
UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

STANDING ORDER NUMBER 4

This Standing Order Number 4 is issued by the United States Bankruptcy Court for the District of Utah pursuant to Local Rule 1001-2. It is effective for all cases filed on or after December 1, 2008.

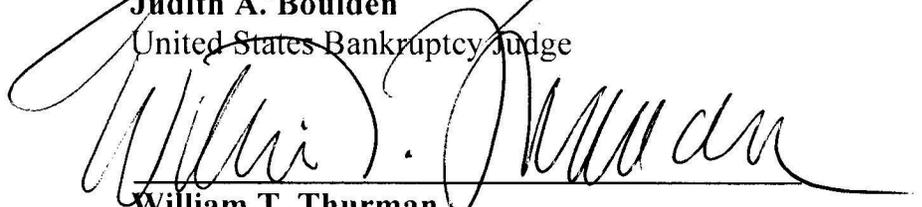
Dated this 24 day of November, 2008.



Glen E. Clark
Chief Judge, United States Bankruptcy Court
for the District of Utah



Judith A. Boulden
United States Bankruptcy Judge



William T. Thurman
United States Bankruptcy Judge

Approved



Tena Campbell
Chief Judge, United States District Court for the
District of Utah

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USDC DISTRICT OF UTAH
CLERK
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DISTRICT OF UTAH

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

STANDING ORDER NUMBER 4

Repeal of Standing Orders Number 2 and 3 as to Interim Rules

Whereas, on September 20, 2005 the Court issued Standing Order Number 2 adopting Interim Rules and Local Rules designed to implement the substantive and procedural changes mandated by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, and adding the Local Form for Verification and Request for Discharge as Appendix E to the Local Rules; and on October 10, 2006 Standing Order Number 3 adopting an amendment to Interim Rule 1007 as well as Director's Procedural Forms 104 and 210, and adding the Local Form for Payment Advices Certification as Appendix F to the Local Rules; and

Whereas, the Interim Rules will be superseded by new and amended Federal Rules of Bankruptcy Procedure that will take effect on December 1, 2008;

NOW THEREFORE, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, Standing Orders Number 2 and 3 are REPEALED effective December 1, 2008, except in the following respects:

(a) The Local Rule amendments and Appendix E to the Local Rules, attached hereto and originally set forth in Standing Order Number 2, shall remain in effect; and

(b) The adoption of Director's Procedural Forms 104 (as modified in August 2007) and 210 and Appendix F to the Local Rules, attached hereto and originally set forth in Standing Order Number 3, shall remain in effect.

RULE 1007-2

LISTS, SCHEDULES, STATEMENTS AND CERTIFICATIONS

(a) Petitions, Schedules, Statements, and Plans.

(1) Procedure for Dismissal of Chapter 7, 11 or 12 Cases for Failure to Timely File Certain Papers. If a debtor does not timely file certain papers identified in subsections A, B, and C below, the case will be dismissed using the following procedure. The United States trustee or case trustee must file a Section 341 Meeting Report indicating the failure to comply and serve it on the debtor and debtor's attorney. If an objection to dismissal is not filed within 20 days after service of the Section 341 Meeting Report, the clerk must enter an order dismissing the case. If an objection is timely filed, the dismissal is stayed. The objecting party must set a hearing and give notice to parties in interest as provided in Fed. R. Bankr. P. 2002(a). Unless the court orders otherwise, the clerk must enter an order dismissing the case if a hearing on the objection is not held within 40 days after the objection is filed.

(A) **Voluntary Case in Which the Debtor is Not an Individual.** The court may dismiss a voluntary case in which the debtor is not an individual, except a case that has been converted from a Chapter 11 case to a Chapter 7 case, if the debtor fails to file a list of creditors' names and addresses under Local Rules 1007-1 or 1007-2(b), a list of equity security holders, or documents required by § 521(a)(1) or § 1116(1), within the time provided by Fed. R. Bankr. P. 1007 or any extension granted under § 1116(3).

(B) **Voluntary Chapter 11 or 12 Case in Which the Debtor is an Individual.** The court may dismiss a voluntary case if the debtor fails to file a list

of creditors' names and addresses under Local Rules 1007-1 or 1007-2(b), or documents required by § 521(a)(1) or § 1116(1), within the time provided by Fed. R. Bankr. P. 1007 or within any extension granted under § 1116(3).

(C) **Voluntary Chapter 7 Case in Which the Debtor is an Individual.**

The court may dismiss a voluntary case, except a case that has been converted from a Chapter 11 case to a Chapter 7 case, if the debtor fails to file a list of creditors' names and addresses under Local Rules 1007-1 or 1007-2(b), within the time provided by Fed. R. Bankr. P. 1007 and 3015.

(2) Procedure for Dismissal of a Voluntary Case under Chapter 13 for Failure to Timely File Certain Papers. The court may dismiss a voluntary case, except a case that has been converted from a Chapter 7 case to a Chapter 13 case, if the debtor fails to file a list of creditors' names and addresses under Local Rules 1007-1 or 1007-2(b), or a Chapter 13 plan within the time provided by Fed. R. Bankr. P. 1007 and 3015. In a Chapter 13 case, a hearing on an objection filed in response to the trustee's Section 341 Meeting Report will be held at the time scheduled as the confirmation hearing on Official Form 9I, unless the court orders otherwise. No notice in addition to the notice of hearing contained on Official Form 9I is required.

(b) **List of Creditors and Equity Security Holders.** The debtor must file a list of all creditors and, if applicable, an additional list of creditors holding claims under § 507(a)(1)(A) and (B), and a list of equity security holders, in the manner prescribed by the clerk's office to facilitate the use of automated equipment. If the debtor files a list of creditors holding claims under § 507(a)(1)(A) and (B), the clerk may provide the notice specified in § 704(c)(1)(A) and (B) at least 20 days prior to the meeting of creditors under § 341. The clerk may mail the notice

provided by the trustee as specified in § 704(c)(1)(C) within 20 days after the debtor is granted a discharge under § 727.

(c) **Cover Sheets in Contested Matters.** Unless papers are filed electronically, a properly completed amendment cover sheet must be filed with the clerk with each amendment to a petition, statement of financial affairs, schedule, list of creditors, Chapter 12 or Chapter 13 plan, or other document required by the court. A properly completed civil cover sheet must be filed with the clerk with each notice of appeal and motion to withdraw the reference. Copies of the appropriate cover sheets may be obtained from the clerk.

(d) **Section 109(h) Compliance.**

(1) **Section 109 (h) Certification.** If the debtor fails to certify compliance with § 109(h)(1) on the petition, or request a waiver under § 109(h)(3)(A) on the petition and file a separate application for exemption and proposed order with the petition, or fails to file a request for determination by the court under § 109(h)(4) with the petition, the clerk must enter an order dismissing the case.

(2) **Certification of Eligibility for Exemption.** A debtor who requests a waiver under § 109(h)(3)(A) on the petition must also file with the petition a separate application for exemption and proposed order granting the application for exemption. The court may grant the application for exemption, set the application for exemption for hearing, or may deny the application for exemption without hearing. If the application for exemption is granted, the debtor must timely file a certification indicating compliance with the requirements of § 109(h)(1) or the clerk must enter an order of dismissal. If the application for exemption is denied, the clerk must enter an order of dismissal.

(3) **Section 109(h)(4) Hearing.** A debtor who timely files a request for

determination by the court under § 109(h)(4) must set the matter for a hearing to be held within 40 days of filing the petition with notice pursuant to Local Rule 2002-1. If the court does not determine that § 109(h)(4) is applicable within 40 days of the filing of the petition, or within such additional time as the court, for cause, determines, the clerk must enter an order of dismissal.

RULE 2002-1

NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

- (a) **Scope of Rule.** [No change.]
- (b) **Form of Notice.** [No change.]
- (c) **Service of Notice.** [No change.]
- (d) **Returned Notices.** [No change.]
- (e) **Notice of Compensation in Chapter 7 Case.** [No change.]
- (f) **Notice of Entry of Confirmation Order.** [No change.]
- (g) **Notice to Certain Governmental Entities.** In addition to all other notice

requirements found in the Federal Rules of Bankruptcy Procedure, when notices are required to be sent to the Internal Revenue Service, the Utah State Tax Commission, the Utah Department of Workforce Services, or the Office of Recovery Services, notices should be mailed or delivered to the following addresses:

Internal Revenue Service
Attn: Special Procedures, Mail Stop 5021
50 South 200 East
Salt Lake City, Utah 84111

Taxpayer Service Division
Utah State Tax Commission
Attn: Bankruptcy Unit
210 North 1950 West
Salt Lake City, Utah 84134-3340

Utah Department of Workforce Services
Collections - Bankruptcy
140 East 300 South
P.O. Box 45288
Salt Lake City, Utah 84145-0288

Office of Recovery Services
P. O. Box 45033
Salt Lake City, Utah 84145-0033

The above addresses are correct as of the effective date of these Local Rules. The party providing notice is responsible for obtaining any new addresses.

RULE 2003-1

MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS

- (a) **Attendance.** [No change.]
- (b) **Telephonic Appearance at Meeting of Creditors.** [No change.]
- (c) **Debtor Identification.** [No change.]
- (d) **Information Requested by the Trustee or by the United States Trustee at the**

Meeting of Creditors. The debtor must produce the following materials no later than 10 days after a written request by the trustee or United States trustee:

(1) bank statements, canceled checks, checkbooks, advices of payment, and tax returns, in addition to those required to be filed with the court pursuant to 11 U.S.C.

§ 521; and

(2) any other documents, recorded information, or other information reasonably necessary for the effective administration of the estate.

(3) Requests for documents made pursuant to this subsection are distinct from documents required to be filed pursuant to § 521. Documents requested to be produced to the trustee or United States trustee, pursuant to this subsection, are not required to be filed with the court.

- (e) **Costs of Meeting Facilities.** [No change.]
- (f) **Notice of Rescheduled Meetings of Creditors.** [No change.]

RULE 2081-1

CHAPTER 11 - GENERAL

(a) **Initial Financial Reports and Other Documents.** Not later than 20 days after filing a Chapter 11 petition, non-small business debtors must provide the United States trustee with an initial financial report in the form approved by the United States trustee, and not later than 7 days after filing a Chapter 11 petition, all Chapter 11 debtors shall provide evidence of any permits, licenses of operations, and any policies of insurance maintained by the debtor, unless the court orders otherwise.

(b) **Monthly Financial Reports.** [No change.]

(c) **Post-Confirmation Summary Report.** [No change.]

RULE 2083-1

CHAPTER 13 - GENERAL

(a) **Chapter 13 Plan Payments.** [No change.]

(b) **Preconfirmation Payments Pursuant to § 1326(a)(1).** The Chapter 13 plan shall list the creditor name, address, account number, payment due date, and payment amount for each creditor entitled to preconfirmation adequate protection, or lease payments to be paid by the trustee.

(1) **Adequate Protection.** Unless otherwise ordered by the court, all preconfirmation adequate protection payments to holders of secured claims required under § 1326(a)(1) shall not be made by the debtor directly to the secured claimant, but shall be paid to and disbursed by the trustee. The debtor's preconfirmation plan payments to the trustee shall include the amount required under § 1326(a)(1) and the amount necessary to pay the trustee's statutory fee.

(2) **Lease Payments.** If the Chapter 13 plan provides for lease payments over the term of the plan to be paid by the trustee, preconfirmation lease payments to such lessors shall be paid by the trustee and the above provisions regarding preconfirmation adequate protection payments shall apply. If the Chapter 13 plan provides for lease payments to be paid by the debtor and not by the trustee over the term of the plan, then preconfirmation lease payments to such lessors required under § 1326(a)(1) shall be made directly by the debtor and not by the trustee.

(c) **Documents Provided to the Trustee at the Meeting of Creditors.** [No change.]

(d) **Failure to Make Payments or to Provide Documents.** [No change.]

(e) **Postpetition Child Support, Alimony, Maintenance Payments Deemed**

Voluntary. [No change.]

(f) **Eligibility Hearing.** [No change.]

(g) **Distribution in Preconfirmed Cases.**

(1) Preconfirmation Disbursements by the Chapter 13 Trustee. Preconfirmation disbursements under § 1326(a)(1) are hereby authorized without further order, but such disbursements shall not be made unless such creditor has filed a proof of claim with the court. Preconfirmation disbursements under § 1326(a)(1) shall be made to creditors within 30 days of the filing of the proof of claim, unless, within 7 business days prior to the end of such 30 day period, the trustee has not received sufficient, cleared funds to make such payment. The trustee is authorized to deduct from an allowed claim all § 1326(a)(1) preconfirmation disbursements.

(2) Distribution in Discontinued Preconfirmation Cases. [No change].

(h) **Confirmation.** [No change.]

(i) **Request for Discharge.** As soon as practicable after the completion of all payments under the plan, the trustee shall file with the court and serve upon the debtor and debtor's counsel a Notice of Completion of Plan Payments. Within 60 days thereafter, the debtor shall file and serve on all parties in interest a Verification and Request for Discharge in the form attached to these Local Rules as Appendix E. If no written objection to the Verification and Request for Discharge is filed within 20 days after service thereof, the court may enter a discharge pursuant to § 1328(a) without further notice or hearing.

RULE 3022-1

FINAL REPORT/DECREE (Ch. 11)

(a) Non-Individual. A Chapter 11 plan filed by a non-individual should set a date, not later than 1 year after the entry of the order confirming the plan, prior to which a final decree closing the case will be entered under § 350 of the Code and Fed. R. Bankr. P. 3022. Not later than 30 days before such date, the reorganized debtor should file, serve upon all interested parties and set for hearing, a motion for a final decree. The motion must set forth evidence of full administration for the purpose of entering the final decree. A party may object to entry of the final decree prior to the date set forth in the plan or prior to the expiration of 1 year from the entry of the order confirming the plan, whichever is earlier. The objection must be served on the reorganized debtor and debtor's attorney and must be set for a hearing. If the plan of reorganization does not provide a date certain for entry of a final decree or if the reorganized debtor fails to timely file a motion for a final decree, the final decree may be entered by the court, on or after 1 year from entry of the order confirming the plan. The decree must specify that the case is closed upon entry of the final decree. The court may extend the time for entry of the final decree upon motion and notice to all parties.

(b) Individual. A final decree must be sought by an individual within 30 days after completion of all payments under the plan. The final decree shall serve as a notice of the order of discharge of the individual debtor once all payments under the plan are complete.

RULE 5003-1

THE CLERK'S AUTHORITY

(a) **Orders, Judgments and Other Documents.** The clerk may sign his or her name, unless directed by the court to sign or imprint the court's facsimile signature and enter the following without further directive from the court:

- (1) an order entering default for failure to plead or otherwise defend under Fed. R. Bankr. P. 7055;
- (2) a subpoena for a party not represented by an attorney;
- (3) an order of discharge;
- (4) an order of dismissal, as directed by Local Rules 2003-1(a), 2082-1(b), 2083-1(d) and 7041-1, or similar dismissal orders arising from the failure of the debtor to respond to a motion to dismiss; and
- (5) any other order or document that does not require approval or order by the court under Fed. R. Civ. P. 77(c).

(b) **Review of Clerk's Actions.** [No change.]

RULE 5005-1

FILING REQUIREMENTS

- (a) **Filing of Papers.** [No change.]
- (b) **Date-Stamped Copies.** [No change.]
- (c) **Facsimile Filing.** [No change.]

RULE 5080-1

FEES - GENERAL

(a) **Payment of Fees.** [No change.]

(b) **Dishonored Payments.** [No change.]

(c) **Application for Waiver of Chapter 7 Filing Fee.** A Chapter 7 debtor seeking a fee waiver under 28 U.S.C. § 1930(f) must file a fee waiver using Official Form 3B. The court may grant, deny, or set the fee waiver application for hearing. If the court denies the fee waiver application, notice will be given to the debtor giving the debtor 10 days after the notice is sent to pay the filing fee in full, submit an application to pay in installments, or to request a hearing. The clerk will enter an order dismissing the case if the debtor fails to act within the 10 days. If a hearing is requested and granted, the court will schedule a hearing with 10 days' notice to the United States trustee, panel trustee, and the debtor. The clerk will enter an order dismissing the case if the debtor fails to appear at the scheduled hearing. If a hearing is requested and denied, the debtor has 10 days to pay the filing fee in full, submit an application to pay in installments, or appeal, or the clerk will enter an order dismissing the case. If an order denying a fee waiver application is appealed and affirmed, the debtor has 10 days to pay the filing fee or submit an application to pay in installments, or the clerk will enter an order dismissing the case.

RULE 6070-1

TAX RETURNS AND TAX REFUNDS

(a) **Tax Requirements in Chapter 11, 12 and 13 Cases.** Debtors in possession, Chapter 11 trustees, and Chapter 12 and 13 debtors, are subject to the requirements and regulations of the Internal Revenue Service and any applicable state or local taxing authority. Debtors who are not employers are required to comply only with subsection (6) below.

(1) **Federal Taxes.** The debtor, debtor in possession or the trustee must comply with the Internal Revenue Code and regulations regarding withholding of taxes from the wages of employees, the payment of the employer's FICA and FUTA tax liabilities, the making of deposits of such taxes, and the filing of employment tax returns as well as any excise or income tax returns for which the estate is liable.

(2) **State Taxes.** The debtor, debtor in possession or the trustee must comply with the laws and regulations of any applicable state or local taxing authority regarding withholding of taxes from the wages of employees; the collection and remittance of other types of tax which the estate is required to collect, deposit with, or remit to any applicable state or local taxing authority; the payment of unemployment insurance contributions to the appropriate state or local taxing authority; and the timely filing of returns accounting for the same.

(3) **Trust Accounts.** Within 20 days after the petition date, the debtor in possession or trustee must open separate bank trust accounts for the Internal Revenue Service and for each applicable state and local taxing authority for all tax deposits. Only the tax deposits due each entity are to be made into these trust accounts as they accrue each pay period. A Chapter 12 or 13 debtor must provide the applicable trustee proof of

such trust accounts at the § 341 meeting.

(4) Notification. The debtor in possession or trustee should notify the Internal Revenue Service and each state or local taxing authority of the location and account numbers of the respective trust accounts opened under subsection (a)(3) of this rule. The notices should be sent within 5 days after the date the account is opened. Notices to the Internal Revenue Service, the Utah State Tax Commission, and the Utah Department of Workforce Services must be mailed or delivered to addresses cited in Local Rule 2002-1(g).

(5) State Deposit Verification. The debtor, debtor in possession or trustee must, if applicable, file the Utah State Tax Commission's Verification of Taxpayer Deposit at the address shown in Local Rule 2002-1(g) within 5 days after making the required deposit.

(6) Filing and Payment. The debtor, debtor in possession or trustee must: (A) timely file any required tax returns with the Internal Revenue Service; (B) timely file any required tax returns with any applicable state or local taxing authority; (C) timely file unemployment insurance contribution reports with applicable state or local authorities; and (D) pay taxes on a current basis. Returns and reports filed with and payments made to the Internal Revenue Service, the Utah State Tax Commission and the Utah Department of Workforce Services should be delivered to the addresses stated in Local Rule 2002-1(g), not to the regular addresses for filing the returns and reports.

(b) Tax Returns in Chapter 12 Cases. [No change.]

(c) Tax Returns in Chapter 13 Cases. [No change.]

APPENDIX E

FORM FOR VERIFICATION AND REQUEST FOR DISCHARGE

[INSERT CAPTION STATED IN LOCAL RULE 9004-1(a)]

The Debtor(s), in the above-captioned case, being duly sworn, state as follows:

1. The Chapter 13 Trustee has issued a Notice of Completion of Plan Payments and the Debtors hereby request the court to enter a discharge in this case.
2. The Debtors have filed Official Form 23.
3. A. I/We have not been required by a judicial or administrative order, or by statute to pay any domestic support obligation as defined in 11 U.S.C. §101(14A) either before this bankruptcy was filed or at any time after the filing of this bankruptcy.

OR

[Note: If "B" is applicable, all information required in questions B.1 through 4 must be provided]

B.1. I/We certify that prior to the date of this affidavit I/We have paid all amounts due under any domestic support obligation [as defined in 11 U.S.C. §101(14A)] required by a judicial or administrative order, or by statute including amounts due before this bankruptcy was filed, to the extent provided for by the plan. The name and address of each holder of a domestic support obligation are as follows:

(NAME)

(ADDRESS)

B.2. My/Our most recent address is as follows:

(ADDRESS)

B.3. The name and address of my/our most recent employer(s) is as follows:

(NAME)

(ADDRESS)

B.4. The following creditors hold a claim that is not discharged under 11 U.S.C. § 523 (a)(2) or (a)(4) or a claim that was reaffirmed under 11 U.S.C. § 524(c):

(NAME)

(NAME)

4. I/We have not received a discharge in a Chapter 7, 11 or 12 bankruptcy case filed within 4 years prior to filing this Chapter 13 bankruptcy.

5. I/We have not received a discharge in another Chapter 13 bankruptcy case filed within 2 years prior to filing this Chapter 13 bankruptcy.

6. A. I/We did not have either at the time of filing this bankruptcy or at the present time, equity in excess of \$125,000.00 in the type of property described in 11 U.S.C. § 522(p)(1)[generally the debtor's homestead]

OR

B. There is not currently pending any proceeding in which I [in an individual case] or either of us [in a joint case] may be found guilty of a felony of the kind described in 11 U.S.C. § 522 (q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522 (q)(1)(B).

/s/ _____
Debtor

/s/ _____
Debtor

NOTICE

Any objection to this verification must be filed within 20 days after service of this verification. If no objection is filed, the court may enter a discharge pursuant to 28 U.S.C. § 1328(a) without further notice or hearing.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on _____ (date) _____, 200_, a true and correct copy of the Affidavit Requesting Issuance of Discharge was served on all creditors and parties in interest listed on the attached matrix by either first-class, U.S. mail or via the CM/ECF system of the United States Bankruptcy Court.

/s/ _____
(Signature of person completing service)

APPENDIX F

FORM FOR PAYMENT ADVICES CERTIFICATION

[INSERT CAPTION STATED IN LOCAL RULE 9004-1(a)]

PAYMENT ADVICES¹ CERTIFICATION

Under 11 U.S.C. § 521(a)(1)(B)(iv), I,² _____ hereby state as follows
(select one option below):

- 1. I have attached hereto, or previously filed with the Court, copies of **all** payment advices or other evidence of payment received from any employer within 60 days before the date of the filing of my bankruptcy petition.
- 2. I did not receive any payment advices or other evidence of payment at any point during the 60 days before the date of the filing of my bankruptcy petition.
- 3. I received payment advices from an employer during the 60 days before the date for the filing of my bankruptcy petition but have been unable to locate all of the documents or replacements. I understand that if I do not submit all payment advices or other evidence of payment **within 45 days** from the filing of my bankruptcy petition, my case will be **automatically dismissed** without further notice or hearing.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge, information, and belief.

Dated this _____ day of _____, 200__.

(Signature)
Debtor

¹ A "Payment Advice" includes, but is not limited to, pay stubs attached to your paycheck, employer's statements of hours and earnings, deposit notifications, etc.

² A separate form must be submitted by each debtor in a joint case.

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS	DEFENDANTS	
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et. seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$	
Other Relief Sought		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR		BANKRUPTCY CASE NO.
DISTRICT IN WHICH CASE IS PENDING	DIVISION OFFICE	NAME OF JUDGE
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

ADVERSARY PROCEEDING COVER SHEET

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over some of the property or property rights of the estate. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding which the clerk of court needs to process the adversary proceeding properly and to prepare required statistical reports on court activity.

Instructions for completing Form 104 appear on the reverse side of the form.

United States Bankruptcy Court

_____ District Of _____

In re _____,

Case No. _____

TRANSFER OF CLAIM OTHER THAN FOR SECURITY

A CLAIM HAS BEEN FILED IN THIS CASE or deemed filed under 11 U.S.C. § 1111(a).
Transferee hereby gives evidence and notice pursuant to Rule 3001(e)(2), Fed. R. Bankr. P., of the
transfer, other than for security, of the claim referenced in this evidence and notice.

Name of Transferee

Name of Transferor

Name and Address where notices to transferee
should be sent:

Court Claim # (if known): _____

Amount of Claim: _____

Date Claim Filed: _____

Phone: _____

Last Four Digits of Acct #: _____

Phone: _____

Last Four Digits of Acct. #: _____

Name and Address where transferee payments
should be sent (if different from above):

Phone: _____

Last Four Digits of Acct #: _____

I declare under penalty of perjury that the information provided in this notice is true and correct to the
best of my knowledge and belief.

By: _____

Transferee/Transferee's Agent

Date: _____

Form 210B (10/06)

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

NOTICE OF TRANSFER OF CLAIM OTHER THAN FOR SECURITY

Claim No. _____ (if known) was filed or deemed filed under 11 U.S.C. § 1111(a) in this case by the alleged transferor. As evidence of the transfer of that claim, the transferee filed a Transfer of Claim Other than for Security in the clerk's office of this court on _____ (date).

Name of Alleged Transferor

Name of Transferee

Address of Alleged Transferor:

Address of Transferee:

~~DEADLINE TO OBJECT TO TRANSFER~~

The alleged transferor of the claim is hereby notified that objections must be filed with the court within twenty (20) days of the mailing of this notice. If no objection is timely received by the court, the transferee will be substituted as the original claimant without further order of the court.

Date: _____

CLERK OF THE COURT

TRANSFER OF CLAIM OTHER THAN FOR SECURITY

Applicable Law and Rules

1. Section 502(a) of the Bankruptcy Code (11 U.S.C. § 502(a)) states that a claim, proof of which has been filed, “is deemed allowed, unless a party in interest . . . objects.”
2. Bankruptcy Rule 3001(f) provides that [a] proof of claim executed and filed in accordance with [the Bankruptcy Rules] shall constitute *prima facie* evidence of the validity and amount of the claim.”
3. Bankruptcy Rule 5003(b) requires the clerk to keep a claims register in every case in which in appears there will be a distribution to unsecured creditors. The claims register is a list of the claims filed, showing the creditor’s name and the number assigned to the claim by the court, and may contain other information, such as the amount claimed, at the discretion of the court.
4. Bankruptcy Rule 3001(e)(2) governs the procedure to be followed when a creditor that has filed a proof of claim in a case sells or otherwise transfers its claim to another entity. Rule 3001(e)(2) requires the transferee to file evidence of the transfer and further requires the clerk to “immediately” notify the alleged transferor by mail of the filing of the evidence of transfer. The notice sent by the clerk also must state that any objection must be filed within 20 days from the date the notice is mailed.
5. The combined Form 210A/B is intended to serve two purposes. It serves as evidence of the transfer of the claim and as a notice. As evidence of the transfer, Form 210A must be verified; that is, the transferee must sign it under penalty of perjury. Bankruptcy Rule 5005(a)(2) allows the court by local rule to permit or require documents to be filed, signed, or verified electronically, and Rule 9036 permits notices to be sent electronically if certain conditions have been met.

Form 210A, Transfer of Claim Other Than for Security, is designed to be completed and filed by the transferee. The clerk will prepare and mail Form 210B, Notice of Transfer of Claim Other Than for Security. The notice will be sent to the alleged transferor’s address in the court’s records.

If the alleged transferor files a timely objection, the court must schedule a hearing to determine the matter. If no objection is filed, the clerk will substitute the transferee for the transferor in the claims register and other records of the court.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed by filling in the blanks. Example: “Eastern” [DISTRICT OF] “California.”
2. Insert the Name of [the] Debtor and the Case Number as they appear in the “Notice of Chapter __ Bankruptcy Case, Meeting of Creditors & Deadlines” sent to creditors at the beginning of the bankruptcy case.
3. “Name of Transferee”: Insert the name of the entity that purchased or otherwise acquired the claim and is filing the evidence of transfer. This should be same entity that files the evidence of transfer and that signs or whose agent signs the form.
4. “Name of Transferor”: Insert the name of the creditor that sold or otherwise relinquished the claim.
5. “Name and Address where notices to transferee should be sent”: Insert the name and address of the entity that has acquired the claim and is filing the evidence of transfer. This is the address the court and parties in interest will use when they send notices and other documents in the case. Include a telephone number and the last four digits of any account number assigned by the transferee to the debt that is the basis for the claim.
6. “Name and Address where transferee payments should be sent (if different from above)”: If payments on the claim should be sent to an address different from the one to which notices will be sent, the transferee should provide the payment address in this section of the form. Include a telephone number and the last four digits of any account number assigned by the transferee to the debt that is the basis for the claim.
7. “Court Claim # (if known)”: If the transferee filing the evidence of transfer knows the claim number assigned by the court to the claim purchased or otherwise acquired by the transferee, insert that number here. The transferee may review the claims register in the case to obtain the claim number.
8. “Amount of Claim” and “Date Claim Filed”: Insert the amount of the claim filed with the court by the alleged transferor and the date of the filing. The transferee filing the evidence of transfer may review the claims register in the case to ascertain the amount and date.

9. “Phone” and “Last Four Digits of Acct. #”: Insert the telephone number and the last four digits of the any account number used by the transferor to identify the debt that is the basis for the claim
10. Signature and Date: The transferee filing the evidence of transfer, if the transferee is an individual, or the transferee’s agent, if the transferee is not an individual, must sign the form under penalty of perjury. If an agent signs, the agent should type or print the agent’s name and title or other authority, in addition to signing. The individual signing the evidence of transfer also should date it. Rule 5005(a)(2) permits a court by local rule to permit or require the filing, signing, and verifying of documents electronically. Generally, this requirement can be satisfied by typing “s/(name of individual signing or verifying).” Consult the court in which the evidence of transfer is to be filed for specific requirements if the document is to be signed and verified electronically.
11. The transferee does not need to complete or file Form 210B, the second page of the combined form. The clerk will prepare and mail Form 210B, Notice of Transfer of Claim Other Than for Security.

General Information for the Clerk

When a claim is transferred under terms specified in Rule 3001(e)(2), that is, other than for security and after a proof of claim has been filed or deemed filed pursuant to 11 U.S.C. § 1111(a), the purchaser/transferee must file evidence of the transfer. Rule 3001(e)(2) also requires the clerk “immediately” to give notice of the alleged transfer to the seller/transferor. The notice must state further that any objection must be filed within 20 days of the date the notice is mailed. Form 210A is designed to serve as evidence of the transfer and Form 210B as notice of the transfer.

The transferee completes Form 210A, the first page of the combined form, and signs it under penalty of perjury. The clerk’s prepares and mails Form 210B, the second page of the combined form.

When Form 210A is filed, the Case Management/Electronic Case Files system in the clerk’s office will assemble the information needed for the Form 210B notice and transmit that information to the Bankruptcy Noticing Center (BNC). The BNC will prepare the notice and mail it to the alleged transferor. If the alleged transferor has agreed to receive notices electronically, the Form 210B notice will be transmitted electronically.

If the alleged transferor files a timely objection, either within 20 days of the mailing of the notice or within any extension of the deadline granted by the judge, the court will schedule a hearing to determine the matter. If no objection is timely filed, the clerk substitutes the

transferee for the transferor in the claims register and other records of the court without the necessity of an order.