

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

Rule 1002-1. ~~[ABROGATED]Petition—General (Place of Filing)~~

~~(a) CHAPTER 7 AND 13 CASES. A petition commencing a chapter 7 or 13 case shall be filed in the division listed below for the county designated in the petition as the county for the debtor's mailing address. If two cities are listed for a county, the petition may be filed in either division. 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. The repeated filing of petitions in incorrect divisional offices will be referred to the judge assigned to an incorrectly filed petition and may result in the issuance of an order to show cause or sanctions.~~

~~County—Division Where Petition Is To Be Filed:~~

Aitkin—Duluth	Isanti—Minneapolis	Pipestone—St. Paul
Anoka—Minneapolis	Itasca—Duluth	Polk—Fergus Falls
Becker—Fergus Falls	Jackson—St Paul	Pope—Fergus Falls
Beltrami—Fergus Falls	Kanabec—Duluth	Ramsey—St Paul
Benton—Duluth	Kandiyohi—Minneapolis	Red Lake—Fergus Falls
Big Stone—Fergus Falls	Kittson—Fergus Falls	Redwood—St Paul
Blue Earth—St Paul	Koochiching—Duluth	Renville—Minneapolis
Brown—St Paul	Lac Qui Parle—St Paul	Rice—St Paul
Carlton—Duluth	Lake—Duluth	Rock—St Paul
Carver—Minneapolis	Lake of The Woods—Fergus Falls	Roseau—Fergus Falls
Cass—Duluth	LeSueur—St Paul	St Louis—Duluth
Chippewa—Minneapolis	Lincoln—St Paul	Scott—St Paul

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

Chisago – St Paul	Lyon – St Paul	Sherburne – Minneapolis
Clay – Fergus Falls	Mahnomen – Fergus Falls	Sibley – St Paul
Clearwater – Fergus Falls	Marshall – Fergus Falls	Stearns – Fergus Falls
Cook – Duluth	Martin – St Paul	Steele – St Paul
Cottonwood – St Paul	McLeod – Minneapolis	Stevens – Fergus Falls
Crow Wing – Duluth	Meeker – Minneapolis	Swift – Minneapolis
Dakota – St Paul	Mille Lacs – Duluth	Todd – Fergus Falls
Dodge – St Paul	Morrison – Duluth	Traverse – Fergus Falls
Douglas – Fergus Falls	Mower – St Paul	Wabasha – St Paul
Faribault – St Paul	Murray – St Paul	Wadena – Fergus Falls
Fillmore – St Paul	Nicollet – St Paul	Waseca – St Paul
Freeborn – St Paul	Nobles – St Paul	Washington – St Paul
Goodhue – St Paul	Norman – Fergus Falls	Watonwan – St Paul
Grant – Fergus Falls	Otter Tail – Fergus Falls	Wilkin – Fergus Falls
Hennepin – Minneapolis	Olmsted – St Paul	Winona – St Paul
Houston – St Paul	Pennington – Fergus Falls	Wright – Minneapolis

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

Hubbard—Fergus Falls	Pine—Duluth	Yellow—Medicine—St Paul
---------------------------------	------------------------	------------------------------------

~~(b) CHAPTER 11 AND 12 CASES. A petition commencing a chapter 11 or 12 case may be filed in any division of the clerk but will not be assigned to a judge or given a case number until after processing. After it is assigned to a judge under Local Rule 1073-1, the case shall be assigned to the appropriate division.~~

~~[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. ~~Petition—Caption~~[ABROGATED]

~~If the debtor is an individual, the petition shall state the debtor's full name (including nickname, if any), without further variations based solely on initials or deletions, and other clearly different names if any (such as an alias, trade name or former name) used by the debtor within eight years before filing the petition. If applicable, the petition shall also include the identification of possible liability as a surety for another entity.~~

~~[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 ~~Fees~~Fee

~~(a) PAYABLE UPON COMMENCEMENT OF A CASE. Fees payable upon the commencement of a case shall be paid with cash, a money order, a cashier's check, a credit card of a law firm or of an attorney representing a client other than him or herself and admitted to practice in the United~~

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

~~States District Court for the District of Minnesota or treated as if so admitted under Local Rule 9010-3(c), or funds drawn on the account of any such attorney.~~

~~(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.~~

~~(c) DISMISSAL FOR FAILURE TO PAY. If the filing fee required by subsection (a) of this rule or any installment payment required by subsection (b) of this rule is not paid as directed, or at 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.~~

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 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.

Rule 1007-1. Lists, Schedules, and Statements

- (a) STATEMENT OF COMPENSATION. The statement of compensation ~~shall~~that a debtor’s attorney must file under 11 U.S.C. § 329(a) and Federal Rule of Bankruptcy Procedure 2016(b) must conform substantially to ~~Local Form 1007-1~~, Local Form 1007-1.
- (b) SCHEDULE C: REAL PROPERTY~~-CLAIMED AS EXEMPT. The description of~~. Any real property in schedule C shall specifically identify the property, including the listed on Schedule C must include a legal description if the property is real estate, for which exemption is claimed. This

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

~~requirement shall not apply to clothing or household goods the value of which does not exceed \$200 for any particular item of the property.~~

~~(c) CERTIFICATE OF DEBTOR EDUCATION. Unless an approved provider of a course on personal financial management has filed the Certificate of Debtor Education, the debtor shall file the Certificate with the court within the time limits prescribed in Federal Rule of Bankruptcy Procedure 1007(c). The debtor need not file Official Form 423 with the Certificate.~~

[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. ~~Mailing—List or Matrix~~ Creditor Matrix and Supplemental Lists

(a) ~~MATRIX.CREDITOR MATRIX AND SUPPLEMENTAL LISTS. The debtor shall~~To comply with Federal Rule of Bankruptcy Procedure 1007(a)(1), the debtor must file with the petition a ~~list of creditors-matrix~~ containing the names and addresses of ~~the debtor, the debtor's attorney and all creditors in matrix form~~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) EQUITY SECURITY HOLDERS IN CHAPTER 11 CASES. Unless ordered otherwise, if there are more than 100 equity security holders in a chapter 11 case, the debtor shall not file a list of the debtor's equity security holders; otherwise the debtor shall file a list and supplemental matrix containing the names and addresses of the debtor's equity security holders.~~

~~(c)~~(b) SUPPLEMENTAL LIST FOR HEALTH CARE REGULATORS-BUSINESSES.

~~—(1)~~ 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 ~~shall~~must file, within 14 days of the filing of the petition, a ~~list and supplemental matrix~~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.

~~—(2) If the court determines that the debtor is a health care business, such list and supplemental matrix shall be filed within 14 days of the date of entry of the court's order.~~

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

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

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 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 ~~either~~the debtor derives gross income of more than \$~~200~~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 ~~shall~~must file a ~~separate~~ statement of business income and expenses, ~~in addition to the petition, schedules and statements required by Federal Rule of Bankruptcy Procedure 1009 and these rules.~~ with Schedule I. The statement of business income ~~shall~~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 ~~debtor shall~~attorney must file with the petition a Notice of Responsibilities, ~~including a scanned image of the signature page signed by the attorney and the debtor(s).~~ The Notice of Responsibilities ~~shall~~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. ~~Failure to File Documents~~ [ABROGATED]

~~In a chapter 7 or 13 case, if any required exhibit, attachment, schedule, statement or list is not timely filed and no extension of time has been granted, the court may enter an order dismissing the case. In a chapter 11 or 12 case, if any required exhibit, attachment, schedule, statement or list is not timely filed, and no extension of time has been granted, the court will order a hearing to determine whether the case should be dismissed and sanctions imposed, and the clerk shall give notice of the order to all known creditors and other parties in interest.~~

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

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. ~~Documents Accompanying Petition~~ [ABROGATED]

~~(a) [ABROGATED]~~

~~(b) [ABROGATED]~~

~~(c) PROOF OF AUTHORITY. If the debtor is not an individual, the debtor shall attach to the petition a proof of authority to sign and file the petition conforming substantially to Local Form 1008-1.~~

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

2023 Advisory Committee Note

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

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 ~~to~~of Voluntary Petitions, Lists, Schedules, and Statements

(a) AMENDMENTS TO DEBTOR'S IDENTIFICATION INFORMATION. At any time before the ~~notice of the clerk sends the~~ meeting of creditors ~~notice has been transmitted~~, the clerk may direct the debtor to file an amendment to the petition on a form prescribed by the clerk ~~so as~~ to correct any clerical mistakes in the debtor's name, address, or employer identification number. ~~_-~~ If the debtor fails to comply, the clerk ~~shall~~must determine the title of the case. If ~~the debtor's identification information is corrected~~such amendment to the petition is filed after the ~~clerk sends the~~ meeting of creditors ~~notice has been transmitted~~, the ~~clerk shall~~must change the title of the case, including making any corrections to the debtor's name or social security number. ~~_-~~ If the debtor is represented by an attorney, the debtor shall ~~provide a~~must give notice of the corrected case title to all creditors; the clerk shall ~~must~~ give ~~such notice if the debtor is pro se~~debtor must comply with the notice requirements of Federal Rule of Bankruptcy Procedure 1009.

(b) FORM, FILING, AND NOTICE OF AMENDMENTS.

~~-(1) All amendments-~~ Except as provided in paragraph (a) of this rule, all amendments to petitions, ~~lists, exhibits, attachments,~~ schedules, and statements ~~and lists~~ must be made by filing a new petition, list, exhibit, attachment, schedule, or statement ~~or list~~ that is identified as amended. ~~_-~~ If an amended form is submitted, the “amended filing” checkbox must be checked. The ~~debtor amended documents~~ - must clearly identify all changes made ~~in any amendments~~ by underlining all additions and lining out all deletions, or by submitting ~~Local Form 1009-1~~Local Form 1009-1 with the amended documents ~~Local Form 1009-1, containing a complete list of all changes reflected on the amended documents when compared.~~ Notice of any amendments must be made in accordance with ~~the original or the most recent amendments. All amendments must be verified by the debtor and transmitted to the trustee and the United States Trustee. A copy of any amended statement of intention must also be transmitted to each affected creditor. A matrix may not be amended under this rule-~~Federal Rule of Bankruptcy Procedure 1009(a).

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

~~—(2) Additional requirements for Schedule A/B. To amend Schedule A/B, the debtor must file verified Schedule A/B (Official Form 106A/B or 206A/B) and the Summary of assets and liabilities and certain statistical information (Official Form 106Sum or 206Sum) with the "amended" checkboxes checked. The debtor must transmit these documents to each entity that has filed a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b).—~~

~~—(3) Additional requirements for Schedule C. To amend Schedule C, the debtor must file verified Schedule C (Official Form 106C) and the Summary of assets and liabilities and certain statistical information (Official Form 106Sum) with the "amended" checkboxes checked. The debtor must transmit these documents to each entity listed in the mailing matrix in the court's Electronic Case Filing System. If the debtor fails to file a verification or to provide proof of transmittal of an amended Schedule C and Summary of assets and liabilities on each entity entitled to such notice under this rule, the court shall issue an order providing that the debtor's amended claim of exemption will have no effect until the debtor has complied with the verification and transmittal requirements of this rule and filed proof of such compliance with the clerk. The clerk shall not issue a Certificate Regarding Property Claimed as Exempt until the debtor has complied with the verification and transmittal requirements of the rule and the applicable period for objection has expired.~~

~~—(4) Additional requirements for Schedules D and E/F. To amend Schedule D or E/F, the debtor must file verified Schedule D (Official Form 106D or 206D) or Schedule E/F (Official Form 106E/F or 206E/F) or both, together with the Summary of assets and liabilities and certain statistical information (Official Form 106Sum or 206Sum) with the amended checkboxes checked, and must add the names and addresses of any new or corrected creditors to the matrix. The debtor must transmit notice of the case to each new or corrected creditor listed in any amendment to Schedule D or E/F and must file proof of such transmittal.~~

[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.

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

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

~~(a) [ABROGATED]~~

~~(b) SERVICE.~~ If the petitioners serve the summons and petition on the debtor by mail, ~~the petitioners shall disclose to the court~~ and if the mailed copies ~~were not delivered of the summons and petition are~~ returned by the post office ~~by filing, the petitioners must file~~ an affidavit ~~to such effect~~ disclosing such information to the court.

~~Fed. R. Bankr. P. Reference 1003.~~

[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 ~~case shall be filed with the appropriate clerk's office according to the current address or property location of the debtor or chapter of the case or as directed by the~~ clerk. ~~The clerk shall~~ 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 ~~other parties in interest~~ 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 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 ~~Administration/Consolidation~~ Case of Debtor Spouses

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

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

[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. ~~Dismissal or Conversion of Cases~~ [ABROGATED]

~~(a) MOTION TO DISMISS OR CONVERT. Except as provided in Local Rules 1017-2(b) and 1019-1, a request for dismissal or conversion of a case shall be made by motion. A motion to dismiss or a motion to convert a case shall be deemed a motion either to dismiss or to convert, whichever is in the best interest of creditors and the estate. In a chapter 7, 11 or 12 case, Local Rules 2002-1 and 2002-4(a) govern preparation and transmission of the notice to creditors.~~

~~(b) APPLICATION TO DISMISS OR CONVERT. If a chapter 12 or 13 case was not converted previously, the debtor shall serve any application for dismissal on the trustee and United States Trustee.~~

~~Fed. R. Bankr. P. Reference 1019.~~

[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 ~~of Cases and Post-Conversion Requirements~~

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

(a) ~~CONVERSION TO CHAPTER 7.~~ Identify the chapter to which the party seeks to convert and the applicable statutory authority for the conversion;

~~—(1) From 12 or 13. The debtor may convert a chapter 12 or 13 case to a chapter 7 case at any time by filing a verified conversion adapted from Local Form 1019-1. The conversion shall be~~

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

~~accompanied by the exhibits, attachments, schedules, statements and lists appropriate for a chapter 7 case, including, if applicable, the chapter 7 statement of your current monthly income (Official Form 122A-1) and chapter 7 means test calculation (Official Form 122A-2), and statement of intention. The schedules shall list all property of the estate as of the date of the petition that remains in the possession of or is under the control of the debtor on the date of conversion.~~

~~(2) From Chapter 11. If conversion is allowed under §1112(a)(link is external) of the Code, the debtor may convert a chapter 11 case to a chapter 7 case by filing a verified conversion adapted from Local Form 1019-1. If the debtor is not an individual, proof of authority to sign and file the conversion shall be attached to the conversion. Within 14 days after the filing of the conversion, the debtor shall file a final report and account on the form prescribed by the clerk and a matrix for mailing purposes providing the names and addresses of any new unpaid creditors.~~

(b) ~~CONVERSION TO CHAPTER 11 FROM CHAPTER 7. If conversion is allowed under §706(a)(link is external) of the Code, the debtor may convert a chapter 7 case to a chapter 11 case by filing a verified conversion adapted from Local Form 1019-1. If the debtor is not an individual, proof of authority to sign and file the conversion shall be attached to the conversion. The list of creditors in matrix form, summary of business, proof of authority to file and list of creditors with the twenty largest unsecured claims (Official Form 104 or 204) shall be filed within two days after the conversion. All other documents shall be filed within 14 days after the conversion, unless filed before the case was converted or the court orders otherwise. 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.

~~(c) CONVERSION TO CHAPTER 12 OR 13 FROM CHAPTER 7. If conversion is allowed under §706(a) of the Code, the debtor may convert a chapter 7 case to a chapter 12 or 13 case by filing a verified conversion adapted from Local Form 1019-1. The conversion shall be accompanied by the exhibits, attachments, schedules, statements and lists appropriate for a chapter 12 or 13 case.~~

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

2023 Advisory Committee Notes

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.

1000 Series Local Rule Amendments, effective July 17, 2023 – REDLINE VERSION

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 ~~shall~~will be assigned to a particular division and a particular judge ~~by random allocation as determined by order~~in accordance with the Order for Assignment of the judges. Unless otherwise ordered, Cases. The clerk may permit or direct the judge assigned to 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. ~~shall thereafter hear all matters and preside at all times in the case. All adversary proceedings arising in or related to the case shall be assigned to the same judge.~~

[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.