

LOCAL RULE AND FORM AMENDMENTS EFFECTIVE DECEMBER 1, 2017

The following Local Rule and Form amendments are effective December 1, 2017 and will govern in all bankruptcy cases commenced on or after the December 1, 2017 effective date, **except the amendment to Local Rule 3012-1**, which will govern in all proceedings in bankruptcy cases commenced on or after April 1, 2013, which was the effective date of the original version of Local Rule 3012-1.

Rule 1006-1. Fees - Installment Payments

...

(b) INSTALLMENT PAYMENTS. If an individual applies for permission to pay such fees in installments, the individual shall pay one half of the filing fees at the time of filing the petition. If the court grants the application, the balance shall be paid within 30 days thereafter. **If one half of the filing fee is not paid at the time of filing the petition, it shall be paid within 7 days thereafter. If the initial one half of the filing fee is not paid within 7 days or** the balance is not paid within 30 days, or such later times as the court may fix by order entered prior to the expiration of the original deadline, an order dismissing the case will be entered immediately, without hearing and without further notice.

Rule 3012-1. Valuation of Secured Claim on Principal Residence

...

(b) MOTION FOR RELEASE OF LIEN. If the court determines that the creditor's claim is unsecured in its entirety, the debtor may bring a motion for release of the lien after the debtor's completion of payments under the plan.

...

(5) Timing. The motion for release of lien must be filed and served not later than 28 days before the hearing date. The court may schedule an evidentiary hearing.

Interim Rule 5012. Communication and Cooperation with Foreign Courts and Foreign Representations **[ABROGATED]**

~~Except for communications for scheduling and administrative purposes, the court in any case commenced by a foreign representative shall give at least 20 days' notice of its intent to communicate with a foreign court or a foreign representative. The notice shall identify the subject of the anticipated communication and shall be given in the manner provided by Rule 2002(q). Any entity that wishes to participate in the communication shall notify the court of its intention not later than 5 days before the scheduled communication.~~

~~NOTE: This rule was among the Interim Rules adopted in connection with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. Because this rule~~

remains under study, it was not among the Interim Rules incorporated into the Federal Rules of Bankruptcy Procedure on December 1, 2008. It remains an Interim Local Rule of this court.

Rule 7054-1. Costs - Taxation/Payment

Fifteen days after the prevailing party has served and filed a verified bill of costs under 28 U.S.C. §§1920 and 1924, the clerk shall tax costs under Federal Rule of Bankruptcy Procedure 7054(b), Federal Rule of Bankruptcy Procedure 801~~4~~**21**, or Fed. R. App. P. 39 only if the court allows costs to the prevailing party. On motion of any party served and filed within seven days after the clerk enters judgment taxing costs, the action of the clerk may be reviewed by the court.

Rule 9013-2. Motion Documents

(a) MOVING DOCUMENTS. Except as otherwise provided, the party making a motion shall serve and file: 1) a notice of hearing and motion; 2) if facts are at issue, an affidavit or verification of the motion; 3) a separate, concise memorandum of facts and law; 4) a proposed order; and 5) proof of service on those parties not automatically served through the court's Electronic Case Filing System, as provided in Local Rule 9006-1(a). The notice shall state the **day of the week and** date and, if appropriate, the time by which a response must be filed under these rules. The notice shall state that unless a response opposing the motion is timely filed, the court may grant the motion without a hearing. The notice of hearing and motion shall comply substantially with Local Form 9013-2.

...

Rule 9013-3. Entities Served in Bankruptcy Cases

(a) MOVING DOCUMENTS.

...

(2) Chapter 11 Cases. Unless on application the court for cause orders either expanded or restricted service and except as provided in Local Rules 2002-1(b), 3007-1, and 3019-2, moving documents in a chapter 11 case shall be served on: 1) the debtor; 2) the attorney for the debtor; 3) the trustee or examiner; 4) the United States Trustee; 5) all committees; 6) the ~~ten~~**twenty** largest unsecured creditors if no committee of creditors holding unsecured claims has been appointed; 7) each major secured creditor; 8) ~~the District Counsel of the Internal Revenue Service;~~ 9) ~~the District Director of the Internal Revenue Service;~~ ~~10~~**9**) the Collection Division of the Minnesota Department of Revenue; ~~14~~**0**) the United States Attorney for the District of Minnesota; ~~12~~**1**) each creditor that is a governmental unit; ~~13~~**2**) each entity that has filed a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(l) or 9010(b); ~~14~~**3**) each entity claiming a lien or other interest in property if any property is involved; and ~~15~~**4**) each entity against whom relief is sought.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No.

Debtor(s).

CONVERSION OF CASE BY DEBTOR

CONVERSION OF CHAPTER ____ CASE TO CHAPTER ____ CASE

1. This bankruptcy case was commenced by petition filed by the debtor(s) under chapter ____ on _____. Conversion of this case by the debtor(s) to a chapter ____ case is allowed under § _____ of the Bankruptcy Code.
2. The debtor(s) hereby files this conversion and converts this case to a chapter ____ case under §§ 348 and _____ of the Bankruptcy Code.
3. (If 12 or 13 to 7 or if 7 to 12 or 13) Attached hereto and filed herewith are new exhibits, attachments, schedules, statements and lists appropriate for a chapter ____ case.
4. **The current address(es) for the debtor(s) is as follows:**

WHEREFORE, the debtor(s) requests relief in accordance with chapter ____ of the Bankruptcy Code and declares under penalty of perjury that the information provided in this conversion is true and correct.

Dated: _____

Signed: _____

Attorney for Debtor(s)

Signed: _____

Name: _____

Debtor 1

Signed: _____

Address: _____

Debtor 2 (if joint case)

Phone: _____

License Number _____

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Debtor(s).

Case No.

REQUEST FOR PAYMENT OF PRE-CONVERSION ADMINISTRATIVE EXPENSE

The undersigned Claimant, pursuant to Local Rule 3002-2(c) states that:

1. The Debtor filed a petition under Chapter _____ of Title 11 of the United States Code on _____, _____.
2. The Debtor's case was converted to a case under Chapter 7 of Title 11 of the United States Code on _____, _____.
3. Prior to conversion of this case, Claimant provided goods and services which qualify as an administrative expense under 11 U.S.C. §503. These goods and services were in the nature of (describe briefly).
4. The goods and services provided by Claimant prior to conversion of this case have a reasonable value of \$ _____.
5. During the administration of this case prior to conversion, the Debtor paid claimant \$_____ for such goods and services. Accordingly, Claimant has an unpaid balance for such goods and services of \$ _____.
6. Attached are documents supporting Claimant's request for payment.
7. Claimant requests allowance of this Pre-conversion Administrative Expense in the amount of \$ _____.

Date: _____

Signed: _____

Print name: _____

Address: _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Case No.
CHAPTER 13 PLAN Modified
Dated

Debtor
In a joint case, debtor means debtors in this plan.

Part 1. NOTICE OF NONSTANDARD PLAN PROVISIONS, SECURED CLAIM LIMITATIONS, AND LIEN OR SECURITY INTEREST AVOIDANCE: Debtor must check the appropriate boxes below to state whether or not the plan includes each of the following items:

| | | | |
|-----|---|-----------------------------------|---------------------------------------|
| 1.1 | A limit on the amount of a secured claim based on a valuation of the collateral for the claim, set out in Parts 9 or 17 | <input type="checkbox"/> Included | <input type="checkbox"/> Not included |
| 1.2 | Avoidance of a security interest or lien, set out in Part 17 | <input type="checkbox"/> Included | <input type="checkbox"/> Not included |
| 1.3 | Nonstandard provisions, set out in Part 17 | <input type="checkbox"/> Included | <input type="checkbox"/> Not included |

Part 12. DEBTOR'S PAYMENTS TO TRUSTEE

- 2.1 As of the date of this plan, the debtor has paid the trustee \$_____.
- 2.2 After the date of this plan, the debtor will pay the trustee \$_____ per month for _____ months beginning in _____ (mo.) of _____ (yr.) for a total of \$_____. The initial plan payment is due not later than 30 days after the order for relief.
- 2.3 The minimum plan length is 36 months or 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- 2.4 The debtor will also pay the trustee _____.
- 2.5 The debtor will pay the trustee a total of \$_____ [lines 2.1 + 2.2 + 2.4].

Part 23. PAYMENTS BY TRUSTEE: The Trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$_____ [line 2.5 x .10].

Part 34. ADEQUATE PROTECTION PAYMENTS (§ 1326(a)(1)(C)): The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

| | Creditor | Monthly payment | Number of months payments | Total payments |
|-----|----------|-----------------|--------------------------------------|----------------|
| 4.1 | | | | |
| 4.2 | | | | |
| | TOTAL | | | |

Part 45. EXECUTORY CONTRACTS AND UNEXPIRED LEASES (§ 365): The debtor assumes the following executory contracts or unexpired leases. Debtor will pay directly to creditors all payments that come due after the date the petition was filed. Cure provisions, if any, are set forth in Part 8.

| | Creditor | Description of property |
|-----|----------|-------------------------|
| 5.1 | | |
| 5.2 | | |

Part 56. CLAIMS NOT IN DEFAULT: Payments on the following claims are current and the debtor will pay directly to creditors all the payments that come due after the date the petition was filed ~~directly to the creditors~~. The creditors will retain liens, if any.

| | Creditor | Description of property |
|-----|----------|-------------------------|
| 6.1 | | |
| 6.2 | | |

Part 10. SECURED CLAIMS EXCLUDED FROM § 506 AND NOT SUBJECT TO MODIFICATION (“CRAMDOW”) (§ 1325(a)) (910 vehicles and other things of value)(allowed filed secured claim controls over any contrary amount): The trustee will pay in full the amount of the following allowed secured claims. **All following entries are estimates, except for interest rate.** The creditors will retain liens. Unmodified 910 claims not in default are addressed in Part 6. Unmodified 910 claims in default are addressed in Part 8.

| | Creditor | Claim amount | Interest rate | Beginning in month # | (Monthly payment | x Number of payments) | = Plan payments | + Adq. Pro. from Part 4 | = Total payments |
|------|----------|--------------|---------------|----------------------|------------------|-----------------------|-----------------|-------------------------|------------------|
| 10.1 | | | | | | | | | |
| 10.2 | | | | | | | | | |
| | TOTAL | | | | | | | | |

Part 911. PRIORITY CLAIMS (not including claims under Part 12): The trustee will pay in full all claims entitled to priority under § 507(a)(2) through (a)(10), including the following. **The amounts listed are estimates.** The trustee will pay the amounts actually allowed.

| | Creditor | Estimated claim | Monthly payment | Beginning in month # | Number of payments | Total payments |
|------|-----------------|-----------------|-----------------|----------------------|--------------------|----------------|
| 11.1 | Attorney Fees | | | | | |
| 11.2 | IRS | | | | | |
| 11.3 | MN Dept of Rev. | | | | | |
| | TOTAL | | | | | |

Part 12. DOMESTIC SUPPORT OBLIGATION CLAIMS: The trustee will pay in full all domestic support obligation claims entitled to priority under § 507(a)(1), including the following. **The amounts listed are estimates.** The trustee will pay the amounts actually allowed.

| | Creditor | Estimated claim | Monthly payment | Beginning in month # | Number of payments | Total payments |
|------|----------|-----------------|-----------------|----------------------|--------------------|----------------|
| 12.1 | | | | | | |
| 12.2 | | | | | | |
| | TOTAL | | | | | |

Part 103. SEPARATE CLASSES OF UNSECURED CREDITORS CLAIMS: In addition to the class of unsecured creditors claims specified in Part 14, there shall be separate classes of non-priority unsecured creditors claims described as follows: _____.

The trustee will pay the allowed claims of the following creditors. **All entries below are estimates.**

| | Creditor | Estimated Claim amount | Interest rate (if any) | Monthly payment | Beginning in month # | Number of payments | Total payments |
|------|----------|------------------------|------------------------|-----------------|----------------------|--------------------|----------------|
| 13.1 | | | | | | | |
| 13.2 | | | | | | | |
| | TOTAL | | | | | | |

Part 144. TIMELY FILED UNSECURED CREDITORS CLAIMS: The trustee will pay holders of non-priority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under Parts 3, 7, 8, 9, 10, 11, 12 and 13 their pro rata share of approximately \$_____ [line 2.5 minus totals in Parts 3, 7, 8, 9, 10, 11, 12 and 13].

14.1 The debtor estimates that the total unsecured claims held by creditors listed in Part 9 are \$_____.

14.2 The debtor estimates that the debtor's total unsecured claims (excluding those in Parts 9 and 13) are \$_____.

14.3 Total estimated unsecured claims are \$_____ [lines 14.1 + 14.2].

Part 125. TARDILY-FILED UNSECURED CREDITORS CLAIMS: All money paid by the debtor to the trustee under Part 2, but not distributed by the trustee under Parts 3, 4, 7, 8, 9, 10, 11, 12, 13 and 14, will be paid to holders of allowed nonpriority unsecured claims for which proofs of claim were tardily filed.

Part 16. SURRENDER OF COLLATERAL AND REQUEST FOR TERMINATION OF STAY: The debtor has surrendered or will surrender the following property to the creditor. The debtor requests that the stays under §§ 362(a) and 1301(a) be terminated as to the surrendered collateral upon confirmation of the plan.

| | Creditor | Description of property |
|------|----------|-------------------------|
| 16.1 | | |
| 16.2 | | |

Part 17. NONSTANDARD PROVISIONS: The Trustee may distribute additional sums not expressly provided for herein at the trustee's discretion. Any nonstandard provisions, as defined in FRBP 3015(c), must be in this Part. Any nonstandard provision placed elsewhere in the plan is void. Any request by the debtor to modify a claim secured only by a security interest in real property that is the debtor's principal residence must be listed in this Part and the debtor must bring a motion to determine the value of the secured claim pursuant to Local Rule 3012-1(a).

| | |
|------|--|
| 17.1 | |
| 17.2 | |

14. SUMMARY OF PAYMENTS:

| Class of payment | Amount to be paid |
|---|-------------------|
| Payments by trustee's fee [Part 3] | |
| Home mortgages in default [Part 7] | |
| Claims in default [Part 8] | |
| Other Secured claims subject to modification (cramdown) pursuant to § 506 [Part 9] | |
| Secured claims excluded from § 506 [Part 10] | |
| Priority claims [Part 11] | |
| Domestic support obligation claims [Part 12] | |
| Separate classes of unsecured Creditors claims [Part 13] | |
| Timely filed unsecured Creditors claims [Part 14] | |
| TOTAL (must equal line 2.5) | |

Certification regarding nonstandard provisions:

I certify that this plan contains no nonstandard provision except as placed in Part 17.

Signed: _____
Attorney for debtor or debtor if pro se

Signed: _____
Debtor 1

Signed: _____
Debtor 2 (if joint case)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Case No.

Debtor(s).

**CHAPTER 12 OR 13 DEBTOR'S CERTIFICATIONS REGARDING
DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)**

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

Pursuant to 11 U.S.C. Section 1228(a) or 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 12 or 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: _____

My current employer
and my employer's
address: _____

Part III. Certification Regarding Section 522(q) (check no more than one)

- 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 \$160,375* 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 \$160,375* in value in the aggregate.

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.

Executed on: _____
Date

Debtor

* Amounts are subject to adjustment on 4/1/2019 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No.

Debtor(s).

NOTICE OF HEARING AND MOTION

TO: The debtor(s) and other entities specified in Local Rule 9013-3.

1. [insert movant name] moves the court for the relief requested below and gives notice of hearing.
2. The court will hold a hearing on this motion at [insert time including am. or pm.] on [insert date], in Courtroom No. [insert Courtroom number], at the United States Courthouse, at [insert street address], in [insert city], Minnesota.
3. Any response to this motion must be filed and served not later than [insert **day of the week and date**], which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. This court has jurisdiction over this motion pursuant to 28 USC §§ 157 and 1334, FRBP 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this chapter [insert chapter] case was filed on [insert date filed]. The case is now pending in this court.
5. This motion arises under 11 USC § [insert section] and FRBP [insert rule]. This motion is filed under FRBP 9014 and Local Rules [insert rules]. Movant requests relief with respect to [insert details of relief requested].

[Per FRBP 9013, the motion must state with particularity the grounds for the motion and must set forth the relief or order sought]

Wherefore, [insert movant name] moves the court for an order that [insert relief requested] and such other relief as may be just and equitable.

Dated:

Signed:

Attorney for:

[insert name, address, telephone and license # of attorney for movant]

Verification. I, [insert name], the moving party, OR [insert title] of the movant, OR a partner of the partnership movant named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on:

Signed:

Name and Address of Subscriber