this rule are assisting the court in performing its judicial function. They must be disqualified for bias or prejudice as provided by [28 U.S.C. § 144](#) and must disqualify themselves in any action in which they would be required under [28 U.S.C. § 455](#) to disqualify themselves if they were a justice or judge.
- (d) *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

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (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](#).
- (e) *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.
- (f) *Scheduling Mediation Conference.*
- (1) Upon referral of a case to mediation, the court will serve the order of referral to the mediator, all counsel, and any unrepresented party directing the mediator to establish the date, place, and time of the mediation session. The order will include the address, telephone number, email address and facsimile number of the mediator, counsel, and unrepresented parties. The date of the mediation session must be a date within thirty (30) days from the date of the order of referral.
 - (2) The appointment is effective unless the designee rejects the appointment within seven (7) days.
 - (3) Upon docketing of the order of referral to mediation, the clerk must transmit to the mediator, either by email or regular mail, a copy of the docket sheet that reflects all filings to date. The mediator may identify to the clerk those filed documents which the mediator wishes to review for the mediation. Unless otherwise ordered by the court, the clerk shall 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.
- (g) *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

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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.
- (h) *The Mediation Session.*
- (1) The mediation session must take place on the date and at the time set forth by the mediator. The mediation session must take place at a neutral setting as designated by the mediator that may include the mediator's office. A party must not contact or forward any document to the mediator unless the mediator requests the information or unless as otherwise provided under these rules.
 - (2) Counsel primarily responsible for the case and any unrepresented party must attend the mediation session. All parties or principals of parties with decision-making authority must attend the mediation session in person, unless attendance is excused by the mediator for good cause shown. Willful failure to attend the mediation conference must be reported to the court and may result in the imposition of sanctions. The participants must be prepared to discuss:
 - (A) all liability issues;
 - (B) all damage issues;
 - (C) all equitable and declaratory remedies if such are requested; and
 - (D) the position of the parties relative to settlement.
 - (3) Unless otherwise provided in this rule and as may be necessary to the reporting of or the processing of complaints about unlawful or unethical conduct, nothing communicated during the mediation process - including any oral or written statement made by a party, attorney, or other participant and any proposed settlement figure stated by the mediator or on behalf of any party - may be placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party may be bound by anything done or said

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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.
- (i) *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.
- (j) *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 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 5:04-mp-50007](#) re: Electronic Case Filing dated August 18, 2004, as amended from time to time by the court, 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)).

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

- (b) *Documents Supporting Post-Trial Motions.* When allegations of fact not of record are relied upon in support of a motion, all pertinent affidavits, transcripts of depositions, and other documents must accompany the motion whenever practicable. In any event, such supporting documents must be filed within fourteen (14) days after the motion has been filed, unless otherwise ordered by the court. Affidavits in support of a motion for new trial must be served with the motion as required by [Fed. R. Civ. P. 59\(c\)](#).
- (c) *Grounds.* Post-trial motions must state with particularity any trial errors alleged as grounds for relief.
- (d) *Post-Trial Brief of Moving Party.* The brief of the moving party must be filed within fourteen (14) days after the filing of the motion, unless, upon motion and for good cause shown, the court directs otherwise. If a supporting legal brief is not filed within the time provided, the motion may be deemed to be withdrawn.
- (e) *Post-Trial Brief of Respondent.* The brief of the respondent must be filed within fourteen (14) days after service of the brief of the moving party, unless, upon motion and for good cause shown, the court directs otherwise. If a responsive legal brief is not filed within the time provided herein, the respondent may be deemed not to oppose such motion.
- (f) *After-Discovered Evidence.* A motion for a new trial on the ground of after-discovered evidence must, in addition to all other requirements, be accompanied by the affidavits of the witnesses relied upon, stating the substance of their testimony and the reasons why it could not have been introduced at trial.
- (g) *Disposal of Post-Trial Motions.* Notwithstanding the deadlines set forth in this rule, the court may summarily dispose of post-trial motions at any time during their pendency.

Rule 9024-1 *Relief from Judgment or Order.* A motion filed under [F.R.B.P. 9024](#) is governed by the provisions of [L.B.R. 9023-1](#).

Rule 9029-1 *Attorney Advisory Committee.* **The Court will appoint a committee of attorneys who regularly practice in the Bankruptcy Court for the Middle District of Pennsylvania to advise the Court on issues identified by the Court and by the members of the bar.**

- (a) *Membership.* **The Committee consists of the three judges of the Court, the Assistant U.S. 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 attorneys who are engaged in bankruptcy practice in the District and who represent the diverse interests of the**

*LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA*

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. 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 members of the Committee will serve a three-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.
- (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 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.

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

Rule 9073-1 *Hearings.*

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

Rule 9074-1 *Telephone or Video Appearance.*

- (a) *General Telephone Procedure.* An attorney or pro se party who wishes to participate in a matter telephonically must consult the court's external website (www.pamb.uscourts.gov) and click on the Telephonic Court Appearances tab to access the telephone procedures applicable to proceedings before all judges.
- (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

**LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA**

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) A separate motion must be filed specifying the reasons why expedited consideration is necessary.
 - (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) 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 telephonic notice to Chambers.
 - (4) A proposed order granting the motion for expedited relief and identifying a method of prompt service of the order and the underlying substantive motion must be filed with any request for expedited consideration.
- (b) *Emergency Sale.* A seller, without any notice or with such notice as the court directs, may conduct an emergency sale. Such sale may be conducted only upon leave of court obtained after filing a motion specifying the following:
- (1) the property to be sold;
 - (2) the terms of the sale; and
 - (3) the reasons why the sale must be conducted without notice.

COMMENTS: *L.B.R. 9075-1 was amended effective 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.*

*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.

*LOCAL BANKRUPTCY RULES
MIDDLE DISTRICT OF PENNSYLVANIA*

RELIEF FROM STAY PROCEEDINGS: Matters relating to termination or continuation of automatic stay under §362.

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

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

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

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

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

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

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

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

VALUATION: Appraise or review appraisals of assets.

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



LOCAL BANKRUPTCY FORMS

Effective: January 1, 2005

(Modified: **February 7, 2011** ~~October 15, 2010~~)

TABLE OF CONTENTS

FORM 1007-1(c) – Certification of No Payment Advices pursuant to 11 U.S.C. § 521(a)(1)(B)(iv)	<u>3</u>
FORM 1017-2 – Notice to Parties re: Motion to Dismiss Case	<u>4</u>
FORM 2016-1 – Summary Cover Sheet - Fees and Expenses Application	<u>5</u>
FORM 3007-1 – Notice to Claimant of Objection to Claim	<u>6</u>
FORM 3015-1 – Chapter 13 Model Plan	<u>8</u>
FORM 3015-2(a) – Certification Regarding Service of Amended Chapter 13 Plan (Altering Treatment of Claims)	<u>18</u>
FORM 3015-2(b) – Certification Regarding Service of Amended Chapter 13 Plan (Altering Funding or Making Technical Amendments)	<u>19</u>
FORM 3015-3(a) – Debtor’s Pre-Confirmation Certification with Post Petition Obligations ..	<u>20</u>
FORM 3015-3(b) – Certification Regarding Domestic Support Obligation(s)	<u>21</u>
FORM 3015-5 – Debtor’s Certifications Regarding Domestic Support Obligations and Section 522(q)	<u>22</u>
FORM 3017-1 – Certification Regarding Amended Disclosure Statement	<u>24</u>
FORM 3018-1 – Section 1126 Ballot Report Form	<u>25</u>
FORM 3019-1 – Certification Regarding Amended Plan of Reorganization	<u>26</u>
FORM 4001-1 – Post-Petition Payment History	<u>27</u>
FORM 4008-1(a) – Reaffirmation Agreement	<u>29</u>
FORM 9004-2 – Contested Matter Caption	<u>38</u>
FORM 9004-3 – Adversary Caption	<u>39</u>
FORM 9013-4 – Request to Continue Trial/Hearing with Concurrence	<u>40</u>
FORM 9019-1 – Request to Remove from Hearing/Trial List	<u>41</u>
FORM 9074-1 – Certification of Concurrence for Telephonic Testimony via CourtCall	<u>42</u>

LOCAL BANKRUPTCY FORM 1007-1(c)

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

IN RE:

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

**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 1017-2

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

IN RE:

	:	CHAPTER ____
	:	
	:	
	:	CASE NO. __-____- bk -_____
	:	
Debtor(s)	:	
	:	
UNITED STATES TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
	:	
	:	
Respondent	:	

NOTICE TO PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN THAT:

The United States Trustee has filed a Motion to Dismiss the above-referenced case for failure to file schedules and statements.

Objections to the Motion must be filed with the Clerk, United States Bankruptcy Court for the Middle District of Pennsylvania, _____, Pennsylvania, on or before _____.

A hearing on timely objections will be held _____, 20____ at _____ o'clock __.M., in _____, Pennsylvania.

If no objections are filed, an Order may be entered by the Court without further notice.

Dated: _____

Office of the United States Trustee
P.O. Box 969
Harrisburg, PA 17108

LOCAL BANKRUPTCY FORM 2016-1

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

IN RE:

Debtor(s) : **CHAPTER** ____
:
:
:
:
:
:
Debtor(s) :

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 3007-1

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

IN RE:

	:	CHAPTER ____
	:	
	:	
	:	CASE NO. __-____-bk-_____
	:	
Debtor(s)	:	
	:	
	:	
	:	
v.	:	
	:	
Objectant	:	
	:	
	:	
	:	
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 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. For purposes of this plan, the “pre-petition arrearage” shall include all sums included in the “allowed” proof of claim and shall have a “0” balance after both: (1) the Discharge Order in this case has been entered; and (2) payment in full of the allowed proof of claim has been made.

(2) Deem the pre-petition arrearage as contractually current upon confirmation of the plan, thereby 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.

(4) Notify the Debtor and the attorney for the Debtor, in writing, of any changes in the interest rate for any non-fixed rate or adjustable rate mortgages and the effective date of any such adjustment or adjustments not less than 60 days in advance of such change or at such time as the change becomes known to the holder if the change is to be implemented in less than 60 days.

(5) Notify the Debtor, and the attorney for the Debtor, in writing, of any change in the property taxes and/or the property insurance premiums that would either increase or reduce the escrow portion, if any, of the monthly mortgage payments and the effective date of any such adjustment or adjustments not less than 60 days in advance of such change or at such time as the change becomes known to the holder if the change is to be implemented in less than 60 days.

(6) Within 60 days after receipt of a written request made by the Debtor to the servicer or mortgage lender, with a copy served upon its counsel, the servicer or mortgage lender shall provide Debtor and his counsel a statement detailing the following amounts paid by the Debtor post-petition: (1) all payments applied to the principal balance; (2) all payments applied to interest; (3) all payments applied to any escrow account; (4) all payments applied to any pre-petition arrearage claim and the remaining balance; and (5) all fees and charges alleged to have accrued post-petition, along with an explanation thereof. The statement may be in the form of a post-petition ledger prepared by the servicer or lender provided the documents used to prepare same are also provided. The Debtor may (i) challenge this information by filing a motion with the court, to be served upon the holder and the Trustee, (ii) propose a modified plan to provide for payment of additional amounts that the Debtor acknowledges or the court determines are due, or (iii) take no action at all. To the extent that amounts set forth are not determined by the court to be invalid or are not paid by the Debtor through a modified plan, the rights of the holder to collect these amounts will be unaffected.

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. In addition to the retainer of \$_____ already paid by the Debtor, the amount of \$_____ in the plan. Any amount exceeding the **Trustee’s applicable** district’s no-look fee

will not be paid until a fee application for the requested amount is approved by the Court. **These no-look fees are posted at: www.mdbba.net/Chapter13Trustee.html.**

- (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 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:

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

**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 3015-3(a)

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

IN RE:

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

**DEBTOR'S PRE-CONFIRMATION CERTIFICATION OF COMPLIANCE WITH
POST PETITION 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 that are required to be paid under any and all Domestic Support Obligations have been paid.
3. That all applicable Federal, State, and local tax returns, as required by 11 U.S.C. Section 1308 have been filed.
4. If the confirmation hearing date stated in Paragraph 1 is adjourned for any reason, that an updated Certification will be filed with the Court prior to any subsequent confirmation hearing date in the event any of the information contained in this Certification changes.
5. 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 3015-5

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

IN RE:

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

**DEBTOR’S CERTIFICATIONS REGARDING
DOMESTIC SUPPORT OBLIGATIONS AND SECTION 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. Section 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 Section 522(q) (check no more than one)

Pursuant to 11 U.S.C. Section 1328(h), I certify that:

- I have not claimed an exemption pursuant to § 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 § 522(p)(1), and (2) that exceeds \$136,875¹ in value in the aggregate.
- 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 § 522(p)(1), and (2) that exceeds \$136,875¹ in value in the aggregate.

¹ Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

Part IV. Debtor's Signature

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

DATED: _____

BY: _____
Debtor

LOCAL BANKRUPTCY FORM 3017-1

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

IN RE:

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

**CERTIFICATION REGARDING
AMENDED DISCLOSURE STATEMENT**

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

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

Dated: _____

Counsel for Plan Proponent

LOCAL BANKRUPTCY FORM 3018-1

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

IN RE:

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

SECTION 1126 BALLOT REPORT FORM

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

The following classes are impaired: _____.

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

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

The foregoing Report is accurate and complete.

Dated: _____

Counsel for Plan Proponent

LOCAL BANKRUPTCY FORM 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, in Book _____, at Page _____.

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 Counsel

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 security property 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 make a single payment to the creditor equal to the current value of the security property, 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:

Accepted by creditor:

(Print Name)

(Print Name of Creditor)

(Signature)

(Address of Creditor)

Date: _____

(Signature)

Co-borrower, if also reaffirming these debts:

(Printed name and Title of Individual Signing for Creditor)

(Print Name)

Date of creditor acceptance:

(Signature)

Date: _____

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 9004-2
[Contested Matter Caption]

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

IN RE:

JOHN DOE

Debtor(s)

XYZ MORTGAGE CO.

Movant

vs.

JOHN DOE

Respondent

:
:
:
:
:
:
:
:
:
:
:
:

CHAPTER ____

CASE NO. __ - __ -bk- _____ (judge's initials)

MOTION OF XYZ MORTGAGE CO. FOR RELIEF FROM THE STAY

LOCAL BANKRUPTCY FORM 9004-3
[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
vs.	:	DISCHARGEABILITY OF DEBT
	:	
JOHN DOE	:	
Defendant	:	ADVERSARY NO. __-__-ap-_____

MOTION OF XYZ MORTGAGE CO. FOR SUMMARY JUDGMENT

LOCAL BANKRUPTCY FORM 9013-4

**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 CONCURRENCE²

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.³

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: _____

² No alterations or interlineations of this document are permitted.

³ 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 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