

4000 Series Proposed Amendments

- 4000 Series Redline Version
- 4000 Series Final Version
- Local Form 4001-1 Proposed Amendments – Redline Version {Renumbered to Local Form 4001-1(a)}
- Local Form 4001-1 Proposed Amendments – Final Version {Renumbered to Local Form 4001-1(a)}
- Local Form 4001-2(a) (pre-discharge) Proposed Amendments – Redline Version {Renumbered to Local Form 4001-1(b)(1) (pre-discharge)}
- Local Form 4001-2(a) (pre-discharge) Proposed Amendments – Final Version {Renumbered to Local Form 4001-1(b)(1) (pre-discharge)}
- Local Form 4001-2(b) (post-discharge) Proposed Amendments – Redline Version {Renumbered to Local Form 4001-1(b)(2) (post-discharge)}
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- Proposed Amendments – Abrogate and Remove Local Form 4003-1
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Rule 4001-1. Motions for Relief ~~From~~from the Automatic Stay

~~(a) GOVERNING RULES. Motions for relief from the automatic stay are governed by Local Rule 9013-1 and 9013-2.~~

~~(a)~~ (b) REQUIRED INFORMATION PRINCIPAL RESIDENCE. ~~In all motions under 11 U.S.C. § 362 (d)(1) or (d)(2) in any chapter 7, 11, 12 or 13 case, the A moving party seeking motion for relief from the automatic stay under 11 U.S.C. § 362(d) and Federal Rule Bankruptcy Procedure 4001(a) with respect as~~ to an individual debtor's principal residence ~~shall~~must include a ~~separate verification by a person with personal knowledge of the facts, which shall provide with~~ the following information:

(1) ~~—(1)~~ Evidence of standing. Evidence that the moving party has standing to bring the motion, including, at a minimum:

(A) ~~a)~~ a copy of the note; ~~b)~~

(B) a copy of the mortgage;

(C) ~~c)~~ evidence of perfection of the mortgage; and

~~(A)~~ (D) ~~d)~~ if the moving party ~~ant~~ is not the original mortgagee, evidence ~~that the movant has authority to make the motion~~of an assignment or other similar document.

(2) ~~—(2)~~ Description of property. The legal description and ~~any street~~ address, ~~including zip code,~~ of the property.

(3) ~~—(3)~~ Value. The current tax-assessed value of the property and the ~~movant's~~moving party's estimated ~~ed of~~ current market value.

(4) ~~—(4)~~ Loan History. If the motion alleges a default in making payments to the ~~movant~~moving party, a complete loan history, ~~indicating all advances made to or charges of any kind made against the debtor~~ beginning on the date of the default applicable to ~~this the~~ motion, up to the date ~~the motion is verified~~of the verification. The loan history ~~shall~~must be provided on Local Form 4001-1 (a).

(5) ~~—(5)~~ Equity. If the amount of equity is at issue, the name of all other lien-holders, the amounts due, as scheduled or as provided in any proofs of claim, and their priority with respect to the ~~movant~~moving party.

(6) ~~—(6)~~ Payments to Chapter 13 Trustee. If the motion alleges a default in making plan payments to the chapter 13 trustee, the month, amount, and ~~current~~ status of such payments.

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(b) PROPOSED ORDER GENERALLY. If ~~the a proposed order provides for~~ motion seeks relief from the automatic stay as to ~~collateral property~~, the proposed order ~~it shall must~~ substantially conform to Local Form 4001-~~12~~(b)(1) (pre-discharge) or Local Form 4001-~~12~~(b)(2) (post-discharge).

[Amended effective May 1, 2014; December 1, 2014; XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4001-1 was retitled to better conform to Fed. R. Bankr. P. 4001(a). Subsection (a) was removed as unnecessary as Local Rules 9013-1 and 9013-2 apply to motions generally. Former subsection (b) was renumbered to subsection (a) and restyled; no substantive changes were intended. Note, as before, amended subsection (b) applies to motions for relief from the automatic stay generally, not just those pertaining to a principal residence. Local Form 4001-1 was renumbered to Local Form 4001-1(a) and restyled; no substantive changes were intended. Former subsection (c) was renumbered to subsection (b) and given a title. Local Forms 4001-2(a) and 4001-2(b) were renumbered to Local Forms 4001-1(b)(1) and 4001-1(b)(2), respectively, and restyled; no substantive changes were intended.

Rule 4001-2. Motion for Authorization to Use Cash Collateral

~~(a) STATEMENTS TO SUPPORT MOTION.~~ For any motion for authorization to use cash collateral, in addition to the requirements in Federal Rule of Bankruptcy Procedure 4001(b)(1)(B), ~~the debtor shall must attach include a separate verification with statements regarding the following items to any motion for use of cash collateral information:~~

(a) -1) the debtor's calculation of the amount of debt secured by the cash collateral;

(b) -2) the debtor's description of the cash collateral;

(c) the debtor's ~~and~~ estimate of the cash collateral's value on the petition date ~~of the filing of the petition;~~

(d) the debtor's estimate of the cash collateral's value ~~and~~ at the beginning of the period of time for which the debtor ~~currently~~ seeks authorization to use cash collateral;

(e) -3) the debtor's ~~description of the collateral and~~ estimate of the cash collateral's value at the end of the period of time for which the debtor ~~currently~~ seeks authorization to use cash collateral; and ~~4)~~

~~(a)~~ (f) the debtor's cash flow projections.

~~(b) PRELIMINARY HEARING. If the hearing on a motion for use of cash collateral is a preliminary hearing pursuant to Federal Rule of Bankruptcy Procedure 4001(b)(2), the debtor's separate verified statement shall contain an itemization of the proposed uses of cash collateral that are~~

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~~required to avoid immediate and irreparable harm to the estate pending a final hearing on the motion.~~

[Effective April 15, 1997. Amended effective January 1, 2002; XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4001-2 was retitled to better conform to Fed. R. Bankr. P. 4001(b). Subsection (b) was removed as duplicative of Fed. R. Bankr. P. 4001(b)(1)(B) and (b)(2). Former subsection (a) was renumbered in light of the removal of subsection (b).

Rule 4002-1. ~~Debtor—Duties (Change of Address)~~[ABROGATED]

~~The debtor shall immediately file a change of address whenever the debtor's mailing address is changed or needs correction. The mailing address of the debtor stated in a voluntary petition shall be the address for service by mail of any document upon the debtor unless the debtor files such change of address.~~

[Effective April 15, 1997. Amended effective January 9, 2006. Abrogated effective XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4002-1 was abrogated as duplicative of Fed. R. Bankr. P. 4002(a)(5), which requires a debtor to file a statement of any change of the debtor's address.

Rule 4003-1. Notice of an Amendment to a Claimed Exemptions

The debtor must give notice of an amendment to a claimed exemption under Federal Rules of Bankruptcy Procedure 1009 and 4003 to the trustee and all creditors and file proof of such notice.

~~(a) OBJECTIONS. An objection to a claim of exemption shall be made by motion. If an amendment to a claim of exemption is filed after an objection has been filed, the objection shall be deemed an objection to the amended claim of exemption. If an objection was filed and not withdrawn and the court did not rule on the objection before the case was closed, the objection shall be deemed withdrawn.~~

~~(b) CERTIFICATE.~~

~~—(1) Form; Issuance. Except as provided in subparagraph (2) of this paragraph, the clerk shall, upon request, issue a certificate regarding property claimed as exempt. The certificate shall conform substantially to Local Form 4003-1, and copies of schedule C and any amendments shall be attached.~~

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~~—(2) Time.~~

~~—(aa) Chapter 7, 12 and 13 Cases. Unless the court orders otherwise, the clerk shall not issue a certificate less than 31 days after: 1) the first date set for the meeting of creditors or 2) the date on which the schedule C or any amendment thereto was filed, whichever is later. The clerk also shall not issue a certificate if: 1) the trustee in a chapter 7 case has timely filed a notice of nonconcluded meeting of creditors and the trustee has not filed a report indicating that the meeting has been concluded ; 2) any objection to a claim of exemption has been filed, whether or not an amended schedule C has been filed, unless the objection has been resolved, in which event the clerk shall note the results of such resolution on the certificate; or 3) the time for filing objections has been extended and the period has not expired.~~

~~—(bb) Chapter 11 Cases. Unless ordered otherwise, the clerk shall not issue a certificate until after confirmation of a plan.~~

[Effective April 15, 1997. Amended effective January 9, 2006; XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4003-1 was amended to only address notice of an amendment to a claimed exemption (Schedule C). Notice must be given to all creditors. See generally 9 Collier on Bankr. ¶ 1009.02[2] (discussing the importance of such notice). Similar language used to appear in former Local Rule 1009-1(b)(3). Subsection (a) was removed as duplicative of Fed. R. Bankr. P. 9014(a), which requires that for a “contested matter . . . relief must be requested by motion.” The 1983 Advisory Committee Notes to that rule make clear that “an objection . . . to a claim of exemption” constitutes a “contested matter.” Further, if an amended Schedule C is subsequently filed, the motion objecting to a claimed exemption may be moot. If a case is closed before the court rules on a motion objecting to a claimed exemption, the court may address any issues upon the reopening of the case. Subsection (b) was also removed as unnecessary. As such, Local Form 4003-1 was abrogated. The clerk maintains instructions on the court’s website at www.mnb.uscourts.gov for requesting a certified copy of Schedule C.

Rule 4004-1. ~~Discharge Under Chapters 11, 12 and 13~~ Debtor’s Certifications Regarding Domestic Support Obligations and 11 U.S.C. § 522(q)

- (a) ~~DISCHARGE AFTER PLAN PAYMENTS COMPLETED. Upon completion of all applicable payments under the plan or modified plan in a chapter 12 or 13 case, the trustee shall file a final report and account. Upon the filing by the debtor of Local Form 4004-1, the court will forthwith enter an order discharging the debtor without further hearing, unless the debtor is ineligible for discharge. Upon completion of all applicable payments under the plan or modified plan in an individual chapter 11 case, the debtor shall file a motion for discharge.~~ LOCAL FORM 4004-1. A certification regarding domestic support obligations under 11 U.S.C. §§ 1228(a) or 1328(a), or a certification regarding 11 U.S.C. § 522(q) under 11 U.S.C. §§ 727(a)(12), 1141(d)(5)(C), 1228(f), or 1328(h) and Federal Rule of Bankruptcy Procedure 1007(b)(8), must:

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(1) Conform to Local Form 4004-1; and

(2) In a chapter 7 case, be filed with the petition or within 14 days thereafter.

- (b) ~~HARDSHIP DISCHARGE. If a debtor in a chapter 12 or 13 case files an application for discharge under §§1228(b) or 1328(b) of the Code, the court will enter an order setting the date for a hearing and fixing the time for filing a complaint to determine the dischargeability of a debt.~~ MOTION FOR TIMELY ENTRY OF DISCHARGE. If the debtor indicates in Part III, Subpart B of Local Form 4004-1 that the debtor has claimed an exemption as described in 11 U.S.C. § 522(g)(1) and 11 U.S.C. § 522(g)(1)(A) or (B) may be applicable, the debtor must file and serve a motion requesting the timely entry of a discharge. In addition to complying with Local Rules 9013-1 and 9013-2, the debtor must give notice of the motion to all creditors.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2009. Subdivision (a) amended September 23, 2010, effective as to all individual chapter 11 cases filed on or after October 17, 2005, and in which an order of discharge had not been entered as of October 1, 2010. Amended effective XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4004-1 was retitled to better conform to the substance of the rule. Local Rule 4004-1 now only addresses certifications regarding domestic support obligations and 11 U.S.C. § 522(g). These certifications are required for a discharge. Amended subsection (a)(1) makes clear that such certifications must conform to Local Form 4004-1. Local Form 4004-1 was amended to add additional chapters besides chapters 12 and 13. Section 522(g) is at issue in chapter 7 cases and chapter 11 cases under 11 U.S.C. §§ 727(a)(12) and 1141(d)(5)(C), respectively. See also Fed. R. Bankr. P. 4004(c)(1)(i) (“In a Chapter 7 case, . . . the court must promptly grant the discharge—except [if] . . . a motion is pending to delay or postpone a discharge under § 727(a)(12).”). Thus, while chapter 7 is not mentioned in Fed. R. Bankr. P. 1007(b)(8), the local rule requires a certification because of 11 U.S.C. § 727(a)(12). Local Form 4004-1 was also amended to request additional information regarding the potential applicability of 11 U.S.C. § 522(g)(1)(A) or (B). See also Fed. R. Bankr. P. 4003(b)(3) (“An objection based on § 522(g) must be filed: (A) before the case is closed; or (B) if an exemption is first claimed after a case has been reopened, before the reopened case is closed.”). Other changes are stylistic.

Amended subsection (a)(2) addresses the time for filing Local Form 4004-1. It was not necessary to specify the time in a chapter 11, 12, or 13 case because Fed. R. Bankr. P. 1007(c) already mandates that the form must be filed no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under 11 U.S.C. §§ 1141(d)(5)(B), 1228(b), or 1328(b). Further, under Fed. R. Bankr. P. 4004(c)(3), in a chapter 11, 12, or 13 case, the court “must not grant a discharge until at least 30 days after the statement is filed.”

Amended subsection (b) ensures conformance with Fed. R. Bankr. P. 2002(f)(1)(L). Under Fed. R. Bankr. P. 2002(f)(1)(L), in a chapter 11, 12, or 13 case, notice to all creditors must be given of the time to request a delay in the entry of the debtor’s discharge under 11 U.S.C. §§ 1141(d)(5)(C), 1228(f), or 1328(h). The objection deadline in the motion is the time to request a delay in the entry of the debtor’s discharge. The purpose of the delay is to investigate potential objections to exemptions based on 11 U.S.C. § 522(g). Amended subsection (b) makes notice to all creditors required in a chapter 7 case too.

Former subsection (a) was revised to remove the requirement that a trustee in a chapter 12 or 13 case file a final report and final account after the debtor completes plan payments. That requirement was duplicative of 11 U.S.C. § 704(a)(9), which is incorporated into chapter 12 and 13 cases by 11 U.S.C. §§ 1202(b)(1) and 1302(b)(1). See also

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Fed. R. Bankr. P. 5009(a) (indicating a chapter 7, 12, or 13 case can be closed after the trustee files a final report and final account and has certified that the estate has been fully administered). Former subsection (a) was further revised to remove the provision about the court entering an order for discharge upon the debtor's filing of Local Form 4004-1. Filing Local Form 4004-1 is not the only requirement for receiving a discharge. Finally, former subsection (a) was revised to remove the requirement that an individual chapter 11 debtor file a motion for discharge. That requirement may not apply in a case under subchapter V where the discharge is often statutorily determined unless the plan provides otherwise. In addition, for non-subchapter V cases, that requirement was duplicative of 11 U.S.C. § 1141(d)(5)(A) and Fed. R. Bankr. P. 9013, which generally requires that a request for an order be made by motion. It is incumbent on the individual chapter 11 debtor to inform the court, through a motion, that all plan payments have been completed and the debtor is eligible for a discharge.

Former subsection (b) was abrogated to ensure consistency with and avoid duplication of Fed. R. Bankr. P. 4007(d). Federal Rule of Bankruptcy Procedure 4007(d) requires a motion for hardship discharge, not an application. Further, that rule only applies to chapter 13 cases, not chapter 12 cases. In chapter 12 cases, while a motion is still required, it is not necessary for the court to fix the time to file a complaint to determine the dischargeability of any debt under 11 U.S.C. § 523(a)(6) because that time was already set in the meeting of creditors notice. Compare 11 U.S.C. § 1228(a)(2) (generally excepting debts under 11 U.S.C. § 523(a) from discharge), with 11 U.S.C. § 1328(a)(2) (excepting certain debts under 11 U.S.C. § 523(a) from discharge, but specifically excluding debts under 11 U.S.C. § 523(a)(6) from discharge). Please refer to the court's website at www.mnb.uscourts.gov for filing guidance on motions for hardship discharge.

Rule 4004-3. ~~Deferral of Entry of Discharge~~[ABROGATED]

~~If the trustee in a chapter 7 case serves and files a notice of nonconcluded meeting of creditors under Local Rule 2003-1, the court may defer entry of discharge until the trustee files a report stating that the meeting has been concluded.~~

[Effective April 15, 1997. Amended effective January 9, 2006; May 1, 2014. Abrogated effective XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4004-3 was abrogated as unnecessary and inconsistent with Fed. R. Bankr. P. 4004(c)(2). Under Fed. R. Bankr. P. 4004(c)(2), the court may defer the entry of an order granting a discharge upon a motion filed by the debtor.

Rule 4008-1. Reaffirmation Agreement

~~(a) HEARING. If a reaffirmation agreement that was made after the filing of the petition but before entry of the discharge is filed with the clerk under §524(c)(3) of the Code, and if the debtor was not represented by an attorney during the course of negotiating such agreement or if the non-debtor party to the agreement is the debtor's attorney, the clerk shall schedule a discharge hearing under §524(d) of the Code and give notice of the hearing to the debtor, the attorney for the debtor, the creditor, the trustee and the United States Trustee.~~

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~~(b) FORM.~~ An agreement to reaffirm a debt in whole or in part ~~shall~~ must conform to ~~Local Director's~~ Form 2400A/B ALT ~~4008-1(a) and shall be accompanied by the cover sheet for reaffirmation agreement (Official Form 427).~~

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; December 1, 2015; October 1, 2019; XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4008-1 was retitled to better conform to Fed. R. Bankr. P. 4008(a). Subsection (a) was removed as unnecessary. Based on the filing with the court, the court will determine whether a hearing is necessary and schedule such hearing accordingly. Subsection (b) was removed as duplicative of Fed. R. Bankr. P. 4008(a). Federal Rule of Bankruptcy Procedure 4008(a) requires that every reaffirmation agreement be accompanied by Official Form 427. Local Form 4008-1(a), or Local Form 4008-1 as it was titled on the Court's website, was abrogated. Parties should use Director's Form 2400A/B ALT instead.

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Rule 4001-1. Motion for Relief from the Automatic Stay

(a) **PRINCIPAL RESIDENCE.** A motion for relief from the automatic stay under 11 U.S.C. § 362(d) and Federal Rule Bankruptcy Procedure 4001(a) as to an individual debtor's principal residence must include a verification with the following information:

(1) **Evidence of standing.** Evidence that the moving party has standing to bring the motion, including, at a minimum:

(A) a copy of the note;

(B) a copy of the mortgage;

(C) evidence of perfection of the mortgage; and

(D) if the moving party is not the original mortgagee, evidence of an assignment or other similar document.

(2) **Description of property.** The legal description and address of the property.

(3) **Value.** The current tax-assessed value of the property and the moving party's estimate of current market value.

(4) **Loan History.** If the motion alleges a default in making payments to the moving party, a complete loan history beginning on the date of the default applicable to the motion, up to the date of the verification. The loan history must be provided on Local Form 4001-1(a).

(5) **Equity.** If the amount of equity is at issue, the name of all other lienholders, the amounts due, as scheduled or as provided in any proofs of claim, and their priority with respect to the moving party.

(6) **Payments to Chapter 13 Trustee.** If the motion alleges a default in making plan payments to the chapter 13 trustee, the month, amount, and status of such payments.

(b) **PROPOSED ORDER GENERALLY.** If a motion seeks relief from the automatic stay as to property, the proposed order must substantially conform to Local Form 4001-1(b)(1) (pre-discharge) or Local Form 4001-1(b)(2) (post-discharge).

[Amended effective May 1, 2014; December 1, 2014; XX, 2025.]

2025 Advisory Committee Notes

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Local Rule 4001-1 was retitled to better conform to Fed. R. Bankr. P. 4001(a). Subsection (a) was removed as unnecessary as Local Rules 9013-1 and 9013-2 apply to motions generally. Former subsection (b) was renumbered to subsection (a) and restyled; no substantive changes were intended. Note, as before, amended subsection (b) applies to motions for relief from the automatic stay generally, not just those pertaining to a principal residence. Local Form 4001-1 was renumbered to Local Form 4001-1(a) and restyled; no substantive changes were intended. Former subsection (c) was renumbered to subsection (b) and given a title. Local Forms 4001-2(a) and 4001-2(b) were renumbered to Local Forms 4001-1(b)(1) and 4001-1(b)(2), respectively, and restyled; no substantive changes were intended.

Rule 4001-2. Motion for Authorization to Use Cash Collateral

For any motion for authorization to use cash collateral, in addition to the requirements in Federal Rule of Bankruptcy Procedure 4001(b)(1)(B), the debtor must include a verification with the following information:

- (a) the debtor's calculation of the amount of debt secured by the cash collateral;
- (b) the debtor's description of the cash collateral;
- (c) the debtor's estimate of the cash collateral's value on the petition date;
- (d) the debtor's estimate of the cash collateral's value at the beginning of the period of time for which the debtor seeks authorization to use cash collateral;
- (e) the debtor's estimate of the cash collateral's value at the end of the period of time for which the debtor seeks authorization to use cash collateral; and
- (f) the debtor's cash flow projections.

[Effective April 15, 1997. Amended effective January 1, 2002; XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4001-2 was retitled to better conform to Fed. R. Bankr. P. 4001(b). Subsection (b) was removed as duplicative of Fed. R. Bankr. P. 4001(b)(1)(B) and (b)(2). Former subsection (a) was renumbered in light of the removal of subsection (b).

Rule 4002-1. [ABROGATED]

[Effective April 15, 1997. Amended effective January 9, 2006. Abrogated effective XX, 2025.]

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Local Rule 4002-1 was abrogated as duplicative of Fed. R. Bankr. P. 4002(a)(5), which requires a debtor to file a statement of any change of the debtor's address.

Rule 4003-1. Notice of an Amendment to a Claimed Exemption

The debtor must give notice of an amendment to a claimed exemption under Federal Rules of Bankruptcy Procedure 1009 and 4003 to the trustee and all creditors and file proof of such notice.

[Effective April 15, 1997. Amended effective January 9, 2006; XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4003-1 was amended to only address notice of an amendment to a claimed exemption (Schedule C). Notice must be given to all creditors. *See generally* 9 Collier on Bankr. ¶ 1009.02[2] (discussing the importance of such notice). Similar language used to appear in former Local Rule 1009-1(b)(3). Subsection (a) was removed as duplicative of Fed. R. Bankr. P. 9014(a), which requires that for a “contested matter . . . relief must be requested by motion.” The 1983 Advisory Committee Notes to that rule make clear that “an objection . . . to a claim of exemption” constitutes a “contested matter.” Further, if an amended Schedule C is subsequently filed, the motion objecting to a claimed exemption may be moot. If a case is closed before the court rules on a motion objecting to a claimed exemption, the court may address any issues upon the reopening of the case. Subsection (b) was also removed as unnecessary. As such, Local Form 4003-1 was abrogated. The clerk maintains instructions on the court’s website at www.mnb.uscourts.gov for requesting a certified copy of Schedule C.

Rule 4004-1. Debtor’s Certifications Regarding Domestic Support Obligations and 11 U.S.C. § 522(q)

(a) LOCAL FORM 4004-1. A certification regarding domestic support obligations under 11 U.S.C. §§ 1228(a) or 1328(a), or a certification regarding 11 U.S.C. § 522(q) under 11 U.S.C. §§ 727(a)(12), 1141(d)(5)(C), 1228(f), or 1328(h) and Federal Rule of Bankruptcy Procedure 1007(b)(8), must:

(1) Conform to Local Form 4004-1; and

(2) In a chapter 7 case, be filed with the petition or within 14 days thereafter.

(b) MOTION FOR TIMELY ENTRY OF DISCHARGE. If the debtor indicates in Part III, Subpart B of Local Form 4004-1 that the debtor has claimed an exemption as described in 11 U.S.C. § 522(q)(1) and 11 U.S.C. § 522(q)(1)(A) or (B) may be applicable, the debtor must file and serve a motion requesting the timely entry of a discharge. In addition to complying with Local Rules 9013-1 and 9013-2, the debtor must give notice of the motion to all creditors.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2009. Subdivision (a) amended September 23, 2010, effective as to all individual chapter 11 cases filed

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on or after October 17, 2005, and in which an order of discharge had not been entered as of October 1, 2010. Amended effective XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4004-1 was retitled to better conform to the substance of the rule. Local Rule 4004-1 now only addresses certifications regarding domestic support obligations and 11 U.S.C. § 522(q). These certifications are required for a discharge. Amended subsection (a)(1) makes clear that such certifications must conform to Local Form 4004-1. Local Form 4004-1 was amended to add additional chapters besides chapters 12 and 13. Section 522(q) is at issue in chapter 7 cases and chapter 11 cases under 11 U.S.C. §§ 727(a)(12) and 1141(d)(5)(C), respectively. *See also* Fed. R. Bankr. P. 4004(c)(1)(I) (“In a Chapter 7 case, . . . the court must promptly grant the discharge—except [if] . . . a motion is pending to delay or postpone a discharge under § 727(a)(12).”). Thus, while chapter 7 is not mentioned in Fed. R. Bankr. P. 1007(b)(8), the local rule requires a certification because of 11 U.S.C. § 727(a)(12). Local Form 4004-1 was also amended to request additional information regarding the potential applicability of 11 U.S.C. § 522(q)(1)(A) or (B). *See also* Fed. R. Bankr. P. 4003(b)(3) (“An objection based on § 522(q) must be filed: (A) before the case is closed; or (B) if an exemption is first claimed after a case has been reopened, before the reopened case is closed.”). Other changes are stylistic.

Amended subsection (a)(2) addresses the time for filing Local Form 4004-1. It was not necessary to specify the time in a chapter 11, 12, or 13 case because Fed. R. Bankr. P. 1007(c) already mandates that the form must be filed no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under 11 U.S.C. §§ 1141(d)(5)(B), 1228(b), or 1328(b). Further, under Fed. R. Bankr. P. 4004(c)(3), in a chapter 11, 12, or 13 case, the court “must not grant a discharge until at least 30 days after the statement is filed.”

Amended subsection (b) ensures conformance with Fed. R. Bankr. P. 2002(f)(1)(L). Under Fed. R. Bankr. P. 2002(f)(1)(L), in a chapter 11, 12, or 13 case, notice to all creditors must be given of the time to request a delay in the entry of the debtor’s discharge under 11 U.S.C. §§ 1141(d)(5)(C), 1228(f), or 1328(h). The objection deadline in the motion is the time to request a delay in the entry of the debtor’s discharge. The purpose of the delay is to investigate potential objections to exemptions based on 11 U.S.C. § 522(q). Amended subsection (b) makes notice to all creditors required in a chapter 7 case too.

Former subsection (a) was revised to remove the requirement that a trustee in a chapter 12 or 13 case file a final report and final account after the debtor completes plan payments. That requirement was duplicative of 11 U.S.C. § 704(a)(9), which is incorporated into chapter 12 and 13 cases by 11 U.S.C. §§ 1202(b)(1) and 1302(b)(1). *See also* Fed. R. Bankr. P. 5009(a) (indicating a chapter 7, 12, or 13 case can be closed after the trustee files a final report and final account and has certified that the estate has been fully administered). Former subsection (a) was further revised to remove the provision about the court entering an order for discharge upon the debtor’s filing of Local Form 4004-1. Filing Local Form 4004-1 is not the only requirement for receiving a discharge. Finally, former subsection (a) was revised to remove the requirement that an individual chapter 11 debtor file a motion for discharge. That requirement may not apply in a case under subchapter V where the discharge is often statutorily determined unless the plan provides otherwise. In addition, for non-subchapter V cases, that requirement was duplicative of 11 U.S.C. § 1141(d)(5)(A) and Fed. R. Bankr. P. 9013, which generally requires that a request for an order be made by motion. It is incumbent on the individual chapter 11 debtor to inform the court, through a motion, that all plan payments have been completed and the debtor is eligible for a discharge.

Former subsection (b) was abrogated to ensure consistency with and avoid duplication of Fed. R. Bankr. P. 4007(d). Federal Rule of Bankruptcy Procedure 4007(d) requires a motion for hardship discharge, not an application. Further, that rule only applies to chapter 13 cases, not chapter 12 cases. In chapter 12 cases, while a motion is still required, it is not necessary for the court to fix the time to file a complaint to determine the dischargeability of any debt under 11 U.S.C. § 523(a)(6) because that time was already set in the meeting of creditors notice. *Compare* 11 U.S.C. § 1228(a)(2) (generally excepting debts under 11 U.S.C. § 523(a) from discharge), *with* 11 U.S.C. § 1328(a)(2) (excepting certain debts under 11 U.S.C. § 523(a) from discharge, but specifically excluding debts under 11 U.S.C. § 523(a)(6))

4000 SERIES PROPOSED AMENDMENTS – FINAL VERSION

from discharge). Please refer to the court's website at www.mnb.uscourts.gov for filing guidance on motions for hardship discharge.

Rule 4004-3. [ABROGATED]

[Effective April 15, 1997. Amended effective January 9, 2006; May 1, 2014. Abrogated effective XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4004-3 was abrogated as unnecessary and inconsistent with Fed. R. Bankr. P. 4004(c)(2). Under Fed. R. Bankr. P. 4004(c)(2), the court may defer the entry of an order granting a discharge upon a motion filed by the debtor.

Rule 4008-1. Reaffirmation Agreement

An agreement to reaffirm a debt in whole or in part must conform to Director's Form 2400A/B ALT.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; December 1, 2009; December 1, 2015; October 1, 2019; XX, 2025.]

2025 Advisory Committee Notes

Local Rule 4008-1 was retitled to better conform to Fed. R. Bankr. P. 4008(a). Subsection (a) was removed as unnecessary. Based on the filing with the court, the court will determine whether a hearing is necessary and schedule such hearing accordingly. Subsection (b) was removed as duplicative of Fed. R. Bankr. P. 4008(a). Federal Rule of Bankruptcy Procedure 4008(a) requires that every reaffirmation agreement be accompanied by Official Form 427. Local Form 4008-1(a), or Local Form 4008-1 as it was titled on the Court's website, was abrogated. Parties should use Director's Form 2400A/B ALT instead.

LOCAL FORM 4001-1 PROPOSED AMENDMENTS – REDLINE VERSION {RENUMBERED TO LOCAL FORM 4001-1(a)}

LOCAL FORM 4001-1(a)
REVISED XX/XX25

			(a)	(b)	(c)	(d)	(e)	
--	--	--	-----	-----	-----	-----	-----	--

* Any "Other charge" must be described, itemized by amount, and allowed under note and/or mortgage (e.g., inspection fee, appraisal fee, insurance, taxes, etc.).

Default amount claimed in the motion. Note: Total amount due (columns (b) + (c) + (d) + (e)) less amount received from the debtor(s) (column (a)) must equal the default amount claimed in the motion.	\$
Attorneys' fees and filing fee for the motion, if allowed under note and/or mortgage, and sought by movant to resolve motion.	\$
Escrow balance (amounts held for payment of taxes, insurance, etc.).	\$
Suspense account balance (amount of un-applied payments).	\$

A completed example of this form is found at [Link](#).

LOCAL FORM 4001-1 PROPOSED AMENDMENTS – FINAL VERSION {RENUMBERED TO LOCAL FORM 4001-1(a)}

LOCAL FORM 4001-1(a)
REVISED XX/XX25

UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

In re:

Case No. [XX-XXXXX]

[Debtor(s)],

Chapter [X]

Debtors.

LOAN HISTORY

Begin loan history from the date of the first default related to the current default amount that is claimed in the motion.

				CHARGES				
Date payment due	Date payment received	Date to which payment applied (month/year)	Amount received from the Debtor(s)	Monthly amount due: Principal + Interest	Monthly amount due: Escrow	Amount due: Late fees	Amount due: Other charge*	Description of charge
TOTALS:			\$	\$	\$	\$	\$	
			(a)	(b)	(c)	(d)	(e)	

* Any "Other charge" must be described, itemized by amount, and allowed under note and/or mortgage (e.g., inspection fee, appraisal fee, insurance, taxes, etc.).

LOCAL FORM 4001-1 PROPOSED AMENDMENTS – FINAL VERSION {RENUMBERED TO LOCAL FORM 4001-1(a)}

LOCAL FORM 4001-1(a)
REVISED XX/XX25

Default amount claimed in the motion. Note: Total amount due (columns (b) + (c) + (d) + (e)) less amount received from the debtor(s) (column (a)) must equal the default amount claimed in the motion.	\$
Attorneys' fees and filing fee for the motion, if allowed under note and/or mortgage, and sought by movant to resolve motion.	\$
Escrow balance (amounts held for payment of taxes, insurance, etc.).	\$
Suspense account balance (amount of un-applied payments).	\$

**LOCAL FORM 4001-2(a) (PRE-DISCHARGE) PROPOSED AMENDMENTS –
REDLINE VERSION {RENUMBERED TO LOCAL FORM 4001-1(b)(1) (PRE-
DISCHARGE)}**

LOCAL FORM 4001-~~12~~-(ba)(1) (pre-discharge)
REVISED XX/XX

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No. [XX-XXXXX]

[Debtor(s)].

Chapter [X]

Debtor(s).

ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY

This case is before the court on the motion of [insert movant] for relief from the automatic stay imposed by 11 U.S.C. § 362(a).

Based on the record, the court finds that grounds exist under 11 U.S.C. § 362(d) to warrant relief.

IT IS ORDERED:

1. The motion for relief from the automatic stay is granted as follows.
2. The automatic stay imposed by 11 U.S.C. § 362(a) is terminated such that the movant may exercise its rights and remedies under applicable non-bankruptcy law with respect to the following property:

[Insert description of real or personal property]

3. [Notwithstanding Fed. R. Bankr. P. 4001(a)(3), this order is effective immediately.]

Dated:

United States Bankruptcy Judge

**LOCAL FORM 4001-2(a) (PRE-DISCHARGE) PROPOSED AMENDMENTS – FINAL
VERSION {RENUMBERED TO LOCAL FORM 4001-1(b)(1) (PRE-DISCHARGE)}**

LOCAL FORM 4001-1(b)(1) (pre-discharge)
REVISED XX/XX

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No. [XX-XXXXX]

[Debtor(s)],

Chapter [X]

Debtor(s).

ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY

This case is before the court on the motion of [insert movant] for relief from the automatic stay imposed by 11 U.S.C. § 362(a).

Based on the record, the court finds that grounds exist under 11 U.S.C. § 362(d) to warrant relief.

IT IS ORDERED:

1. The motion for relief from the automatic stay is granted as follows.
2. The automatic stay imposed by 11 U.S.C. § 362(a) is terminated such that the movant may exercise its rights and remedies under applicable non-bankruptcy law with respect to the following property:

[Insert description of real or personal property]

3. [Notwithstanding Fed. R. Bankr. P. 4001(a)(3), this order is effective immediately.]

Dated:

United States Bankruptcy Judge

**LOCAL FORM 4001-2(b) (POST-DISCHARGE) PROPOSED AMENDMENTS –
REDLINE VERSION {RENUMBERED TO LOCAL FORM 4001-1(b)(2) (POST-
DISCHARGE)}**

LOCAL FORM 4001-~~12~~(b)(2) (post-discharge)
REVISED XX/25

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No. [XX-XXXXX]

~~Case No.~~

[Debtor(s)].

Chapter [X]

Debtor(s).

ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY

This case is before the court on the motion of [insert movant] for relief from the automatic stay imposed by 11 U.S.C. § ~~362~~(a).

Based on the record, the court finds that grounds exist under 11 U.S.C. § ~~362~~(d) to warrant relief, but that the motion is moot as to the debtor~~(s)~~, the automatic stay having terminated upon entry of the debtor~~(s)~~'~~s~~ ~~[debtors=]~~ discharge.

IT IS ORDERED:

1. The motion for relief from the automatic stay is granted as follows.
2. The automatic stay imposed by 11 U.S.C. § ~~362~~(a) is terminated as to the estate'~~s~~ interest in the property such that the movant may exercise its rights and remedies under applicable non~~-~~bankruptcy law with respect to the following property:

[Insert description of real or personal property.]

3. [Notwithstanding Fed. R. Bankr. P. 4001(a)(3), this order is effective immediately.]

Dated:

United States Bankruptcy Judge

**LOCAL FORM 4001-2(b) (POST-DISCHARGE) PROPOSED AMENDMENTS – FINAL
VERSION {RENUMBERED TO LOCAL FORM 4001-1(b)(2) (POST-DISCHARGE)}**

LOCAL FORM 4001-1(b)(2) (post-discharge)
REVISED XX/25

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No. [XX-XXXXXX]

[Debtor(s)],

Chapter [X]

Debtor(s).

ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY

This case is before the court on the motion of [insert movant] for relief from the automatic stay imposed by 11 U.S.C. § 362(a).

Based on the record, the court finds that grounds exist under 11 U.S.C. § 362(d) to warrant relief, but that the motion is moot as to the debtor(s), the automatic stay having terminated upon entry of the debtor(s)' discharge.

IT IS ORDERED:

1. The motion for relief from the automatic stay is granted as follows.
2. The automatic stay imposed by 11 U.S.C. § 362(a) is terminated as to the estate's interest in the property such that the movant may exercise its rights and remedies under applicable non-bankruptcy law with respect to the following property:

[Insert description of real or personal property.]
3. [Notwithstanding Fed. R. Bankr. P. 4001(a)(3), this order is effective immediately.]

Dated:

United States Bankruptcy Judge

PROPOSED AMENDMENTS – ABROGATE AND REMOVE LOCAL FORM 4003-1

**~~UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA~~**

~~In re:~~

~~Case No:~~

~~5~~

~~Chapter~~

~~Debtor(s):~~

~~CERTIFICATE REGARDING PROPERTY CLAIMED AS EXEMPT~~

~~I, Tricia Pepin, Clerk of the United States Bankruptcy Court for the District of Minnesota, do hereby certify pursuant to applicable rules that the attached page(s) is a true and complete copy of the original Schedule B=4 or Schedule C filed on , and the original of every amendment thereto (new or amended Schedule B=4 or Schedule C if any) filed thereafter on , in the captioned bankruptcy case by or for the debtor(s), and that I have searched the file and examined the docket of this court in this case, as of 8:00 AM on the date of this certificate, and have found that the first date set for the meeting of creditors in this case as a chapter case under 11 U.S.C. § 341(a) was , that the notice required by 11 U.S.C. § 342(a) has been given, that thirty (30) days have elapsed from the date set for such meeting and from the date(s) such schedule(s) or any amendment thereto was filed, that such meeting is deemed concluded on the first date set for the meeting, that no objection has been filed to the claims of property claimed as exempt by the debtor(s), or that if filed has been since withdrawn or overruled by the court, that no extension of time for such objection has been granted, or that if granted has since expired, and that, unless a party in interest objects, property claimed as exempt is exempt under 11 U.S.C. § 522(1).~~

~~Witness my official signature
and the seal of said court~~

Tricia Pepin
Clerk, United States Bankruptcy Court

~~Dated: August 18, 2023~~

~~By:~~

~~(SEAL OF BANKRUPTCY COURT)~~

~~Deputy Clerk~~

LOCAL FORM 4004-1
REVISED XX/25
B2830 (FORM 2830) (4/22)

In re: _____ Case No. XX-XXXXX

Debtor(s), _____ Chapter X

_____ Debtor(s).

Part I. Certification Regarding Domestic Support Obligations (check no more than one) (If you are not a chapter 12 or 13 debtor, proceed to Part III below)

~~Pursuant to~~ Under 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 current employer's _____
address: _____

Part III. Certification Regarding Section 522(q) (check no more than one [subpart](#))

Under 11 U.S.C. §§ 727(a)(12), 1141(d)(5)(C), 1228(f), or 1328(h), and Fed. R. Bankr. P. 1007(b)(8), I certify that:

Subpart A.

- ☐ I have not claimed an exemption pursuant to under 11 U.S.C. § 522(b)(3) and state or local law (4) in property that: (1) I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in 11 U.S.C. § 522(p)(1); and (2) ~~that~~ exceeds \$189,050* in value in the aggregate.

Subpart B.

LOCAL FORM 4004-1 PROPOSED AMENDMENTS – REDLINE VERSION

LOCAL FORM 4004-1
REVISED XX/25
B2830 (FORM 2830) (4/22)

- ☐ I have claimed an exemption in property ~~pursuant to~~ under 11 U.S.C. § 522(b)(3) and state or local law that: (1) ~~that~~ I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in 11 U.S.C. § 522(p)(1); and (2) ~~that~~ exceeds \$189,050* in value in the aggregate, and
- ☐ There are no pending proceedings where I may be found guilty of a felony described in 11 U.S.C. § 522(q)(1)(A) or found liable for a debt described in 11 U.S.C. § 522(q)(1)(B); or
- ☐ There is a pending proceeding where (check all that apply):
- ☐ I may be found guilty of a felony (as defined in 18 U.S.C. § 3156); or
- ☐ I may be found liable for a debt arising from:
- ☐ any violation of the federal securities laws (as defined in § 3(a)(47) of the Securities Exchange Act of 1934), any state securities laws, or any regulation or order issued under federal securities laws or state securities laws;
 - ☐ fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under § 12 or 15(d) of the Securities Exchange Act of 1934 or under § 6 of the Securities Act of 1933;
 - ☐ any civil remedy under 18 U.S.C. § 1964; or
 - ☐ any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

No certification in Part III, Subpart B prevents a debtor from asserting at a hearing that 11 U.S.C. § 522(q) does not apply, such that the debtor should still be granted a discharge.

Under Fed. R. Bankr. P. 2002(f)(1)(L) and Local Rule 4004-1(b), if the debtor indicates in Part III, Subpart B that the debtor has claimed such an exemption and there is such a pending proceeding, the debtor must file motion under Local Rule 4004-1(b) and give notice of the motion to all creditors.

Under Fed. R. Bankr. P. 1007(c), in a chapter 11, 12, or 13 case, this form must be filed no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under 11 U.S.C. §§ 1141(d)(5)(B), 1228(b), or 1328(b). Under Local Rule 4004-1(a)(2), in a chapter 7 case, this form must be filed with the petition or within 14 days thereafter.

Part IV. Debtor's Signature

LOCAL FORM 4004-1 PROPOSED AMENDMENTS – REDLINE VERSION

LOCAL FORM 4004-1
[REVISED XX/25](#)
B2830 (FORM 2830) (4/22)

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 4/1/2025 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. [Accordingly, the clerk is authorized to adjust these amounts on the form every three years.](#)*

LOCAL FORM 4004-1 PROPOSED AMENDMENTS – FINAL VERSION

LOCAL FORM 4004-1
REVISED XX/25
B2830 (FORM 2830) (4/22)

UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

In re: Case No. [XX-XXXXX]
[Debtor(s)], Chapter [X]
Debtor(s).

DEBTOR'S CERTIFICATIONS REGARDING DOMESTIC SUPPORT OBLIGATIONS OR SECTION 522(q)

Part I. Certification Regarding Domestic Support Obligations *(check no more than one) (If you are not a chapter 12 or 13 debtor, proceed to Part III below)*

Under 11 U.S.C. §§ 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: _____
My current employer's address: _____

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

Under 11 U.S.C. §§ 727(a)(12), 1141(d)(5)(C), 1228(f), or 1328(h), and Fed. R. Bankr. P. 1007(b)(8), I certify that:

Subpart A.

- ☐ I have not claimed an exemption under 11 U.S.C. § 522(b)(3) and state or local law in property that: (1) I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in 11 U.S.C. § 522(p)(1); and (2) exceeds \$189,050* in value in the aggregate.

Subpart B.

LOCAL FORM 4004-1 PROPOSED AMENDMENTS – FINAL VERSION

LOCAL FORM 4004-1
REVISED XX/25
B2830 (FORM 2830) (4/22)

- ☐ I have claimed an exemption in property under 11 U.S.C. § 522(b)(3) and state or local law that: (1) I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in 11 U.S.C. § 522(p)(1); and (2) exceeds \$189,050* in value in the aggregate, and
 - ☐ There are no pending proceedings where I may be found guilty of a felony described in 11 U.S.C. § 522(q)(1)(A) or found liable for a debt described in 11 U.S.C. § 522(q)(1)(B); or
 - ☐ There is a pending proceeding where (*check all that apply*):
 - ☐ I may be found guilty of a felony (as defined in 18 U.S.C. § 3156); or
 - ☐ I may be found liable for a debt arising from:
 - ☐ any violation of the federal securities laws (as defined in § 3(a)(47) of the Securities Exchange Act of 1934), any state securities laws, or any regulation or order issued under federal securities laws or state securities laws;
 - ☐ fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under § 12 or 15(d) of the Securities Exchange Act of 1934 or under § 6 of the Securities Act of 1933;
 - ☐ any civil remedy under 18 U.S.C. § 1964; or
 - ☐ any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

No certification in Part III, Subpart B prevents a debtor from asserting at a hearing that 11 U.S.C. § 522(q) does not apply, such that the debtor should still be granted a discharge.

Under Fed. R. Bankr. P. 2002(f)(1)(L) and Local Rule 4004-1(b), if the debtor indicates in Part III, Subpart B that the debtor has claimed such an exemption and there is such a pending proceeding, the debtor must file motion under Local Rule 4004-1(b) and give notice of the motion to all creditors.

Under Fed. R. Bankr. P. 1007(c), in a chapter 11, 12, or 13 case, this form must be filed no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under 11 U.S.C. §§ 1141(d)(5)(B), 1228(b), or 1328(b). Under Local Rule 4004-1(a)(2), in a chapter 7 case, this form must be filed with the petition or within 14 days thereafter.

Part IV. Debtor's Signature

LOCAL FORM 4004-1 PROPOSED AMENDMENTS – FINAL VERSION

LOCAL FORM 4004-1
REVISED XX/25
B2830 (FORM 2830) (4/22)

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 4/1/2025 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. Accordingly, the clerk is authorized to adjust these amounts on the form every three years.*

PROPOSED AMENDMENTS – ABROGATE AND REMOVE LOCAL FORM 4008-1

~~Form 240A – Reaffirmation Agreement (1/07)
(Local Form 4008-1)~~

☐ ~~Presumption of Undue Hardship~~
☐ ~~No Presumption of Undue Hardship~~
(Check box as directed in Part D: Debtor's Statement
in Support of Reaffirmation Agreement.)

~~UNITED STATES BANKRUPTCY COURT~~

~~District of _____~~

In re _____ Case No. _____
Debtor _____ Chapter _____

REAFFIRMATION AGREEMENT

[Indicate all documents included in this filing by checking each applicable box.]

- ☐ ~~Part A: Disclosures, Instructions, and~~ ☐ ~~Part D: Debtor's Statement in~~
~~Notice to Debtor (pages 1 – 5)~~ ~~Support of Reaffirmation Agreement~~
- ☐ ~~Part B: Reaffirmation Agreement~~
- ☐ ~~Part C: Certification by Debtor's Attorney~~

~~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.~~*

PROPOSED AMENDMENTS – ABROGATE AND REMOVE LOCAL FORM 4008-1

Form 240A—Reaffirmation Agreement (Cont.)

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,~~

PROPOSED AMENDMENTS – ABROGATE AND REMOVE LOCAL FORM 4008-1

Form 240A – Reaffirmation Agreement (Cont.)

~~the amount of each balance and the rate applicable to it are:~~

~~\$ _____ @ _____ %;~~
~~\$ _____ @ _____ %;~~
~~\$ _____ @ _____ %.~~

~~e. 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 of 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.~~

PROPOSED AMENDMENTS – ABROGATE AND REMOVE LOCAL FORM 4008-1

~~Form 240A—Reaffirmation Agreement (Cont.)~~

~~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. [Abrogated]~~

~~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.~~

PROPOSED AMENDMENTS – ABROGATE AND REMOVE LOCAL FORM 4008-1

~~Form 240A – Reaffirmation Agreement (Cont.)~~

~~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 (or 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 that 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 your 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 your reaffirming a debt when the hearing on the reaffirmation agreement is held.~~

PROPOSED AMENDMENTS – ABROGATE AND REMOVE LOCAL FORM 4008-1

~~Form 240A – Reaffirmation Agreement (Cont.)~~

~~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)

(Printed Name of Creditor)

(Signature)

(Address of Creditor)

Date: _____

(Signature)

Co-borrower, if also reaffirming these debts: _____

(Print Name)

(Printed Name and Title of Individual
Signing for Creditor)

(Signature)

Date of creditor acceptance:

Date: _____

PROPOSED AMENDMENTS – ABROGATE AND REMOVE LOCAL FORM 4008-1

~~Form 240A – Reaffirmation Agreement (Cont.)~~

~~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: _____

PROPOSED AMENDMENTS – ABROGATE AND REMOVE LOCAL FORM 4008-1

Form 240A—Reaffirmation Agreement (Cont.)

~~PART D: DEBTOR'S STATEMENT IN SUPPORT OF REAFFIRMATION AGREEMENT~~

~~[Read and complete sections 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: _____~~