

## United States Bankruptcy Court District of Minnesota

The following local rule and form amendments are effective December 1, 2015:

### **Local Rule 1005-1. Petition - Caption**

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 ~~six~~**eight** years before filing the petition. If applicable, the petition shall also include the identification of possible liability as a surety for another entity.

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

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(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) (link is external). The debtor need not file Official Form **423** with the Certificate.

### **Local Rule 1009-1. Amendments to Lists and Schedules**

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(b) FILING; SERVICE. All other amendments to petitions, exhibits, attachments, schedules, statements and lists shall be verified, contain the case caption and chapter number, and be served on the trustee and the United States Trustee. Notice of the case also shall be served on each creditor listed in any amendment to a schedule of creditors. A copy of any amended schedule ~~A or~~**B** also shall be served on each entity that has filed a request for notice or notice of appearance under Federal Rule of Bankruptcy Procedure 2002(i) (link is external) or 9010(b) (link is external). A copy of any amended schedule C also shall be served on each entity listed in the matrix referred to in Local Rule 1007-2(a). A copy of any amended statement of intention also shall be served on each affected creditor. If the debtor fails to file a verification or to provide proof of service of an amended Schedule ~~B-4 or~~**C** on each entity entitled to such service under this rule, the court will 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 service 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 service requirements of the Rule and the applicable period for objection has expired.

(c) FORM. An amendment to a schedule A/~~B~~; or C shall be labeled "Amended Schedule \_\_\_\_" and consist of a copy of the schedule to be amended with the changes shown thereon by underlined typewritten entries to show additions and lining out to show deletions, except an amendment solely to correct a legal description of real property which may instead conform to a form supplied by the clerk. An amendment to a schedule D,~~E~~, or ~~E~~/F shall: 1) be labeled "Supplemental Schedule D-E-~~F~~"; 2) list alphabetically the names and addresses of the added or corrected creditors; 3) state whether priority is claimed or security is held by each creditor; 4) specify all other information for each creditor which would otherwise be applicable on the previous separate schedule filed in this case; and 5) be accompanied by a supplemental matrix. Other amendments shall be made by filing a new exhibit, attachment, schedule, statement or list, be labeled as amended and bear an appropriate caption, and verification shall be attached thereto. A matrix may not be amended under this rule.

### **Local Rule 1019-1. Conversion of Cases and Post-Conversion Requirements**

#### **(a) CONVERSION TO CHAPTER 7.**

(1) From Chapter 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 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 **expenditure** **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.

(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 **creditors claims** (**Official Form 104 or 204**), ~~and attorney statement~~ 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.

**Local Rule 2002-1. Notice to Creditors & Other Interested Parties (Entities Served With Rule 2002 Notices)**

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**(c) NOTICES PREPARED BY TRUSTEE.**

(1) Disposition of Property. Except as provided in Local Rules 6004-1(b), 6007-1, and 9019-1, the trustee in a chapter asset 7 case shall prepare and ~~request the clerk to transmit~~ **serve** a notice of sale, abandonment or other disposition of property or compromise or settlement of a controversy, which shall conform substantially to Local Form 6004-1(a).

(2) Final Report and Account. The trustee in a chapter 7 case shall prepare and ~~request the clerk to transmit~~ **serve** the notice of the trustee's final report and account.

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**(e) NOTICES PREPARED BY PARTY REQUESTING EXPANDED NOTICE.** If the court in a chapter 11 case grants an application under Local Rule 2002-1(b)(2) for expanded notice, the applicant or the moving party shall prepare and ~~request the clerk to transmit~~ **serve** the new notice, ~~unless the applicant or the moving party serves the new notice and files proof of such service.~~

**Local Rule 2016-1. Compensation of Professional Persons**

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**(d) DEBTORS' ATTORNEYS IN CHAPTER 13 CASES.**

**(1) Preconfirmation Services.**

(i) A debtor's attorney in a chapter 13 case may request an order allowing or authorizing payment of compensation by simplified application, and the court may issue the requested order without a hearing, provided that the amount of compensation does not exceed \$3,0001 for cases below the applicable median family income and \$3,5002 for cases at or above the applicable median family income, as determined on Official Bankruptcy Form **122C-1**. The simplified application need not comply with Federal Rule of Bankruptcy Procedure 2016 (link is external) or paragraph (c) of this rule and shall conform substantially to Local Form 2016-1.

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## (e) COMPENSATION OF BANKRUPTCY PETITION PREPARERS

(1) A bankruptcy petition preparer must complete, sign and cause to be filed with the petition the Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119) and Disclosure of Compensation of Bankruptcy Petition Preparer (Director's Form 2800).

(2) A bankruptcy petition preparer's compensation in a Chapter 7 or Chapter 13 case is limited to \$90.00, unless additional compensation is authorized under paragraph (3) of this rule.

(3) Any bankruptcy petition preparer paid more than \$90.00 in any individual case must file a motion for an order authorizing such fee. No memorandum of facts and law is required. The motion must comply with paragraph (c) of this rule and shall be filed not later than 21 days before the hearing date.

(4) Any bankruptcy petition preparer paid more than \$90 without court approval, or who fails to comply with any requirements of the Bankruptcy Code or national or local rules, including but not limited to 11 U.S.C. § 110 and paragraph (c) of this rule, is subject to sanctions, including disgorgement of compensation, under 11 U.S.C. §110.

(5) The Clerk must provide a copy of this paragraph (e) to each pro se debtor within ten days after the filing of such debtor's petition.

### **Local Rule 3015-2. Chapter 13 - Modification of Plans**

(b) ~~POSTCONFIRMATION MODIFICATION. Local Rule 3019-2 applies to postconfirmation modification of a Chapter 13 plan.~~ A motion for postconfirmation modification shall be filed and served no later than twenty-eight days prior to the date of the scheduled hearing. Any response shall be filed and served no later than five days prior to the scheduled hearing. Any motion seeking a reduction of the debtor's chapter 13 plan payment shall include a verified statement of the debtor's current income and expenditures, using the format of Schedules I and J, and Schedule J-2, if applicable.

### **Local Rule 3021-1. Adequate Protection Payments in Chapter 13 Cases**

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~~(b)-PAYMENTS BY THE TRUSTEE. The trustee shall pay §1326(a)(1)(C) (link is external) payments set forth in the proposed plan from available funds. The trustee shall not make payments to a creditor until a proof of claim is filed. If the case is dismissed or converted prior to confirmation, the trustee shall pay the creditor any payments due from funds collected by the trustee under §1326(a)(1)(C) (link is external).~~ [Abrogated].

## Local Rule 4008-1. Reaffirmation

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(b) FORM. An agreement to reaffirm a debt in whole or in part shall conform to Local Form 4008-1(a) **and shall be accompanied by the cover sheet for reaffirmation agreement (Official Form 427).**

## Local Rule 6004-1. Sale of Estate Property

(a) CHAPTER 7 CASES - GENERAL NOTICE. Except as otherwise provided in this rule, in a chapter 7 **asset** case, the ~~clerk~~**trustee** shall give not less than 21 days notice to all entities listed in the matrix referred to in Local Rule 1007-2 of any proposed sale or other disposition of estate property by the trustee under Federal Rule of Bankruptcy Procedure 2002(a)(2) or (3); ~~unless the trustee serves the notice and files proof of such service.~~ The notice shall conform substantially to Local Form 6004-1(a).

**Local Form 1019-1** (Conversion of Case by Debtor), **Local Form 1007-3-1(7)** (Notice of Responsibilities of Chapter 7 Debtor(s) and their Attorneys), and **Local Form 1007-3-1(13)** (Notice of Responsibilities of Chapter 13 Debtor(s) and their Attorneys) are amended as follows:

- a. Replace the references to "Debtor" and "Joint Debtor" with "Debtor 1" and "Debtor 2";
- b. Delete the reference to "plan" in section 1.G. of **Local Form 1007-3-1(7)** (Notice of Responsibilities of Chapter 7 Debtor(s) and their Attorneys).

The Order in **Local Form 2016-1** is amended as follows:

This case came before the Court on the Application for Compensation and Reimbursement of Expenses by Attorney for Debtor(s) in Chapter 13 Case. Appearances, if any, were noted on the record. Based on the application and the file, record and proceedings herein,

IT IS ORDERED:

1. Applicant is awarded \$ \_\_\_\_\_, the unpaid balance stated in paragraph 5 of the application, for compensation and/or reimbursement.

~~2. If no plan is confirmed, the Chapter 13 trustee is authorized to disburse to Applicant from funds on hand, funds in the amount of the fees and expenses allowed hereunder.~~

**Local Form 1007-1** is amended as reflected on the next two pages:

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re

\_\_\_\_\_

Case No. \_\_\_\_\_

Debtor(s).

Chapter \_\_\_\_\_

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR**

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept . . . . . \$ \_\_\_\_\_

Prior to the filing of this statement I have received . . . . . \$ \_\_\_\_\_

Balance Due . . . . . \$ \_\_\_\_\_

2. The source of the compensation paid to me was:

- Debtor       Other (specify)

3. The source of compensation to be paid to me is:

- Debtor       Other (specify)

4.  I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with another person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people or entities sharing in the compensation, is attached.

5. In return for the above-disclosed fee, **together with such further fee, if any, as is provided in the written contract required by 11 U.S.C. §528(a)(1)**, I have agreed to render legal service for all aspects of the bankruptcy case, including:

(a) Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;

(b) Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;

(c) Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

(d) Representation of the debtor in contested bankruptcy matters; and

(e) Other services reasonably necessary to represent the debtor(s).

6. Pursuant to Local Rules 1007-1 and 1007-3-1, I have advised the debtor of the requirements of paragraph 9 of the Statement of Financial Affairs of the duty to disclose all payments made, or property transferred, by or on behalf of the debtor to any person, including attorneys, for consultation concerning debt consolidation or reorganization, relief under bankruptcy law, or preparation of a petition in bankruptcy. I have reviewed the debtor's disclosures and they are accurate and complete to the best of my knowledge.

#### CERTIFICATION

I certify that the foregoing, **together with the written contract required by 11 U.S.C. §528(a)(1)**, is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy case.

Date: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_