

**SUMMARY OF PROPOSED AMENDMENTS TO
BANKRUPTCY COURT LOCAL RULES**

(Anticipated effective date of December 1, 2022)

1. **Local Rule 1002-1: Voluntary Petition and Other Documents Signed by a Representative on Behalf of an Individual Debtor.** New rule designed to unauthorized bankruptcy filings by non-attorney individuals without authority on a debtor's behalf. Adds requirement to clearly state name and capacity of the person signing a petition or other document on a debtor's behalf, and, if the document is the petition, a requirement to provide documentation evidencing authority. Provides that only an attorney may file such a petition or document.
2. **Local Rule 2003-1: Meeting of Creditors and Equity Security Holders.** Changes the procedure for requests to reschedule the § 341(a) meeting of creditors by requiring a request to be submitted in writing to the case trustee and not by motion filed with the Court. Removes outdated procedure for requesting telephonic appearance at meetings of creditors and provisions for cost of meeting facilities.
3. **Local Rule 2081-1(b): Chapter 11 – General – Monthly Financial Reports.** Changes Chapter 11 monthly operating report deadlines to 21 days to be consistent with Fed. R. Bankr. P. 2015(a)(6).
4. **Local Rule 2083-1(n): Incurring Unsecured Debt or Debt Secured by Personal Property in a Chapter 13 Case.** New rule permitting a debtor to incur unsecured consumer debt up to \$1,500 in one-time creditor or \$1,000 in revolving credit without Court approval. Adds the option to submit request to incur unsecured consumer debt in greater amounts and consumer debt secured by personal property through the Trustee's Office.
5. **Local Rule 2083-2(h)(6): Part 3.2: Request for valuation of security, payment of fully secured claims and modification of undersecured claims.** Changes the requirements to file separate certificate of service as to governmental entities or to creditors which (1) previously withdrew an objection to confirmation or (2) endorsed an order approving plan treatment.
6. **Local Rule 2083-2(i)(1): Part 3.3: Secured claims excluded from 11 U.S.C. § 506.** Clarifies the treatment of claims secured by collateral of the type and subject to the time periods described in the "hanging paragraph" of 11 U.S.C. § 1325(a)(9).
7. **Local Rule 2090-1(d): Attorneys for the United States.** Technical correction to update cross-reference to DUCivR 83-1.1(b)(1) which allows federal government attorneys to practice in Utah federal courts.

8. **Local Rule 3003-1: Chapter 11 Bar Date for Filing Proof of Claim or Interest.** Amends the Local Rule setting forth the bar dates to file a proof of claim or interest in a Chapter 11 case to include bar dates to file a proof of claim or interest in a case filed under Subchapter V of the Small Business Reorganization Act.
9. **Local Rule 5003-2(c): Filings Under Seal.** Amends the Local Rule to be consistent with the Court's current procedure for requests to file a document under seal.
10. **Local Rule 6070-1(c): Tax Returns in Chapter 13 Cases.** Adds requirement for the debtor to provide attachments or forms relating to any nonwage income reported on the federal tax return.
11. **Local Rule 7041-1(a): Voluntary Dismissal of a Complaint Under § 727.** Removes the requirement to file written order with a notice of voluntary dismissal, as consistent with Fed. R. Civ. P. 41(a)(1)(A)(i). Adds the requirement to file a motion and notice of hearing if a party is seeking dismissal of a complaint objecting to a debtor's discharge under 11 U.S.C. § 727.
12. **Local Rule 9019-1(c): Settlement of § 727 Adversary Proceeding.** Adds cross-reference to Local Rule 7041-1(a) in the event a settlement includes dismissal of the complaint objecting to a debtor's discharge under § 727.
13. **Local Rule 3022-1: Final Report/Decree (Chapter 11 Cases Other than Subchapter V).** Amends the Local Rule to apply to Chapter 11 cases other than Subchapter V. Removes language stating that the final decree shall serve as a notice of the order of discharge of the individual debtor, because the Court's form discharge order is sent to the matrix. Adds requirements that the final decree specify whether the case is closed upon entry of the final decree because the Court's form discharge order does not include this information.
14. **Local Rule 3022-2: Final Report/Decree (Chapter 11 Subchapter V Cases).** New rule to address final report/decree requirements in Chapter 11 Subchapter V Cases filed under the Small Business Reorganization Act.
15. **Local Form 9013-1: Notice of Hearing – Local Rule 9013-1(d)(1).** Modified to contain teleconference call-in details and remove references to courtrooms.
16. **Local Form 9013-2: Notice of Opportunity for Hearing – Local Rule 9013-2(d)(1).** Modified to contain teleconference call-in details and remove references to courtrooms.

PROPOSED AMENDMENTS TO BANKRUPTCY COURT LOCAL RULES
(Anticipated effective date of December 1, 2022)

[NEW RULE] Local Rule 1002.1: Voluntary Petition and Other Documents Signed by a Representative on Behalf of an Individual Debtor

If a voluntary petition for an individual debtor, or other document with a signature line for the debtor, is signed on behalf of the debtor by someone other than the debtor, the name and capacity of the person signing on behalf of the debtor must be clearly stated under the signature line. Only an attorney may file such a petition or document. A copy of documentation evidencing authority of the signer to act on behalf of the debtor must be filed at the same time as the petition. If there is no such documentation, then a statement explaining how the petition complies with Fed. R. Bankr. P. 1004.1 must be filed with the petition. A certificate of service showing service on the non-signing debtor of a copy of the filed petition and the notice of the bankruptcy case and meeting of creditors shall be filed with the court no later than 14 days after the case was commenced. A copy of documentation evidencing authority of the signer to act on behalf of the debtor is not required to be filed with documents other than the petition. This rule does not create authority for someone other than the debtor to sign a petition or other document on behalf of the debtor.

Local Rule 2003-1: Meeting of Creditors and Equity Security Holders

(a) Attendance.

(1) The court may dismiss a voluntary case, except a case that has been converted from a chapter 11 case to a chapter 7 case or from a chapter 7 case to a chapter 13 case, or a case in which the court has determined under § 341(e) that no meeting of creditors is required, if the debtor or the debtor's attorney fails to appear at the scheduled or continued § 341 Meeting.

(2) The procedures for dismissal of a chapter 13 case for failure of the debtor or debtor's attorney to appear at the meeting of creditors are set forth in Local Rule 2083-1(f).

(3) In a case other than one under chapter 13, if the debtor or the debtor's attorney fails to appear at the scheduled or continued § 341 Meeting, the case trustee or U.S. Trustee must file a § 341 Meeting Report (the "Report") indicating the failure to appear and serve it on the debtor and the debtor's attorney. If the Report contains a recommendation that the case not be dismissed, the case shall not be dismissed, and administration of the case must continue without prejudice to any motion to dismiss filed by a party in interest. Otherwise, within 21 days after service of the Report, the debtor or other party in interest ~~must~~may file an objection to the Report and must set the objection for a hearing. The objecting party must give notice of the hearing to the case trustee and to any party appearing at the § 341 Meeting. If an objection is not timely filed or a hearing is not timely set and noticed, the clerk must enter an order dismissing the case. In a chapter 7 case, the objection must also move for an extension of the time fixed under Fed. R. Bankr. P. 4007(c) and 4004(a) for filing a complaint under §§ 523(c) and 727 and the time fixed under Fed. R. Bankr. P. 4003(b)(1) for filing objections to exemptions under § 522(l). Unless the court orders otherwise, the clerk must enter an order dismissing the case if a hearing on the objection to the Report is not held within 42 days after the objection is filed.

(4) In a joint case where only one debtor appears, the non-appearing debtor may be dismissed from the case.

(b) Debtor's Duties relating to the § 341 Meeting. The debtor is required to provide documentation prior to and at the § 341 Meeting as requested by the trustee or the United States

Trustee and as required in § 521, Fed. R. Bankr. P. 4002(b), and Local Rule 4002-1(b). In addition, a chapter 13 debtor is required to provide the documents listed in Local Rule 2083-1(e) prior to or at the § 341 Meeting.

(c) Requests to Reschedule.

(1) Requests Made 7 Days or More Prior to the Meeting: A debtor's request to reschedule a § 341 meeting shall be submitted in writing to the corresponding Chapter 7, 12, or 13 trustee or, in Chapter 11 cases, to the U.S. Trustee, as soon as possible and not later than 7 days before the scheduled meeting. A written request to reschedule a § 341 meeting shall identify unavoidable circumstances rendering the debtor or the debtor's attorney unable to appear. The request is not filed with the Court. If the request is approved, the corresponding Chapter 7, 12, or 13 trustee or, in Chapter 11 cases, the U.S. Trustee, will promptly advise the debtor and the debtor's attorney of the new date and time and request that the Clerk give notice of the new date and time. If the request to reschedule is denied, the corresponding Chapter 7, 12, or 13 trustee or, in Chapter 11 cases, the U.S. Trustee, will promptly advise the debtor and debtor's attorney and the debtor may promptly request that the U.S. Trustee reschedule the Chapter 7, 12, or 13 § 341 meeting. The request shall be in writing, advise that the case trustee denied the original request, and identify the unavoidable circumstances rendering the debtor or the debtor's attorney unable to appear. The request is not filed with the Court. If the request is approved, the U.S. Trustee will promptly advise the debtor, the debtor's attorney, and the case trustee of the new date and time and request that the Clerk give notice of the new date and time. If the request to reschedule is denied, the U.S. Trustee will promptly advise the debtor and the debtor's attorney.

(2) Requests Made Less Than 7 Days Prior to the Meeting: When a written request could not have been made at least 7 days before the § 341 meeting, the debtor or debtor's attorney may request a continuance at the § 341 meeting and the presiding authority may grant the request. If the continuance is granted, the presiding authority shall announce the continued date and time on the record at the § 341 meeting.

~~(d) Telephonic Appearance at §341 Meeting of Creditors. Under extenuating circumstances which prevent a debtor from appearing in person, a debtor may file a motion~~

~~seeking permission to appear by telephone at the § 341 Meeting. Extenuating circumstances may include military service, incapacitating condition, or incarceration. The motion must be filed and served on the trustee and the United States Trustee no later than 7 days prior to the scheduled § 341 Meeting, and may be ruled upon without a hearing. The motion must describe in writing any efforts to give notice to and confer with the trustee prior to the filing of the motion. If the motion is granted, the debtor must also serve a copy of the order allowing a telephonic appearance on the trustee and the United States Trustee. The debtor must contact the trustee to determine the time, date, and location for the telephonic appearance. The debtor is responsible for any costs associated with conducting a telephonic appearance and for making arrangements for an independent third party authorized to administer oaths to be present at the debtor's location to administer the oath and to verify the debtor's identity and social security number.~~

~~(e) Costs of Meeting Facilities. If the circumstances of a particular case require that the § 341 Meeting be held somewhere other than the usual facilities, the estate of the debtor will be responsible for the rent and other appropriate costs associated with conducting the meeting in an alternate facility.~~

~~(f) Notice of Rescheduled § 341 Meetings. If the initial § 341 Meeting is rescheduled, the clerk must give notice of the new date and time of the meeting unless otherwise directed by the court.~~

Local Rule 2081-1(b): Chapter 11 – General – Monthly Financial Reports.

(b) Monthly Financial Reports. Not later than ~~14~~21 days after the end of each month the debtor in possession or trustee must file with the court a monthly financial report in the form approved by the United States Trustee. The duty to file these reports terminates upon confirmation of a plan, or upon conversion or dismissal of the case.

[NEW RULE] Local Rule 2083-1(n): Incurring Unsecured Debt or Debt Secured by Personal Property in a Chapter 13 Case.

(1) The debtor may incur during the case unsecured consumer debt (i) up to an aggregate of \$1,500 in a one-time credit or (ii) \$1,000 in revolving credit with a balance owing never greater than \$1,000, without written approval of the trustee or an order of the Court. The debtor may only incur consumer debt secured by personal property, regardless of the amount of debt, with approval of the trustee and/or an order of the Court as described hereafter. Any request to incur debt which requires a plan modification cannot be accomplished through this rule, unless otherwise ordered by the Court.

(2) The debtor may incur consumer debt of the kind and in an amount greater than those specified in paragraph (1) only by either:

(i) submitting to the trustee a request by written application, as described in paragraphs (3) and (4) below, and obtaining the trustee's approval evidenced by an appropriate stipulated/agreed order filed on the Court's docket, or

(ii) if the trustee denies the written request, or the debtor otherwise so desires, filing with the Court a motion containing the information described in paragraphs (3) and (4) below and obtaining an order approving such motion.

(3) The trustee will provide on the trustee's website a prominently featured request form which must be used to request approval to incur consumer debt as set forth herein. Completed request forms must be mailed, emailed, or uploaded to the trustee. Simultaneously, the debtor must complete and file a Notice of Request to Incur Debt in a Chapter 13 Case with the Court using the applicable ECF event. Unrepresented debtors may obtain a Notice of Request to Incur Debt in Chapter 13 Case form on the Court's website which must be completed and filed with the Court.

(4) In the exercise of the trustee's discretion, the trustee may approve or disapprove any request to incur secured or unsecured consumer debt as contemplated by this rule. The following conditions must at a minimum be satisfied with the request:

(i) submission to the trustee of a fully completed request form described in paragraph (3) above;

(ii) the debtor must be current on plan payments;

(iii) the debtor must have provided to the trustee evidence of income for the most recent 60 days (pay advices or profit and loss statements) and corresponding bank statements evidencing the income shown;

(iv) the debtor must not be in material default under any term of a confirmed chapter 13 plan;

(v) proposed amended schedules I and J must be provided to the trustee with the request and final amended schedules I and J must be filed with the Court no later than fourteen (14) days following entry of the order approving the request; and

(vi) submission to the trustee any other information which the trustee deems necessary to consider the request.

(5) Approval of the request to incur consumer debt shall be evidenced by filing of a stipulated/agreed order which shall be prepared and filed by the trustee no later than seven (7) business days after the debtor places a Notice of Request to Incur Debt in Chapter 13 Case on the Court docket; provided, however, by agreement of the parties the seven (7) day period may be extended dependent upon the circumstances of the request and additional information required by the trustee to evaluate the request. No request to incur debt will be considered approved without the entry of an order on the Court's docket. The stipulated/agreed order must be endorsed by debtor's counsel prior to entry of the order by the Court. If trustee denies the request, the denial shall be entered on the Court docket by the trustee no later than seven (7) business days, or such later time as agreed to by the parties, after the debtor files a Notice of Request to Incur Debt in a Chapter 13 Case on the Court docket. The debtor may then file a motion to incur such consumer debt, which motion shall include at a minimum the information required by the request form referenced in paragraph (3) above. Nothing in this rule shall preclude the debtor from filing a motion for approval to incur consumer debt with the Court without requesting approval from the trustee.

(6) If the debtor seeks approval to incur consumer debt secured by personal property and all or a portion of the purchase price consists of a trade-in of collateral which is encumbered, a motion for approval to incur such debt must be filed with the Court on notice and a hearing.

(7) If the debtor seeks approval to incur consumer debt secured by personal property and all or a portion of the purchase price consists of a trade-in of collateral which is unencumbered,

the trustee may approve such debt through the procedures set forth in paragraphs (4) and (5) above. Depending on the value of the trade-in collateral, the trustee may request debtor to file an amended schedule B and may seek a modification of the plan. In no event shall the trustee's approval of the request to incur debt prejudice the trustee's filing a motion to modify the plan in conjunction with the approval or at a future date.

(8) The debtor shall provide the final transaction agreement or documentation to the trustee within three (3) days of closing of the transaction. If the transaction documentation differs materially from the information provided to the trustee in the request form, the trustee may file a motion to dismiss the debtor's case.

(9) Attorneys' fees in an amount not greater than \$700 shall be allowed as part of the trustee approval process. Attorneys' fees requested in an amount greater than \$700 must be sought by separate application filed with the Court.

Local Rule 2083-2(h)(6) Part 3.2: Request for valuation of security, payment of fully secured claims and modification of undersecured claims.

(6) The separately filed certificate of service identified in subparagraph (2) of this subsection is not applicable to any governmental entity creditor or to a creditor which (i) previously withdrew an objection to confirmation based on the debtor's resolution of the objection or (ii) endorsed an order approving the plan treatment. If there is modification of the plan which impacts a creditor after that creditor withdraws its objection to confirmation or after it endorses an order approving its plan treatment, the requirement to file a separate certificate of service identified in subparagraph (2) shall apply.

Local Rule 2083-2(i)(1): Part 3.3: Secured claims excluded from 11 U.S.C. § 506.

(1) The secured claim of each creditor in Part 3.3 of the Plan which will be paid as a secured claim by the trustee shall be the secured amount listed in the allowed proof of claim, unless (a) modified by an amended claim, (b) modified by ~~or~~ court order, or (c) such claim is secured by collateral of a type and subject to the time periods described in the “hanging paragraph” of 11 U.S.C. § 1325(a)(9), in which case the full amount of the claim will be treated as a secured claim and will be paid by the trustee accordingly.

Local Rule 2090-1(d): Attorneys for the United States.

DUCivR. 83-1.1(~~d)(1)~~ and (~~e~~b) applies to attorneys representing the United States Government or any agency or instrumentality thereof.

Local Rule 3003-1: Chapter 11 Bar Date for Filing Proof of Claim or Interest

(a) **Claims Bar Date in Chapter 11 Cases.**

(1) Chapter 11 Cases Other than Subchapter V. Unless otherwise ordered by the court, in a chapter 11 case, (except for subchapter V cases), a proof of claim or interest is timely filed if it is filed not later than 90 days after the first date set for the 341 Meeting, or, if filed by a governmental unit, not later than 180 days after the date of the order for relief.

(2) Subchapter V Cases. Unless otherwise ordered by the court, in subchapter V cases, the claims bar date will be 70 days after, and for claims by governmental units 180 days after, the later of: (i) the date of entry of the order for relief, (ii) the date of conversion of case to chapter 11, subchapter V, or (iii) the date of the amendment of the petition to designate the case as a subchapter V case.

(b) **Notification of Bar Date in Chapter 11 Cases.** Unless otherwise ordered by the court, the clerk's office should state the bar dates for filing proofs of claim or interest on the notice entitled "Notice of ~~Commencement of Case under the Bankruptcy Code, Meeting of Creditors, and fixing of Dates~~Chapter 11 Case" issued in chapter 11 cases.

Local Rule 5003-2(c)

(c) ~~Sealed or Impounded Papers.~~ **Filings Under Seal.** Papers ordered sealed or impounded by the court, or subject to a court order under Fed. R. Bankr. P. 9037(d), are not public records within the meaning of ~~these Local Rules. Papers ordered sealed must be filed in paper format, and not electronically, unless specifically authorized by the court.~~ § 107. A ~~motion request~~ to file ~~documents~~ a document under seal ~~may be filed electronically unless prohibited by law.~~ The ~~order of the court authorizing the filing of papers under seal may be filed electronically unless prohibited by law.~~ should be made by motion.

(1) Motion to Seal. A motion to seal should be filed setting forth the basis for relief. If protected materials or information are necessary to support the motion, a declaration describing the material must be filed separately from the motion, using the ECF docket event, “Sealed Document.” The moving party should simultaneously upload a proposed order.

(2) Filing Sealed Documents. Once an order is entered granting the motion to file under seal, the document(s) to be filed under seal should be filed using the ECF docket event “Sealed Document” which is specifically designated for sealed documents. Non-ECF users should submit to the Clerk a copy of the order must be attached to the papers under seal a sealed envelope containing the papers under seal. Unless otherwise ordered, any sealed documents filed in paper will be scanned and electronically sealed on the docket, then destroyed.

(3) Motion to Unseal. A motion to unseal a document may be made on any grounds permitted by law and should be delivered to served on the clerk. party that requested the sealing.

(4) Viewing by Court Personnel. Unless ordered otherwise, Court staff will not be precluded from viewing sealed documents.

Local Rule 6070-1(c): Tax Returns in Chapter 13 Cases.

(c) Tax Returns in Chapter 13 Cases.

(1) A chapter 13 debtor must, no later than the day before the date of the first-scheduled § 341 Meeting, file with the appropriate tax authorities, any and all tax returns required under applicable nonbankruptcy law for all taxable periods ending during the four-year period before the filing of the petition.

(2) A chapter 13 debtor must provide to the trustee, not later than 7 days before the date of the first-scheduled § 341 Meeting, a copy of the Federal and state income tax returns required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal or state income tax return was filed. **At the same time, the debtor should also provide attachments or forms relating to nonwage income reported on the Federal tax return including, but not limited to: Schedule 1, Schedule C, Schedule E, Capital Gain Tax Worksheet, Form 1099-DIV, or 1099-INT.**

(3) No later than the day before the date of the first-scheduled § 341 Meeting, the debtor must file and serve on the trustee a declaration regarding tax returns in the form attached hereto as Local Form 6070-1.

(4) The debtor may request from the court an order extending the time period set forth in this subsection on notice to the trustee and applicable taxing authority. If the debtor fails to comply with paragraphs (1), (2) or (3) of this subsection in the time period therein or as extended by the court, the case may be dismissed under the procedures set forth in Local Rule 2083-1(g).

Local Rule 7041-1(a): Dismissal – Voluntary and for Lack of Prosecution

~~(a) **Voluntary Dismissal**. Notices of dismissal and stipulations to dismiss submitted under Fed. R. Civ. P. 41, as made applicable under Fed. R. Bankr. P. 7041, should be accompanied by a written order of dismissal.~~

(a) **Voluntary Dismissal of a Complaint under § 727**. A party seeking dismissal of a complaint objecting to a debtor's discharge under § 727 must file a motion with a notice of hearing in the adversary proceeding. The motion shall be served on the United States Trustee, chapter 7 trustee, and other parties as directed by the Court, with an opportunity to object. The motion must disclose all terms of any agreement made between the plaintiff(s) and the debtor(s) in relation to the litigation and its proposed dismissal.

Local Rule 9019-1(c): Settlement of § 727 Adversary Proceeding

(c) **Settlement of a § 727 Adversary Proceeding.** If a plaintiff seeks to settle an adversary proceeding that includes a claim for relief under one or more of the provisions of § 727(a), the motion to approve the settlement must be served on all parties in interest. If the proposed settlement includes dismissal of the complaint objecting to a debtor's discharge under § 727, the motion to approve the settlement must follow the requirements set forth in Local Rule 7041-1(a). Even in the absence of objections, the Court may require a hearing on the motion to determine that it is in the best interest of all creditors.

Local Rule 3022-1: Final Report/Decree (Chapter 11 Cases Other than Subchapter V).

(a) **Non-Individual.** A chapter 11 plan filed by a non-individual should set a date, not later than one year after the entry of the order confirming the plan, prior to which a final decree closing the case will be entered under § 350 and Fed. R. Bankr. P. 3022. Not later than 28 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 one 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 court may enter the final decree on or after one 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 28 days after completion of all payments under the plan. The motion shall include a request for entry of discharge, if applicable, be served on all interested parties, and be set for hearing. The motion shall set forth evidence of the completion of all payments under the plan, evidence that the debtor has met the requirements for a discharge under § 1141(d)(5)(C) and, if applicable, shall include any statement required under Fed. R. Bankr. P. 4004(c)(4) and 1007(b)(7). ~~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.~~ The decree must specify that the case is closed upon entry of the final decree.

[NEW RULE] Local Rule 3022-2: Final Report/Decree (Chapter 11 Subchapter V Cases).

(a) **Consensually Confirmed Plans.** Local Rule 3022-1(a) applies to all subchapter V cases in which a plan has been consensually confirmed under § 1191(a).

(b) **Non-Consensually Confirmed Plans.** The debtor or subchapter V trustee must seek entry of a final decree within 28 days after completion of all payments under the plan, and the motion shall be set for hearing and served upon all interested parties. The motion shall set forth evidence of the completion of all payments under the plan and, if applicable, shall include a request for entry of discharge and any statement required under Fed. R. Bankr. P. 4004(c)(4) and 1007(b)(7). The decree must specify that the case is closed upon entry of the final decree.

Local Form 9013-1: Notice of Hearing – Local Rule 9013-1(d)(1)

LOCAL FORM 9013-1

NOTICE OF HEARING - LOCAL RULE 9013-1

(Hearing will be held unless stricken.)

Submitting Attorney (Utah State Bar No.)

Address

Telephone No.

Facsimile No. (Optional)

E-Mail Address (Recommended)

Attorney for

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In re: Debtor(s).	Bankruptcy No. Chapter Hon. (<u>Judge's Name</u>)
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NOTICE OF [MOTION TO] [APPLICATION FOR] [OBJECTION TO CLAIM]

AND NOTICE OF HEARING

(Objection Deadline: _____)

(Hearing Date: _____)

PLEASE TAKE NOTICE that [movant's name] has filed with the United States Bankruptcy Court for the District of Utah, [*title of pleading*] (the Motion/Application/Objection).

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.

[Insert a specific statement of the relief requested, action intended or claim, including the amount of fees to be paid pursuant to Fed. R. Bankr. P. 2002(c)(2), if applicable; amount of debt to be incurred; amount of payment to be made; the basic terms and provisions of a settlement or compromise; or, with respect to a proposed sale of property, a description of the property, the time and place of any public sale, and the terms and conditions of any private sale, all sufficient to meaningfully inform the parties of the intended action or claim.]

If you do not want the Court to grant the relief requested in the [*Motion/Application/Objection*], then you or your attorney must take the following two steps:

(1) On or before [*enter objection deadline*], file with the Bankruptcy Court a written Objection explaining your position. Your written objection must be filed electronically, by mail, or by hand-delivery at:

United States Bankruptcy Court
350 South Main Street, Room 301
Salt Lake City, UT 84101

If you mail your objection to the Bankruptcy Court for filing, it must be deposited in the U.S. Mail in sufficient time for it to be **received** by the Court on or before [*objection deadline*]. You must also mail a copy to the undersigned counsel at [*name and address of movant's attorney*].

(2) You must attend the hearing on the [*Motion/Application/ Objection*] which is set for [*enter date and time*] before the Honorable [*insert Judge's name*]. The hearing will be a telephonic hearing. Parties who wish to participate in the hearing should consult the Bankruptcy Court's website at <https://www.utb.uscourts.gov/teleconference-information> for the most up-to-date information regarding telephonic participation at a hearing. At the time of this Notice, parties wishing to participate in hearings before the Honorable [*insert judge's*

name] should call into the number below at least ten (10) minutes before the scheduled date and time for the hearing: in Courtroom _____, United States Bankruptcy Court, Frank E. Moss Courthouse, 350 South Main Street, Salt Lake City, UT 84101.

Telephone Number: (636) 651-3182

Access Code: Chief Judge Marker (JTM) – 3834658#

Judge Mosier (RKM) – 9671833#

Judge Anderson (KRA) – 6001201#

Judge Thurman (WTT) – 9626637#

Failure to attend the hearing will be deemed a waiver of your objection. If you or your attorney do not take these two steps, the Bankruptcy Court may decide that you do not oppose the relief sought in the [*Motion/Application/ Objection*] and may enter an order granting that relief. In the absence of a timely filed objection, the undersigned counsel may and will ask the Court to strike the hearing enter an order approving the [*Motion/Application/ Objection*] without hearing.

Dated this ___ Day of _____, 20__.

Signature

CERTIFICATE OF SERVICE

(Use Local Form 9013–3)

Local Form 9013-1: Notice of Opportunity for Hearing – Local Rule 9013-2(d)(1)

LOCAL FORM 9013-2

NOTICE OF OPPORTUNITY FOR HEARING - LOCAL RULE 9013-2

(Hearing will only be activated upon the filing of a response to the motion or at the direction of the court.)

Submitting Attorney (Utah State Bar No.)

Address

Telephone No.

Facsimile No. (Optional)

E-Mail Address (Recommended)

Attorney for

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

<p>In re:</p> <p>Debtor(s).</p>	<p>Bankruptcy No.</p> <p>Chapter</p> <p>Hon. (<u>Judge's Name</u>)</p>
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NOTICE OF [MOTION TO] [APPLICATION FOR] [OBJECTION TO CLAIM]
AND NOTICE OF OPPORTUNITY FOR HEARING

(Objection Deadline: _____)

PLEASE TAKE NOTICE that [movant's name] has filed with the United States Bankruptcy Court for the District of Utah, [title of pleading] (the Motion/Application/Objection).

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.

[Insert a specific statement of the relief requested, action intended or claim, including the amount of fees to be paid pursuant to Bankruptcy Rule 2002(c)(2), if applicable; amount of debt to be incurred; amount of payment to be made; the basic terms and provisions of a settlement or compromise; or, with respect to a proposed sale of property, a description of the property, the time and place of any public sale, and the terms and conditions of any private sale, all sufficient to meaningfully inform the parties of the intended action or claim.]

NO HEARING WILL BE CONDUCTED ON THIS [MOTION/APPLICATION/OBJECTION] UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE COURT ON OR BEFORE THE OBJECTION DEADLINE SET FORTH BELOW.

If you do not want the Court to grant the relief requested in the [Motion/Application/Objection] then you or your attorney must take the following two steps:

(1) On or before [enter objection deadline], file with the Bankruptcy Court a written Objection explaining your position. Your written objection must be filed electronically, by mail, or by hand-delivery at:

United States Bankruptcy Court
350 South Main Street, Room 301
Salt Lake City, UT 84101

If you mail your objection to the Bankruptcy Court for filing, it must be deposited in the U.S. Mail in sufficient time for it to be **received** by the Court on or before [objection deadline]. You must also mail a copy to the undersigned counsel at [name and address of movant's attorney].

(2) Attend a hearing on [enter date and time] before the Honorable [insert Judge's name]. The hearing, if held, will be a telephonic hearing. Parties who wish to participate in the hearing should consult the Bankruptcy Court's website at

<https://www.utb.uscourts.gov/teleconference-information> for the most up-to-date information regarding telephonic participation at a hearing. At the time of this Notice, parties wishing to participate in hearings before the Honorable *[insert judge's name]* should call into the number below at least ten (10) minutes before the scheduled date and time for the hearing: ~~in Courtroom _____, United States Bankruptcy Court, Frank E. Moss Courthouse, 350 South Main Street, Salt Lake City, UT 84101.~~

Telephone Number: (636) 651-3182

Access Code: Chief Judge Marker (JTM) – 3834658#

Judge Mosier (RKM) – 9671833#

Judge Anderson (KRA) – 6001201#

Judge Thurman (WTT) – 9626637#

~~in Courtroom _____, United States Bankruptcy Court, Frank E. Moss Courthouse, 350 South Main Street, Salt Lake City, UT 84101.~~

There will be no further notice of the hearing, and failure to attend the hearing will be deemed a waiver of your objection. If you or your attorney do not take these steps, the Bankruptcy Court may decide that you do not oppose the relief sought in the *[Motion/Application/ Objection]* and may enter an order granting the requested relief. In the absence of a timely filed objection, the undersigned counsel may and will ask the Court to enter an order approving the *[Motion/Application/ Objection]* without hearing.

Dated this ___ Day of _____, 20__.

Signature

CERTIFICATE OF SERVICE

(Use Local Form 9013–3)