

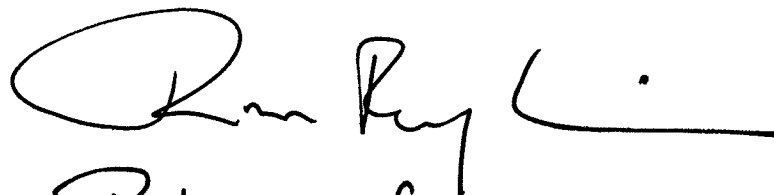
Public Hearing on Local Rules

Tuesday, June 27, 2017

The Local Rules Committee is pleased to report completion of its work with new proposed Local Rules and Chapter 13 plan forms for the Eastern District Bankruptcy Court. The Rules and forms are available [here](#) for public comment. A public hearing will be held August 14, 2017 from 2:30 p.m. to 5 p.m. in Judge Kelley's Courtroom (167) at the Courthouse. Comments and questions also may be directed to rulescomment@web.uscourts.gov. At the conclusion of the public hearing, the Local Rules, as approved at the hearing, will be submitted to the District Court for approval and then to the Seventh Circuit Judicial Conference. Even prior to Seventh Circuit approval, the Rules may be adopted as interim rules.

The attached contains the printouts of the new Ch. 13 plan forms and local rules as found on the court website.

These materials were printed on 6/28/17, for the most current versions please refer to the court website. The handwritten notes in the margins and handwritten underlining of select passages was done by the Chapter 13 trustee in an effort to highlight significant changes. If any of the handwritten notes are incorrect, I take responsibility.



Rebecca Garcia
Chapter 12 & 13 Trustee

920-231-~~231~~2150

info @ Ch13oshkosh.com

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(If known)

Official Form Plan for the Eastern District of Wisconsin Chapter 13 Plan

6/17

Part 1: Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not mean that the option is necessarily appropriate for you. Plans that do not comply with local rules and judicial rulings may not be confirmable. Nothing in this plan controls over a contrary court order.

THIS FORM PLAN MAY NOT BE ALTERED OTHER THAN THE NONSTANDARD PROVISIONS IN PART 8 BELOW.
Nonstandard provisions set out elsewhere in this plan are ineffective.

In the following notice to creditors, you must check each box that applies.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you attorney must file an objection to confirmation. The objection must be filed within 28 days of the completion of the Section 341 Meeting of Creditors. The court will schedule a hearing on any timely filed objections. The court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you **must** file a timely proof of claim in order to receive payments from the trustee under this plan.

Note to Secured Creditors: If your secured claim is not provided for in Part 3 below, no funds will be disbursed to you by the trustee on your secured claim.

The following matters may be of particular importance. **Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective even if otherwise provided for in the plan.**

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 8	<input type="checkbox"/> Included	<input type="checkbox"/> Not included

Part 2: Plan Payments and Length of Plan**2.1 Debtor(s) will make regular payments to the trustee as follows:**

\$ _____ per _____ for _____ months

[and \$ _____ per _____ for _____ months.] *Insert additional lines if needed.*

The plan may not provide for payments over a period that is longer than 60 months.

For OVER median income debtors, the plan term must be 60 months or a shorter period that is sufficient to pay allowed nonpriority unsecured claims in full.

For UNDER median income debtors, the debtor(s) must make sufficient periodic or other payments to enable the trustee to make the payments to creditors stated in this plan, regardless of the number of months indicated in this part of the plan. Thirty-six or more months after confirmation, the plan's term will end when all holders of allowed nonpriority unsecured claims have received the payment amount or percentage stated in Part 5. Prior to 36 months after confirmation, the plan term will end when all holders of allowed claims have received the payment required by the plan and holders of nonpriority unsecured claims have been paid in full. The plan term will not end earlier than stated in this Part 2 if there is a creditor listed in § 4.5 of this plan that will receive less than full payment of its claim under 11 U.S.C. §§ 1322(a)(4) and 507(a)(1)(B).

"Shortening Language"
- NO POT PLANS

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply.

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.
- ☐ Debtor(s) will make payments directly to the trustee.

→ state specifics in special provision

2.3 Income tax returns.

The debtor(s) will supply the trustee with a copy of each federal and state income tax return filed during the plan term within 14 days of filing any return.

→ No Refunds ?! *?

2.4 Additional payments.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.
- ☐ Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

— Refunds must be accounted for on the budget or means test as appropriate

2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$ _____.**Part 3: Treatment of Secured Claims**

3.1 Maintenance of payments and cure of default, if any.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☐ The debtor(s) will maintain payments during the case on the secured claims listed below by paying the claimant directly. For allowed secured claims provided for in the plan, the trustee will disburse payments on any arrearage sufficient to pay the arrearage in full, with interest, if any, at the stated rate. If the *Interest rate on arrearage* column is left blank, no interest will be paid. The trustee will disburse payment on any arrearage listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) or 3004, and amounts so listed control over any contrary amounts stated below as to the current installment payment and arrearage. The trustee will disburse amounts listed in the *Monthly plan payment on arrearage* column each month. If no amount is listed in the *Monthly plan payment on arrearage* column, the trustee will disburse payments to the creditors listed in this Part pro rata with other secured creditors that do not receive equal monthly payments. If a secured creditor obtains relief from the automatic stay as to collateral listed in this section, the trustee will cease payments to that creditor, and the plan will be deemed not to provide for secured claims based on that collateral.

The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Collateral	Current installment payment – Disbursed by Debtor (including escrow)	Amount of arrearage – Disbursed by Trustee (if any)	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage	Estimated total payments by trustee
_____	_____	\$ _____	\$ _____	_____ %	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____	_____ %	\$ _____	\$ _____

Insert additional claims as needed.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

- ☐ The debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim, the debtor(s) state that the value of the secured claim should be as set out in the *Amount of secured claim* column. If the total amount of the proof of claim is less than the amount listed in the *Amount of secured claim* column, the lower amount listed on the proof of claim will be paid in full with interest as provided below. For secured claims of governmental units, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below.

If no entry is made in the *Interest rate* column, the proof of claim controls the rate of interest. If no interest rate is listed in the plan or proof of claim, then no interest will be disbursed by the trustee. The trustee will disburse amounts listed under the *Monthly payment to creditor* column in equal monthly payments. If no amount is listed in the *Monthly plan payment* column, the trustee will disburse payments pro rata with other secured creditors. If the court orders relief from the automatic stay as to any item of collateral listed in this paragraph, the trustee will cease disbursement of all payments under this paragraph as to that collateral, and the plan will be deemed not to provide for all secured claims based on that collateral.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. The amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the *Amount of secured claim* column will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- payment of the underlying debt determined under nonbankruptcy law, or
- discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	____%	\$ _____	\$ _____
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	____%	\$ _____	\$ _____

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

☐ The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the trustee. The claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) or 3004 controls over any contrary amount listed below.

If no entry is made in the *Interest rate* column, the proof of claim controls the rate of interest. If no interest rate is listed in the plan or proof of claim, no interest will be disbursed by the trustee. The trustee will disburse amounts listed under the *Monthly plan payment* column in equal monthly payments. If no amount is listed in *Monthly plan payment* column, the trustee will disburse payments pro rata with other creditors of the same class. If the court orders relief from the automatic stay as to any item of collateral listed in this paragraph, the trustee will cease disbursement of all payments under this paragraph as to that collateral, and the plan will be deemed not to provide for all secured claims based on that collateral.

The holder of any claim listed below as having value in the *Amount of claim* column will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment	Estimated total payments by trustee
_____	_____	\$ _____	____%	\$ _____	\$ _____
_____	_____	\$ _____	____%	\$ _____	\$ _____

Insert additional claims as needed.

↓
Not
Estimated

3.4 Lien avoidance.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.**The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.**

- ☐ The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). A judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

522(b)
only.
—
rare
to
use

Information regarding judicial lien or security interest

Name of creditor

Collateral

Lien identification (such as judgment date, date of lien recording, book and page number)

Calculation of lien avoidance

a. Amount of lien

\$ _____

b. Amount of all other liens

\$ _____

c. Value of claimed exemptions

+ \$ _____

d. Total of adding lines a, b, and c

\$ _____

e. Value of debtor(s)' interest in property

- \$ _____

f. Subtract line e from line d.

\$ _____

Extent of exemption impairment

(Check applicable box):

☐ **Line f is equal to or greater than line a.**

The entire lien is avoided. (Do not complete the next column.)

☐ **Line f is less than line a.**

A portion of the lien is avoided. (Complete the next column.)

Treatment of remaining secured claim**Amount of secured claim after avoidance (line a minus line f)**

\$ _____

Interest rate (if applicable)

_____ %

Monthly payment on secured claim

\$ _____

Estimated total payments on secured claim

\$ _____

Insert additional claims as needed.

3.5 Surrender of collateral.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

- ☐ The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. Entry of an order confirming this plan immediately (1) terminates the stay under 11 U.S.C. § 362(a) as to the collateral only, and (2) terminates the stay under 11 U.S.C. § 1301; additionally, (3) the collateral is deemed abandoned under 11 U.S.C. § 554(b). Any allowed unsecured claim resulting from the disposition of the collateral is provided for in Part 5 below.

Name of creditor

Collateral

Insert additional claims as needed.

3.6 Pre-confirmation adequate protection payments.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.6 need not be completed or reproduced.
- ☐ Secured creditors who are entitled to pre-confirmation adequate protection payments on personal property under 11 U.S.C. § 1326(a) must file a claim to receive such payments. Upon confirmation, the treatment of secured claims will be governed by the applicable paragraph above. The principal amount of the claim will be reduced by the amount of adequate protection payments disbursed by the trustee. The trustee will make the following monthly disbursements to creditors:

Name of creditor	Collateral	Monthly adequate protection payment amount
_____	_____	_____
_____	_____	_____

Insert additional claims as needed.

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without post-petition interest unless otherwise provided in the plan.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be _____% of plan payments; and during the plan term, they are estimated to total \$_____.

4.3 Attorney's fees

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$_____.

4.4 Priority claims other than attorney's fees and domestic support obligations as treated in § 4.5. The priority debt amounts listed on a filed proof of claim control over any contrary amounts listed in this section.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.
- ☐ The debtor(s) estimate the total amount of other priority claims to be \$_____ as detailed below.

Name of creditor	Estimated amount of priority unsecured claim
_____	\$ _____
_____	\$ _____

Insert additional claims as needed.

4.5 Domestic support obligations. The priority debt amounts listed on a filed proof of claim control over any contrary amounts listed in this section.

Check one or more.

- ☐ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has **NOT** been assigned to or is owed to a governmental unit as provided by 11 U.S.C. § 507(a)(1)(A) and will be paid the full amount of the claim under 11 U.S.C. § 1322(a)(2).

Name of creditor

Estimated amount of priority unsecured claim

\$ _____

\$ _____

Insert additional claims as needed.

- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit as provided by 11 U.S.C. § 507(a)(1)(A) and will be **paid the full** amount of the claim under 11 U.S.C. § 1322(a)(2).

Name of creditor

Estimated amount of priority unsecured claim

\$ _____

\$ _____

Insert additional claims as needed.

- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid **less** than the full amount of the claim under 11 U.S.C. § 1322(a)(4) and § 507(a)(1)(B). If the *Available funds to creditors in Parts 3 and 4* box is selected, then there should be no distribution to nonpriority unsecured creditors in Part 5 until or unless the § 507(a)(1)(B) claim is paid in full. *This plan provision requires that payments in § 2.1 be for a term of 60 months; see 11 U.S.C. § 1322(a)(4).*

Name of creditor

Amount of claim to be paid

☐ Available funds after creditors in Parts 3 and 4 are paid

☐ \$ _____

☐ Percent of claim _____%

☐ Available funds after creditors in Parts 3 and 4 are paid

☐ \$ _____

☐ Percent of claim _____%

Insert additional claims as needed.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

- ☐ The sum of \$_____.
- ☐ _____% of the total amount of these claims, an estimated payment of \$_____.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$_____. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

No
pot
plan
see
shortening
at 2.1
Language

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.

- ☐ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.
- ☐ The debtor(s) will maintain the contractual installment payments directly to the creditor and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment through the trustee. The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee.

Name or description of creditor

Amount of arrearage
to be paid

\$ _____

\$ _____

Insert additional claims as needed.

5.3 Other separately classified nonpriority unsecured claims. Check one.

- ☐ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.
- ☐ The nonpriority unsecured allowed claims listed below are separately classified. The amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph under the *Amount to be paid on the claim* column. If the *Interest rate* column is left blank, the proof of claim controls the rate of interest. If no interest rate is listed in the plan or on a proof of claim, the trustee will not disburse any interest. The creditors in this section will be treated as follows:

Name of creditor

Basis for separate classification
and treatmentAmount to be paid
on the claimInterest rate
(if applicable)Estimated total
amount of
payments

\$ _____

Disbursed by:

_____ %

\$ _____

☐ Trustee☐ Debtor(s) or
other

\$ _____

Disbursed by:

_____ %

\$ _____

☐ Trustee☐ Debtor(s) or
other

Insert additional claims as needed.

Part 6: Executory Contracts, Unexpired Leases, and Post-Petition Claims Filed Under § 1305

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

☐ **Assumed items.** The debtor(s) will disburse current installment payments directly, as specified below. The trustee will disburse arrearage payments. The amount necessary to cure the default listed on the proof of claim controls over any contrary amounts listed in this paragraph under the *Amount of arrearage to be paid by trustee* column.

Name of creditor	Description of leased property or executory contract	Amount of arrearage to be paid by trustee
_____	_____	\$ _____
_____	_____	\$ _____

Insert additional contracts or leases as needed.

New { 6.2 Post-petition claims filed under 11 U.S.C. § 1305. Check one.

☐ If any post-petition claims are filed under 11 U.S.C. § 1305 during the term of this plan, the trustee will disburse no funds on that claim.

☐ If any post-petition claims are filed under 11 U.S.C. § 1305 during the term of this plan, the trustee will disburse funds on the claim. Debtor(s) will modify the plan if necessary to maintain plan feasibility.

Part 7: Vesting of Property of the Estate and Order of Distribution of Available Funds by the Trustee

7.1 Property of the estate will vest in the debtor(s) upon

Check the applicable box:

☐ plan confirmation.

☐ entry of discharge (unless a debtor is not eligible for a discharge, in which case property of the estate will vest in the debtor(s) upon the filing of the Notice of Plan Completion on the docket by the trustee).

☐ other: _____

7.2 Order of distribution of available funds by the trustee after plan confirmation.

Regular order of disbursement after trustee fees:

Any equal monthly payments to secured creditors listed in Part 3, then

all attorney's fees listed in § 4.3, then

all secured debt (paid pro rata) without equal monthly payments in Part 3 and lease arrearages in § 6.1, then

all priority debt (paid pro rata) under § 1322(a)(2) in §§ 4.4 and 4.5, then

if no Equal monthly payments then

** if so/so split desired use special provision.*

all priority debt (paid pro rata) under § 1322(a)(4) in § 4.5, then

all non-priority unsecured debt (paid pro rata) in Part 5, then

any § 1305 claims in § 6.2.

Should the case be dismissed or converted to another chapter, the trustee will refund all funds on hand to the debtor(s).

==
▶ NOTE!!

§1326 applies
prior to Confirmation

Part 8: Nonstandard Plan Provisions**8.1 Check "None" or List Nonstandard Plan Provisions**

☐ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

Part 9: Signature(s):**9.1 Signatures of Debtor(s) and Debtor(s)' Attorney**

If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; otherwise the Debtor(s) signatures are optional. The attorney for the Debtor(s), if any, must sign below.

x

Signature of Debtor 1

 Executed on _____
 MM / DD / YYYY

x

Signature of Debtor 2

 Executed on _____
 MM / DD / YYYY

x

Signature of attorney for Debtor(s)

Date

MM / DD / YYYY

By filing this document, each debtor, if not represented by an attorney, or the attorney for each debtor also certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the Official Form Plan for the Eastern District of Wisconsin, other than any nonstandard provisions included in Part 8.

Read Me!

Exhibit: Total Amount of Estimated Trustee Payments

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

- a. Maintenance and cure payments on secured claims (Part 3, Section 3.1 total) \$ _____
- b. Modified secured claims (Part 3, Section 3.2 total) \$ _____
- c. Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total) \$ _____
- d. Judicial liens or security interests partially avoided (Part 3, Section 3.4 total) \$ _____
- e. Fees and priority claims (Part 4, total) \$ _____
- f. Nonpriority unsecured claims (Part 5, Section 5.1, highest stated amount) \$ _____
- g. Maintenance and cure payments on unsecured claims (Part 5, Section 5.2 total) \$ _____
- h. Separately classified unsecured claims (Part 5, Section 5.3 total) \$ _____
- i. Trustee payments on executory contracts and unexpired leases (Part 6, total) \$ _____
- j. Nonstandard payments (Part 8, total) + \$ _____

Total of lines a through j

\$ _____

For Calculation
of Feasibility
NOT order of
disbursement
See 7.2
for that

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:

(Debtor) and
(Debtor)

Debtor(s).

*We now
Amend unconfirmed
Plans!*

Case No. _____

Chapter 13

NOTICE AND REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN

_____ (Debtor) filed papers with the Court requesting amendment of the unconfirmed Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to confirm the amended plan as proposed, or if you want the Court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the Court a written request for hearing that contains a short and plain statement of the factual and legal basis for the objection. File your written request electronically or mail it to:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the expiration of 21 days.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the request and enter an order confirming the amended Chapter 13 plan.

*Attorney Name
Street Address Suite #
City, State, Zip
Phone No.
Email*

REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN

1. This request to amend an unconfirmed Chapter 13 Plan **SUPERSEDES ALL PRIOR REQUESTS TO AMEND THE PLAN AND INCLUDES ALL PROPOSED AMENDMENTS. TERMS NOT FULLY STATED HERE OR IN THE ORIGINAL PLAN ARE NOT PART OF THE PLAN.**

Read Me!
See LR 3015(c)(2)

2. Service. A certificate of service must be filed with the amendment. Designate one of the following:

- ___ A copy of this proposed amendment has been served on the trustee, United States trustee and all creditors, or
- ___ A motion requesting limited service is being filed simultaneously with the Court.

3. The Chapter 13 Plan filed with the Court is amended as follows:

Must Always serve all of Matrix
See LR 3015(c)(3)

All remaining terms of the original Chapter 13 Plan are unaffected. In the event of a conflict between the terms of the original Plan and the terms of this amendment, the terms of this amendment control.

WHEREFORE, each Debtor requests that the Court approve this proposed amendment to the original Chapter 13 Plan.

CERTIFICATION

The Debtor's attorney must sign this certification. A Debtor represented by an attorney may sign this certification. If the Debtor does not have an attorney, the Debtor must sign this certification.

The provisions in this Chapter 13 plan are identical to those contained in the official local form other than the changes listed in part 3.

I certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted (*date*).

(*typed name*)
Debtor

(*typed name*)
Debtor

(*typed name*)
Attorney for Debtor
Firm name
Address
City, State Zip
Phone
email

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:

(Debtor) and
(Debtor)

Debtor(s).

*We now
modify confirmed
plans*

Case No. _____

Chapter 13

NOTICE AND REQUEST TO MODIFY CONFIRMED CHAPTER 13 PLAN

_____ (Name of proponent of modification) filed papers with the Court requesting modification of the confirmed Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to confirm the modified plan as proposed, or if you want the Court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the Court a written request for hearing that contains a short and plain statement of the factual and legal basis for the objection. File your written request electronically or mail it to:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the expiration of 21 days.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the request and may enter an order confirming the modified plan.

Attorney Name
Street Address Suite #
City, State, Zip
Phone No.
Email

REQUEST TO MODIFY CONFIRMED CHAPTER 13 PLAN

1. The person requesting this plan modification is:
___ the Debtor;
___ the Chapter 13 Trustee;
___ the holder of an unsecured claim, Name: _____
2. Service: A certificate of service must be filed with this request for plan modification. Designate one of the following: _____
___ A copy of this proposed modification has been served on the parties (the debtor, the trustee, the United States trustee and all creditors) as required by Fed. R. Bank. P. 3015(g); or
___ A motion requesting limited service is being filed simultaneously with the Court.
3. I request the following modification of the Chapter 13 Plan last confirmed by the Court:

→ Must serve all!

Lots of room for changes!

↓ date of current confirmation order

All remaining terms of the Chapter 13 Plan confirmed on _____ (date) are unaffected. In the event of a conflict between the terms of the confirmed Plan and the terms of this modification, the terms of this modification control.

WHEREFORE, the proponent requests that the Court approve this modification to the confirmed Chapter 13 Plan.

CERTIFICATION

Each proponent or the attorney for each proponent must sign this certification. If the proponent is the Debtor, the Debtor's attorney must sign this certification, and the Debtor may, but is not required to sign. If the Debtor does not have an attorney, the Debtor must sign this certification. _____

The provisions in this modified Chapter 13 plan are identical to those contained in the official local form other than the changes listed in part 3.

I certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted (date).

(typed name of proponent)

(typed name of proponent)

(typed name)
Attorney for proponent
Firm name
Address
City, State Zip
Phone
email

LOCAL RULES
United States Bankruptcy Court
Eastern District of Wisconsin

June 23, 2017

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LR 1002 Petitions, Schedules and Other Documents

All parties filing petitions for relief pursuant to the Bankruptcy Code, other than electronically, must file an original and the number of copies stated in the Appendix to these Local Rules.

LR 1002.1 Electronically Filed Cases: Debtor to Maintain Paper Copies

Debtors who file electronically must bring to the 11 U.S.C. § 341 meeting of creditors signed originals of their petition, schedules and Statement of Financial Affairs, including any amendments, and furnish those originals to the trustee upon request.

LR 1005 Disclosure of Spouse

In any case filed by a married debtor in which the debtor's spouse is not a joint debtor, the debtor must include the name, address, and the Social Security Number of the debtor's spouse in the Statement of Social Security Number(s) (Local Form 121) and the notice of the 11 U.S.C. § 341 meeting of creditors.

LR 1007 Matrix

In all cases, the debtor must prepare and file a separate master service list or "Matrix" in a form specified by the Clerk and identifying the names and addresses of all creditors and other parties entitled to notice, including the debtor's spouse, unless the spouse is a joint debtor. The Matrix will serve as the official mailing list in all cases.

LR 1007.1 Disclosure of Transfers and Loan Payments by the Debtor's Spouse

In any case filed by a married debtor in which the debtor's spouse is not a joint debtor, the Statement of Financial Affairs must include all transfers of marital property by each spouse and loan payments made with marital property by each spouse for the same period required from the debtor.

LR 1007.2 Disclosure of Other Documents

- (a) In Chapter 7 cases, the debtor must provide copies of the following to the assigned trustee no later than 7 days before the first scheduled 11 U.S.C. § 341 meeting of creditors:
 - (1) Titles to all vehicles;
 - (2) Recorded deeds and land contracts for all real estate;

- (3) Recorded mortgages for all real estate;
- (4) The most recent real estate tax bill for all real estate;
- (5) The preceding 2 years' federal and state income tax returns and all schedules, or transcripts;
- (6) The name, address and telephone number of each holder of a domestic support obligation;
- (7) Any marital agreement; and
- (8) Any other documents reasonably requested by the trustee.

(b) In Chapter 12 and 13 cases, the debtor must provide copies of the following to the assigned trustee no later than 7 days before the first scheduled 11 U.S.C. § 341 meeting of creditors:

- (1) The preceding 2 years' federal and state income tax returns and all schedules, or transcripts;
- (2) The name, address and telephone number of each holder of a domestic support obligation;
- (3) Any marital agreement; and
- (4) Any other documents reasonably requested by the trustee.

(c) Tax returns or transcripts provided to the trustee under subsection (a)(5) or (b)(1) above, should not be filed with the court, unless otherwise ordered, but must have personal identifiers of non-debtors redacted in the manner described in Fed. R. Bankr. P. 9037.

(d) The debtor must file Local Form XXXX and copies of all payment advices or other evidence of payment received by the debtor from any employer in the 60 days before filing the bankruptcy petition. Local Form XXXX must be filed with the petition or within 14 days after the entry of the order for relief. The debtor must redact the payment advices and any other evidence of payment as provided in Fed. R. Bankr. P. 1007(b)(1)(E).

Pay Advices
Now Filed
w/ the
court

LR 1008

CM/ECF Login and Password Constitutes Signature

The user login and password required to submit documents to the CM/ECF System constitute the registered user's signature on electronic documents filed using that system. By filing a petition, schedule, statement, amendment, stipulation or other verified document containing a signature of a person other than the registered user, the registered user represents that person, in fact, signed the document. "S/____" or a similar notation constitutes a signature for purposes of this Local Rule.

LR 1009

Notice to Added Creditors

Added Creditors
must receive
Copy of 341
notice + plan



The debtor must serve a notice of commencement of case and a copy of the Chapter 11, 12, or 13 plan, if any, on any new creditor added by an amendment. The debtor must also file proof of such service.

LR 1010 Amendments to Chapter 11 or 12 Plan or Disclosure Statement

Any party filing an amended or modified Chapter 11 or 12 plan or amended Disclosure Statement must also file, as a supplement to the amended plan or Disclosure Statement, a separate "redlined" version showing all changes made from the previously filed plan or Disclosure Statement.

LR 1015 Administration of Joint Estates

The estates in cases commenced by the filing of a joint petition by or against spouses will be administered jointly and substantively consolidated, unless the court directs otherwise.

LR 1017 Conversion from Chapter 7, 11, or 12 to Chapter 13

No more than 14 days after the entry of an order converting a case from Chapter 7, 11, or 12 to Chapter 13, the debtor must file a plan, schedules, and other documents required by these Local Rules and the Federal Rules of Bankruptcy Procedure.

LR 2002 Creditors' Notices Pursuant to 11 U.S.C. § 342(f)

Creditors filing notices of preferred addresses pursuant to 11 U.S.C. § 342(f) must file those notices directly with the court's notice provider as defined in Fed. R. Bankr. P. 9001(9) and 2002(g)(4). The Clerk will publish the notice provider's name and contact information in the Appendix to these Local Rules.

LR 2002.1 Limited Notice to Bankruptcy Petition Preparers

In any case commenced by a petition prepared by a bankruptcy petition preparer ("BPP"), as defined in 11 U.S.C. § 110, notice to the BPP will be limited to entry of a notice or an order on the docket, if the BPP fails to file Official Forms B 119 or B 2800, or otherwise fails to provide the court with an accurate mailing address.

LR 2002.2 Deadline to Object to Chapter 13 Plan

*

The deadline to object to a debtor's originally proposed Chapter 13 plan is 28 days after the trustee concludes the 11 U.S.C. § 341 meeting of creditors.

LR 2004 Rule 2004 Examinations

A motion to take a Fed. R. Bankr. P. 2004 examination must be served on the debtor, the United States trustee, and the entity to be examined.

LR 2014 Applications for Employment

- (a) *Content of Application.* An application for authorization to employ a professional under 11 U.S.C. §§ 327 or 1103 must include a specific recitation of the anticipated services to be rendered together with the proposed method of calculating the compensation. If the application is made pursuant to 11 U.S.C. § 328, the applicant must specifically request in the application that the court approve the employment under § 328, and the application must also state whether the applicant is willing to have the request for fees reviewed under 11 U.S.C. § 330(a)'s compensation standards.
- (b) *Proposed Order Authorizing Employment.* An application for authorization to employ a professional under 11 U.S.C. §§ 327 or 1103 must be accompanied by a proposed order that describes the proposed terms of employment and method of calculating compensation without incorporating the application's terms by reference.
- (c) *Notice and Disposition.*
 - (1) The applicant must serve the application to employ a professional person on the United States trustee, the debtor and any committee that has been appointed in the case.
 - (2) The applicant must also serve those persons identified in (c)(1) with notice of a 14-day objection period, unless the court shortens the time for cause shown.
 - (3) Except as otherwise provided by Fed. R. Bankr. P. 6003, the court may act on an application to appoint a professional without awaiting expiration of the notice period. A party adversely affected by the court's disposition may file a motion to reconsider, vacate, or modify that disposition. The court will

consider an opposition filed before expiration of the objection period as a request to reconsider the disposition. If an opposition is filed before the expiration of the objection period, the court will consider the application de novo.



- (d) *Professionals in Chapter 13 cases.* In a Chapter 13 case, the debtor does not need court approval to employ professionals, including real estate brokers.

LR 2016

Applications for Compensation for Services Rendered and Reimbursement of Expenses

- (a) *Content of Application.* All applications for compensation must provide all relevant information, including:

- (1) A list of all attorneys, professionals, paraprofessionals or other timekeepers performing services on the case along with a description of the experience, length of professional practice, and billing rate for each.
- (2) A chronological record of each timekeeper's time spent on the case that:
 - (A) states the time spent on each service or task stated in tenths of an hour;
 - (B) for each meeting, correspondence, or conference identifies the subject matter and all parties with whom the timekeeper met or communicated; and
 - (C) describes each document prepared and each hearing or trial attended for which the applicant seeks compensation.
- (3) A summary of the time expended by each timekeeper for whom the applicant seeks compensation.
- (4) A detailed breakdown by item and date of all disbursements and expenses.
- (5) If the application seeks compensation for more than one timekeeper performing the same task, including when more than one professional attends a hearing or meeting or produces work

New Procedure
for Fee
Applications

product, the application must provide a justification for the use of multiple timekeepers.

(6) A statement that identifies:

- (A) whether the applicant has applied for compensation in the case previously and, if so, the total amount of fees and expenses requested, as well as the date or docket number of all orders adjudicating those previous applications; and
- (B) the total amount of fees and expenses that the applicant has received and any unpaid balance up through the date of the application.

(b) *Disallowance Procedure in the Absence of a Hearing.* The court may disallow, without prejudice and without a hearing, an applicant's request for fees and expenses if the request does not comply with this Local Rule. If the court so disallows compensation, the applicant may request a hearing within 14 days after the date on which the court entered the disallowance order. Alternatively, the applicant may file a properly compliant new application for any portion of the disallowed compensation.

(c) *Interim Compensation.* In addition to providing the information required under Fed. R. Bankr. P. 2016 and Local Rule 2016(a), applications for interim compensation must include sufficient information to demonstrate that an allowance of interim compensation will not create an undue hardship on the debtor or the estate.

(d) *Final Compensation.* Applications for final compensation must include a summary of all fees and expenses requested whether or not the court allowed those fees and expenses in an interim compensation order. An applicant does not need to file a detailed itemization of fees and expenses for which the applicant previously filed an itemization in a prior request for allowance of compensation. The final application must identify all amounts previously requested and amounts paid.

LR 2016.1 "No-Look" Fees in Chapter 13 Cases

- (a) *No-look Chapter 13 fee schedule.* The court will maintain a schedule of fees presumed to be reasonable compensation to attorneys representing Chapter 13 debtors. The schedule is included in the Appendix to these

Local Rules.

- (b) *Payment of presumed reasonable fee.* Attorneys for Chapter 13 debtors need not file an application for compensation to be paid by the debtor or through the plan if the compensation the attorney requests is not greater than the presumed reasonable fee and no party has objected to the fee.
- (c) *Objection procedure.*
 - (1) Any party in interest may object to or request a hearing on the reasonableness of compensation paid to a Chapter 13 debtor's attorney.
 - (2) If a party in interest objects to the presumptively reasonable fee, or asks the judge to limit compensation to an amount less than the amount presumed reasonable, the attorney requesting compensation must submit an application for compensation in accordance with the requirements of Local Rule 2016. The court then will schedule a hearing to determine the reasonableness of the fee. The attorney requesting compensation bears the burden of proving that the actual fee is reasonable.
- (d) *Compensation exceeding the presumed reasonable amount.* If a Chapter 13 debtor's attorney seeks total compensation that exceeds the presumed reasonable fees, the attorney must file one or more fee applications under Local Rule 2016 for **all** services and expenses for which the attorney seeks compensation.

LR 2070 Chapter 7 Trustee Expenditures

- (a) In a Chapter 7 case, a trustee may incur and pay necessary and proper expenses of the following types from property of the estate without prior notice to any party or a specific order authorizing the expenditures when the trustee reasonably believes payment cannot await a final hearing and the aggregate amount does not exceed \$2,500:
 - (1) Expenses relating to changing locks on premises owned by the estate;
 - (2) Storage or rent expenses for property of the estate;
 - (3) Insurance for property of the estate;
 - (4) Moving expenses related to transportation of estate property;
 - (5) Expenses relating to investigation of existence or perfection of

secured claims (but not including wages of persons doing such searches);

- (6) Bank fees for obtaining copies of bank documents;
- (7) Transcripts or court reporter fees;
- (8) Taxes incurred by the estate, including surcharges; and
- (9) Necessary utility charges.

- (b) The trustee may continue to pay bond premiums in an amount authorized by the United States trustee in the manner previously approved by the court. The \$2,500 aggregate amount the trustee is allowed to pay under this Local Rule does not include the bond premium costs.
- (c) This Local Rule does not authorize payment of any wages or professionals and does not authorize the payment of any estate funds to the trustee or anyone employed by the trustee.
- (d) Notwithstanding the provisions of this Local Rule, the trustee must give as much notice of an expenditure as practically possible to any party in interest who demands notice, as well as to any creditor from whom the trustee may seek reimbursement to the estate under 11 U.S.C. § 503(b).
- (e) If any party in interest objects to an expenditure, the trustee may not incur the expense or pay funds of the estate without a court order.
- (f) Any notice or objection under this Local Rule must be in writing served on the trustee, the debtor, and the United States trustee by either personal delivery, first class U.S. mail, email, or similarly expeditious electronic means.
- (g) The trustee may pay expenses that exceed an aggregate of \$2,500 only if authorized by court order. The court may authorize conditions for payment of future expenses after notice and an opportunity to request a hearing is afforded to the United States trustee, any creditor directly affected by the payment, counsel for the debtor (or an unrepresented debtor), and to any other party specified by the court.

LR 3007

Claim Objection Procedure

- (a) *Caption.* The objection and all supporting memoranda, affidavits,

Need
evidence
to support
Claim obj.

declarations, or similar papers must state the name of the creditor and the court-assigned claim number in the caption.

- (b) *Content of Objection.* An objection to claim must be supported by one or more affidavits or declarations stating facts in support of the objection that are made by individuals with personal knowledge of those facts, unless the objection is supported solely by the application of law to facts of which the court can take judicial notice (e.g., the claim was filed late).
- (c) *Notice.* The objecting party must serve and file a notice of the claim objection with the claim objection. The notice must clearly state that the court may grant the relief requested without a hearing if the claimant does not file and serve a response within 30 days of service of the notice, or if the response filed by the claimant fails to adequately oppose the objection.
- (d) *Proof of Service.* The objecting party must file a declaration of service of both the claim objection and the notice. Except for claims filed by the United States or its officers or agencies or an insured depository institution, service of a claim objection is sufficient if sent by first-class mail to the person the claimant most recently designated to receive notices on the original or amended proof of claim at the designated address. Service of a claim objection on the United States, its officers or agencies must comply with Fed. R. Bankr. P. 7004(b)(4) or (5). Service of a claim objection on an insured depository institution must comply with Fed. R. Bankr. P. 7004(h). Claim objections also must be served on the debtor, trustee, and, if applicable, an entity filing the claim under Fed. R. Bankr. P. 3005. The declaration of service must comply with Local Rule 9013.1.
- (e) *Hearing.* The court will ordinarily schedule a hearing on an objection to claim only when an adequate response is timely filed. However, the court may also hold a hearing to inquire about the legal basis for the objection or to determine whether the affidavits or declarations filed in support of the objection are sufficient to overcome the presumption of validity provided by Fed. R. Bankr. P. 3001(f).

Important
Read me

LR 3015

Chapter 13 Plans

- (a) *Mandatory model plan.* Debtors must use the Chapter 13 model plan included in the Appendix to these Local Rules in all Chapter 13 cases.

(b) *Service of original plan.* The plan must be served on the United States trustee, the chapter 13 trustee, and all creditors.

(1) If the debtor files the plan with petition, the Clerk through the Bankruptcy Noticing Center will serve the plan by mail on all persons listed on the matrix.

(2) If the debtor files the plan after the petition, the debtor must serve the plan and file proof of service.

(3) If the plan provides for the avoidance of a lien or security interest, the debtor must serve the plan on all affected creditors in the manner provided for service of a summons and complaint under Fed. R. Bankr. P. 7004.

(c) *Chapter 13 plan amendments and modifications.*

(1) The debtor must use the court's Notice-and-Request-to-Amend-Unconfirmed-Chapter-13-Plan form when filing any pre-confirmation amendment to the plan. Any party who moves to amend a plan after confirmation must use the court's Notice-and-Motion-to-Modify-Confirmed-Chapter-13-Plan form. Both forms are included in the Appendix to these Local Rules.

(2) Any successive pre-confirmation amendment must restate, without incorporation by reference, the effective terms of all preceding plan amendments. Any preceding amended plan term that is not restated in a subsequent amendment is superseded.

(3) Unless the court for cause shown limits the notice, a debtor requesting a pre-confirmation amendment or any party moving for a post-confirmation modification must give the trustee, United States trustee and all creditors not less than 21 days' notice of the time fixed for filing objections. An amendment or modification that provides for the avoidance of a lien or security interest must be served on all affected creditors in the manner provided for service of a summons and complaint under Fed. R. Bankr. P. 7004.

(4) Any objection to a request to amended plan pre-confirmation or to a motion to modify a confirmed plan must be filed and served on the debtor or other moving party, the chapter 13 trustee, the United States trustee and any other entity the court designates.

Debtor must
serve plan
if skeleton
filing

How to
serve it
striking a
lien via the
plan

Pre-Confirmation
Amendments
must re-state
changes each
time.

Must always
serve all
plans on all
creditors unless
the court
orders otherwise

- (5) If an objection is filed, the court or an entity the court designates will give notice of the hearing to the debtor or other moving party, objecting party, trustee, and United States trustee. An objection to a proposed amended plan is governed by Fed. R. Bankr. P. 9014.

Post Conf.
Add'l Atty
Fees

- (d) If the debtor files a post-confirmation motion to modify a Chapter 13 plan, the debtor may include a request for the approval of attorney's fees in the amount listed in the presumed reasonable fee chart included in the Appendix to these Local Rules.

LR 3017

Chapter 11 Disclosure Statements

- (a) *Notice of Hearing and Disclaimer.* The proponent of a plan must give notice of the hearing to consider approval of the Disclosure Statement. The notice must include the following statement in bold face type:

THIS NOTICE DOES NOT CONSTITUTE A SOLICITATION OF ACCEPTANCES OF A CHAPTER 11 PLAN. ACCEPTANCES MAY NOT BE SOLICITED UNLESS AND UNTIL THE DISCLOSURE STATEMENT HAS BEEN APPROVED BY THE COURT.

- (b) *Required Statement.* After approval by the court, the Disclosure Statement or a separate notice must conspicuously state the following:

THIS DISCLOSURE STATEMENT HAS BEEN DETERMINED BY THE COURT TO CONTAIN ADEQUATE INFORMATION AS REQUIRED BY SECTION 1125 OF THE CODE. THIS DETERMINATION DOES NOT CONSTITUTE RECOMMENDATION OR APPROVAL OF THE PLAN.

LR 4001

Pre-Confirmation Adequate Protection Payments

- (a) *Pre-confirmation adequate protection payments to a lessor of personal property.* The debtor must pay directly to the lessor all payments scheduled in a lease of personal property for that portion of the obligation that becomes due after the order for relief. Absent a timely objection to confirmation of the proposed plan, the debtor is presumed to have made these payments as required under § 1326(a). Because the Chapter 13 plan

must provide for direct payments to lessors, there may be no reduction in the Chapter 13 plan payment for these direct payments.

- (b) *Pre-confirmation adequate protection payments to creditors holding purchase money security interests in personal property.* The Chapter 13 plan must provide that § 1326(a)(1)(C) pre-confirmation adequate protection payments be paid through the Chapter 13 trustee, unless the court orders otherwise.
- (c) *Pre-confirmation adequate protection payment requirements.* For a creditor to be paid pre-confirmation adequate protection payments by the Chapter 13 trustee:
 - (1) The debtor must list the secured creditor's name and a sum certain to be paid to the creditor; and
 - (2) A proof of claim must be filed.
- (d) *Payment in the ordinary course of the trustee's business.* The Chapter 13 trustee may make adequate protection payments conforming to this Local Rule in the ordinary course of the trustee's business from funds in the case as they become available for distribution to claimants.
- (e) *Payment methodology.* The Chapter 13 trustee must make all adequate protection payments subject to this Local Rule in the equal monthly amounts provided for in the Chapter 13 plan, unless the plan provides otherwise in clear and conspicuous language.
- (f) *Objections.* Pursuant to § 1326(a)(3), creditors may file objections to the adequate protection treatment provided by the plan. The Chapter 13 trustee may continue to make adequate protection payments to the movant in the monthly amount provided for in the plan until the court orders otherwise.
- (g) *Payment of adequate protection before dismissal of a case with no confirmed Chapter 13 plan.* Consistent with this Local Rule, the Chapter 13 trustee may make pre-confirmation adequate protection payments due under the plan or court order, or any available portion of those payments,

from any funds available for that purpose received on or before the date of the entry of the order of dismissal.

- (h) *Adequate protection payments: Effect on claim amount.* The principal amount of the adequate protection recipient's claim will be reduced by the amount of the adequate protection payments paid to the claimant, unless the court orders otherwise.

LR 4001.1 Motions for Relief from Stay

- (a) *Motion for relief from stay as to the real property in a Chapter 13 case.* A party moving under 11 U.S.C. §§ 362 (d)(1) or (d)(2) for relief from the automatic stay, with respect to real property in a Chapter 13 case must:

- (1) State in the motion that the debtor has indicated an intent to surrender the real property in question when the debtor's Chapter 13 plan so provides.
- (2) File the following with the motion when the motion is based in whole or in part on the failure of the debtor to make one or more periodic post-petition payments:
 - i. A copy of the note;
 - ii. A copy of the mortgage, land contract, or other agreement evidencing a lien;
 - iii. Evidence of the lien's perfection; and
 - iv. If applicable, a copy of all documents in the chain of assignment, unless such documents have already been filed with the court.
- (3) The motion must describe the basis on which the moving party has authority to enforce the note. An objecting party or the court may require the moving party to demonstrate that basis through supporting documents, such as, if a loan servicer is making the motion on behalf of the noteholder, a copy of the loan servicing agreement or an abridgment thereof that grants authority to the loan servicer to file the motion.
- (4) The moving party must also file with the motion a separate declaration signed under penalty of perjury by an officer, employee, or agent who has personal knowledge of the following

averred facts:

- i. A description of the property, including its street address, municipality and state;
 - ii. An itemization of the post-petition arrearage that the movant alleges is due;
 - iii. A complete payment history from the date the moving party alleges the debtor's post-petition account was last current, unless the motion is based on a plan-payment default. The payment history must substantially conform to the form set forth in the Appendix to these Local Rules;
 - iv. If the motion is based on a default in making plan payments to the Chapter 13 trustee, the due date and amount of each missed payment, and the current status of payments to the trustee; and
 - v. If relevant to the motion, the movant's estimate of the current market value of the property and whether any equity exists in the property.
- (b) *Objections.* An objection filed by the debtor to a motion brought pursuant to paragraph (a) of this Local Rule challenging the moving party's allegation of missed payments must attach proof that payments have been made or a declaration under penalty of perjury that those payments have been made.
- (c) *Motions also requesting abandonment.* Motions for relief from the automatic stay that include a request for abandonment must also comply with Local Rule 6007's service requirement.

LR 4004 Disclosures Required Before Discharge

- (a) Chapter 7 cases.
- (1) An individual Chapter 7 debtor who has claimed a homestead exemption that exceeds the amount identified in 11 U.S.C. § 522(q)(1) must file Local Form 2829, which is included in the Appendix to these Local Rules.
 - (2) Such a debtor must file Local Form 2829 no later than 7 days before the first date set to object to the debtor's discharge under 11 U.S.C. § 727.
- (b) Chapter 12 and 13 cases.
- (1) Within 30 days of the debtor's final payment, the trustee must file a

certification that the debtor has made all required payments to the trustee.

Ch 12

- (2) Except as provided by 11 U.S.C. § 1228(b), to receive a discharge in a chapter 12 case the debtor must file Local Form 2830, included in the Appendix to these Local Rules, regarding domestic support obligations, the applicability of 11 U.S.C. § 522(q)(1), and the completion of payments under the plan made directly to creditors other than payments to holders of allowed claims provided for under 11 U.S.C. § 1222(b)(5) or 1222(b)(9). The debtor must file Local Form 2830 within 30 days of the trustee's filing of the certification that the debtor has made all required payments to the trustee.

Ch 13 → New

Failure to
make direct
payments
could result
in no discharge

- (3) Except as provided by 11 U.S.C. § 1328(b), to receive a discharge in a chapter 13 case the debtor must file Local Form 2831, included in the Appendix to these Local Rules, regarding domestic support obligations, the applicability of 11 U.S.C. § 522(q)(1), and the completion of payments under the plan made directly to creditors. The debtor must file Local Form 2831 within 30 days of the trustee's filing of the certification that the debtor has made all required payments to the trustee.

- (4) If a debtor does not file either Local Form 2830 or 2831 and the statement required by Rule 1007(b)(7) within 30 days of the trustee's filing a final report, the court may close the case without granting a discharge. A debtor who can demonstrate after the court closes the case that the debtor is entitled to a discharge may move to reopen the case under 11 U.S.C. § 350(b) to request the granting of a discharge.

(c) Chapter 11 cases.

- (1) Upon completion of all payments required before discharge under an individual debtor's Chapter 11 plan, a debtor may seek to reopen a Chapter 11 case to obtain a discharge by filing a motion under 11 U.S.C. § 350(b) and serving a copy of the motion on all parties in interest.
- (2) In order to receive a discharge, an individual debtor in a Chapter 11 case must file a Motion for Entry of an Individual Chapter 11 Discharge using the local form included in the Appendix to these Local rules after completing all plan payments.
- (3) The debtor must serve all creditors and the United States trustee with notice of the motion. The notice must state that any objection must be filed within 21 days of service of the motion and that absent a timely objection, the court may grant the motion and enter a discharge without a hearing.

(d) Deceased debtor disclosures.

- (1) If a debtor dies after filing a bankruptcy petition but before the court enters a discharge order, the attorney for the deceased debtor may file a declaration of death stating, to the extent applicable, that the debtor died before completing the financial management course required by 11 U.S.C. § 111, and that either Fed. R. Bankr. P. 1007(b)(8) does not apply to the debtor or the attorney does not know of a basis on which the debtor may be found liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).
- (2) The attorney must serve any statement made under (d)(i) on the trustee and the United States trustee giving notice that any party who wants to be heard on the declaration of death must file a request for a hearing within 14 days of service of the statement. If the debtor has claimed a homestead exemption that exceeds the amount identified in 11 U.S.C. § 522(q)(1), then the attorney must also serve the statement and notice on all creditors.
- (3) If no party timely requests a hearing or after a hearing, the court may enter an order that (i) the debtor is disabled for purposes of 11 U.S.C. § 109(h)(4), and (ii) there is no reasonable cause to believe that the debtor will be found guilty of a felony of the kind described in § 522(q)(1)(A) or liable for a debt of the kind described in § 522(q)(1)(B).
- (4) If the debtor's attorney files a declaration of death, then the trustee is excused from giving the notices required by 11 U.S.C. §§ 704(c)(1), 1202(c)(1)(C), and 1302(d)(1)(C).

LR 5005

Electronic Filing

- (a) The court will accept for filing documents submitted, signed, or verified by electronic means, which comply with procedures established by the court. Electronic filing is mandatory for all attorneys who practice in this district, except in limited, emergency circumstances, or where the attorney has received a waiver from the Chief Judge of the Bankruptcy Court. If an attorney encounters emergency circumstances that require the attorney to file documents in paper form, the paper filing must be accompanied by a letter briefly describing the emergency circumstances that prevented the attorney from filing electronically.
- (b) All documents must be submitted for filing in Portable Document Format ("PDF"). Pleadings and proposed orders must be converted to PDF directly from the filer's word processing software rather than

scanned. Documents must also be submitted in text searchable format, whenever possible.

LR 5005.1 Retention of Electronically Filed Documents

- (a) *Documents that must contain original signatures of a debtor or other entity.* A party that files electronically a document that is required to contain an original signature, including a document signed under penalty of perjury pursuant to 28 U.S.C. § 1746 or verified under Fed. R. Bankr. P. 1008, must maintain the document for a period of 5 years after the closing of the case, unless the court orders a different period. Upon request of the court or any party in interest, the filer must provide original documents for review.
- (b) *Retention of electronically documents containing original signatures.* As an alternative to maintaining the documents referred to by subsection (a) for 5 years, the filer may have the original document, including any original signature, scanned, digitized and electronically stored for five (5) years. An electronically stored document will be deemed a counterpart intended by the person executing or issuing it to have the same effect as an original pursuant to Fed. R. Evid. 1001(d), provided the person or persons executing or issuing the document have signed and filed in the case a Verification of Signature and Designation of Electronic Counterpart as Original as included in the Appendix to these Local Rules. On the request of the court or any party in interest, the filer must provide a copy of the electronic document.

LR 5005.2 Prohibition of Facsimile and Email Filing

Documents may not be filed with or submitted to the court by facsimile or email unless the court specifically authorizes.

LR 5005.3 Filing Proposed Orders

Proposed orders must be submitted in PDF format and be directly converted from the filer's word processing software, not scanned.

LR 5011 Motions for Withdrawal of the Reference

A motion under Fed. R. Bankr. P. 5011(a) to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d), along with all responses and replies, must be filed with the Clerk of the Bankruptcy Court. The Clerk of the

Bankruptcy Court will transmit the motion, all responses to the motion, and all replies to the Clerk of the District Court, who will assign a district court case number to the matter.

LR 6007 Motions for Abandonment

Creditors' motions for abandonment must be served in the same manner as a request for abandonment filed by the trustee or a debtor under Fed. R. Bankr. P. 6007.

LR 7005 Proof of Service

The provisions governing proof of service under Local Rule 9013.1 apply in adversary proceedings.

LR 7008 Consent to Final Order – Complaint, Counterclaim, Cross-Claim, or Third Party Complaint

A party's failure to include in a pleading the statement required by Fed. R. Bankr. P. 7008 addressing consent to the bankruptcy court's entry of final orders or judgments constitutes a forfeiture of that party's right to withhold that consent.

LR 7012 Consent to Final Order – Responsive Pleading

A party's failure to include in a responsive pleading a statement addressing consent to the bankruptcy court's entry of final orders or judgments as required by Fed. R. Bankr. P. 7012(b) constitutes a forfeiture of that party's right to withhold that consent. A party who fails to file a responsive pleading after being served as required by Fed. R. Bankr. P. 7004 also forfeits any right to withhold consent to the bankruptcy court's entry of a final order or judgment.

LR 7016 Pretrial Procedures

Fed. R. Civ. P. 16(b) does not apply in adversary proceedings in which the complaint alleges a claim arising under title 11 of the U.S.C. or arising in a case under title 11.

LR 7026 Duty to Disclose; General Provisions Governing Discovery

Unless the court directs otherwise, Fed. R. Civ. P. 7026(a)(1) (mandatory disclosure), (a)(2)(B) (disclosure regarding expert reports), (a)(3) (additional

pretrial disclosures), (d) (1) & (2) (timing), and (f) (mandatory meeting before scheduling conference/discovery plan) do not apply in adversary proceedings.

LR 7041 Notice Requirements for Dismissal of Proceeding to Deny or Revoke Discharge

- (a) *Notice and hearing requirement.* No adversary proceeding objecting to or seeking to revoke a debtor's discharge under 11 U.S.C. §§ 727, 1141, 1144, 1228, or 1328 may be dismissed except on motion and a hearing after 21 days' notice to the debtor, the United States trustee, the trustee (if any), all creditors, and other parties in interest. The notice must include a statement that a trustee or creditor who desires to adopt and prosecute the adversary proceeding in question must seek leave to do so at or before the hearing on the motion to dismiss.
- (b) *Disclosure requirement.* A motion to dismiss of the type described in subsection (a) must either: (1) state that no entity has, directly or indirectly, promised, given, or received any consideration to obtain or allow dismissal; or (2) specifically describe all consideration promised, given or received.
- (c) *Action on the motion, time to object or intervene.* The court may dismiss a proceeding of the type described in subsection (a) without further notice or a hearing, if the United States trustee, the trustee, or another party in interest does not object to dismissal or move to intervene or be substituted for the plaintiff within 21 days following service of the motion.

LR 7067 Court Registry Investments System

- (a) *Scope.* This Local Rule governs depositing funds under Fed. R. Bankr. P. 7067.
- (b) *Receipt of Funds.*
 - (1) No money may be sent to the court or its officers for deposit in the court's registry without a court order signed by the presiding judge in the case or proceeding.
 - (2) When a party makes a deposit or transfer of funds to the court's registry, it must also submit to the Clerk of Court a copy of the order authorizing the deposit or transfer.

- (3) Unless otherwise provided, all monies ordered to be paid to the court or received by its officers in any case pending or adjudicated must be deposited with the Treasurer of the United States in the name and to the credit of this court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.
- (c) *Investment of Registry Funds.*
- (1) Where by order of the court funds on deposit with the court are to be placed in some form of interest-bearing account or invested in a court-approved, interest-bearing instrument in accordance with Fed. R. Civ. P. 67, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, is the only authorized investment mechanism.
 - (2) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a "Disputed Ownership Fund" (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds must be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which must be responsible for meeting all DOF tax administration requirements.
 - (3) The Director of the Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee must perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the court.
 - (4) Money from each case deposited in the CRIS may be "pooled" together with funds on deposit with the Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury, in an account in the name and to the credit of the Director of the Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.

- (5) An account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and their counsel.
 - (6) For each interpleader case, an account will be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.
- (d) *Fees and Taxes.*
- (1) The custodian is authorized and directed by this Local Rule to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases.
 - (2) The custodian is authorized and directed by this Local Rule to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this

Local Rule to withhold and pay federal taxes due on behalf of the DOF.

(e) *Transition from Former Investment Procedure.*

- (1) The Clerk of Court is further directed to develop a systematic method of redemption of all existing investments and their transfer to the CRIS.
- (2) Deposits to the CRIS DOF will not be transferred from any existing CRIS Funds. Only new deposits pursuant to 28 U.S.C. § 1335 from the effective date of this Local Rule will be placed in the CRIS DOF.
- (3) Parties not wishing to transfer certain existing registry deposits into the CRIS may seek leave to transfer them to the litigants or their designees on proper motion and approval of the judge assigned to the specific case.
- (4) This Local Rule supersedes and abrogates all prior orders of this Court regarding the deposit and investment of registry funds.
- (5) This Local Rule is generally effective on the date of entry, but DOF provisions will become effective on the date the CRIS DOF begins to accept deposits.

LR 9001 Rules of Construction

- (a) *Affidavit.* “Affidavit” means an affidavit or a declaration pursuant to 28 U.S.C. § 1746.
- (b) *Clerk.* “Clerk” in these Local Rules means Clerk of the United States Bankruptcy Court for the Eastern District of Wisconsin, unless the context requires reference to the Clerk of the District Court.
- (c) *Motion.* “Motion” in these Local Rules includes all applications, notices of intended action or objections, and United States trustee comments.
- (d) *Local Rules enforcement.* These Local Rules are intended to be enforced primarily on the court’s own initiative. Parties ordinarily should not file motions alleging only a violation of these Local Rules.
- (e) *Service by those requesting court action.* Where the Federal Rules of

Bankruptcy Procedure direct that “the clerk, or some other person as the court may direct” will serve a document or otherwise give notice, the filer of the document or proponent of the action must serve or give notice, unless the court orders otherwise or the document or notice is listed on the table of clerk-issued notices in the Appendix to these Local Rules.

- (f) *Incorporation of definitions and construction rules.* The definitions and rules of construction contained in title 11 of the United States Code and the Federal Rules of Bankruptcy Procedure apply to these Local Rules except where the text requires otherwise.

LR 9004 Form and Number of Documents

- (a) *Pleadings, Motions, Briefs.* All pleadings, motions, responses to motions, briefs, stipulations, affidavits, and proposed orders must be double-spaced and in not less than 12-point type, unless the court authorizes in advance an alternative method. No motion, memorandum, or brief may exceed 15 pages, excluding exhibits and attached cases, without prior express authorization of the court. Only documents to which a motion, memorandum, or brief refers may be filed as exhibits.
- (b) *Local Rule not applicable to approved forms.* Forms approved by this court or approved for use in federal courts are exempt from this Local Rule’s requirements.
- (c) *Identification of Documents.* All pleadings, motions, memoranda, briefs, declarations, and other written requests for court action must include the name of the court, the title of the case, the chapter number, the proper case number, with the initials of the assigned judge, and the name or nature of the document.
- (d) *Signing Filings.* All pleadings, motions, memoranda, briefs, and other written requests for court action must be signed by an attorney, or by the litigant if appearing pro se.
- (e) *Form of Proposed Orders.* Each proposed order must be submitted as a separate document. The drafter’s name, address, telephone number, and email address must appear single-spaced in the lower left-hand corner of the first page.

- (f) *Size and Legibility of Documents Generally.* All documents not filed electronically, except exhibits, must be on letter size (8-1/2" x 11") durable, opaque, unglazed paper, fastened at the top without special backing or binding; plainly and legibly written, typewritten, printed or reproduced. Documents that are not typewritten or otherwise printed must be in ink or its equivalent. Except for exhibits, only one side of each paper may be used. All pages must be sequentially numbered.

LR 9006 Motions for Extension of Time

In addition to complying with Fed. R. Bankr. P. 9006(b), a motion for an enlargement of time must identify the original deadline, the amount of additional time requested, and state with particularity the basis for the needed enlargement of time.

LR 9006.1 Paper Filing After Office Hours

The court deems papers deposited in the Clerk's drop box after hours to be filed at 11:59:59 p.m. on the business day preceding their collection by the Clerk. As long as the date and time stamped by the Clerk is no later than 11:59:59 p.m. on the deadline date, the court considers the documents timely filed for purposes of meeting the deadline.

LR 9010 Withdrawal and Substitution of Attorneys of Record

- (a) Withdrawal or substitution of counsel of record for a debtor or for a party in a contested matter or adversary proceeding requires leave of court obtained in one of the following ways.

1. *Withdrawal in the absence of successor counsel:* An attorney who seeks to withdraw during the pendency of the case, matter, or proceeding must file a motion to withdraw. Unless provided otherwise by this Local Rule, the attorney must serve the party, any adverse parties in the matter or proceeding, the trustee, and the United States trustee with 14 days' notice of the motion.
2. *Substitution of counsel:* A debtor or party may obtain leave to substitute counsel as follows:
 - a. If the party, the party's currently appearing attorney, and successor attorney all agree that the succeeding attorney may appear in place of the party's current counsel, the substitution

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may be accomplished by filing a stipulation of substitution signed by the party, the current attorney, and the successor counsel. The party, through either current or succeeding counsel, must move the court for approval of the substitution; or

- b. The successor attorney may file a motion to substitute counsel served on the current counsel, the trustee, and the United States trustee.

3. *Continued representation by law firm:* If a party agreed to be represented by the attorneys of a law firm rather than a particular attorney at that firm and an attorney the clerk has identified as attorney of record leaves the firm, an attorney at the firm must move to be substituted as counsel of record, if the firm intends to continue representing the party. The attorney filing the substitution motion must certify that the attorney has notified the client, the client has not objected, or the client has consented to the continued representation. The attorney must serve the motion on the party, the trustee, and the United States trustee.

4. *Continued representation by attorney who changes law firms.* If counsel of record for a party changes law firms during the pendency of a matter and other attorneys for the firm have appeared for the party in the matter, attorneys at counsel's former firm must move to withdraw. The attorney filing the substitution motion must certify that the party has consented to continued representation by the attorney of record. The attorney filing the motion must serve the party's counsel of record, the party, the chapter trustee, and the United States trustee.

- (b) *Substitution of counsel for other parties.* Other parties who have appeared through counsel and desire to change their counsel of record may do so by filing a notice of substitution of counsel. The notice may be filed by successor counsel but must be served on the party's counsel of record. The notice must describe the circumstances of the substitution and represent that the party has authorized the substitution. Unless the court otherwise orders, the notice is effective when filed.
- (c) *Multiple case substitution:* Multiple cases may be combined in the same motion and order for substitution of counsel, but only if the cases are assigned to the same judge. If cases assigned to more than one judge are

applicable, a separate motion is required for each judge. This Local Rule's notice, certification, and consent requirements apply to every client named.

- (d) *Effect of substitution order:* Any order substituting for an attorney of record or terminating a counsel of record takes effect when the order is entered, unless the order otherwise provides.

LR 9010.1 Ghostwriting Prohibited

All attorneys, whether or not the attorney of record, who make a major substantive contribution to a petition, pleading, proposed order, trial-related document, motion, memorandum, or brief that is filed with the court or is intended to be filed with the court, must be identified in the filing. No attorney may draft a document intended to be filed by an otherwise unrepresented person without complying with this Local Rule.

LR 9010.2 Appearance Pro Hac Vice

- (a) *Admission to practice.* Attorneys appearing in this court must be admitted to practice before the United States District Court for the Eastern District of Wisconsin, except as provided in subsection (b) of this Local Rule.
- (b) *Pro hac vice admission.* Motions to appear *pro hac vice* will not be granted absent special circumstances as determined by the court in its discretion. Attorneys may not be admitted *pro hac vice* unless they demonstrate that they:
 - (1) are in good standing and eligible to practice before a bar of a federal or state court;
 - (2) will only have limited or incidental involvement with the case or adversary proceeding in which they seek to appear;
 - (3) do not expect to appear or participate in any other case or adversary proceeding before this court; and
 - (4) will have obtained or will obtain the necessary Electronic Case Filing authorization, as detailed at www.wieb.uscourts.gov.

LR 9013 Form of Motions, Notices and Orders

- (a) *Caption.* Every motion, proposed order and notice of intended action

must contain in the caption a description of the relief requested or action intended.

- (b) *Disclosure of Basis of Motion.* Motions must state the Bankruptcy Code sections, Federal Rules of Bankruptcy Procedure, and other authority on which they base their request for relief.
- (c) *Motions Must State With Particularity the Grounds and the Relief Sought.* All motions and other requests for court action must comply with Fed. R. Civ. P. 7(b)(1)(B), (C).

LR 9013.1 Proof of Service

Important

Every filing that is required to be served must be accompanied with or followed promptly by a certification of service that lists the names of the parties served and identifies the date and method of service for each served party, including the mailing address at which any non-CM-ECF service was made.

LR 9013.2 Motions to Continue or Impose the Automatic Stay Under 11 U.S.C. § 362(c)(3) or (4)

- (a) *Debtor must obtain a hearing date before filing the motion.* Debtors moving under 11 U.S.C. § 362(c)(3) or (4) to continue or impose the § 362(a) stay must obtain a hearing date as provided in Local Rule 9014(b) **before** filing the motion.
- (b) *Notice of the hearing and objection period.* Unless the court for cause orders otherwise, a debtor moving to continue the stay under § 362(c)(3) or impose the stay under § 362(c)(4) must provide all creditors, the trustee, and the United States trustee with notice consistent with Local Rule 9014. The notice must provide 14 days to object to the motion and state the date on which the court will hear the motion if a party timely objects.
- (c) *Filing motions under § 362(c)(3) and (4).*
 - a. A debtor must file any motion under 11 U.S.C. § 362(c)(3) in sufficient time for the court to hear the motion *before* the 30th day following the date on which the debtor filed the bankruptcy petition and must serve the notice of hearing at least 17 days before the hearing date.

- b. A debtor must file a motion under § 362(c)(4) within 30 days of filing the bankruptcy petition.
- (d) The court will hold a hearing on a timely filed and served § 362(c)(3) or (4) motion if:
 - (1) a party timely objects to the motion,
 - (2) the debtor fails to file and serve one or more affidavits or declarations in support of the motion, or
 - (3) the court concludes that testimony or other evidence of the debtor's good faith is necessary or desirable.
- (e) If no party timely objects to a motion properly filed and served under this Local Rule, the debtor must file a proposed order. If the debtor does not promptly file a proposed order after the objection period ends, the court may hold a hearing.

LR 9013.3 Motions to Convert or Dismiss a Chapter 11 Case Under 11 U.S.C. § 1112(b)

- (a) *Moving party must obtain a hearing date before filing the motion.* Parties moving under 11 U.S.C. § 1112(b) to convert or dismiss a Chapter 11 case must obtain a hearing date **before** filing the motion.
- (b) *Notice of the hearing and objection period.* Unless the court orders otherwise, a party moving to convert or dismiss a Chapter 11 case must provide the debtor, all creditors, the trustee, and the United States trustee with notice that:
 - i. Any objection to the motion must be filed not later than 21 days after service of the notice, and
 - ii. If a party files a timely objection, the court will hear the motion on the date obtained under subsection (a).
- (c) *Motion must be filed and served within 24 hours of obtaining a hearing date.* A party filing a motion under 11 U.S.C. § 1112(b) must file the motion and serve the notice as provided in subsection (b) of this Local Rule no more than

24 hours after obtaining a hearing date in accordance with subsection (a) of this Local Rule to ensure that interested parties receive 21-days notice, as required by Fed. R. Bankr. P. 2002(a)(4), before the court is required to commence the hearing under § 1112(b)(3). A party's failure to comply with this Local Rule is sufficient grounds for denial of a motion dismiss or convert under 11 U.S.C. § 1112(b).

LR 9014 Notice of Motion; Notice of Hearing; Time Periods for Objections; Form of Objections

- (a) *Court Action by Negative Notice.* Unless otherwise required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Rules, or court order, the court typically does not schedule a hearing on a motion or notice of intended action unless there is a timely objection or the court concludes that a hearing is necessary or desirable before adjudicating the motion or ordering other relief.
- (1) A party filing a motion or notice of intended action must file and serve:
- i. a notice of motion or intended action that substantially complies with Local Rule 9014;
 - ii. a motion or statement of intended action conforming with Fed. R. Bankr. P. 9013; and
 - iii. proof of service.
- (2) *Contents of Notice.* A notice of motion or other intended action must clearly state that if a party wants the court to consider its views or to hold a hearing on the motion, that party must timely file and serve an objection. Additionally, the notice of motion must:
- i. Afford at least 14 days after service of the notice to object, unless (A) the court otherwise orders, (B) the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure (see, e.g., Fed. R. Bankr. P. 2002, 11 U.S.C. § 1301(d)) require a different objection period, or (C) the party filing the motion has moved to modify the objection period; and
 - ii. Specify that absent a timely filed objection, the court may grant the relief requested without a hearing.

(3) If an objection is timely filed and served, the court will schedule a hearing and the Clerk, or such other person as the court may direct, will give notice of the hearing to the parties. A hearing notice served by a person other than the Clerk must state whether the hearing is evidentiary or preliminary.

(4) In the absence of an objection, the court may direct a party to give notice of a hearing that it deems necessary or appropriate to hold before acting on the motion or other request for action.

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(5) If no party files a timely objection, the moving party must promptly file a proposed order.

(b) *Telephonic hearings.* Unless the court orders otherwise, hearings at which persons may appear by telephone will be preliminary hearings without the presentation of evidence. However, if the court concludes that there are sufficient grounds to grant or deny the motion at the preliminary hearing, the court may rule on the matter at the preliminary hearing.

LR 9014.1 Orders; 7-Day Rule

The court may hold proposed orders arising from a contested hearing for 7 days from the date that the proposed order is filed to allow for comments or objections to the form of the order. The court will generally hold orders for this period unless the parties agree on the form of the order, the court is reasonably confident that the order conforms to relief it directed at the hearing, or it concludes that other considerations warrant prompt entry of the order.

LR 9014.2 Consent to Final Order: Motions, Objections, and Responses

A party's failure to include in a motion, objection, or response a statement addressing consent to the bankruptcy court's entry of a final order or judgment constitutes a forfeiture of the right to withhold that consent.

LR 9027 Consent to Final Order: Removal

A party's failure to include in a removal notice or post-removal pleading a statement addressing consent to the bankruptcy court's entry of a final order or judgment as required by Fed. R. Bankr. P. 9027(a)(1) or (e)(3) constitutes a forfeiture of the right to withhold that consent.

LR 9029 Adoption of Rules

The United States Bankruptcy Court for the Eastern District of Wisconsin adopts these Local Rules effective ____, __, 2017. These Local Rules apply to all cases and proceedings in the United States Bankruptcy Court for the Eastern District of Wisconsin now pending or commenced after the effective date. Unless otherwise directed by the court or these Local Rules, the Local Rules of the United States District Court for the Eastern District of Wisconsin do not apply to cases or proceedings in the bankruptcy court.

LR 9029.1 Waiver or Modification of Local Rules

The court may waive or modify any of these Local Rules in furtherance of the just, speedy, and inexpensive determination of a case or proceeding.