



## Appeal Information

Published on District of Utah (<https://www.utb.uscourts.gov>)

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Bankruptcy appeals in the District of Utah are heard by the [Tenth Circuit Bankruptcy Appellate Panel](#) [1] (BAP) unless, pursuant to 28 U.S.C. § 158(c)(1)(A) OR (B), the appellant elects at the time of filing OR any other party elects not later than 30 days after service of Notice of Appeal to have such appeal heard by the [United States District Court for the District of Utah](#) [2] (District Court). Appeals are governed by Part VIII of the Federal Rules of Bankruptcy Procedure, as well as any applicable local rules. Appeals from decisions of both the BAP and District Court are heard by the [Tenth Circuit Court of Appeals](#) [3]. Direct appeals from Bankruptcy Court decisions to the Tenth Circuit Court of Appeals are also authorized in certain circumstances ([Certification to Court of Appeals to Court of Appeals](#) [4]). See 28 U.S.C. § 158(d)(2) and Fed. R. Bankr. P. 8006. Additional information on the appeals process may be found by clicking [here](#) [5].

To appeal to the Bankruptcy Appellate Panel (BAP):

- A [Notice of Appeal and Statement of Election \(Official Form 417A\)](#) [6] including the appropriate caption as per Local Rule 9004-1 must be filed within 14 days from the entry of the decision. Fed. R. Bankr. P. 8002(a). This document should be filed with the Bankruptcy Court along with the appropriate filing fee.
- DO NOT CHECK THE BOX ON PART 4 OF OFFICIAL FORM 417A.
- Appellants and appellees are required to file a [Statement of Issues on Appeal](#) [7] as well as a [Designation of Record \(BAP\)](#) [8]. Fed. R. Bankr. P. 8009. These documents should be filed with the Bankruptcy Court. See [BAP Guidelines](#) [9] and [BAP Local Rules](#) [10] for additional information.
- Requests for waiver of the filing fee, to allow late filing, or for stay pending appeal should be filed and set for hearing with the Bankruptcy Court.
- Fed. R. Bankr. P. 8009(b)(1) requires the Appellant file a copy of the transcript order form with the Bankruptcy Clerk OR a certificate stating that the transcript is NOT being ordered within the time specified by Fed. R. Bankr. P. 8009(a)(1).
- The procedures requesting a [Transcript re: Appeal](#) [11] can be found [here](#) [12].

To appeal to the United States District Court District of Utah (District Court):

- A [Notice of Appeal and Statement of Election \(Official Form 417A\)](#) [6] including the appropriate caption as per Local Rule 9004-1 must be filed within 14 days from the entry of the decision. Fed. R. Bankr. P. 8002(a). This document should be filed with the Bankruptcy Court along with the appropriate filing fee.
- CHECK THE BOX ON PART 4 OF OFFICIAL FORM 417A TO MAKE AN ELECTION TO HAVE THE APPEAL HEARD BY THE DISTRICT COURT.
- Appellants and appellees are required to file a [Statement of Issues on Appeal](#) [7] as well as a [Designation of Record \(District Court\)](#) [13]. Fed. R. Bankr. P. 8009. These documents should be filed with the BOTH the Bankruptcy Court and the District Court. See [District Court Guidelines](#) [14] for additional information.
- Requests for waiver of the filing fee, to allow late filing, or for stay pending appeal should be filed and set for hearing with the Bankruptcy Court.
- Fed. R. Bankr. P. 8009(b)(1) requires the Appellant to file a copy of the transcript order form with the Bankruptcy Clerk OR a certificate stating that the transcript is NOT being ordered within the time specified by Fed. R. Bankr. P. 8009(a)(1)
- The procedures requesting a [Transcript re: Appeal](#) [11] can be found [here](#) [12].

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### Links

[1] <https://www.bap10.uscourts.gov/>

[2] <http://www.utd.uscourts.gov/>

[3] <https://www.ca10.uscourts.gov/>



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- [4] <https://www.uscourts.gov/forms/appellate-forms/certification-court-appeals>
- [5] <https://www.uscourts.gov/about-federal-courts/types-cases/appeals>
- [6] <https://www.uscourts.gov/forms/appellate-forms/notice-appeal-and-statement-election>
- [7] <https://www.utb.uscourts.gov/forms/statement-issues>
- [8] <https://www.utb.uscourts.gov/forms/designation-record-appeal-bankruptcy-appellate-panel-bap>
- [9] <https://www.utb.uscourts.gov/forms/guidelines-appeal-procedures-united-states-bankruptcy-appellate-panel-tenth-circuit>
- [10] <https://www.bap10.uscourts.gov/rule/8001>
- [11] <https://www.utb.uscourts.gov/forms/transcript-order-form-appeal>
- [12] <https://www.utb.uscourts.gov/transcripts>
- [13] <https://www.utb.uscourts.gov/forms/designation-record-appeal-district-court>
- [14] <https://www.utb.uscourts.gov/forms/guidelines-appeal-procedures-united-states-district-court-district-utah>