

Local Rule and Form Amendments Effective May 1, 2019

Rule 1002-1. Petition - General (Place of Filing)

(a) CHAPTER 7 AND 13 CASES

County - Division Where Petition Is To Be Filed:

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~~Benton - Duluth or St Paul... Kanabec - Duluth or St Paul...
Mille Lacs - Duluth or St Paul... Morrison - Duluth or St Paul... Pine - Duluth or St Paul...
Stearns - Fergus Falls or Minneapolis...~~

NOTE: Bankruptcy petition preparation software vendors have been notified of the changes to Local Rule 1002-1(a).

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

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(b) CHAPTER 11 CASES.

(1) [ABROGATED]

(2) Limited and General Notice. Unless ordered otherwise, all notices under Federal Rule of Bankruptcy Procedure 2002(a)(2), (a)(3) and (a)(7) (link is external), except a notice of a proposed sale of all or substantially all the debtor's assets, shall be served ~~only on each entity listed in the service list~~ **as required by Local Rule 9013-3(a)(2)**. The United States Trustee or any other party in interest may request by application an order expanding such notice to include all creditors. All other notices to creditors under Federal Rule of Bankruptcy Procedure 2002 (link is external) shall be served on each entity listed in the matrix referred to in Local Rule 1007-2 and on each additional entity ~~listed in the service list~~ **as required by Local Rule 9013-3(a)(2)**.

(3) Notice to Equity Security Holders. **Unless ordered otherwise**, all notices under Federal Rule of Bankruptcy Procedure 2002(d) (link is external) shall be mailed to each equity security holder.

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Rule 2014-1. Employment of Professional Persons

(a) APPLICATION FOR APPROVAL. Any entity seeking approval of employment of a professional person pursuant to § 327 or § 1103(a) of the Code and Federal Rule of Bankruptcy Procedure 2014 shall file an application, a supporting affidavit or verified statement of the professional person, and a proposed order and serve the same on the United States Trustee, the trustee or examiner, all committees, and in a chapter 11, 12 or 13 case on the debtor's attorney.

(b) ~~REPORT APPROVAL~~. Within seven days after receipt of the application, the United States Trustee shall file a report ~~and recommendation~~ regarding the proposed employment. If the United States Trustee ~~objects declines to recommend~~ the employment of the applicant, the United States Trustee shall notify the applicant and the applicant shall schedule a hearing on the application and serve notice of the hearing on the parties listed in subsection (a) of this rule. An order approving such employment is effective as of the date the application was filed.

(c) SCOPE OF EMPLOYMENT. An entity seeking approval of employment of a professional person for a purpose other than carrying out the entity's duties under the Code shall make a separate application, specifying the professional's proposed duties.

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

(a) MOTION TO VALUE CLAIM. A Chapter 13 debtor seeking to modify a claim that is secured only by a security interest in real property that is the debtor's principal residence must provide for that modification in the plan and must bring a motion to determine the value of the secured claim.

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(2) Attachments. In addition to the documents required by Local Rule 9013-2(a), the motion must include the following attachments:

(A) Copies of all recorded lien instruments, including all recorded assignments and amendments, evidencing the lien which is the subject of the motion;

(B) An abstract or Owners and Encumbrance report, or any supplement, certified no more than ~~30~~35 days before the hearing originally scheduled on the motion, to verify each entity holding a lien against the property;

(C) A copy of the debtor's plan; and

(D) An appraisal of the fair market value of the property as of the commencement of the Chapter 13 case.

(3) Service.

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(4) Timing. The hearing on the motion to value claim must be scheduled to be held contemporaneously with the hearing on confirmation of the debtor's plan. **The motion must be filed and served not later than 28 days before the hearing date.** The court may schedule an evidentiary hearing.

(5) Order. The order will determine the secured status of the creditor's claim pursuant to 11 U.S.C. § 506 (link is external).

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

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(2) Attachments. In addition to the documents required by Local Rule 9013-2(a), the motion must include the following attachments:

(A) Copies of all recorded lien instruments, including all recorded assignments and amendments, evidencing the lien which is the subject of the motion;

(B) An abstract or Owners and Encumbrance report, or any supplement, certified no more than ~~30~~**35** days before the hearing originally scheduled on the motion, to verify each entity holding a lien against the property ...

Rule 3015-3. Chapters 12 and 13 Confirmation (Objections)

(a) **OBJECTIONS.** Local Rules 3020-1 and 3020-3 apply to objections to confirmation of a Chapter 12 or 13 plan.

(b) **TESTIMONY.** Unless otherwise authorized by the court pursuant to a request made more than 72 hours before the confirmation hearing, the proponent of a Chapter 12 plan shall provide testimony at the confirmation hearing.

Rule 3020-3. Chapter 11 - Confirmation (Hearings)

(a) **OBJECTIONS.** ~~In the event~~**if** an objection to confirmation is filed, the court may treat the date set for hearing on confirmation as either a preliminary or final hearing.

(b) **TESTIMONY.** The proponent of a Chapter 11 plan shall provide testimony at the confirmation hearing.

Rule 9006-1. Time Periods For Service and Filing

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(d) REPLY DOCUMENTS. No reply documents to the responsive documents need be served and filed. **Unless otherwise authorized by the court, any reply documents shall be filed not later than 48 hours before the scheduled time for hearing and shall be limited to new legal or factual matters raised by any responsive documents.**

(e) EXPEDITED RELIEF. If expedited relief is necessary, the moving party shall obtain a hearing date on shorter notice from the judge's calendar clerk and shall include a request for expedited hearing in the motion. **Unless otherwise authorized by the court, moving documents seeking expedited relief shall be filed not later than 48 hours before the scheduled time for hearing.** ~~The judge will rule on the request for expedited hearing when the motion is heard.~~ The party seeking expedited relief shall take all reasonable steps to provide all parties with the most expeditious service and notice possible and shall file an affidavit specifying the efforts made. **Unless otherwise authorized by the court, any responses shall be filed not later than two hours before the scheduled time for hearing. The court will rule on the request for expedited hearing when the motion is heard.**

Rule 9013-2. Motion Documents

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(c) NOTICE OF WITNESSES.

(1) If a party filing or responding to a motion anticipates offering oral testimony, the moving or responsive documents shall state the name, address and substance of the testimony of the proposed witness.

(2) No evidence shall be presented at the initial hearing. The court will determine at the initial hearing whether an evidentiary hearing is required.

~~—(3) The proponent of a Chapter 11 or 12 plan shall provide testimony at the confirmation hearing.~~

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Local Form 3015-1 Chapter 13 Plan Form

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Part 16. SURRENDER OF COLLATERAL AND REQUEST FOR TERMINATION OF

STAY: The debtor has surrendered or will surrender the following property to the creditor. The debtor requests that the stays under §§ 362(a) and 1301(a) be terminated as to the surrendered collateral upon confirmation of the plan.

	Creditor	Description of property (including complete legal description of real property)
16.1		
16.2		

NOTE: Bankruptcy petition preparation software vendors have been notified of this change to the Chapter 13 plan form. In addition, updated Word and PDF-fillable versions of the plan form are available on the court's website under *Code, Rules and Forms/Local Forms*.