

## **1000 Series Local Rule Amendments, effective July 17, 2023 – FINAL VERSION**

### **Rule 1002-1. [ABROGATED]**

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; February 22, 2012; May 1, 2019. Abrogated effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 1002-1 was abrogated because it no longer reflects the way that cases are processed by the clerk's office; the rule number is reserved for possible future use. The clerk's office used to process cases by city (Minneapolis, St. Paul, Duluth, or Fergus Falls) and that is no longer the practice. Now, cases from any division may be processed in any clerk's office. In addition, the case assignment process has changed, with cases automatically assigned to a division when they are opened based on the county identified in the petition. Relevant portions of former Local Rule 1002-1 that addressed case assignment now appear in Local Rule 1073-1, Assignment of Cases.

### **Rule 1005-1. [ABROGATED]**

[Effective April 15, 1997. Amended effective December 1, 2015. Abrogated effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 1005-1 was abrogated as duplicative of Fed. R. Bankr. P. 1005; the rule number is reserved for possible future use. The former rule also directed that the petition identify possible liability as a surety for another entity but the current Official Petition Forms (101 and 201) do not ask for that information.

### **Rule 1006-1. Filing Fee**

The required filing fee must be paid in the form of payment authorized by the clerk on the day the petition is filed, except as provided in Federal Rule of Bankruptcy Procedure 1006(b)–(c).

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; February 1, 2011; December 1, 2017; October 1, 2019; July 17, 2023.]

#### **2023 Advisory Committee Notes**

Subsection (a) of former Local Rule 1006-1 was amended to clarify that any filing fee must be paid on the day the petition is filed, unless the debtor asks to pay the filing fee in installments or asks that the fee be waived under Fed. R. Bankr. P. 1006(b)–(c). The rule was also amended to remove the specific forms of payment that are accepted by the clerk. Please refer to the court's website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov) for current instructions on acceptable forms of payment.

Subsection (b) was removed as duplicative of and to ensure consistency with Fed. R. Bankr. P. 1006(b)(1)–(2), which addresses how a debtor applies to pay the filing fee in installments and the court's action on the application. Subsection (c) was removed to ensure consistency with Fed. R. Bankr. P. 1017(b), which provides that the court may dismiss a case for failure to pay any installment of the filing fee after a hearing on notice to the debtor and trustee.

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### **Rule 1007-1. Lists, Schedules, and Statements**

- (a) STATEMENT OF COMPENSATION. The statement of compensation that a debtor’s attorney must file under 11 U.S.C. § 329(a) and Federal Rule of Bankruptcy Procedure 2016(b) must conform to Local Form 1007-1.
- (b) SCHEDULE C: REAL PROPERTY. Any real property listed on Schedule C must include a legal description of the property.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; May 1, 2014; December 1, 2015; July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 1007-1(a) was restyled to refer to 11 U.S.C. § 329(a) and Fed. R. Bankr. P. 2016(b) and eliminate language that was duplicative of Fed. R. Bankr. P. 2016(b). As amended, subsection (a) requires conformance with Local Form 1007-1 instead of substantial conformance. Subsection (b) was restyled and amended to better reflect the information that is requested on Official Form 106C. Subsection (c) was removed as duplicative of and to ensure consistency with Fed. R. Bankr. P. 1007(b)(7).

### **Rule 1007-2. Creditor Matrix and Supplemental Lists**

- (a) CREDITOR MATRIX AND SUPPLEMENTAL LISTS. To comply with Federal Rule of Bankruptcy Procedure 1007(a)(1), the debtor must file with the petition a matrix containing the names and addresses of each creditor in accordance with the clerk’s instructions posted on the court’s website. Any supplemental list that is required under Federal Rule of Bankruptcy Procedure 1007(d)–(e) must be filed in accordance with the clerk’s instructions posted on the court’s website.
- (b) SUPPLEMENTAL LIST FOR HEALTH CARE BUSINESSES. If a petition in a case under chapter 7, chapter 9, or chapter 11 states that the debtor is a health care business, the debtor must file, within 14 days of the filing of the petition, a supplemental list containing the names and addresses of all entities that issue licenses to or regulate the debtor or the debtor’s principal in accordance with the clerk’s instructions posted on the court’s website.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2014; July 17, 2023.]

#### **2023 Advisory Committee Notes**

The title of Local Rule 1007-2 was amended to clarify that it concerns the creditor matrix and supplemental lists. Subsection (a) was amended to reference Fed. R. Bankr. P. 1007(a)(1) and to clarify that the matrix must contain the name and address for each creditor. The clerk’s office maintains instructions on the court’s website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov) for how to properly prepare and file a creditor matrix and any required supplemental lists.

Former subsection (b) was removed as duplicative of Fed. R. Bankr. P. 1007(a)(3). Former subsection (c) was renumbered to subsection (b). Former subsection (c)(2) was removed as duplicative of Fed. R. Bankr. P. 1021, which states that a case will proceed as a health care business case if the petition identifies the debtor is a health care

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business, unless the court orders otherwise. The clerk's office maintains instructions on the court's website for how to properly prepare and file the required supplemental list for health care businesses. For other health care business rules, see Local Rules 2015.1-1 and 9013-2(b)(3).

### **Rule 1007-3. Statement of Business Income in Chapter 13 Cases**

In any chapter 13 case in which the debtor derives gross income of more than \$1,000.00 per month either from self-employment or from a corporation as defined by 11 U.S.C. § 101(9) in which the debtor is sole owner, the debtor must file a statement of business income and expenses with Schedule I. The statement of business income and expenses must conform substantially to Local Form 1007-3.

[Effective January 1, 2002. Amended effective January 9, 2006; July 17, 2023.]

#### **2023 Advisory Committee Notes**

The title of Local Rule 1007-3 was amended to indicate that it applies only in chapter 13 cases. Local Rule 1007-3 was also amended to increase the amount of self-employment income from \$200.00 to \$1,000.00. This change will result in fewer debtors needing to file a statement of business income and expenses for very small amounts of income, including, for example, income received from various gig jobs, such as for driving or delivery services. The amendments also clarify that the statement of business income and expenses must be filed with Schedule I (Official Form 106I). Submitting a completed Local Form 1007-3 should meet the requirements to answer question 8a in Schedule I.

### **Rule 1007-3-1. Notice of Responsibilities of Chapter 7 and 13 Debtors and Their Attorneys**

In any chapter 7 or chapter 13 case in which the debtor is represented by an attorney, the attorney must file with the petition a Notice of Responsibilities. The Notice of Responsibilities must conform to Local Form 1007-3-1(7) in chapter 7 cases and Local Form 1007-3-1(13) in chapter 13 cases.

[Effective October 15, 2010. Amended effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 1007-3-1 was amended to clarify that the attorney must file with the petition a Notice of Responsibilities. The former language that directed that the Notice of Responsibilities include a scanned image of the signature page has been deleted to conform to the 2023 amendments made to Local Rule 9011-1 concerning electronic signatures.

### **Rule 1007-4. [ABROGATED]**

[Effective April 15, 1997. Amended effective January 9, 2006; October 1, 2019; June 1, 2021. Abrogated effective July 17, 2023.]

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### **2023 Advisory Committee Notes**

Local Rule 1007-4 was abrogated to ensure consistency with Fed. R. Bankr. P. 1017(c) and (f); the rule number is reserved for possible future use. Rule 1017(c) permits the court to dismiss chapter 7 and chapter 13 cases for failure to file required documents “after a hearing on notice served by the United States trustee on the debtor, the trustee, and any other entities the court directs.” Rule 1017(f) provides the procedures for dismissal, conversion, or suspension.

### **Rule 1008-1. [ABROGATED]**

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006. Abrogated July 17, 2023.]

### **2023 Advisory Committee Note**

Local Rule 1008-1 was abrogated; the rule number is reserved for possible future use. Local Rule 1008-1 had one remaining subsection concerning proof of authority to file a petition for all non-individual debtors. The Voluntary Petition for Non-Individuals Filing for Bankruptcy (Official Form 201) in part 17 addresses the declaration and signature of an authorized representative of the debtor, and specifically has the signatory declare under penalty of perjury that “I have been authorized to file this petition on behalf of the debtor.” Further, an individual who is authorized to act on behalf of a non-individual debtor must also file the Declaration Under Penalty of Perjury for Non-Individual Debtors (Official Form 202) when signing and submitting the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments to those documents. Accordingly, it was no longer necessary to have a Local Form 1008-1 to serve as separate proof of authority to file a petition; both the rule and Local Form 1008-1 were abrogated.

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

- (a) AMENDMENTS TO DEBTOR'S IDENTIFICATION INFORMATION. At any time before the clerk sends the meeting of creditors notice, the clerk may direct the debtor to file an amendment to the petition on a form prescribed by the clerk to correct any clerical mistakes in the debtor's name, address, or employer identification number. If the debtor fails to comply, the clerk must determine the title of the case. If the debtor's identification information is corrected after the clerk sends the meeting of creditors notice, the debtor must comply with the notice requirements of Federal Rule of Bankruptcy Procedure 1009.
- (b) FORM, FILING, AND NOTICE OF AMENDMENTS. Except as provided in paragraph (a) of this rule, all amendments to petitions, lists, schedules, and statements must be made by filing a new petition, list, schedule, or statement that is identified as amended. If an amended form is submitted, the “amended filing” checkbox must be checked. The amended documents must clearly identify all changes made by underlining all additions and lining out all deletions or by submitting Local Form 1009-1 with the amended documents. Notice of any amendments must be made in accordance with Federal Rule of Bankruptcy Procedure 1009(a).

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[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; February 22, 2012; December 1, 2015; May 1, 2018; October 1, 2019; July 17, 2023.]

### **2023 Advisory Committee Note**

Local Rule 1009-1 was restyled and amended to avoid unnecessary duplication with Fed. R. Bankr. P. 1009. In amended subsection (a), “employer” now modifies “identification number” to make clear that if an individual debtor’s social security number is incorrect, Fed. R. Bankr. P. 1009(c) applies, regardless of whether the correction is made before or after the clerk sends the meeting of creditors notice. Amended subsection (a) no longer distinguishes between debtors represented by an attorney and pro se debtors. Because Fed. R. Bankr. P. 1009(a) states that the “debtor shall give notice of the amendment to the trustee and to any entity affected thereby” it is no longer necessary to provide additional instructions for filing amended Schedules A/B, C, D, and E/F. Debtors, including pro se debtors, are responsible for adequately noticing any affected entity when amended petitions, lists, schedules, and statements are filed, and for filing any required proof of such notice. *See also* Local Rule 9036-1(a) (requiring proof of service or notice to a non-Filing User). Accordingly, former subsections (b)(2)–(4) have been removed.

Current subsection (b), which was former subsection (b)(1), was restyled to clarify that any form amendments must be identified as an amended filing by checking the amended filing checkbox.

### **Rule 1010-1. Service in Involuntary Cases**

If the petitioners serve the summons and petition on the debtor by mail, and if the mailed copies of the summons and petition are returned by the post office, the petitioners must file an affidavit disclosing such information to the court.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; July 17, 2023.]

### **2023 Advisory Committee Note**

Local Rule 1010-1 was restyled and renumbered to no longer refer to an abrogated subsection. The rule was renamed to better reflect that Local Rule 1010-1 adds a filing requirement for service in certain involuntary cases.

### **Rule 1014-1. Transfer of Cases**

When a case is transferred to this district from another district, the clerk must give notice of the transfer, with the new case number and assignment of the new trustee, if applicable, to the debtor, the trustee, all creditors, and indenture trustees.

[Effective April 15, 1997. Amended effective January 9, 2006; October 1, 2019; July 17, 2023.]

### **2023 Advisory Committee Note**

Local Rule 1014-1 was amended to remove language that no longer reflects the clerk’s current practices. When a case is transferred to this district, the transfer is effectuated electronically between the two involved clerk’s offices. A case transfer may be processed in any clerk’s office within the District of Minnesota. A transferred case will be assigned in accordance with Local Rule 1073-1 and the prevailing Order for Assignment of Cases. The notice language

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was amended to incorporate communicating the new case number and assignment of the new trustee, if applicable, to the entities listed in Fed. R. Bankr. P. 2002(a).

### **Rule 1015-1. Joint Case of Debtor Spouses**

Unless a party in interest files a motion objecting to consolidation and the court orders otherwise, the estates of the debtor spouses in a joint case filed under 11 U.S.C. § 302 are consolidated for all purposes.

[Effective April 15, 1997. Amended effective July 17, 2023.]

#### **2023 Advisory Committee Note**

The title of Local Rule 1015-1 was amended to clarify that the rule applies only to debtor spouses. Local Rule 1015-1 was further amended to include a provision allowing a party in interest to object to automatic consolidation in light of 11 U.S.C. § 302(b).

### **Rule 1017-2. [ABROGATED]**

[Effective April 15, 1997. Amended effective January 9, 2006. Abrogated effective July 17, 2023.]

#### **2023 Advisory Committee Notes**

Local Rule 1017-1 was abrogated to ensure consistency with Fed. R. Bankr. P. 1017. Please refer to Fed. R. Bankr. P. 1017 for procedures that apply to dismissals and Fed. R. Bankr. P. 1017 and 1019 for procedures that apply to conversions.

### **Rule 1019-1. Filing Requirements for Conversions**

When converting a case to another chapter, the notice of conversion or motion to convert must:

- (a) Identify the chapter to which the party seeks to convert and the applicable statutory authority for the conversion;
- (b) Include any documents necessary to establish eligibility to proceed under the new chapter, including, if applicable, the statement of current monthly income and means test; and
- (c) Include amended Schedules I and J, for an individual debtor seeking to convert a case to chapter 7 or chapter 13.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; May 1, 2014; December 1, 2015; July 17, 2023.]

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Local Rule 1019-1 was amended to remove language that was duplicative of Fed. R. Bankr. P. 1017 and 1019 and to ensure consistency with the same. With these changes, Local Form 1019-1 was also abrogated. The procedure to convert a case to a different chapter—whether by a notice of conversion or a motion to convert—is specified in Fed. R. Bankr. P. 1017(f). Please also refer to Fed. R. Bankr. P. 1019 for the filing requirements to convert a chapter 11, 12, or 13 case to chapter 7. All references to needing a separate proof of authority to sign and file have been removed because the Declaration Under Penalty of Perjury for Non-Individual Debtors (Official Form 202) must be filed when an individual who is authorized to act on behalf of a non-individual debtor signs and submits: (a) the schedules of assets and liabilities; (b) any other document that requires a declaration that is not included in the document; and (c) any amendments to those documents.

Amended Local Rule 1019-1 only addresses what information should be filed with the notice of conversion or the motion to convert when converting a bankruptcy case to a different chapter. To establish eligibility to proceed under chapter 7, the debtor must file with the notice of conversion or motion to convert the statement of current monthly income and means test (Official Forms 122A-1/A-2). An individual debtor converting to a chapter 7 or 13 case must also file amended Schedules I and J (Official Forms 106I and 106J) to allow the trustees to assess income requirements. Please note that after a case is converted, the trustee may request that the debtor file other new schedules and statements.

### **Rule 1073-1. Assignment of Cases**

Each case will be assigned to a particular division and a particular judge in accordance with the Order for Assignment of Cases. The clerk may permit or direct the filing of a petition in a particular division if the debtor has an interest in property in several counties or is an affiliate of a debtor in a pending case, or for other good cause.

[Effective April 15, 1997. Amended effective July 17, 2023.]

### **2023 Advisory Committee Notes**

Local Rule 1073-1 was amended to refer to the court’s Order for Assignment of Cases, which is available on the court’s website. All cases are assigned to a particular division and to a particular judge in accordance with that Order. Language in the former rule that was duplicative of the Order for Assignment of Cases was removed. Language from former Local Rule 1002-1 that allows the clerk to permit the filing of a case in a particular division in certain circumstances was added.