

## **Rule 3007-1 CLAIM - OBJECTIONS**

(a)

A party objecting to the allowance of a claim must serve claimant with a copy of the objection and a notice stating that the claimant must file and serve a response to the objection within 21 days of service of the objection, or the objection may be sustained without further notice or hearing. The objector must serve a copy of the objection and notice on an attorney who has appeared in the case on behalf of the claimant and upon the debtor and any trustee appointed in the case. A trustee may object to claims as part of the trustee's final report.

(b)

If a response to the objection is filed and served, the clerk shall set a telephonic preliminary hearing on the objection. If debtor or any trustee wants to participate in the preliminary hearing, they must notify the party ordered to place the telephone call. If the objection cannot be resolved at the preliminary hearing, the court will schedule a final hearing.

## **Rule 3011-1 DEPOSIT AND DISTRIBUTION OF UNCLAIMED FUNDS**

(a)

Deposit by Chapter 7, 12, or 13 Trustee

If any funds remain unclaimed after the final distribution of funds is made in a Chapter 7, 12, or 13 case as required by [11 U.S.C. § 347\(a\)](#), the trustee shall file a Motion to Pay Into the Court Registry any remaining funds. Upon entry of a final order granting such motion, the trustee shall pay the remaining funds into the Court Registry and shall provide the Court's finance officer a list of the last known names and address of the unpaid claimants and the amounts they are entitled to receive, as required by the [Bankruptcy Rule 3011](#).

(b)

Disposition of Unclaimed Funds Under A Chapter 11 Liquidating Plan

(1)

Notice, Deposit of Funds, and Final Account - The disbursing agent, the debtor-in-possession or the trustee under a Chapter 11 plan that provides for the complete liquidation of the property of the debtor shall, when making final distribution under the plan:

(A)

Notify such entity, if any, that purchased all of the debtor's assets under the chapter 11 plan of its potential right to the unclaimed funds, to the extent the disbursing agent, the debtor-in-possession or the trustee can identify such entity.

(B)

Unless the plan provides otherwise, pay over to the Court Registry any funds left unclaimed 120 calendar days after the final distribution is made under the plan, accompanied by a Motion to Pay Funds Into the Court Registry.

(C)

File a final account under [11 U.S.C. §1106\(a\)\(7\)](#), prior to the expiration of time provided in [11 U.S.C. §1143](#), and all other reports (if any) required by Local Rule.

(2)

Provisions for Unclaimed Funds - A chapter 11 liquidating plan may provide that any unclaimed funds may be redistributed to other creditors or administrative claimants or donated to a not-for-profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

(c)

#### Disposition of Undistributable Funds Under a Chapter 11 Liquidating Plan

(1)

Undistributable funds defined - Undistributable funds are any funds other than unclaimed funds, including, but not limited to, funds that cannot be disbursed because (A) a creditor has affirmatively rejected a distribution, (B) the administrative costs of distribution effectively interfere with distribution, or (C) all creditors, including administrative claimants, have been paid in full and there is no one that has a right to the funds.

(2)

Provisions for Undistributable Funds - A chapter 11 liquidating plan may provide that any undistributable funds, if applicable or practicable, may be redistributed to other creditors or administrative claimants or donated to a not-for-profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

(3)

Procedure for Disposition of Undistributable Funds - If a chapter 11 liquidating plan does not provide for the disposition of undistributable funds then, if there are any such funds at the time of final distribution under the plan, the disbursing agent, the debtor-in-possession or the trustee shall file a motion proposing disposition of such funds, which may include the dispositions described in subdivision (c)(2) of this rule. Such motion shall be served on all creditors or parties in interest, or on such creditors and parties in interest as the Court shall direct, with notice and opportunity for hearing.

(d)

#### Payment of Unclaimed Funds

A claimant that claims to be entitled to unclaimed funds in the Court Registry shall file a Motion for Distribution of Funds from Court Registry (Motion to Pay Unclaimed Dividends) and Proposed Order, sworn or attested under penalty of perjury. An individual claimant shall provide to the Clerk a copy of a government issued photo identification, such as a driver's license or passport. (Reminder: The redaction requirements of personal identifying information, as defined by Federal Rules of Bankruptcy Procedures, [Rule 9037\(a\)](#), rest solely with the filing party.) A corporation whose name has changed or that has been assigned rights to the funds shall provide appropriate documentation, satisfactory to the Court, to demonstrate the claimant's entitlement to

the funds. Fund locator services or other agents shall provide a copy of their power of attorney authorizing them to make the claim for the claimant. The Motion and other required documents shall be served on the United States Attorney and the debtor's attorney of record. Detailed procedures for payment of unclaimed funds are available from the Court Services link on the court's web site at [www.ianb.uscourts.gov](http://www.ianb.uscourts.gov).

### **Rule 3012-1 VALUATION OF COLLATERAL**

The following procedures shall be applicable to valuation hearings held pursuant to [11 U.S.C. § 506](#) and [Fed. R. Bankr. P. 3012](#), and as otherwise provided by these rules.

(a)

Any party to a valuation dispute who intends to offer into evidence an expert's appraisal of property must mark the original appraisal as an exhibit in accordance with the requirements of Local Rule [9070-1](#).

(b)

Also, the offeror must mark as a separate exhibit, or include as part of the appraisal, an affidavit of the appraiser which sets forth the appraiser's qualifications.

(c)

A party intending to offer an appraisal into evidence must serve a copy of the appraisal exhibit and appraisal affidavit on other parties to the valuation dispute at least 14 days prior to the valuation hearing. At the same time, the party shall submit an unfiled copy to the court, marked "Judge's Copy."

(d)

Unless an opposing party files and serves a written objection to the exhibit at least 7 days prior to the hearing, the appraisal exhibit will be admitted into evidence without the need of additional evidence to support the admission.

(e)

Except in unusual circumstances, or unless the offeror otherwise requests, the appraisal and affidavit will constitute the appraiser's direct testimony on the issue of value. Nonetheless, the offeror must have the appraiser present at the hearing for purposes of cross-examination.

(f)

The court may, on objection by the opposing party, deny admission of an appraisal exhibit which was not served in compliance with this rule, unless good cause is shown for the failure to comply.

### **Rule 3015-2 CHAPTER 13 - AMENDMENTS (MODIFICATIONS) TO PLAN**

In addition to the dating required by [Fed. R. Bankr. P. 3015\(c\)](#), modified plans shall be designated sequentially as follows: "First Modified Plan," "Second Modified Plan," and so forth as may be appropriate. Pursuant to [Fed. R. Bankr. P. 3015\(c\)](#) every proposed plan and any modification thereof shall be dated.

### **Rule 3015-3 CHAPTER 13 - CONFIRMATION**

(a)

Debtor, debtor's attorney, the standing trustee, and any party filing an objection to confirmation must attend the final confirmation hearing. Failure to appear may result in the denial of confirmation or the overruling of the objection.

(b)

If there are no objections to confirmation and the standing trustee recommends confirmation, the first hearing set for consideration of debtor's plan will be a final hearing. The debtor may offer evidence in support of confirmation by affidavit. However, the debtor must be available at the hearing to testify.

(c)

If a confirmation hearing on debtor's first proposed plan is scheduled for the same day as the meeting of creditors under [11 U.S.C. § 341](#), then an entity having standing to object to the plan may file an objection at any time prior to the confirmation hearing or may raise the entity's objection orally at the confirmation hearing. If an oral objection is made, the objector must file the same objection in writing within 7 days after the initial confirmation hearing. Oral objections to the initial plan which are not confirmed by a written filing are, as to the initial plan, deemed waived.

(d)

If there are objections to confirmation, the initial hearing will be a preliminary hearing, at which time the parties shall be prepared to discuss confirmation issues, including valuation of property or secured claims, settlement, discovery, other matters appropriate to the circumstances of the case, and the selection of a final hearing date. At the preliminary hearing, it shall not be necessary for the parties to provide for the attendance of witnesses.

(e)

Valuation issues may be tried on an expedited schedule prior to the final hearing on confirmation or any deadline to amend the proposed plan.

(f)

A debtor who, prior to confirmation, files a modification to a chapter 13 plan shall be responsible for serving the modified plan and the notice required by [Fed. R. Bankr. P. 2002\(b\)\(2\)](#). The debtor shall obtain the scheduling information from the presiding judge's scheduling clerk. Unless the debtor requests and obtains an order reducing time, the debtor shall determine the bar date for objections and the hearing date in accordance with the requirements of [Fed. R. Bankr. P. 2002\(a\)\(5\)](#) and [9006\(f\)](#). The debtor shall also be responsible for serving any notice that may be required pursuant to [Fed. R. Bankr. P. 2002\(a\)\(5\)](#).

(g)

The party requesting modification of a confirmed chapter 13 plan shall be responsible for serving the motion to modify, the proposed modification and the notice required by [Fed. R. Bankr. P. 3015\(g\)](#).

#### **Rule 3015-5 CHAPTER 12 - AMENDMENTS (MODIFICATIONS) TO PLANS**

In addition to the dating required by [Fed. R. Bankr. P. 3015\(c\)](#), modified plans shall be designated sequentially as follows: "First Modified Plan," "Second Modified Plan," and so forth as may be appropriate.

#### **Rule 3015-6 CHAPTER 12 - CONFIRMATION**

(a)

Debtor, debtor's attorney, the standing trustee, and any party filing an objection to confirmation must attend the final confirmation hearing. Failure to appear may result in the denial of confirmation or the overruling of the objection.

(b)

If there are no objections to confirmation and the standing trustee recommends confirmation, the first hearing set for consideration of debtor's plan will be a final hearing. The debtor may offer evidence in support of confirmation by affidavit. However, the debtor or debtors must be available at the hearing to testify unless excused from attendance by court order.

(c)

If there are objections to confirmation, the initial hearing will be a preliminary hearing, at which time the parties shall be prepared to discuss confirmation issues, including valuation of property or secured claims, settlement, discovery, other matters appropriate to the circumstances of the case, and the selection of a final hearing date. At the preliminary hearing, it shall not be necessary for the parties to provide for the attendance of witnesses.

(d)

Valuation issues may be tried on an expedited schedule prior to the final hearing on confirmation or any deadline to amend the proposed plan.

(e)

Debtor shall be responsible for serving a copy of the plan and the notice required by [Fed. R. Bankr. P. 2002\(a\)\(8\)](#). The debtor shall obtain scheduling information from the presiding judge's scheduling clerk. Unless the debtor requests and obtains an order reducing time, the bar date for objections and the hearing date shall be determined in accordance with [Fed. R. Bankr. P. 2002\(a\)\(8\)](#) and [9006\(f\)](#).

(f)

A debtor who, prior to confirmation, files a modification to a chapter 12 plan shall be responsible for serving the modified plan and the notice required by [Fed. R. Bankr. P. 2002\(a\)\(8\)](#). The debtor shall obtain scheduling information from the presiding judge's scheduling clerk. Unless the debtor requests and obtains an order reducing time, the bar date for objections and the hearing dates shall be determined in accordance with [Fed. R. Bankr. P. 2002\(a\)\(8\)](#) and [9006\(f\)](#). The debtor shall also be responsible for serving any notice that may be required pursuant to [Fed. R. Bankr. P. 2002\(a\)\(5\)](#).

(g)

The party requesting modification of a confirmed chapter 12 plan shall be responsible for serving the motion to modify, a copy of the proposed modification, and the notice required by [Fed. R. Bankr. P. 3015\(g\)](#).

#### **Rule 3016-1 CHAPTER 11 - PLAN**

The proponent, upon filing a chapter 11 plan, amended plan, or amendments to a plan, shall provide the clerk with one copy of the plan identified in the upper right-hand corner as "Judge's Copy."

#### **Rule 3016-2 DISCLOSURE STATEMENT - GENERAL**

The plan proponent, upon filing a disclosure statement or any amendment thereto, shall provide the clerk with one copy of the disclosure statement or amendment identified in the upper right-hand corner as "Judge's Copy."

## **Rule 3017-1 DISCLOSURE STATEMENT - APPROVAL**

(a)

### **Service of Proposed Disclosure Statement**

The proponent of a plan must serve the plan, the proposed disclosure statement and the notice thereof as required in [Fed. R. Bankr. P. 3017\(a\)](#) and [2002\(b\)](#). The proponent must serve the proposed disclosure statement and plan on those entities identified in [Fed. R. Bankr. P. 3017\(a\)](#) and on any entity filing a Request for Notices pursuant to Local Rule [2002-1](#). The notice shall provide that any creditor or party-in-interest may obtain a copy of the proposed plan and proposed disclosure statement without charge from the attorney for the proponent by contacting the attorney by U.S. first-class mail, fax transmission, telephone, or electronic mail. The notice shall provide the addresses and telephone and fax numbers and business e-mail address necessary to contact the attorney to obtain the documents. The notice shall further provide that any objections to the adequacy of the disclosure statement must be filed with the court and served upon the proponent's attorney, the debtor's attorney if the debtor is not the proponent, and the U.S. trustee, and the notice shall provide the addresses for such service. The proponent shall contact the presiding judge's scheduling clerk to obtain a time, date, and place of hearing on the proposed disclosure statement. The proponent is responsible for preparing a notice of the disclosure statement hearing which substantially conforms to the applicable official bankruptcy form. The notice shall provide a bar date for filing objections to the proposed disclosure statement which is at least 28 days after the date of service of the notice. The hearing on approval of the disclosure statement may take place no earlier than 14 days after the bar date for objections. Any reduction of such periods must be requested of the court by written motion.

(b)

### **Service of Documents after Approval of Disclosure Statement**

Upon approval of the disclosure statement, the plan proponent must comply with the service requirements of [Fed. R. Bankr. P. 3017\(d\)](#). The documents required to be served by [Fed. R. Bankr. P. 3017\(d\)](#) must also be served by proponent on entities who have filed Requests for Notices under Local Rule [2002-1\(c\)](#).

## **Rule 3018-1 BALLOTS - VOTING ON PLANS**

(a)

The notice of the time within which to file acceptances or rejections must provide that ballots are to be returned to the attorney for the proponent. The notice and each ballot must clearly and conspicuously show the name and the address of the attorney or firm to whom the ballots must be returned.

(b)

The proponent of the plan or its attorney must file with the clerk a verified report on the results of timely balloting. The report must be filed at least 7 days before the date set for the hearing on confirmation of the plan. If the court has permitted the hearing to be held on an expedited basis, i.e. the hearing has been scheduled less than 7 days after the deadline for the return of ballots, then the proponent must file the report on the first day after the deadline for the return of ballots.

(c)

All ballots received, whether timely or untimely, must be bound together as an exhibit for the confirmation hearing. However, debtor is not required to serve copies of the exhibit under Local Rule [9070-1\(d\)](#). Notwithstanding Local Rule [9070-1\(f\)](#), the clerk shall retain the exhibit of ballots until the court issues an order permitting disposal.

(d)

A request to count an untimely ballot must be made by written motion filed at or before the hearing on confirmation.

#### **Rule 3020-1 CHAPTER 11 - CONFIRMATION**

(a)

If there are no objections to the proposed plan, or any objections can be satisfied through negotiation and modification of the plan, and the plan can be confirmed under [11 U.S.C. § 1129\(a\)](#), the plan proponent shall have at the confirmation hearing any necessary plan amendments, an affidavit signed by the proponent showing compliance with [§ 1129\(a\)](#) and a proposed order of confirmation with a copy of the proposed plan and any amendments attached. The proposed order must substantially conform to the official bankruptcy form and must have attached to it a copy of the plan and all amendments thereto.

(b)

If there are objections to confirmation, the initial hearing will be preliminary. The parties shall be prepared to discuss confirmation issues, including valuation of property or secured claims, settlement, discovery, other matters appropriate to the circumstances of the case, and the selection of a final hearing date. It shall not be necessary for the parties to provide for the attendance of witnesses.

#### **Rule 3070-2 CHAPTER 12 - DEPOSIT FOR COURT COSTS**

(a)



A debtor filing a chapter 12 petition or debtors filing a joint petition under chapter 12 must, within 14 days of filing, pay the standing trustee \$250 as a deposit for court costs. Failure to pay the deposit may be grounds for dismissal of the case.

(b)

In the event the case is dismissed or converted, the deposit may be used to pay court costs and actual expenses incurred by the standing trustee as allowed by the court.

(c)

After debtor's completion of a confirmed plan and entry of a discharge order, the deposit, less any monies paid by the standing trustee to the clerk for unpaid court costs, will be returned to the debtor.

(d)

If the case is converted or dismissed, the trustee must file a proposed distribution of the deposit showing the amount to be paid to the clerk for unpaid court costs, the amount to be paid to the standing trustee for actual and necessary expenses, and the proposed distribution of any remaining balance. The standing trustee must serve notice of the proposed distribution to the debtor, debtor's attorney and the United States trustee. Objections to the proposed distribution may be filed within 21 days of the service by the standing trustee.