LOCAL BANKRUPTCY RULES

OF THE UNITED STATES BANKRUPTCY COURT

FOR THE NORTHERN DISTRICT OF TEXAS

EFFECTIVE SEPTEMBER 10, 2010

Revised as of December 1, 2017

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Part I. Commencement of Case; Proceedings Relating to Petition and Order for Relief

L.B.R. 1001-1 Short Title and Scope.

(a) Short Title.

Any citation referencing these rules shall be made as N.D. Tex. L.B.R. and the number of the pertinent rule.

(b) Scope.

(1) The Local Bankruptcy Rules govern procedure in the United States Bankruptcy Court for the Northern District of Texas in cases under title 11 of the United States Code (the "Bankruptcy Code"). The Local Bankruptcy Rules supplement, but do not replace the Federal Rules of Bankruptcy Procedure, and shall be construed consistently with those rules to secure the just, expeditious and economical administration and determination of every case and proceeding under the Bankruptcy Code.

(2) In addition to these Local Bankruptcy Rules, the Administrative Procedures for CM/ECF, Procedures for Complex Chapter 11 Cases, and the standing and general orders of the Bankruptcy Court govern practice.

(3) Notwithstanding these Local Bankruptcy Rules, the Presiding Judge may direct the parties to proceed in any manner that the judge deems just and expeditious and may suspend or modify any Local Bankruptcy Rule in a particular case.

(4) Any appendix to these Local Bankruptcy Rules may be modified by the Bankruptcy Court without the necessity of a formal amendment to these Local Bankruptcy Rules.

L.B.R. 1002-2 Commencement of Case Without Counsel.

(a) Individual Filers.

Only an individual may file a voluntary bankruptcy petition or appear in court without being represented by a licensed attorney. All other entities, including partnerships, corporations and trusts may not, without counsel, appear in court or sign pleadings, including the petition. If a debtor that is not an individual files a petition without legal counsel, the Presiding Judge may dismiss the case without notice, either *sua sponte*, or on motion of a party in interest.

(b) Responsibility of *Pro Se* Individuals.

Any individual proceeding on the individual's own behalf is considered *pro se*. Individuals proceeding *pro se* must read and follow the Local Bankruptcy Rules, the Federal Rules of Bankruptcy Procedure, and the Bankruptcy Code.

L.B.R. 1006-1 Filing Fees - Installment Payments.

(a) Application to Pay in Installments.

An application to pay a filing fee in installments by an individual shall be filed contemporaneously with the petition and be accompanied by an initial installment payment as follows:

(1) in Chapter 7, 12 and 13 cases, $50.00.

(2) in any other case, $100.00.

(b) Applications Filed Without Initial Installment Payment.

Any application to pay a filing fee in installments which is presented without the initial installment payment set forth in subsection (a) shall be denied.

L.B.R. 1006-2 Filing Fees - Form of Payment.

(a) Payment of Filing Fee.

Acceptable methods of payment include cash, check, money order, cashier check and debit or credit card. Only attorney filers may pay filing fees by check, debit or credit card.

(b) Payment by Check.

Payment by check is permitted only if drawn on the account of the attorney for the debtor or another party, or on the account of a law firm of which the attorney is a member, partner, or associate. Checks shall be payable to "Clerk, U.S. Bankruptcy Court." The check is accepted subject to collection.

L.B.R. 1007-1 Lists, Schedules and Statements.

(a) Mailing List.

A mailing list containing the name and address of each entity included or to be included on Schedules D, E, F, G and H shall be filed contemporaneously with every voluntary petition and within 7 days of the entry of an order for relief in an involuntary case. The mailing list shall be submitted in accordance with the Court's Administrative Procedures for Electronic Filing, and shall include those agencies and offices of the United States required to receive notice pursuant

to Bankruptcy Rule 2002(j). The mailing list shall be filed by the debtor or party responsible for filing the schedules and statements of affairs. Failure to file the mailing list as prescribed in this rule is cause for summary dismissal of the case.

(b) Extension of Time to File.

Before filing a motion for extension, counsel for the debtor shall confer with the Office of the United States Trustee, any committee, trustee, examiner or the standing chapter 12 or 13 trustee (if applicable) to determine whether or not the requested extension will be opposed. If unopposed, the motion for extension shall be accompanied by a certificate of conference certifying that the motion is unopposed. If opposed, the debtor shall request a hearing; however, any hearing on the motion will only be held at the discretion of the Presiding Judge.

(c) Exclusion From Means Testing-Statement of Current Monthly Income Not Required.

(1) An individual debtor in a chapter 7 case is not required to file a Statement of Current Monthly Income, as provided in Bankruptcy Rule 1007(b)(4), if:

(A) § 707(b)(2)(D)(i) applies, or

(B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing granted therein extends beyond the period specified by Bankruptcy Rule 1017(e).

(2) An individual debtor who is temporarily excluded from means testing pursuant to subsection (c)(1)(B) of this rule shall file any statement and calculations required by Bankruptcy Rule 1007(b)(4) no later than 14 days after the expiration of the temporary exclusion if the expiration occurs within the time specified by Bankruptcy Rule 1017(e).

(3) If the temporary exclusion from means testing under § 707(b)(2)(D)(ii) terminates due to the circumstances specified in subsection (c)(2) of this rule, and if the debtor has not previously filed a statement and calculations required by Bankruptcy Rule 1007(b)(4), the Bankruptcy Clerk shall promptly notify the debtor that the required statement and calculations must be filed within the time specified in subsection (c)(2).

(d) Privacy Provisions.

(1) Redaction of Personal Identifiers. Parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

(A) Social Security Numbers. If an individual's social security numbers must be included in a pleading, only the last four digits of that number should be used;

(B) Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Bankruptcy Form 106, list relationship and age of a debtor's dependents (i.e., son, age 6);

(C) Dates of Birth. If an individual's date of birth must be included in a pleading, only the year should be used.

(D) Financial Account Numbers. If the financial account numbers are relevant, only the last four digits of these numbers should be used. On Schedules D, E, and F of Official Bankruptcy Forms 106 and 206, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors.

(2) Responsible Party. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Bankruptcy Clerk will not review each document and pleading for compliance with this rule. Any party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The Bankruptcy Court may, however, still require the party to file a redacted copy for the public file.

(3) Statement of Social Security Number. Unless otherwise ordered by the Bankruptcy Court, individual debtors must complete and file electronically an Official Bankruptcy Form 121 *Your Statement About Your Social Security Numbers*.

***L.B.R. 1009-1 Amendments to Lists & Schedules*.**

(a) Amendments to Mailing Lists.

Whenever schedules or amendments add new entities or make corrections to mailing addresses, including the debtor's mailing address, the debtor shall file with the document an amendment to the mailing list which shall include only the names and addresses of entities to be added or corrected. A verification of mailing list shall also be filed with the amendment, and as provided on the form, shall indicate that the amendment to the mailing list adds new entities, or corrects addresses of entities appearing on a previously filed mailing list. It is the debtor's responsibility to comply with 11 U.S.C. § 342(e).

(b) Amendments to Schedules.

When creditors are added by amendment to the schedules, the debtor's attorney (or debtor, if *pro se*) shall give notice to each such creditor of the filing of the bankruptcy and all applicable bar dates and deadlines if these bar dates and deadlines have been set at the time of the amendment,

including notice of the meeting of creditors pursuant to 11 U.S.C. § 341(a), and any continued or rescheduled meeting of creditors

(c) Amendments to Schedule of Exemptions.

If a debtor's schedule of exemptions is amended, the person filing the amendment shall, within 2 days of such amendment, serve notice of such amendment to all creditors and to any trustee appointed in the case and file a certificate of service with the Bankruptcy Clerk.

(d) Amendments to Schedules I and J.

A debtor in an individual chapter 11, 12 or 13 case shall file amended Schedules I and J if there is any material change in income or expenses prior to plan confirmation. Within 2 days of such amendment, the debtor shall serve notice of such amendment to all creditors and to any trustee appointed in the case and file a certificate of service with the Bankruptcy Clerk.

L.B.R. 1010-1 Petition - Involuntary.

Counsel for an alleged debtor shall file with the Bankruptcy Clerk a notice of appearance in an involuntary case promptly upon employment.

L.B.R. 1015-1 Joint Administration.

(a) Motions for Joint Administration.

When a case is filed for or against a debtor related to a debtor with a case pending in the Bankruptcy Court, a party in interest may file a motion for joint administration in each case. Motions for joint administration will be assigned for determination to the bankruptcy judge presiding over the first related case filed in this district, regardless of the division in which the case is filed.

(b) Joint Petition.

The filing of a joint petition shall be deemed an order directing joint administration for the purpose of Bankruptcy Rule 1015, unless the court orders otherwise.

L.B.R. 1019-1 Conversion - Procedure Following.

(a) To Chapter 7.

Within 14 days after the entry of an order converting a case to chapter 7, the debtor shall file a schedule of those assets remaining in the possession of the debtor as of the date of conversion, a list of abandoned property and property against which the automatic stay of lien enforcement terminated during the case, a schedule of assets and unpaid post-petition obligations or expenses, if any, and if the debtor is an individual, a statement of current monthly income and means test calculation (Official Bankruptcy Form 122A). The schedule shall be signed by the debtor under

penalty of perjury certifying that the schedule and any attachments have been read and that they are true and correct to the best of the debtor's knowledge, information and belief. With respect to unpaid post-petition obligations or expenses, the debtor shall prepare and file a supplemental mailing matrix.

(b) To Chapter 12 or 13.

Within 14 days after the entry of order converting a chapter 11 case to a case under chapter 12 or 13, the debtor shall serve, in electronic format, the standing chapter 12 or 13 trustee with a copy of the original petition, schedules and statements, and any amendments thereto filed in the superseded case; and where the case is converted to a case under chapter 13, a Statement of Current Monthly Income And Calculation of Commitment Period and Disposable Income (Official Bankruptcy Forms 122C-1 and 122C-2).

PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

***L.B.R. 2002-1 Notice to Creditors & Other Interested Parties*.**

(a) Twenty-One Day Notices to Parties in Interest.

(1) Notice of the meeting of creditors pursuant to 11 U.S.C. § 341 shall be served by the Bankruptcy Clerk in all cases under chapters 7, 12 and 13, and by the debtor in possession or the trustee in all cases under chapter 11.

(2) Notice of a proposed use, sale, or lease of property of the estate, other than in the ordinary course of business, shall be prepared and served by the proponent of such use, sale, or lease.

(3) Notice of the hearing on approval of a compromise or settlement of a controversy shall be served by one of the parties proposing the compromise.

(4) In a chapter 7 liquidation, notice of the hearing on the dismissal or conversion of a case to another chapter shall be served by the Bankruptcy Clerk. In a chapter 11 reorganization, notice of the hearing on the dismissal or conversion of a case to another chapter shall be served by the movant. When the United States Trustee is the movant, notice of the hearing on the dismissal or conversion of a chapter 11 case shall be served by the Bankruptcy Clerk. In a chapter 12 or 13 debt adjustment, notice of the hearing on the dismissal or conversion of a case to another chapter shall be served by the standing trustee.

(5) Notice of the time fixed to accept or reject a proposed modification of a plan shall be prepared and served by the proponent of the modification.

(6) Notice of hearings on all applications for compensation or reimbursement of expenses totaling in excess of $1,000.00, except those to be heard in connection with a chapter 7 Trustee's Final Report, shall be prepared and served by the applicant.

(7) Unless otherwise ordered by the court, notice of the time fixed or "bar date" for filing proofs of claim or interest in chapter 11 cases pursuant to Bankruptcy Rule 3003(c)(3), either specifically set by the court, or as set by Local Bankruptcy Rule 3003-1, shall be served by the trustee or debtor in possession.

(8) Notice of the time fixed for filing objections and the hearing to consider confirmation of a chapter 12 plan shall be generated by the standing trustee and served by the debtor.

(9) Notice of the time fixed for filing proofs of claim in a chapter 7, 12 or 13 case pursuant to Bankruptcy Rule 3002(c), shall be served by the Bankruptcy Clerk

and shall be combined with the meeting of creditors notice included in Official Bankruptcy Forms 309A-I; and

(10) Notice of the time fixed for filing objections to a chapter 13 plan shall be served by the standing trustee.

(b) Twenty-Eight Day Notices to Parties in Interest.

The notices required by Bankruptcy Rule 2002(b)(1) and (b)(2) shall be served by the party whose disclosure statement is being considered or by the proponent of the plan, as the case may be. With respect to the hearing to consider confirmation of chapter 13 plan, notice shall be given by the standing trustee.

(c) Notice to Equity Security Holders.

Unless otherwise ordered by the court, notice of the order for relief and of any meeting of equity security holders ordered by the court pursuant to 11 U.S.C. § 341, shall be served by the debtor in possession or trustee in all cases under chapter 11. The notices required by subdivisions (d)(3), (4), (5), (6), and (7) of Bankruptcy Rule 2002 shall be served in accordance with (a)(2), (4), (5) and (b) of this Rule.

(d) Other Notices.

(1) The notices required by subdivisions (f)(1), (3), (4), and (5) of Bankruptcy Rule 2002 shall be served by the party responsible for serving notice of the § 341 meeting of creditors as provided in subdivision (a)(1) of this rule.

(2) Notice of the dismissal of a case under chapter 7 or 11 shall be served by the Bankruptcy Clerk, provided that the debtor in possession shall serve such notice if the order was entered on motion of the debtor in possession. Notice of the dismissal of a chapter 12 or 13 case shall be served by the standing trustee.

(3) The notices required by subdivisions (f)(6), (8), (9), (10) and (11) of Bankruptcy Rule 2002 shall be served by the Bankruptcy Clerk.

(4) The notice required by subdivision (f)(7) of Bankruptcy Rule 2002 shall be served by the proponent of the confirmed plan.

(e) Debtor to Provide Notice.

Whenever notice is required to be served under this Rule by the Bankruptcy Clerk or a party other than the debtor in possession, such debtor in possession shall serve the notice if the mailing list required by Local Bankruptcy Rule 1007-1(a) has not been filed.

(f) Notices to Creditors Whose Claims Are Filed.

In a chapter 7 case, after the expiration of time to file a claim under Bankruptcy Rule 3002(c), all notices required by subdivision (a) of this rule may be mailed only to creditors whose claims have been filed, and parties who have filed a request for notices with the Bankruptcy Clerk.

(g) Certificate of Service When Notice Served By Party.

When a party other than the Bankruptcy Clerk is required by this rule to serve notice, such party shall file a copy of the notice with a certificate of service evidencing the names and addresses of the parties served and the date and manner of service.

(h) Other Parties.

The Bankruptcy Court may require notices to be served by the parties other than those specified in these Local Bankruptcy Rules.

(i) Notice of an Extension to File Schedules.

Notice of an extension of time to file schedules and statements shall be given by the debtor to any committee, trustee, examiner, the United States Trustee, standing chapter 12 or 13 trustee, indenture trustees or labor unions (if applicable), and to any other party as the Bankruptcy Court may direct.

(j) Parties Requesting Notice.

Pursuant to Bankruptcy Rule 2002(m), the Bankruptcy Court orders that any party in interest may file a notice of appearance and request for notice in a case and shall thereafter be served with all notices in that case.

L.B.R. 2004-1 Examinations.

(a) Motions for Examination.

Before filing a motion for examination under Bankruptcy Rule 2004, counsel for the moving party shall confer with the proposed examinee or the examinee's counsel (if represented by counsel) to arrange for a mutually agreeable date, place and time for the examination. All motions for examination shall include either: (1) a certificate which states that a conference was held as required and that all parties have agreed to the date, time and place of examination; (2) a certificate explaining why it was not possible for the required conference to be held; or (3) a certificate which states that a conference was held as required, that no agreement could be reached and that the motion is presented to the Bankruptcy Court for determination.

(b) Exemption.

If a contested matter or an adversary proceeding is pending, the adversary discovery rules (Bankruptcy Rules 7027 - 7036), not Bankruptcy Rule 2004 and Local Bankruptcy Rule 2004-1, govern discovery pertaining to such contested matter or adversary proceeding.

L.B.R. 2007.1-1 Examiners - Chapter 11.

Upon approval of the appointment of an examiner in a chapter 11 case, the examiner shall be given all notices required to be mailed to committees under Bankruptcy Rule 2002(i).

L.B.R. 2014-1 Employment of Professionals.

(a) Statement Required by § 329 and Rule 2016(b).

A motion for employment by an attorney for the debtor or a motion for substitution of counsel for the debtor shall have attached the statement required by Bankruptcy Rule 2016(b) and 11 U.S.C. § 329.

(b) Retroactive Employment.

(1) If a motion for approval of the employment of a professional is made within 30 days of the commencement of that professional's provision of services, it is deemed contemporaneous.

(2) If a motion for the approval of the employment of a professional is made more than 30 days after that professional commences provision of services and the motion seeks to make the authority retroactive to the commencement, the motion shall include:

(A) an explanation of why the motion was not filed earlier;

(B) an explanation why the order authorizing retroactive employment is required; and

(C) an explanation, to the best of the applicant's knowledge, as to how approval of the motion may prejudice any parties-in-interest.

(3) Motions to approve the retroactive employment of professionals shall be approved only on notice and opportunity for hearing. Unless the court orders otherwise, all creditors in the case shall be served with notice of the motion.

L.B.R. 2015-1 Trustees - General.

In any chapter 7 case where the trustee has not been authorized to conduct the business of the debtor, the trustee may advance from estate funds only the following without further order: (1) expenses payable to unrelated third parties, subject to the subsequent court approval for reasonableness after notice and hearing, provided that no single such expense exceeds $200.00 and the aggregate amount of such expenses does not exceed $1,000.00; (2) adversary filing fees; and (3) payment of bond premiums as authorized by the United States Trustee.

L.B.R. 2016-1 Compensation of Professionals.

(a) Statement Required by § 329 and Rule 2016(b).

The statement required by 11 U.S.C. § 329 and Bankruptcy Rule 2016(b) shall be filed by the attorney for the debtor within 14 days after the order for relief, whether or not the attorney seeks to be employed or compensated by the estate.

(b) Retainer Funds.

In chapter 9, 11, 12 and 13 cases, all attorneys and accountants employed by a debtor shall deposit retainer funds, whether received from the debtor or an insider of the debtor (as defined in 11 U.S.C. § 101(31)), in a trust account. Any withdrawal in a chapter 13 case from a retainer, other than for payment of filing fees, one credit report and fees paid for credit counseling required by 11 U.S.C. § 109(h)(1), to the extent that the attorney has incurred these charges, may not be made on an amount that exceeds $3,000.00, in an individual case or $3,500.00 in a business case, except after approval of a formal fee application. A retainer in a chapter 9, 11 or 12 case may be withdrawn provided the attorney or accountant complies with the following procedure:

(1) A motion for distribution of retainer shall be filed with the Bankruptcy Clerk, and a copy shall be served on:

(A) The debtor, and, if the debtor is represented by an attorney, the attorney;

(B) Any attorney for a committee appointed or elected in the case, or if no attorney has been employed to represent the committee, through service on its members; and if no committee has been appointed in a chapter 9 or 11 case, the creditors included on the list filed pursuant to Bankruptcy Rule 1007(d);

(C) The United States Trustee;

(D) Any trustee appointed in the case; and

(E) All parties requesting notice pursuant to Local Bankruptcy Rule 2002-1(j);

(2) At a minimum, the motion for distribution of retainer shall contain a Fee Application Cover Sheet, a description of services rendered, including the time spent, hourly rates charged and the name of the attorney, accountant, other professional or paraprofessional performing the work;

(3) For the purpose of distribution of retainer, this motion shall be deemed an application within the provisions of Bankruptcy Rule 2016, with the final compensation of counsel to be determined at a subsequent hearing before the court as required by Bankruptcy Rule 2016; and

(4) If no objection is filed within 14 days of the mailing thereof, said professional may withdraw funds as described in the proposal in the amounts set forth as interim allowances. Motions for distribution may not be filed more frequently than monthly, without leave of court. If an objection is received, the affected professional shall request a hearing before the court. Said hearing shall be held pursuant to Bankruptcy Rule 2017(a), and will not require preparation of a formal fee application.

(c) Fee Application Form.

At a minimum, an application for compensation shall:

(1) include a Fee Application Cover Sheet;

(2) comply with the Court's Guidelines For Compensation and Expense Reimbursement of Professionals; and

(3) comply with any other applicable guidelines and court orders.

L.B.R. 2020-1 United States Trustee - Guidelines for Chapter 11 Cases.

The United States Trustee may from time to time publish and file with the Bankruptcy Clerk guidelines on matters such as insurance, operating reports, bank accounts and money of estates and other subjects pertaining to the administration of chapter 11 cases. Failure to comply with the requirements of these guidelines may constitute cause justifying the appointment of a trustee, or dismissal or conversion of the case pursuant to 11 U.S.C. § 1112(b).

L.B.R. 2090-1 Attorneys - Admission to Practice.

(a) Eligibility for Admission. Any attorney licensed to practice law by the Supreme Court of Texas, or by the highest court of any state or the District of Columbia, may be admitted to the bar of this court if the attorney is of good personal and professional character and is a member in good standing of the bar where the attorney is licensed.

(b) Procedure for Admission. Attorneys desiring admission to the bar of this court must complete an application for admission, to be approved by a district judge, and except as

provided in subsection (c) of this rule, be introduced by a member in good standing of the bar of this court, and take the required oath or affirmation before a judge of this court. After the oath or affirmation is administered, and the applicant has paid the appropriate fee, the District Clerk shall issue a certificate stating that the attorney is admitted to practice before this court.

(c) **Admission Before Judges of Other Districts**. Any nonresident attorney who has completed all requirements for admission to the bar of this court may, with the approval of a district judge of the division where the application is pending, have the oath of admission administered by a judge in another district. The nonresident attorney must file the oath with the District Clerk and pay the appropriate fee before the attorney's name will be added to the roll of attorneys for this district.

(d) **Admission is Discretionary**. All admissions to practice before this court shall be discretionary with the judge reviewing the application for admission.

(e) **Conduct of Attorneys at Trial or Hearing.** Unless the Presiding Judge otherwise directs, during a trial or hearing, attorneys must:

(1) stand when making objections or otherwise addressing the Presiding Judge;

(2) use the lectern while examining or cross-examining witnesses;

(3) when examining a witness, refrain from making statements, comments, or remarks before or after asking a question;

(4) limit to one attorney for each party the examination or cross-examination of a witness; and

(5) in making an objection, state plainly and briefly the grounds for objecting and not offer argument unless requested by the Presiding Judge.

(f) **Exemption from Admission to Practice, and from Requirement of Local Counsel, for Attorneys Appearing on Behalf of the United States Justice Department or any state Attorney General's Office.** Unless the Presiding Judge otherwise directs, an attorney appearing on behalf of the United States Justice Department or the Attorney General's Office of any state, and who is eligible pursuant to Local Bankruptcy Rule 2090-1(a) to appear in this court, shall be exempt from the requirements of Local Bankruptcy Rule 2090-1(b), 2090-4 and 2091-1, but shall otherwise be subject to all requirements applicable to attorneys who have been granted leave to appear *pro hac vice*.

L.B.R. 2090-2 Attorneys - Discipline and Disbarment.

(a) **Loss of Membership.** A member of the bar of this court is subject to suspension or disbarment by the court under the following circumstances:

(1) if for any reason other than nonpayment of dues, failure to meet continuing legal education requirements, or voluntary resignation unrelated to a disciplinary proceeding or problem, an attorney loses, either temporarily or permanently, the right to practice law before:

(i) the courts of the State of Texas;

(ii) the highest court of any other state or the District of Columbia; or

(iii) any federal court; or

(2) if an attorney fails to maintain the right to practice law before the highest court of at least one state or the District of Columbia, unless the member's failure to maintain such right results from nonpayment of dues or failure to meet continuing legal education requirements.

(b) Grounds for Disciplinary Action. A Presiding Judge, after giving opportunity to show cause to the contrary, may take any appropriate disciplinary action against a member of the bar for:

(1) conduct unbecoming a member of the bar;

(2) failure to comply with any rule or order of the Bankruptcy Court;

(3) unethical behavior;

(4) inability to conduct litigation properly;

(5) conviction by any court of a felony or crime involving dishonesty or false statement; or

(6) having been publicly or privately disciplined by any court, bar, court agency or committee.

(c) Reporting by Members. Any member of the bar of this court who has:

(1) lost or relinquished, temporarily or permanently, the right to practice in any court of record;

(2) been disciplined, publicly or privately, by any court, bar, court agency, or committee; or

(3) been convicted of a felony or crime involving dishonesty or false statement, shall promptly report such fact in writing to the District Clerk, supplying full details and copies of all pertinent documents reflecting, or explaining, such action.

(d) **Unethical Behavior**. The term "unethical behavior," as used in this rule, means conduct undertaken in or related to a case or proceeding in this court that violates the Texas Disciplinary Rules of Professional Conduct.

(f) **Re-admission**. An attorney applying for re-admission to the bar of this court must submit an application for re-admission, together with the following materials:

(1) a full disclosure concerning the attorney's loss or relinquishment of membership in the bar of this court; and

(2) all information required by subsection (c) of this rule concerning facts that occurred prior to the date of application for re-admission.

(g) **Appointment of Counsel**. A Presiding Judge shall have the right to appoint any member of the court's bar to assist in the handling of any proceeding contemplated by or resulting from this rule. An attorney appointed under this rule shall perform as requested unless relieved from doing so. An attorney desiring relief from appointment must move for such relief, which will be granted only upon a showing of good cause.

(h) **Reciprocal Discipline**.

(1) A member of the bar who is subject to suspension or disbarment under 2090-2(a) must be given written notice by the chief judge of the District Court, or by a district judge designated by the chief judge, that the court intends to suspend or disbar the member. The notice must identify the ground for imposing reciprocal discipline and provide the member an opportunity to show cause, within the time prescribed by the notice, why the member should not be suspended or disbarred.

(2) If the member does not respond to the notice, or responds but does not oppose reciprocal discipline, the chief judge of the District Court or a designee district judge may enter an appropriate order after the prescribed time for a response expires or the response is received.

(3) If the member responds and, in whole or in part, opposes reciprocal discipline, the chief judge of the District Court, or a designee district judge, must designate three judges to hear the matter. The decision of a majority of the three-judge panel concerning the appropriate discipline shall be the final ruling of the court.

L.B.R. 2090-3 Attorneys -Not Admitted to Practice Before this Court.

(a) **Eligibility to Appear**. An attorney who is licensed to practice law by the highest court of any state or the District of Columbia, but who is not admitted to practice before this court, may represent a party in proceedings in this court only by permission of the Presiding Judge.

(b) **Application to Appear**. Unless exempted by Local Bankruptcy Rule 2090-1(f), an attorney who is not admitted to practice in this court, who desires to appear as counsel in a case, and who is eligible pursuant to subsection (a) of this rule to appear, shall apply for admission *pro hac vice* on a Bankruptcy Court-approved form and pay the applicable fee to the Bankruptcy Clerk.

(c) **Regulation of Attorneys Admitted *Pro Hac Vice***. By appearing in any case, an attorney becomes subject to the rules of the Bankruptcy Court.

L.B.R. 2090-4 Attorneys - Requirement of Local Counsel.

(a) **Local Counsel Required**. Unless exempted by Local Bankruptcy Rule 2090-1(f), Local Counsel is required in all cases where an attorney appearing in a case does not reside or maintain an office in this district. "Local Counsel" means a member of the bar of this court who resides or maintains an office within 50 miles of the division in which the case is pending. Attorneys desiring to proceed without Local Counsel must obtain leave from the Presiding Judge. If the request for leave is denied, written designation of Local Counsel must be filed within 14 days of the denial.

(b) **Duties of Local Counsel**. Local Counsel must be authorized to present and argue a party's position at any hearing called by the Presiding Judge on short notice. Local Counsel must also be able to perform, on behalf of the party represented, any other duty required by the Presiding Judge or the Local Bankruptcy Rules.

L.B.R. 2091-1 Attorneys - Withdrawals.

An attorney desiring to withdraw in any case must file a motion to withdraw. This motion must, in addition to the matters required by Local Bankruptcy Rule 7007-1, specify the reasons requiring withdrawal and provide the name and address of the succeeding attorney. If the succeeding attorney is not known, the motion must set forth the name, address, and telephone number of the client and either bear the client's signature approving withdrawal or state specifically why, after due diligence, the attorney was unable to obtain the client's signature.

L.B.R. 2091-2 Attorneys -Change of Contact Information or Name.

(a) **Attorney Who is Not a Registered User of ECF**. When an attorney who is not a registered user of ECF changes the attorney's business address, e-mail address, telephone number, facsimile number, or name, the attorney must promptly notify the Bankruptcy Clerk, in writing, in each pending case.

(b) **Attorney Who is a Registered User of ECF**. When an attorney who is a registered user of ECF changes the attorney's business address, e-mail address, telephone number, facsimile number, or name, the attorney must promptly change this information in ECF, following the procedures set forth in the ECF Administrative Procedures Manual.

PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

L.B.R. 3001-1 Proof of Claim Attachment Required for Claims Secured by Security Interest in the Debtor's Principal Residence.

(a) In General.

This rule applies in all cases and with regard to claims that are secured by a security interest in the individual debtor's principal residence. For chapter 13 cases, this rule applies in addition to the requirements of Rules 3002 and 3002.1.

(b) Mortgage Proof of Claim Attachment.

The holder of a claim secured by a security interest in the debtor's principal residence shall attach to its proof of claim an exhibit reflecting at least the following details regarding the prepetition claim being asserted: (a) all prepetition interest amounts due and owing, itemized such that the applicable interest rate is shown, as well as the start and end dates for accrual of interest at such interest rate; (b) all prepetition fees, expenses, and charges due and owing, itemized to show specific categories (*e.g.*, appraisals, foreclosure expenses, *etc.*) and the dates incurred; (c) any escrow amount included in the monthly payment and, if there is an escrow account, a supplemental attachment of an escrow statement prepared as of the petition date; and (d) a statement reflecting the total amount necessary to cure any default as of the petition date (which statement must show (i) the number of missed payments, (ii) plus the aggregate amount of any fees, expenses, and charges due and owing, (iii) less any funds the creditor has received but not yet applied).

(c) Form and Content.

The proof of claim attachment described in this rule shall be prepared as prescribed by Official Bankruptcy Form 410A.

L.B.R. 3002.1-1 Mid-Case Audit Procedures with Regard to Claims Secured by Security Interest in the Debtor's Principal Residence

(a) In General.

This rule applies in a chapter 13 case to claims that are (1) secured by a security interest in the debtor's principal residence, and (2) provided for under § 1322(b)(5) of the Code in the debtor's plan. This rule is in addition to the requirements of Rule 3002.1.

(b) Mid-Case Notice by Chapter 13 Trustee.

The Mid-Case Notice described in this paragraph will not be required in any conduit case, but may be filed in the Trustee's sole discretion. For all other cases filed on or after December 1,

2011, the Chapter 13 Trustee shall (during the periods month 18 to month 22, and month 42 to month 46 of the case) file and serve on the holder of the claim and its counsel and the debtor and debtor's counsel a "Notice to Deem Mortgage Current," or alternatively, a "Notice of Amount Deemed Necessary to Cure," ("Mortgage Notice") stating whether or not, to the trustee's knowledge, the debtor is current on his plan and mortgage, and, if not, the amount believed necessary to cure any default on the plan and mortgage claim. The Mortgage Notice shall also contain negative notice language.

(c) Response to Mid-Case Notice.

Within 60 days after the filing of a Mortgage Notice the holder shall file and serve on the debtor, debtor's counsel, and the trustee a response indicating whether it disputes the information in such notice. The response shall itemize any cure amounts or postpetition arrearages that the holder contends exist as of the date of the response. The Debtor may file a reply within 90 days after the date of the filing of a Mortgage Notice.

(d) Determination of Mid-Case Notice by Court.

Whenever there is a response and/or reply to a Mortgage Notice, as set forth in subdivisions (b) and (c) above, the court shall, after notice and hearing, determine whether or not the debtor is current on all required postpetition amounts. If the holder of a claim fails to respond and/or the debtor fails to reply, the court may make this determination by default. An order shall be issued reflecting any determination by the court.

(e) Effect of Order on Mid-Case Notice.

Any order issued on a Mortgage Notice, (whether by default or after a response, and/or reply) shall preclude the holder and the debtor from contesting the amounts set forth in the order in any contested matter or adversary proceeding in this case, or in any other matter, manner, or forum after a discharge in this case, unless the court determines, after notice and a hearing, that the failure to respond and/or reply was substantially justified or is harmless.

(f) Reconciliation of this Rule with National Bankruptcy Rule 3002.1.

Nothing in this Local Bankruptcy Rule shall be interpreted to conflict with National Bankruptcy Rule 3002.1. For example, the requirement that the holder of a claim secured by a security interest in the debtor's principal residence file a Notice of Postpetition Mortgage Fees, Expenses and Charges (Official Bankruptcy Form 410S-2), to reflect postpetition charges, pursuant to National Bankruptcy Rules 3002.1(c) and (d), is not superseded by this rule, nor is the procedure and timing for a debtor or trustee to file a motion pursuant to subsection (e) of that rule, to challenge the propriety of amounts set forth in such Notice, superseded. This local rule is intended to provide an additional mechanism for parties to identify and resolve disputes regarding postpetition mortgage arrearages (including alleged missed payments of postpetition principal and interest, as well as asserted postpetition fees and charges) at different checkpoints during a Chapter 13 case.

L.B.R. 3003-1 Filing Proofs of Claim or Interest in a Chapter 9 or 11 Case.

In a chapter 9 or 11 case, where no bar date has otherwise been specifically set, an unsecured creditor or equity security holder whose claim or interest is not scheduled or is scheduled as disputed, contingent, or unliquidated, has a proof of claim timely filed if it is filed not later than 90 days after the first date set for the meeting of creditors pursuant to 11 U.S.C. § 341, except that a proof of claim filed by a governmental unit is timely filed if it is filed not later than 180 days after the date of the order for relief.

L.B.R. 3007-1 Claim Objections.

(a) Contents of the Objection.

Every objection to claim shall identify the claim by claim number, claimant and date filed. If the amount or classification of the claim is being disputed, the objection to claim shall state the amount of the claim, if any, that is not in dispute and the classification considered proper by the objecting party. The objection shall state with particularity the basis for the objection.

(b) Service.

At a minimum, the objecting party shall serve any claim objection and the notice of hearing thereon, if applicable, on the claimant as provided in Rule 3007(a)(2), and if applicable, on the claimant's attorney. Pursuant to Bankruptcy Rule 7005, the objecting party shall file with the Bankruptcy Clerk a certificate of service, attached to the objection, evidencing the date and mode of service and the names and addresses of the parties served.

L.B.R. 3007-2 Omnibus Claim Objections.

(a) Omnibus Claim Objection Procedures.

When making an omnibus claim objection, the following procedures shall be followed:

(1) The objector shall object to no more than 100 proofs of claim in one pleading;

(2) Copies of the claims need not be attached to the omnibus claim objection. However, the objector shall notify the claimant that a copy of the claim may be obtained from the objector upon request;

(3) The notice of hearing and objection shall be served on the person whose name appears in the signature block on the proof of claim and in accordance with Bankruptcy Rule 7004;

(4) A hearing on each objection shall be held at least 40 days after service of the objection, and the date of such hearing, as well as whether the objector intends for the court to conduct an evidentiary hearing or a status conference, shall be clearly set forth in the notice of hearing. The objector is permitted to file a reply,

including evidence, to any response at least 3 days prior to a hearing on the objection; and

(5) After the hearing on each omnibus claim objection, the objector may submit to the court a form order sustaining each objection as to which the claimant has defaulted.

(b) Omnibus Claim Objection Hearings.

All pending objections to claims included in an omnibus objection shall follow the same hearing schedule, unless otherwise ordered by the court. When multiple claims subject to an omnibus claim objection are reset, all claims from that objection shall be reset to the same hearing date. A party resetting a hearing on an omnibus claim objection shall provide to the court, no fewer than 2 days prior to the reset hearing date, a list or chart setting forth the claim objections which remain to be determined on the reset hearing date, specifying which of those the party believes will be defaulted or settled.

L.B.R. 3007-3 Response to Claim Objections.

As indicated in L.B.R. 9007-1(c) and (g)(5), except in chapter 7, 12 and 13 cases, where a claim objection may be served subject to negative notice language, no response is required to a claim objection. Nevertheless, the Presiding Judge may order otherwise, in other cases, on request of a party.

L.B.R. 3007-4 Estimation of Claims.

(a) If a claim is objected to or is filed in an unliquidated amount, the objecting party, the claimant, the trustee, the debtor in possession or any plan proponent may file a motion requesting that the claim be estimated in accordance with 11 U.S.C. § 502(c). Filing a motion to estimate commences a contested matter.

(b) The motion to estimate shall include those purposes (e.g., voting, allowance, etc.) for which estimation is sought, and an explanation of why estimation, as opposed to full trial of the claim objection, is appropriate. The movant, as soon as practicable following filing of the motion to estimate, shall consult with the claimant and the objecting party to determine whether either opposes the motion.

(c) If the movant, the claimant and the objecting party agree that the claim should be estimated, they shall attempt to agree upon and submit to the court procedures applicable to estimation of the claim. If they are unable to agree upon procedures, each party may submit proposed procedures. Proposed procedures shall be filed with the court at least 4 days prior to the hearing on the motion to estimate.

(d) If the claimant or the objecting party contests the motion to estimate, such entity shall file a response to the motion at least 4 days prior to the hearing on the motion.

(e) If the motion to estimate is granted, following such additional steps as the Presiding Judge may direct, the Presiding Judge shall enter such orders as are appropriate establishing procedures and schedules for estimating the claim.

L.B.R. 3015-3 Chapter 13 - Confirmation.

Unless the court orders otherwise, an objection to confirmation shall be filed no later than 7 days prior to the date set for the pre-hearing conference on confirmation of the plan.

L.B.R. 3015-4 Chapter 12 - Confirmation.

(a) Objections.

Unless the court orders otherwise, an objection to confirmation shall be filed no later than 7 days prior to the date set for hearing on confirmation of the plan.

(b) General Provisions Applicable in Chapter 12 Plans.

(1) Settlement Conference. Unless the court orders otherwise, prior to the confirmation hearing, debtor’s attorney, the standing chapter 12 trustee, and any party who has filed written objections to the debtor's plan shall appear at a pre-confirmation settlement conference to be held at a time and place specified by the standing chapter 12 trustee. Any party objecting to the plan shall be represented at the conference by a person with full authority to settle. If no written objections

to the confirmation of the debtor's plan are filed within the time prescribed by the court, then the conference need not be held.

(2) **Hearing**. After notice, the court shall conduct a hearing on confirmation of the chapter 12 plan. The court may accept the standing chapter 12 trustee's report.

(3) **Notice**. When a chapter 12 plan is filed, the debtor's attorney shall give the standing chapter 12 trustee, all creditors, and all parties in interest notice of the time fixed for filing objections to the debtor's plan, the date, time and place of the pre-confirmation conference and of the confirmation hearing. The debtor's attorney shall give notice by a form of notice promulgated by the standing chapter 12 trustee.

***L.B.R. 3016-1 Chapter 11 - Plan*.**

(a) Extension of Exclusivity Period.

If the debtor desires an extension of the exclusive period for filing a plan of reorganization, the debtor shall file a motion requesting the extension that includes a statement of the reasons why a plan has not been filed and a detailed timetable of the steps to be taken in order to file a plan. No order extending the periods of exclusivity as provided in 11 U.S.C. § 1121(b) or (e) shall be entered in the absence of such information.

(b) Small Business Cases.

If the debtor desires an extension of the periods provided for filing or confirming a plan of reorganization in a small business case, as provided in 11 U.S.C. § 1121(e)(3), then the debtor shall file and serve a motion requesting the extension, as described in subsection (a), on all parties in interest. The motion should be filed sufficiently in advance of the expiration of the time periods provided in § 1121(e) to provide at least 21 days' notice of the hearing and for the order extending time to be signed before the existing deadline has expired. Expedited or emergency hearings will be granted only in exceptional circumstances.

(c) Report Required for Plans Not Filed Within Initial Exclusivity Period.

Whenever a plan has not been filed within the exclusive period for filing a plan of reorganization as set forth in 11 U.S.C. § 1121(b) or (e), or upon the expiration of any extension or reduction of exclusivity, the debtor shall file either: (1) a report stating the reasons why a plan has not been filed and a detailed timetable of the steps to be taken in order to file a plan; or (2) a recommendation that the case either be dismissed or converted.

L.B.R. 3017-1 Disclosure Statement - Approval.

The transmission and notice required by subsection (d) of Bankruptcy Rule 3017 shall be mailed by the proponent of the plan.

L.B.R. 3017-2 Disclosure Statement - Small Business Cases.

(a) Procedure for Conditional Approval Under Bankruptcy Rule 3017.1.

A plan proponent in a small business case may seek conditional approval of a disclosure statement, subject to final approval after notice and hearing, by filing a motion with the Court contemporaneously with the filing of the proposed plan of reorganization. Such motion shall contain a certificate of service evidencing service upon the parties designated by Local Bankruptcy Rule 9007-1(b) and shall be accompanied by a proposed order. The motion may be presented to the Court for immediate consideration upon notice to the United States Trustee and any case trustee.

(b) Waiver.

A plan proponent in a small business case may seek to waive the requirement of a disclosure statement because the proposed plan of reorganization itself provides adequate information. Such waiver may be sought by motion to be filed contemporaneously with the proposed plan of reorganization. Such motion shall be served upon the parties designated by Local Bankruptcy Rule 9007-1(b) and may contain 14-day negative notice language.

L.B.R. 3018-1 Ballots - Voting on Plans.

Unless the court orders otherwise, at least one day prior to the hearing on confirmation, the proponent of a plan or other party who receives the acceptances or rejections shall file a ballot certification which identifies the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan. A copy of the certification shall be served on the debtor, case trustee, if any, United States Trustee and any committee appointed or elected in the case. On the basis of the certification, the Presiding Judge may find that the plan has been accepted or rejected.

L.B.R. 3020-1 Chapter 11 - Confirmation.

Unless the court orders otherwise, an objection to confirmation shall be filed and served no later than 4 days prior to the date set for hearing on confirmation of the plan.

L.B.R. 3022-1 Chapter 11 - Final Decree.

A Post-Confirmation Report and Application for Final Decree (Local Form BTXN-078) shall be filed by the proponent(s) of the Plan. The application for final decree shall either be set for hearing or contain the required negative notice language set forth in Local Bankruptcy Rule 9007-1(c). The application shall be served on the United States Trustee and all creditors and other parties in interest.

PART IV. THE DEBTOR: DUTIES AND BENEFITS

L.B.R. 4001-1 Automatic Stay - Relief From.

(a) Motions; Service.

No summons is required. The movant shall file with the Bankruptcy Clerk a certificate of service attached to the motion, evidencing the mode of service and the names and addresses of the parties served, and a certificate of conference evidencing compliance with Local Bankruptcy Rule 9014-1(d)(1). The motion shall contain a notice of the requirement of the filing of a response to the motion as set forth in subdivision (b) of this rule. A motion for relief from the automatic stay shall be served on the following parties:

(1) The debtor, and, if the debtor is represented by an attorney, the attorney;

(2) Any attorney for a committee appointed or elected in the case, or if no attorney has been employed to represent the committee, through service on its members; and if no committee has been appointed in a chapter 9 or 11 case, the creditors included on the list filed pursuant to Bankruptcy Rule 1007(d);

(3) Any party scheduled in the case as holding a lien, with respect to a motion seeking relief from the stay of an act against property;

(4) The United States Trustee;

(5) Any trustee or examiner appointed in the case; and

(6) All parties requesting notice pursuant to Local Bankruptcy Rule 2002-1(j).

(b) Response Required.

Any party opposing the motion for relief from stay shall file a response within 14 days from the date of service of the motion. Such response shall include a detailed and comprehensive statement as to how the movant can be "adequately protected" if the stay is to be continued. If no response is filed, the allegations in the motion may be deemed admitted, and an order granting the relief sought may be entered by default. The motion for relief shall contain a statement in substantially the following form:

> PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.
>
> ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) BEFORE CLOSE OF BUSINESS ON (MONTH) (DAY),

(YEAR), WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.

(c) Discovery.

The time within which responses to discovery requests on automatic stay issues are due under Bankruptcy Rules 7028-7036 is shortened from 30 to 14 days. Similarly, depositions on automatic stay issues may be taken commencing at the expiration of 14 days after service of the motion for relief from the automatic stay.

(d) Attorney Certification.

In any evidentiary hearing conducted on a motion for relief from the automatic stay, all counsel shall certify before the presentation of evidence: (1) that good faith settlement discussions have been held or why they were not held; (2) that all exhibits, appraisals and lists of witnesses (it is presumed that the debtor(s) will testify) have been exchanged at least 2 days in advance of the hearing date; and (3) the anticipated length of the hearing. Exhibits shall be marked in advance of the hearing and two bound, marked sets of exhibits shall be presented to the court prior to the commencement of the hearing.

(e) Preliminary Hearings and Affidavits

(1) Preliminary Hearings and Affidavits, Generally. Absent compelling circumstances warranting an alternative procedure, evidence presented at preliminary hearings in the Dallas and Fort Worth Divisions on motions for relief from the automatic stay will be by affidavit only. Except as set forth below (with regard to a motion filed by the holder of claim secured by a security interest in the debtor's principal residence, and with regard to requests for expedited settings), the party requesting the hearing shall serve evidentiary affidavits at least 7 days in advance of such hearing; the responding party shall serve evidentiary affidavits at least 2 days in advance of such hearing; the party requesting the hearing must give notice to all other affected parties of the requirement of this rule. The failure of a respondent to file an evidentiary affidavit, or the failure of an attorney to attend a scheduled and noticed preliminary hearing, shall be grounds for granting the relief, regardless of the filing of a response to the motion.

(2) Special Affidavits and Proof Requirements for Holders of Mortgages on a Debtor's Principal Residence (Applicable in all Chapter Cases). Whenever a motion for relief from automatic stay or whenever a motion for approval of an agreement regarding automatic stay is filed regarding a security interest in the debtor's principal residence, an affidavit in support of the motion shall be filed and served on the debtor, debtor's counsel, trustee, United States Trustee, and any

other affected party within 7 days of the filing of the motion–regardless of the hearing date and regardless of whether any opposition is expected. The affidavit must be signed and certified under penalty of perjury by a person with knowledge of the facts, and must include: (a) a copy of the note or other debt instrument and any and all assignments thereof to substantiate proof of holder status; (b) a copy of the deed of trust showing the date, volume, page and county of recordation; and (c) in the event of alleged delinquent payments as a "cause" for relief from stay, a chronological payment history for the debtor showing, on a month-by-month basis, beginning with the first payment alleged to be delinquent, the date payment was due, the amount due, the date payment was received (if applicable), the amount received (if applicable), how any received payments were applied (*e.g.*, applied to balance, put in suspense, put in escrow, *etc.*), and also indicating any other types of defaults alleged including escrow shortages, such as for payments for insurance premiums or ad valorem tax payments made by the creditor. The affidavit shall clearly reflect all amounts received by the movant since the debtor allegedly first became delinquent, and whether such amounts were applied to indebtedness, put in suspense, or otherwise dealt with. The response deadline for motions for relief from automatic stay or for a motion for approval of an agreement regarding automatic stay regarding security interests in the debtor's principal residence, as well as the affidavit deadline for any responders, is the same as set forth in subdivisions (b) and (e)(1) of this L.B.R. 4001-1. No Order will be entered on a motion for relief from automatic stay or on a motion for approval of an agreement regarding a security interest in the debtor's principal residence unless an affidavit complying with this subdivision is filed and properly served (regardless of whether there is any pending opposition to the motion by any party).

(3) Time for Filing Affidavit in the Event of a Request for an Expedited Hearing. Notwithstanding the foregoing, whenever a party seeks an expedited setting on a motion for relief from automatic stay, an affidavit in support of such motion shall be filed at the time of the filing of the motion.

(4) Motions to Extend Time to File Affidavits/Dismissal of Stay Motions. In the event that an Affidavit is not timely filed by a holder of a security interest in the debtor's principal residence, as set forth in subsection (e)(2) above, the underlying motion may be *sua sponte* dismissed by the court. A holder of a security interest in the debtor's principal residence may move for an extension of time to file the required affidavit, but (a) extensions shall be granted only in exceptional circumstances; and (b) in the event of an extension, the preliminary hearing will be continued out to a date that is at least as many days long as the extended time to file the affidavit. By seeking such an extension, the holder of a security interest in the debtor's principal residence waives the time periods provided by Section 362(e).

(5) Application of Rule of Divisions. Subsections (2) through (4) of this Rule 4001-1(e), describing the specific affidavit requirements in connection with stay motions involving a debtor's principal residence, apply in all Divisions of the Northern District of Texas. Subsection (1) of this Rule 4001-1(e), which more generally refers to there being preliminary hearings on motions to lift stay, applies only in the Dallas and Fort Worth Divisions.

(f) Continuation or Imposition of Automatic Stay.

(1) Motion Required. Any party that seeks a continuation or imposition of the automatic stay under 11 U.S.C. §§ 362(c)(3)(B) or -(c)(4)(B) shall file a motion with the court, and shall set the motion for hearing on notice to all parties against whom the movant seeks to continue or impose the stay.

(2) Filing, Service and Setting. The motion shall be filed and served promptly upon the filing of a petition for relief under the Bankruptcy Code so that it may be heard by the court within 30 days of the date of the filing of the petition, and so that parties may be given at least 21 days' notice of the hearing without the need for an expedited or emergency hearing, which will be granted only in exceptional circumstances. A copy of the motion and notice of hearing shall be served on all parties against whom the debtor seeks to continue or impose the stay, and proof of such service shall be filed within 2 days after service of the motion.

(3) Content of Motion. The motion shall:

(A) specifically allege the identity of the creditor(s) as to which the movant seeks to continue or impose the stay;

(B) identify, by case number, any and all prior bankruptcy filings by the debtor;

(C) state whether the debtor has had more than one previous case pending within the preceding year;

(D) state whether any previous case was dismissed within the preceding year after the debtor failed to perform any of the acts set forth in 11 U.S.C. § 362(c)(3)(C)(i)(II);

(E) state whether there has been a substantial change in the financial or personal affairs of the debtor and, if so, support the statement with specific factual allegations;

(F) state whether any creditor moved for relief from the automatic stay in a previous case and, if so, the disposition of that motion; and

(G) allege specific facts entitling the movant to relief.

(4) **Evidence Presented at Hearing**. At the hearing on the motion, the movant shall present evidence demonstrating that the new case is filed in good faith as to the creditor(s) to be stayed. The movant shall be present at the hearing to testify.

PART V. COURTS AND CLERKS

L.B.R. 5003-1 Bankruptcy Clerk - General Authority.

(a) Bankruptcy Clerk Authorized to Amend Form of Mailing List.

The Bankruptcy Clerk shall be authorized to change the form of the mailing list required by Local Bankruptcy Rule 1007-1(a) to meet requirements of any automated case management system hereafter employed by the Bankruptcy Clerk. The Bankruptcy Clerk shall give appropriate notice to the bar of any such change in form.

(b) Bankruptcy Clerk Authorized to Refuse Certain Forms of Payment.

The Bankruptcy Clerk shall maintain a list of all attorneys and law firms whose checks or credit or debit cards have been dishonored. The Bankruptcy Clerk may refuse future check, credit or debit card payments from such attorneys or firms and require an alternative form of payment.

L.B.R. 5004-1 Disqualification - Recusal.

A Presiding Judge, upon recusal in any case, shall request that the chief bankruptcy judge or the Bankruptcy Clerk reassign the case.

L.B.R. 5005-1 Filing Papers - Requirements.

(a) Filing the Petition.

The petition shall be filed in the office of the Bankruptcy Clerk responsible for the division in which the case is to be filed.

(b) Signature Block.

The signature block of every pleading shall include the name, state bar number, if applicable, address, telephone number and email address, if applicable, of the party or attorney filing the pleading. In the case of an attorney, the attorney's firm name and the name of the party represented shall also be included.

(c) Attorney Name and Address.

The attorney's name, state bar number, mailing address, telephone number, email address, if applicable, and the name of the party represented shall appear on the upper-left corner of the first page of every pleading, except on proposed orders.

(d) Form of Pleadings.

(1) The heading, style and caption shall appear beneath the name of the attorney.

(2) The case number, including the initials of the Presiding Judge, shall appear on the right side of the page across from the style, with the adversary number, if applicable, below the case number.

(3) The nature of the hearing and the hearing date and time shall appear below the case or adversary number(s).

L.B.R. 5005-4 Electronic Filing.

The Bankruptcy Clerk is authorized to accept documents for filing, issue notices and serve orders and judgments electronically, and to specify practices in electronic case management, subject to the procedures approved by the Bankruptcy Court and consistent with technical standards, if any, that the Judicial Conference of the United States establishes, and to the extent permitted by applicable rules.

L.B.R. 5011-1 Withdrawal of Reference.

(a) Procedure.

A motion to withdraw the reference of a case or a proceeding in a case shall be directed to the district court, but shall be filed with the Bankruptcy Clerk. A status conference on the motion shall be held by the bankruptcy judge with notice to all parties involved in a contested matter or adversary proceeding of which the reference is proposed to be withdrawn. At the status conference, the bankruptcy judge shall consider and determine the following:

(1) whether any response to the motion to withdraw the reference was filed;

(2) whether a motion to stay the proceeding pending the district court's decision on the motion to withdraw the reference has been filed, in which court the motion was filed, and the status (pending, granted or denied) of the motion;

(3) whether the proceeding is core or non-core, or both and with regard to the non-core and mixed issues, whether the parties consent to entry of a final order by the bankruptcy judge;

(4) whether a jury trial has been timely requested, and if so, whether the parties consent to the bankruptcy judge conducting a jury trial, and whether the district court is requested to designate the bankruptcy judge to conduct a jury trial;

(5) if a jury trial has not been timely requested or if the proceeding does not involve a right to jury trial;

(6) whether a scheduling order has been entered in the proceeding;

(7) whether the parties are ready for trial;

(8) whether the bankruptcy judge recommends that
(A) the motion be granted,

(B) the motion be granted upon certification by the bankruptcy judge that the parties are ready for trial,

(C) the motion be granted but that pre-trial matters be referred to the bankruptcy judge, or

(D) the motion be denied; and

(9) any other matters relevant to the decision to withdraw the reference.

(b) Report to the District Court.

Following the completion of the status conference the bankruptcy judge will prepare a report to the district court that contains the above findings and recommendation and any scheduling order that has been entered by the bankruptcy court in the proceeding. A copy of the report and recommendation shall be entered on the docket by the Bankruptcy Clerk and noticed in the same manner as the entry of an order, and the original shall be transmitted to the District Clerk.

***L.B.R. 5072-1 Court Decorum*.**

All persons present in a courtroom where a trial, hearing, or other proceeding is in progress must dress and conduct themselves in a manner demonstrating respect for the court. The Presiding Judge shall have the discretion to establish appropriate standards of dress and conduct.

***L.B.R. 5072-2 Court Security*.**

Firearms and other weapons are prohibited in areas of buildings designated for court use. Such weapons may be carried by the United States Marshal, the marshal's deputies, courtroom security personnel, and other persons to whom a Presiding Judge has given approval.

L.B.R. 5073-1 Photography, Broadcasting, Recording and Televising.

No person may photograph, electronically record, televise, or broadcast a judicial proceeding. This rule shall not apply to ceremonial proceedings or electronic recordings by an official court reporter or other authorized court personnel.

L.B.R. 5075-1 Bankruptcy Clerk - Delegated Functions.

(a) Authority to Sign Notices and Orders.

Pursuant to 28 U.S.C. §§ 157(b) and 956, The Bankruptcy Court authorizes the Bankruptcy Clerk to sign and enter the following Notices and Orders for the Bankruptcy Court:

(1) Notices which require appearances at meetings, hearings, conferences or trials;

(2) Notices to trustees of status conferences;

(3) Notices of the filing of the Trustee's Final Report, Application for Compensation, Proposed Distribution and Deadline for Filing Objections;

(4) Orders discharging trustee, terminating liability on bond, and closing or converting chapter 12 and chapter 13 cases;

(5) Orders accepting trustee's report and closing estate in no-asset chapter 7 cases, where the debtor has been discharged or the case has been dismissed;

(6) Orders to show cause, except those involving contempt or sanctions;

(7) Orders granting applications to pay filing fees in installments;

(8) Standing Scheduling Orders in adversary proceedings;

(9) Standing Scheduling Orders in involuntary cases;

(10) The Chapter 13 Order Discharging Debtor Upon Completion of Plan (after trustee's final report and account);

(11) Orders discharging the trustee and closing the estate in chapter 7 asset cases after the Trustee's Final Report and Account is filed and all disbursements made;

(12) Orders administratively closing chapter 13 cases where more than 180 days have passed since the entry of the discharge and no Final Report has been filed by the standing trustee;

(13) Orders converting cases (upon conversion of chapter 12 and 13 cases to chapter 7);

(14) Orders directing payment of unclaimed funds of $1,000.00 or less into the Unclaimed Funds Registry of the Bankruptcy Court;

(15) Orders withdrawing motions to dismiss case filed by the Chapter 13 Trustee; and

(16) Other orders as the Bankruptcy Court may designate by standing order.

(b) Deputy Clerks.

The Bankruptcy Clerk is authorized to delegate this authority to any deputy clerk. On any order or notice signed by the Bankruptcy Clerk or on behalf of the Bankruptcy Clerk, there shall appear the legend "FOR THE COURT" above the signature line.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

L.B.R. 6070-1 Tax Returns & Tax Refunds - Chapter 12 and 13 Cases.

The standing chapter 12 and 13 trustees are authorized to endorse on behalf of any chapter 12 or 13 debtor for deposit to the chapter 12 or 13 trustee's trust fund account, any and all federal income tax refunds payable to the debtor. A standing chapter 12 trustee may apply the refunds to any delinquent payments under the confirmed chapter 12 plan or any modification thereof. Consistent with the Bankruptcy Court's Standing Order Concerning All Chapter 13 Cases, a standing chapter 13 trustee, may apply up to $2,000.00 of the refund to delinquent plan payments or any modification thereof. The standing chapter 12 or 13 trustee shall give notice of the deposit and application to the debtor at the address last shown in the records of the office of the standing chapter 12 or 13 trustee, and to the debtor's attorney of record.

PART VII. ADVERSARY PROCEEDINGS

L.B.R. 7001-1 Adversary Proceedings - General.

An adversary complaint shall be filed in the division in which the related chapter case is pending, if such chapter case is pending in this district, except as otherwise required by 28 U.S.C. § 1409.

L.B.R. 7003-1 Cover Sheet.

Every adversary proceeding filed in this district shall be accompanied by an adversary proceeding cover sheet.

L.B.R. 7004-2 Service of Summons.

If the plaintiff consents to such delivery, an electronic version of the summons containing the Bankruptcy Court's seal may be sent to the plaintiff. The plaintiff is then responsible for opening the link, receiving the electronic summons, and serving the summons on all opposing parties in accordance with Bankruptcy Rule 7004.

L.B.R. 7005-1 Service of Pleadings and Other Papers by Electronic Means.

Subject to the administrative procedures approved by the Bankruptcy Court and consistent with technical standards, if any, that the Judicial Conference of the United States establishes, parties are permitted to make service through the Bankruptcy Court's transmission facilities, as permitted by Federal Rule of Civil Procedure 5(b)(2)(E). This rule is not applicable to the service of process of a summons and complaint, which must be served in accordance with Bankruptcy Rule 7004.

L.B.R. 7007-1 Motion Practice.

Unless otherwise directed by the Presiding Judge, motion practice is controlled by subsection (f) of this rule. In addition, the parties shall comply with the following:

(a) Conference.

Before filing a motion, an attorney for the moving party shall confer with an attorney for each party affected by the requested relief to determine whether the motion is opposed. Conferences are not required for motions to dismiss, motions for judgment on the pleadings, motions for summary judgment, motions for new trial, or when a conference is not possible or practicable.

(b) Certificate of Conference.

(1) Each motion for which a conference is required shall include a certificate of conference indicating that the motion is unopposed or opposed.

(2) If a motion is opposed, the certificate shall state that a conference was held, indicate the date of conference and the identities of the attorneys conferring, and explain why agreement could not be reached.

(3) If a conference was not held, the certificate shall explain why it was not possible or practicable to confer, in which event the motion will be presumed to be opposed.

(c) Proposed Order.

Each motion shall be accompanied by a proposed order that is set forth separately as an exhibit to the motion. An agreed proposed order shall be signed by the attorneys or parties to the agreement.

(d) Brief.

An opposed motion shall be accompanied by a brief that sets forth the moving party's contentions of fact or law, and argument and authorities, unless a brief is not required by subsection (h) of this rule. A response to an opposed motion shall be accompanied by a brief that sets forth the responding party's contentions of fact or law, and argument and authorities. A responding party is not required to file a brief in opposition to a motion for which a brief is not required by subsection (h) of this rule. A brief of less than 10 pages may be included in the same document as the motion, otherwise briefs shall be filed separately

(e) Time for Response and Brief.

A response and brief to an opposed motion shall be filed within 21 days from the date the motion is filed.

See next page for (f) Uniform Requirements on Motion Practice.

(**f**) **Uniform Requirements on Motion Practice**.

B - Brief required (not required with agreed motion)
C - Certificate of Conference required*

MOTION (to/for):	**B**	**C**	
AMEND	X		
CHANGE OF VENUE	X	X	
COMPEL	X	X	
CONSOLIDATION	X	X	
CONTINUANCE		X	
DISMISS	X		
EXTEND TIME TO ANSWER		X	
INTERVENE	X	X	
JUDGMENT AS MATTER OF LAW	X	X	
JUDGMENT ON PLEADINGS			X
LEAVE TO FILE	X	X	
LIMINE	X	X	
MORE DEFINITE STATEMENT	X	X	
NEW TRIAL	X		
PRELIMINARY INJUNCTION	X	X	
PRODUCE DOCUMENTS	X	X	
PROTECTIVE ORDER	X	X	
QUASH	X	X	
REINSTATE			
REMAND	X	X	
SANCTIONS	X	X	
STAY PENDING APPEAL	X	X	
STRIKE	X	X	
SUBSTITUTE COUNSEL		X	
SUMMARY JUDGMENT	X		
WITHDRAW AS ATTY. OF RECORD		X	

*NOTE: If your motion is not listed above, then a brief and a certificate of conference is required.

(g) Appendix Requirements.

(1) A party who relies on documentary (including an affidavit, declaration, deposition, answer to interrogatory, or admission) or non-documentary evidence (including videotapes and other physical exhibits) to support or oppose a motion shall include such evidence in an appendix.

(2) The appendix shall be separate from the motion, response, reply, or brief.

(3) The appendix shall be submitted in accordance with the Court's Administrative Procedures for Electronic Filing; however, non-documentary exhibits and oversized exhibits that cannot be scanned electronically shall be placed in an envelope that measures 9 x 12 inches and filed separately.

(4) Each page of the appendix shall be numbered legibly in the lower, right hand corner. The first page shall be numbered as "1," and succeeding pages shall be numbered sequentially through the last page of the entire appendix (i.e., the numbering system shall not re-start with each succeeding document in the appendix). Any envelope that contains a non-documentary or oversized exhibit shall be numbered as if it were a single page.

L.B.R. 7007-2 Briefs.

(a) General Form.

A brief shall be printed, typewritten, or presented in some other legible form.

(b) Amicus Briefs.

An amicus brief may not be filed without leave of the Presiding Judge. The brief shall specifically set forth the interest of the *amicus curiae* in the outcome of the litigation.

(c) Length.

A brief shall not exceed 25 pages (excluding the table of contents and table of authorities). A reply brief shall not exceed 10 pages. Permission to file a brief in excess of these page limitations will be granted by the Presiding Judge only for extraordinary and compelling reasons.

(d) Tables of Contents and Authorities.

A brief in excess of 10 pages shall contain:

(1) a table of contents with page references; and

(2) an alphabetically arranged table of cases, statutes, and other authorities cited, with page references to the location of all citations.

(e) Citations to Appendix.

If a party's motion or response is accompanied by an appendix, the party's brief shall include citations to each page of the appendix that supports each assertion that the party makes concerning any documentary or non-documentary evidence on which the party relies to support or oppose the motion.

L.B.R. 7007-3 Confirmation of Informal Leave of Court.

When a Presiding Judge informally grants leave, such as an extension of time to file a response or brief, an attorney for the party to whom leave is granted shall file a document confirming the leave and shall serve the document on all other parties.

L.B.R. 7016-1 Pretrial Procedures.

(a) Joint Pretrial Order.

Unless otherwise directed by the Presiding Judge, a joint pretrial order shall be uploaded to the Presiding Judge at least 7 days prior to trial docket call. All attorneys are responsible for preparing the pretrial order, which shall contain the following:

(1) a summary of the claims and defenses of each party;

(2) a statement of stipulated facts;

(3) a list of contested issues of fact;

(4) a list of contested issues of law;

(5) an estimate of the length of trial;

(6) a list of any additional matters that might aid in the disposition of the case; and

(7) the signature of each attorney.

(b) Proposed Findings and Conclusions.

Proposed findings of fact and conclusions of law shall be filed at least 7 days prior to trial docket call, and shall be emailed to the Presiding Judge's courtroom deputy in word processing format upon filing with the court.

(c) Conflict between Scheduling Order and Local Rule.

In any conflict between a scheduling order entered in an adversary proceeding and these Local Bankruptcy Rules, the scheduling order controls.

L.B.R. 7026-1 Discovery.

(a) Filing Discovery Materials.

(1) For Use in Discovery Proceedings. A motion that relates to a discovery proceeding may only contain the portions of the discovery materials in dispute.

(2) For Use in Pretrial Motions. When discovery materials are necessary for consideration of a pretrial motion, a party shall file only the portions of the discovery on which that party relies to support or oppose the motion.

(b) Depositions Used at Trial.

When a deposition is reasonably expected to be used at trial, it shall be pre-marked for identification as a trial exhibit and exchanged pursuant to the scheduling order.

L.B.R. 7040-1 Assignment of Adversary Proceedings.

(a) Adversary Proceeding Related to a Case in this District.

Except where considerations for equalization of the docket otherwise dictate, adversary proceedings will be assigned to the bankruptcy judge to whom the related chapter proceeding is assigned.

(b) Adversary Proceeding Related to a Case in Another District.

Whenever an adversary proceeding which is related to a chapter case pending in another district is filed in a division of this court served by more than one bankruptcy judge, the Bankruptcy Clerk shall randomly assign proceedings among the bankruptcy judges in a proportion determined by the Bankruptcy Court.

L.B.R. 7042-1 Consolidation of Adversary Proceedings - Separate Trials.

Motions to consolidate adversary proceedings, and all briefs and other papers concerning consolidation, shall be served on an attorney for each party in each case sought to be consolidated. After consolidation, all pleadings, motions, or other papers shall only bear the caption of the first case filed. All post-consolidation filings shall also bear the legend "(Consolidated with [giving the docket numbers of all the other cases])."

L.B.R. 7055-1 Default Judgment.

(a) Failure to Obtain Default Judgment.

If a defendant has been in default for 90 days, the Presiding Judge may require the plaintiff to move for entry of a default and a default judgment. If the plaintiff fails to do so within the prescribed time, the Presiding Judge may dismiss the proceeding, without prejudice, as to that defendant.

(b) Request for Entry of Default by Bankruptcy Clerk.

Before the Bankruptcy Clerk is required to enter a default, the party requesting such entry shall file with the Bankruptcy Clerk a written request for entry of default, submit a proposed form of entry of default, and file any other materials required by Fed. R. Civ. P. 55(a).

L.B.R. 7056-1 Summary Judgment.

(a) Motion Practice Not Modified Generally.

Except as expressly modified, the motion practice prescribed by Local Bankruptcy Rules 7007.1-7007.3 is not affected by this rule.

(b) Limits on Time for Filing and Number of Motions.

(1) Time for Filing. Unless otherwise directed by the Presiding Judge, no motion for summary judgment may be filed within 45 days of the docket call setting.

(2) Number. Unless otherwise directed by the Presiding Judge, or permitted by law, a party may file no more than one motion for summary judgment.

(c) Content of Motion.

(1) Except as provided in subsection (2) of this rule, a motion for summary judgment shall:

(A) on the first page, under the heading "summary," contain a concise statement that identifies the elements of each claim or defense as to which summary judgment is sought,

(B) contain the legal or factual grounds on which the moving party relies, and

(C) if the motion is accompanied by an appendix, include citations to each page of the appendix that supports each assertion that the party makes concerning the summary judgment evidence.

(2) A moving party may satisfy the requirements of subsection (1) of this rule by stating in its motion that each of the required matters will be set forth in the party's brief.

(3) If a moving party seeks summary judgment on fewer than all claims or defenses, the motion shall be styled as a motion for partial summary judgment.

(4) A motion for summary judgment shall not contain argument and authorities.

(d) Content of Response.

(1) Except as provided in subsection (2) of this rule, a response to a motion for summary judgment shall contain the legal or factual grounds on which the responding party relies in opposition to the motion.

(2) A responding party may satisfy the requirement of subsection (1) of this rule by stating in its response that each of the required matters will be set forth in the party's brief.

(3) A response to a motion for summary judgment shall not contain argument and authorities, which will be set forth in the contemporaneously filed brief.

(e) Briefing Requirements.

(1) Brief Required. A summary judgment motion or a response shall be accompanied by a brief that sets forth the argument and authorities on which the party relies in support of or opposition to a motion, and shall contain the matters required by subsections (c)(1) or (d)(1) of this rule if the party has opted to comply with those subsections by including the required matters in its brief. The brief shall be filed as a separate document from the motion or response that it supports.

(2) Length of Briefs. The requirements of Local Bankruptcy Rule 7007-2 apply to briefs filed pursuant to this rule, except that, excluding the table of contents and table of authorities, the length of a principal brief may not exceed 50 pages and a reply brief may not exceed 25 pages. The Presiding Judge, by order or other appropriate notice, may restrict or expand the length of briefs permitted by this rule.

(3) Citations to Appendix. A party whose motion or response is accompanied by an appendix shall include in its brief citations to each page of the appendix that supports each assertion that the party makes concerning the summary judgment evidence.

(f) Appendix Requirements.

(1) Appendix Required. A party who relies on affidavits, depositions, answers to interrogatories, or admissions on file to support or oppose a motion for summary judgment shall include such evidence in an appendix.

(2) Appendix Format.

(A) The appendix shall be assembled as a self-contained document, separate from the motion and brief or response and brief.

(B) Each page of the appendix shall measure 8½ x 11 inches. Non-documentary exhibits and oversized exhibits that are included in the appendix shall be placed in an envelope that measures 9 x 12 inches.

(C) Each page of the appendix shall be numbered legibly in the lower, right hand corner. The first page shall be numbered as "1," and succeeding pages shall be numbered sequentially through the last page of the entire appendix (i.e., the numbering system shall not re-start with each succeeding document in the appendix). An envelope that contains a non-documentary or oversized exhibit shall be numbered as if it were a single page.

(g) Limit on Supplemental Materials.

Except for the motions, responses, replies, briefs, and appendixes required by these rules, a party may not, without the permission of the Presiding Judge, file supplemental pleadings, briefs, authorities, or evidence.

L.B.R. 7067-1 Registry Fund.

(a) Deposit.

The deposit of any money into the registry of the Bankruptcy Court shall be as directed by written order of the court. Funds so deposited shall be invested by the Bankruptcy Clerk in accordance with the terms of the order, if included, otherwise such funds will be invested at the discretion of the Bankruptcy Clerk. Negotiable instruments tendered for deposit shall be made payable to "Clerk, U.S. Bankruptcy Court" and are accepted subject to collection.

(b) Withdrawal.

The withdrawal of funds in the registry shall be in accordance with a written order of the court. The disbursement of accrued interest shall only be made if the order so provides. Any order for the distribution of less than all funds and accrued interest on deposit with the court shall be denominated "Order for Partial Distribution from the Registry of the Court," otherwise the order shall be treated as an Order for Final Distribution. Whenever an Order for Final Distribution from the registry of the court does not provide for the distribution of all funds or interest on deposit, the Bankruptcy Clerk shall pay such funds into the Treasury of the United States. This rule applies to both adversary proceedings and bankruptcy cases.

(c) Statement of Payee's Name, Address and Tax Identification Number.

All orders authorizing disbursement from the registry shall state the payee's name, address, tax I.D. number and the dollar amount to be paid. Prior to receiving any disbursement from the registry, each payee shall deliver to the Bankruptcy Clerk an executed IRS Form W-9.

PART IX. GENERAL PROVISIONS

L.B.R. 9001-1 Definitions.

(a) "Bankruptcy Rule(s)" means the Federal Rule(s) of Bankruptcy Procedure currently in effect, and as thereafter amended.

(b) "Bankruptcy Court" means the bankruptcy judges of the United States Bankruptcy Court for the Northern District of Texas, as a collective body.

(c) "Bankruptcy Clerk" means Clerk of the Bankruptcy Court for the Northern District of Texas.

(d) "District Clerk" means Clerk of the District Court for the Northern District of Texas.

(e) "District Court Local Civil Rule(s)" means the Local Rules of the United States District Court for the Northern District of Texas, effective September 1, 2009, and as thereafter amended.

(f) "Local Bankruptcy Rules" means these Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas, as hereafter may be amended.

(g) "Presiding Judge" means the bankruptcy judge to whom the case, adversary proceeding, or contested matter is assigned.

(h) The phrase "small business case" means a case filed under chapter 11 of the Bankruptcy Code in which the debtor is a small business debtor, as defined in 11 U.S.C. § 101(51D).

L.B.R. 9007-1 General Authority to Regulate Notices.

(a) Negative Notice Procedure Authorized.

When authority to act or relief is sought which can only be authorized or granted upon notice or "after notice and hearing" as defined in 11 U.S.C. § 102, subject to Local Bankruptcy Rule 9014-1 and Local Bankruptcy Rule 3007-1, the party may, with respect to both motions under Bankruptcy Rule 9013 and contested matters under Bankruptcy Rule 9014, serve notice of the relief sought, and unless impracticable, any underlying motion, as follows using the "negative notice" procedure as set forth in this rule, except as provided in subsection (h) hereof. When this procedure is used with respect to a contested matter, no summons is required but service shall otherwise comply with the Federal Rules of Bankruptcy Procedure.

(b) Minimum Service Requirement.

At a minimum, the pleading or notice shall be served upon the following parties in interest:

(1) The debtor, and, if the debtor is represented by an attorney, the attorney;

(2) Any attorney for a committee appointed or elected in the case, or if no attorney has been employed to represent the committee, through service on its members; and if no committee has been appointed in a chapter 9 or 11 case, the creditors included on the list filed pursuant to Bankruptcy Rule 1007(d);

(3) The United States Trustee;

(4) Any trustee appointed in the case; and

(5) All parties requesting notice pursuant to Local Bankruptcy Rule 2002-1(j); and

(6) Any entity required to be served by any applicable Bankruptcy Rule.

(c) Notice of Hearing Requirement.

The pleading or notice served shall contain a statement in substantially the following form:

> NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) BEFORE CLOSE OF BUSINESS ON (MONTH) (DAY), (YEAR), WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.
>
> ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.
>
> IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

Where sales free and clear are involved, Bankruptcy Rule 6004 shall be complied with by changing the first paragraph above to read substantially as follows:

HEARING DATE ON SUCH SALE IS SET FOR (MONTH, DAY, YEAR), WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF. NO OBJECTION TO SUCH SALE WILL BE CONSIDERED UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) AT LEAST 4 DAYS IN ADVANCE OF SUCH HEARING DATE.

Where objections to claims in chapter 7, 12 and 13 cases are involved, the first paragraph of the notice shall be modified to provide:

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION TO CLAIM UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) BEFORE CLOSE OF BUSINESS ON (MONTH, DAY, YEAR), WHICH IS AT LEAST 30 DAYS FROM THE DATE OF SERVICE HEREOF.

(d) Statement of Relief Sought.

Any notice shall state what authority to act or relief is sought by the moving party with sufficient particularity to apprise noticed parties of the subject matter of the notice or motion by reference to the pleadings delivered and shall not just refer to a pleading on file with the court. The court may deny any relief not sufficiently described so as to give general notice of the relevant factors to parties in interest.

(e) Certificate of Service.

The movant shall file with the Bankruptcy Clerk a certificate of service, evidencing the date and mode of service and the names and addresses of the parties served.

(f) Certificate of Conference.

A certificate of conference indicating whether or not a conference was held prior to filing the motion is required. The certificate shall indicate the date of conference and the identities of the attorneys conferring, and explain why agreement could not be reached. If a conference was not held, the certificate shall explain why it was not possible or practicable to confer. A conference is not required to be held when it is reasonably anticipated that the number of responding parties may be too numerous to contact prior to filing the motion.

(g) Certificate of No Objections.

If no response and request for a hearing has been timely filed following service of notice in accordance with this rule, the moving party shall file a certificate with the court after the expiration of the applicable notice period stating that no objections have been timely served upon the moving party. In the event that the court has entered an order limiting the parties to whom notice shall be given or copies shall be sent, or limiting the time to respond, the certificate also shall state the date and substance of such order so that the existence of and compliance with such order may be determined from such certificate.

(h) Exceptions.

This procedure may not be used for the following requests for relief, which shall be set for hearing:

(1) motions to dismiss or convert filed by a party in interest other than the debtor;

(2) motions for relief from the automatic stay, which are governed by Local Bankruptcy Rule 4001-1;

(3) motions to extend or impose the automatic stay;

(4) motions for use of cash collateral or for financing authority;

(5) objections to claims, other than in chapter 7, 12 and 13 cases;

(6) motions to assume, or to assume and assign, executory contracts or unexpired leases;

(7) motions to extend exclusivity or the time to confirm a plan of reorganization;

(8) motions for substantive consolidation;

(9) confirmation of a plan in a chapter 9, 11 or 12 case, or approval of a disclosure statement, other than pursuant to Local Bankruptcy Rule 3017-2(a); and

(10) any motion for which the Bankruptcy Rules specifically require a hearing.

L.B.R. 9013-1 Motion Practice.

(a) Application of Local Adversary Rules.

Local Bankruptcy Rules 7007-1(a) - (c) and 7007-3 apply to motion practice before the Bankruptcy Court.

(b) Paper Copies.

Unless otherwise ordered by the Presiding Judge, a complete paper copy of the following pleadings, including all attachments thereto and any related briefs and appendices, should be delivered within 24 hours of the electronic filing of the following documents to the Bankruptcy Clerk:

(1) Chapter 9 or Chapter 11 Plan of Reorganization;

(2) Disclosure Statement;

(3) Motion for Summary Judgment;

(4) Application for Compensation and/or Reimbursement of Expenses; and

(5) Motion to Dismiss pursuant to Fed. R. Bankr. P. 7012.

L.B.R. 9014-1 Contested Matters.

(a) Response Required.

Except as set forth in subparagraphs (f) and (h) hereof, and subject to the requirement that a movant provide proof in support of a motion, a response is required with respect to a contested matter. This rule shall constitute the Bankruptcy Court's direction requiring a response under Bankruptcy Rule 9014. A response is not required to a Chapter 13 Trustee's Notice of Intent to Dismiss, or an objection to confirmation of a chapter 13 plan.

(b) Service and Conference.

The movant shall serve the motion electronically, or by mail, in the manner provided by Bankruptcy Rule 7004. No summons is required. Following service of the motion, pursuant to Bankruptcy Rule 7005, movant shall file with the Bankruptcy Clerk a certificate of service, attached to the motion, evidencing the date and mode of service and the names and addresses of the parties served, and where reasonably feasible, a certificate of conference evidencing compliance with Local Bankruptcy Rules 7007-1(a) and 9014-1(d)(1). A certificate of conference will not be required when it is reasonably anticipated that the number of opposing parties may be too numerous to contact prior to the filing of the motion.

(c) Exchanging Exhibits, Lists, and Designating Deposition Excerpts.

(1) Exchanging Exhibits. All exhibits that a party intends to offer at the hearing, except those to be offered solely for impeachment, shall be marked with gummed labels or tags that identify them by the party's initials or name, followed by the exhibit number or letter under which they will be offered, and shall be exchanged with opposing parties at least 3 days before the scheduled hearing date. Two bound copies of such exhibits shall be furnished to the Presiding Judge prior to the beginning of the hearing.

(2) Exchanging Exhibit and Witness Lists. At least 3 days before the scheduled hearing date, the parties shall file with the Bankruptcy Clerk and deliver to opposing parties, separate lists of exhibits and witnesses, except those to be offered solely for impeachment. One copy of the exhibit and witness list shall be presented to the court reporter at the beginning of the hearing. It is assumed that the debtor(s) will testify.

(3) Designating Deposition Excerpts. The parties shall designate, in lists delivered

to opposing parties and filed with the Bankruptcy Clerk at least 3 days before the scheduled hearing date, the portions of any depositions to be offered at the hearing.

(d) Certification of Counsel at Evidentiary Hearing.

In any evidentiary hearing, all counsel shall certify before the presentation of evidence:

(1) that good faith settlement discussions have been held or why they were not held,

(2) that all exhibits (except for those used solely for impeachment), lists of witnesses, and appraisals (if applicable) have been exchanged at least 3 days in advance of the hearing date. In any conflict between a scheduling order entered in a contested matter and these Local Bankruptcy Rules, the scheduling order controls.

(e) Motions to Lift Stay.

Motions to lift the automatic stay pursuant 11 U.S.C. § 362(d) are governed by Local Bankruptcy Rule 4001-1.

(f) Objections to Claims.

Objections to claims do not require a written response unless the party filing the objection has used the negative notice procedure set forth in Local Bankruptcy Rule 9007-1.

(g) Expedited Motions.

Where a party has obtained a hearing on an expedited motion, the Court may waive the response requirement.

L.B.R. 9019-1 Motions to Compromise.

(a) Filing.

(1) A motion to compromise an adversary proceeding shall be filed in the main bankruptcy case, not in the adversary proceeding. It shall bear the style of the main bankruptcy case, not the adversary proceeding.

(2) A motion to compromise an adversary proceeding shall, within the body of the motion, set out the style and number of the adversary proceeding.

(3) No motion to compromise an adversary proceeding need be filed in order to settle a proceeding filed pursuant to 11 U.S.C. §§ 523 or 524.

(b) Notice.

(1) Motions to compromise adversary proceedings are governed by Local Bankruptcy Rule 9007-1, and may include negative notice language.

(2) Motions to compromise and motions that contemplate a dismissal of an objection to discharge under 11 U.S.C. § 727 shall identify the cause of action and any consideration paid or agreed to be paid and shall be served on all creditors and parties in interest.

(**c) Order and Judgment.**

A motion to compromise an adversary proceeding shall be accompanied by two forms of proposed order. The first form of proposed order shall be one to approve the motion to compromise, bearing the style of the main bankruptcy case. The second form of proposed order shall be a proposed agreed judgment or order of dismissal, bearing the style of the adversary proceeding, for entry in the underlying adversary proceeding.

L.B.R. 9019-2 Alternative Dispute Resolution (ADR).

(a) Referral of a Case or Proceeding to Mediation.

The Presiding Judge, either *sua sponte* or upon the motion of any party or party in interest, may order parties to participate in mediation and may order the parties to bear expenses in such proportion as the Presiding Judge finds appropriate.

(b) Other ADR Methods.

Upon motion and agreement of the parties, the Presiding Judge may submit a case or proceeding to binding arbitration, early neutral evaluation or mini-trial.

L.B.R. 9027-1 Removal.

(a) Filing.

A removed claim or cause of action related to a bankruptcy case shall be filed in the bankruptcy court as an adversary proceeding and assigned directly to a bankruptcy judge. The filing shall contain a completed Adversary Proceeding Cover Sheet.

(b) Filing Fee.

The adversary proceeding filing fee is due upon the filing of the notice of removal. A fee is not required if the party removing the case is the debtor, or child support creditor. If the party removing the case is the trustee or debtor in possession, a motion to defer filing fee may be filed along with a proposed order.

(c) Attachments.

A notice of removal shall include a copy of the docket sheet, and shall be accompanied by a copy of all pleadings from the court from which the claim or cause of action is removed. The plaintiff(s) and defendant(s) shall be identical to the plaintiff(s) and defendant(s) in the court from which the claim or cause of action is removed.

L.B.R. 9029-3 Local Rules - District Court.

(a) Applicability of District Court Local Civil Rules.

Other than the District Court Local Civil Rules adopted specifically in these Local Bankruptcy Rules or adopted in a separate order of the Bankruptcy Court, and District Court Local Civil Rules 8005.1 through 8010.4 regarding bankruptcy appeals, the District Court Local Civil Rules do not apply in the Bankruptcy Court.

(b) Attorney Admission and Conduct.

The District Court Local Civil Rules that govern attorney admission, conduct, suspension, and disbarment control in this district and apply in bankruptcy cases and proceedings. They have generally been adopted as stated in Local Bankruptcy Rules 2090-1, through 2091-2; however, certain terms have been modified where appropriate to distinguish where "judge," "court," or "clerk" means either Presiding Judge, Bankruptcy Court or Bankruptcy Clerk; or district judge, District Court or District Clerk.

L.B.R. 9036-1 Notice by Electronic Transmission.

Subject to the administrative procedures approved by the Bankruptcy Court and consistent with technical standards, if any, that the Judicial Conference of the United States establishes, parties are authorized to serve notices under Bankruptcy Rule 9036 through the Bankruptcy Court's transmission facilities.

L.B.R. 9070-1 Exhibits.

(a) Release While Case Pending.

Without an order from the Presiding Judge, no exhibit in the custody of the Bankruptcy Clerk may be removed from the Bankruptcy Clerk's Office while the case is pending.

(b) Removal or Destruction After Final Disposition of Case.

All exhibits in the custody of the Bankruptcy Clerk shall be removed from the Bankruptcy Clerk's office within 60 days after final disposition of a case. The attorney who introduced the exhibits shall be responsible for their removal. Any exhibit not removed within the 60-day period may be destroyed or otherwise disposed of by the Bankruptcy Clerk.

L.B.R. 9076-1 Electronic Service.

Subject to the administrative procedures approved by the Bankruptcy Court and consistent with technical standards, if any, that the Judicial Conference of the United States establishes, parties are authorized to serve pleadings and other papers through the Bankruptcy Court's electronic transmission facilities. However, neither the service of process of a summons and complaint in an adversary proceeding under Bankruptcy Rule 7004, nor the service of a subpoena under Bankruptcy Rule 9016 may be made by electronic transmission.

L.B.R. 9077-1 Sealed Documents.

(a) Permitted or Required by Statute or Rule.

A party may file under seal any document that a statute or rule requires or permits to be so filed. The term "document," as used in this rule, means any pleading, motion, other paper, or physical item that the Federal Rules of Bankruptcy Procedure permit or require to be filed.

(b) Motions to File Documents Under Seal.

If no statute or rule requires or permits a document to be filed under seal, a party may file a document under seal only on motion and by permission of the Presiding Judge**.**

(c) Procedure.

When a party files a document under seal or a motion for leave to file a document under seal, the party must submit with the motion the original and a judge's copy of the document to be filed under seal, along with an electronic copy of the document on electronic media. The original of the document must be referenced as an exhibit to the motion. If leave to file the document under seal is granted, the Bankruptcy Clerk must file the original of the document under seal.

L.B.R. 9077-2 Disposition of Sealed Documents.

Unless the Presiding Judge otherwise directs, all sealed documents maintained on paper will be deemed unsealed 60 days after final disposition of a case or proceeding. A party that desires that such a document remain sealed must move for this relief before the expiration of the 60-day period. The Bankruptcy Clerk may store, transfer, or otherwise dispose of unsealed documents according to the procedure that governs publicly available court records.

L.B.R. 9078-1 Submission of Files to the District Court.

After the expiration of the time for filing objections under Bankruptcy Rule 9033, or upon receipt of an order by a district judge withdrawing the reference pursuant to 28 U.S.C. § 157(d) and Bankruptcy Rule 5011, or upon the docketing of an appeal in the district court, the Bankruptcy Clerk shall submit the record of the case, proceeding or appeal to the District Clerk.

APPENDIX A

ORDER OF REFERENCE OF BANKRUPTCY CASES AND PROCEEDINGS NUNC PRO TUNC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

MISCELLANEOUS RULE NO. 33

Pursuant to Section 104 of the Bankruptcy Amendments and Federal Judgeship Act of 1984, 28 U.S.C. Section 157, it is hereby

ORDERED nunc pro tunc as of June 27, 1984 that any or all cases under Title 11 and any or all proceedings arising under Title 11 or arising in or related to a case under Title 11 which were pending in the Bankruptcy Court of the Northern District of Texas on June 27, 1984, which have been filed in this district since that date and which may be filed herein hereafter (except those cases and proceedings now pending on appeal) be and they hereby are referred to the Bankruptcy Judges of this district for consideration and resolution consistent with law.

It is further ORDERED that the Bankruptcy Judges for the Northern District of Texas be, and they hereby are, directed to exercise the authority and responsibilities conferred upon them as Bankruptcy Judges by the Bankruptcy Amendments and Federal Judgeship Act of 1984 and this court's order of reference, as to all cases and proceedings covered by this order from and after June 27, 1984.

In accordance with 28 U.S.C. Section 157(b)(5), it is further ORDERED that all personal injury tort and wrongful death claims arising in or related to a case under Title 11 pending in this court shall be tried in, or as determined by, this court and shall not be referred by this order.

So ORDERED this the 3rd day of August, 1984.

/s/ Halbert O. Woodward
HALBERT O. WOODWARD
CHIEF JUDGE
NORTHERN DISTRICT OF TEXAS

APPENDIX B

FEE APPLICATION COVER SHEET

Interim / Final Fee Application of:

Capacity:_____ **Time Period:**_____

Bankruptcy Petition Filed on: _____

Date of Entry of Retention Order:_____ **Status of Case:**_____

Amount Requested:		**Reductions:**	
Fees:	$ _____	Voluntary fee reductions:	$ _____
Expenses:	$ _____	Expense reductions:	$ _____
Other:	$ _____	**Total Reductions:**	$ _____
Total:	$ _____		

Draw Down Request:		**Expense Detail:**	
Retainer Received:	$ _____	Copies - per page cost and total:	$ _____
Previous Draw Down(s):	$ _____	Fax - per page cost and total:	$ _____
Remaining Retainer (now):	$ _____	Computer Research:	$ _____
Requested Draw Down:	$ _____	Other:	$ _____
Retainer Remaining (after):	$ _____	Other:	$ _____

Hourly Rates	**Attorney/Accountant**	**Paralegal/Clerical**
Highest Billed Rate:	$ _____	$ _____
Total Hours Billed:	_____	_____
Blended Rate:	$ _____	$ _____

APPENDIX C

FREQUENTLY USED ADDRESSES OF GOVERNMENTAL AGENCIES AND STANDING CHAPTER 12 AND CHAPTER 13 TRUSTEE ADDRESSES

FEDERAL

UNITED STATES TRUSTEE
Office of the United States Trustee
1100 Commerce Street, Room 976
Dallas, TX 75242-1699

INTERNAL REVENUE SERVICE
Internal Revenue Service *(eff. 1/1/2011)*
Special Procedures-Insolvency
P.O. Box 7346 (replaces P.O. Box 21126)
Philadelphia, PA 19101-7346

UNITED STATES ATTORNEY
Office of the United States Attorney
3rd Floor, 1100 Commerce Street
Dallas, Texas 75242-1699

ATTORNEY GENERAL OF THE UNITED STATES
Office of the Attorney General
Main Justice Building, Room 5111
10th & Constitution Avenue, N.W.
Washington, D.C. 20530

DEPARTMENT OF AGRICULTURE

For farm loans, farm programs and Commodity Credit Corporation:
Farm Service Agency, USDA
2405 Texas Ave. South
College Station, Texas 77840

For house loans:
Rural Housing Service, USDA
Centralized Servicing Center
P.O. Box 66879
St. Louis, MO 63166-6879

For apartment loans:
Rural Housing Service, USDA
Rural Development State Office
Attn: Multi-Family Housing Section
101 South Main Street
Temple, Texas 76501

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Dallas and Fort Worth Divisions:
HUD
1600 Throckmorton
Fort Worth, Texas 76113

Lubbock and Amarillo Divisions:
HUD
1205 Texas Avenue
Lubbock, Texas 79401

Rev. 3/27/2012

SMALL BUSINESS ADMINISTRATION

Dallas and Fort Worth Divisions:
Small Business Administration
4300 Amon Carter Blvd. Suite 114
Fort Worth, Texas 76155

Lubbock and Amarillo Divisions:
Small Business Administration
1205 Texas Avenue, Room 408
Lubbock, Texas 79401-2693

DEPARTMENT OF VETERAN'S AFFAIRS

Department of Veteran's Affairs
Regional Office
Finance Section (24)
One Veterans plaza
701 Clay Avenue
Waco, Texas 76799

UNITED STATES POSTAL SERVICE

United States Postal Service
Law Department, Southwest Field Office
P.O. Box 227078
Dallas, Texas 75222-7078

STATE OF TEXAS

ATTORNEY GENERAL

For notices other than in child support matters:
Texas Attorney General's Office
Bankruptcy-Collections Division
P.O. Box 12548
Austin, Texas 78711-2548
Notices involving child support matters should be sent to the Child Support Division Branch Office handling the individual debtor's case.

COMPTROLLER OF PUBLIC ACCOUNTS

State Comptroller of Public Accounts
Revenue Accounting Division-
Bankruptcy Section
P.O. Box 13528
Austin, Texas 78711

TEXAS ALCOHOL BEVERAGE COMMISSION

Texas Alcohol Beverage Commission
License and Permits Division
P.O. Box 13127
Austin, Texas 7871-312

TEXAS WORKFORCE COMMISSION

Texas Workforce Commission
TEC Building - Bankruptcy
101 East 15th Street
Austin, Texas 78778

CITY OF DALLAS

Dallas City Secretary's Office
1500 Marilla Street, Suite 5DS
Dallas, TX 75201
citysecretary@dallascityhall.com

APPENDIX D

DIVISIONAL LISTING OF COUNTIES

The following listing of counties by division is adapted from 28 U.S.C. § 124:

1) The Abilene Division includes the following counties:

Callahan	Howard	Nolan	Stonewall
Eastland	Jones	Shackleford	Taylor
Fisher	Mitchell	Stephens	Throckmorton
Haskell			

2) The Amarillo Division includes the following counties:

Armstrong	Deaf Smith	Hutchinson	Potter
Brisco	Donley	Lipscomb	Randall
Carson	Gray	Moore	Roberts
Castro	Hall	Ochiltree	Sherman
Childress	Hansford	Oldham	Swisher
Collingsworth	Hartley	Parmer	Wheeler
Dallam	Hemphill		

3) The Dallas Division includes the following counties:

Dallas	Hunt	Kaufman	Rockwall
Ellis	Johnson	Navarro	

4) The Fort Worth Division includes the following counties:

Comanche	Hood	Palo Pinto	Tarrant
Erath	Jack	Parker	Wise

5) The Lubbock Division includes the following counties:

Bailey	Dickens	Hockley	Motley
Borden	Floyd	Kent	Scurry
Cochran	Gaines	Lamb	Terry
Crosby	Garza	Lubbock	Yoakum
Dawson	Hale	Lynn	

6) The San Angelo Division includes the following counties:

Brown	Crockett	Mills	Sterling
Coke	Glasscock	Reagan	Sutton
Coleman	Irion	Runnels	Tom Green
Concho	Menard	Schleicher	

7) The Wichita Falls Division includes the following counties:

Archer	Cottle	King	Wichita
Baylor	Foard	Knox	Wilbarger
Clay	Hardeman	Montague	Young

APPENDIX E

PROCEDURES FOR COMPLEX CHAPTER 11 CASES

The following procedures shall be implemented in complex Chapter 11 cases.

1. A complex Chapter 11 case is defined as a case filed in this district under Chapter 11 of the Bankruptcy Code that requires special scheduling and other procedures because of a combination of the following factors:

a. The size of the case (usually total debt of more than $10 million);
b. The large number of parties in interest in the case (usually more than 50 parties in interest in the case);
c. The fact that claims against the debtor and/or equity interests in the debtor are publicly traded (with some creditors possibly being represented by indenture trustees); or
d. Any other circumstances justifying complex case treatment.

2. Expedited means a matter which, for cause shown, should be heard on less than 23 days notice. Emergency means a matter which, for cause shown, should be heard on less than 7 days notice.

3. If any party filing a Chapter 11 bankruptcy petition believes that the case should be classified as a complex Chapter 11 case, the party shall file with the bankruptcy petition a Notice of Designation as Complex Chapter 11 Case in the form.

4. If a party has First Day" matters requiring emergency consideration by the court, it should submit a Request for Emergency Consideration of Certain First Day Matters.

5. Each judge shall arrange the judge's calendar so that first day emergency hearings, as requested in the court-approved form entitled Request for Emergency Consideration of Certain First Day Matters, can be conducted consistent with the Bankruptcy Code and Rules, including Rule 4001, as required by the circumstances, but not more than 2 days after the request for emergency first day" hearings.

6. When a party has filed a Chapter 11 case and filed a Notice of Designation as Complex Chapter 11 Case, the Clerk of Court shall:

a. Generally assign the case to a judge in accordance with the usual procedures and general orders of the district or division;
b. Immediately confer with the court about designating the case as a complex Chapter 11 case and about setting hearings on emergency or first day motions. If the court determines that the case does not qualify as a complex Chapter 11 case, the court shall issue an Order Denying Complex Case Treatment. If the court determines that the case appears to be a complex Chapter 11 case, the court shall issue an Order Granting Complex Chapter 11 Case Treatment; and

c. Notify and serve counsel for the debtor with the order entered by the court relating to the complex case treatment and notify counsel for the debtor regarding the hearing settings for emergency first day matters.

7. Counsel for the debtor, upon receipt of notice of entry of an order regarding complex Chapter 11 case treatment, shall,

a. Serve the order granting or denying complex Chapter 11 case on all parties in interest within 7 days.
b. Provide notice of the first day emergency hearings in accordance with the Procedures for Obtaining Hearings in Complex Chapter 11 Cases.

8. Counsel shall follow the Agenda Guidelines for Hearings in Complex Chapter 11 Cases and the Guidelines For Mailing Matrices and Shortened Service Lists.

PROCEDURES FOR OBTAINING HEARINGS IN COMPLEX CHAPTER 11 CASES

I. Hearing on First Day Matters: Official Forms for Request for Expedited Consideration of Certain First Day Matters.

Upon the filing of a complex Chapter 11 case, if the debtor has matters that require expedited consideration ("first day" or "near first day" relief), the debtor should file a "Request for Expedited Consideration of Certain 'First Day' Matters" using the form of Exhibit B to the Procedures for Complex Chapter 11 Cases ("First Day Hearing Request"). The first day hearing request will be immediately forwarded by the clerk of court to the judge who has been assigned the complex Chapter 11 case (or if there are multiple, related debtor cases, to the judge assigned to the first-filed case). The court will hold a hearing within 2 days of the time requested by the debtor's counsel and the courtroom deputy will notify counsel for the debtor of the time of the setting. If the judge assigned to the complex Chapter 11 case is not available to hold the hearing within 2 days of the time requested by the debtor's counsel, an available judge will hold a hearing within 2 days of the time requested by the debtor's counsel and the courtroom deputy will notify counsel for the debtor of the time of the setting. The debtor's counsel should (1) serve by fax and electronically, if the email address is available, (or by immediate hand-delivery) a copy of the first day hearing request on all affected parties, including the U.S. Trustee, simultaneously with its filing; and (2) notify by fax and electronically, if the email address is available, or telephonically (or by immediate hand delivery) all affected parties of the hearing time on first day matters as soon as possible after debtor's counsel has received confirmation from the court. The court will allow parties in interest to participate telephonically at the hearing on first day matters whenever (and to the extent) practicable, and debtor's counsel will be responsible for the coordination of the telephonic participation.

II. Pre-Set Hearing Dates.

The debtor may request (as one of its first day matters or otherwise) that the court establish in a complex Chapter 11 case a weekly/bi-monthly/monthly setting time ("Pre-Set Hearing Dates") for hearings in the complex Chapter 11 case (e.g., every Wednesday at 1:30 p.m.). The court will accommodate this request for pre-set hearing dates in a complex Chapter 11 case if it appears justified. After pre-set hearing dates are established, all matters in the complex Chapter 11 case (whether initiated by a motion of the debtor or by another party in interest) will be set upon approval by the courtroom deputy on the first pre-set hearing date that is at least 23 days after the filing/service of a particular motion (unless otherwise requested by a party or ordered by the court) and the movant shall indicate the hearing date and time on the face of the pleading.

II. Notice of Hearing

Notice of hearing of matters scheduled for pre-set hearing dates shall be accomplished in the following manner in each district:

Northern District: By the moving party, who shall file a notice of hearing with a certificate of service that proper notice has been accomplished in accordance with these procedures.

Western District: By the moving party, who shall file a certificate that the notice has been accomplished in accordance with these procedures.

Southern District: See Southern District of Texas procedures.

Eastern District: By the moving party, who shall file a certificate that the notice has been accomplished in accordance with these procedures.

IV. Case Emergencies (Other than the First Day Matters).

If a party in interest has an emergency or other situation that it believes requires consideration on less than 23-days' notice, the party should file and serve, a separate, written motion for expedited hearing, in respect of the underlying motion, and may present the motion for an expedited hearing either (a) ex parte at a regular docket call of the presiding judge, or (b) at the next available pre-set hearing date. The court will rule on the motion for expedited hearing within 24 hours of the time it is presented. If the court grants the motion for expedited hearing, the underlying motion will be set by the courtroom deputy at the next available pre-set hearing date or at some other appropriate shortened date approved by the court. Motions for expedited hearings will only be granted under emergency or exigent circumstances.

AGENDA GUIDELINES FOR HEARINGS IN COMPLEX CHAPTER 11 CASES

In complex Chapter 11 cases where five or more matters are noticed for the same hearing date, counsel for the debtor-in-possession, the party requesting the hearings, or trustee shall file and serve an agenda describing the nature of the items set for hearing.

1. Timing of Filing. Counsel shall file an agenda at least 24 hours prior to the date and time of the hearing. At the same time, counsel shall also serve the agenda (or confirm electronic service has been effectuated) upon all attorneys who have filed papers with respect to the matters scheduled and upon the service list.

2. Sequence of Items on Agenda. Uncontested matters should be listed ahead of contested matters. Contested matters should be listed in the order in which they appear on the court's docket.

3. Status Information. For each motion filed in the complex Chapter 11 case, each motion filed in an adversary proceeding concerning the Chapter 11 case, each objection to claim, or application concerning the case, the agenda shall indicate the moving party, the nature of the motion, the docket number of the pleadings, if known, the response deadline, and the status of the matter. The status description should indicate whether the motion is settled, going forward, whether a continuance is requested (and any opposition to the continuance, if known) and any other pertinent information.

4. Information for Motions in the Case. For each motion that is going forward, or where a continuance request is not consensual, the agenda shall also list all pleadings in support of the motion, and any objections or responses. Each pleading listed shall identify the entity that filed the pleading and the docket number of the pleading, if known. If any entity has not filed a responsive pleading, but has engaged in written or oral communications with the debtor, that fact should be indicated on the agenda, as well as the status or outcome of those communications. For an omnibus objection to claims, responses to the objection which have been continued by consent may be listed collectively (e.g., the following responses have been continued by consent:).

5. Changes in Agenda Information. After the filing of the agenda, counsel shall notify judge s chambers by phone or letter of additional related pleadings that have been filed, and changes in the status of any agenda matter.

6. The requirements listed above should not be construed to prohibit other information of a procedural nature that counsel thinks would be helpful to the court.

ALL MOTIONS AND PLEADINGS SHALL CONTAIN THE HEARING DATE AND TIME BELOW THE CASE/ADVERSARY NUMBER.

GUIDELINES FOR MAILING MATRICES AND SHORTENED SERVICE LISTS IN COMPLEX CHAPTER 11 CASES

I. Mailing List or Matrix (a/k/a the Rule 2002 Notice List)

A. Helpful Hints Regarding Whom to Include on the Mailing Matrix in a Complex Chapter 11 Case.

There are certain events and deadlines that occur in a Chapter 11 case which Bankruptcy Rule 2002 requires be broadly noticed to all creditors, indenture trustees, equity interest holders, and other parties in interest ("Rule 2002 notice list"). To facilitate this, Local Bankruptcy Rule 1007-2 requires a debtor to file a mailing list or matrix at the commencement of any case. This list must include all creditors, equity interest holders, and certain other parties in interest (who might be impacted by any relief granted in the bankruptcy case), in order to ensure that parties receive reasonable and adequate notice and are insured due process. When preparing the mailing matrix and after consultation with the clerk of court, debtor's counsel shall evaluate and consider whether the following people are required to be included:

1. Creditors (whether a creditor's claim is disputed, undisputed, contingent, non-contingent, liquidated, unliquidated, matured, unmatured, fixed, legal, equitable, secured or unsecured);
2. Indenture trustees:
3. Financial institutions at which the debtor has maintained accounts (regardless of whether such institutions are creditors);
4. Vendors with whom the debtor has dealt, even if the debtor's records currently indicate no amount is owed;
5. Parties to contracts, executory contracts or leases with the debtor;
6. All federal, state, or local taxing authorities with which the debtor deals, including taxing authorities in every county in which the debtor owns real or personal property with regard to which ad valorem taxes might be owed;
7. All governmental entities with which the debtor might interact (including, but not limited to, the U.S. Trustee and the SEC);
8. Any party who might allege a lien on property of the debtor;
9. Parties to litigation involving the debtor;
10. Parties with which the debtor might be engaged in some sort of dispute, whether or not a claim has formally been made against the debtor;
11. Tort claimants or accident victims;
12. Insurance companies with whom the debtor deals or has policies;
13. Active and retired employees of the debtor;
14. Officers or directors of the debtor;
15. Customers who are owed deposits, refunds, or store credit;
16. Utilities;
17. Shareholders (preferred and common), holders of options, warrants or other rights or equitable interests in the debtor;

18. Miscellaneous others who, in debtor's counsel's judgment, might be entitled to "party in interest" status or who have requested notice.

B. Flexible ("User-Friendly") Format Rules for Mailing Matrix in a Complex Chapter 11 Case in Which Debtor's Counsel Serves Notices.

In a complex Chapter 11 case, where the mailing matrix is likely to be very lengthy, the following special format rules will apply, in lieu of Local Bankruptcy Rule 1007-2, whenever it is the debtor's responsibility to serve notices in the case. The debtor (since it will typically be the party serving all notices in the Chapter 11 case rather than the clerk of court) may create the mailing matrix in whatever format it finds convenient so long as it is neatly typed in upper and lower case letter-quality characters (in no smaller than 10 point and no greater than 14 point type, in either Courier, Times Roman, Helvetica or Orator font) on 8-1/2 x 11 inch blank, unlined, standard white paper. The mailing matrix, if lengthy, should ideally include separate subheadings throughout, to help identify categories of parties in interest. By way of example the following subheadings (among others) might be used:

Debtor and its Professionals
Secured Creditors
Indenture Trustees
Unsecured Creditors
Governmental Entities
Current and Retired Employees
Officers and Directors
Tort Claimants
Parties to Executory Contracts
Equity Interest Holders
Etc.

Parties in interest within each category/subheading should be listed alphabetically. Also, the mailing matrix may be filed in separate volumes, for the separate categories of parties of interest, if the mailing matrix is voluminous (e.g., Volume 2: Unsecured Creditors). Finally, if there are multiple, related debtors and the debtors intend to promptly move for joint administration of their cases, the debtors may file a consolidated mailing matrix, subject to later being required to file separate mailing matrices if joint administration is not permitted.

C When Inclusion of Certain Parties in Interest on a Mailing Matrix is Burdensome.

If inclusion of certain categories of parties in interest on the mailing matrix would be extremely impracticable, burdensome and costly to the estate, the debtor may file a motion, pursuant to Bankruptcy Rule 2002(1), requesting authority to provide notice by publication in lieu of mailing certain notices to certain categories of parties in

interest and may forego including those categories of parties in interest on the mailing matrix in the court grants the motion.

II. Shortened Service List Procedure in a Complex Chapter 11 Case.

A. Procedures/Contents/Presumptions.

If the court has entered an order granting complex Chapter 11 case treatment, the debtor shall provide service as required by ¶1 of that order. If the court has not entered such an order, the debtor may move to limit notice - that is, for approval of a shortened service list - that will be acceptable for noticing most events in the bankruptcy case, other than those events/deadlines that Bankruptcy Rule 2002 contemplates be served on all creditors and equity interest holders. At a minimum, the shortened list should include the debtor and its professionals, the secured creditors, the 20 largest unsecured creditors, any official committees and the professional for same, the U.S. Trustee, the IRS and other relevant governmental entities, and all parties who have requested notice. Upon the court's approval of a shortened service list in a complex Chapter 11 case, notice in any particular situation during a case shall be presumed adequate if there has been service on (1) the most current service list on file in the case; plus (2) any other party directly affected by the relief requested and not otherwise included on the service list.

B. Obligation to Update, File and Serve Service List

The debtor must update the service list as parties request to be added to it or as circumstances otherwise require. To be added to the list, a party should file a notice of appearance and request for service and serve the notice on debtor's counsel. Parties should include fax or email transmission information if they wish to receive expedited service of process during the case. Additionally, the debtor should file an updated service list and should serve a clean and redlined copy of the updated service list on all parties on the service list weekly for the first month after filing, then bi-monthly for the next 60 days, then monthly thereafter during the pendency of the case. If, in a particular month, there are no changes to the service list, the debtor should simply file a notice with the court so stating.

APPENDIX F

GUIDELINES FOR COMPENSATION AND REIMBURSEMENT OF PROFESSIONALS IN CHAPTER 11 CASES

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

GUIDELINES FOR COMPENSATION AND EXPENSE REIMBURSEMENT OF PROFESSIONALS

EFFECTIVE JANUARY 1, 2001

NOTICE

The following are guidelines governing the most significant issues related to applications for compensation and expense reimbursement. The guidelines cover the narrative portion of an application, time records, and expenses. It applies to all professionals with the exception of chapter 7 and chapter 13 trustees, but is not intended to cover every situation. All professionals are required to exercise reasonable billing judgment, notwithstanding total hours spent.

If, in a chapter 11 case, a professional to be employed pursuant to section 327 or 1103 of the Bankruptcy Code desires to have the terms of its compensation approved pursuant to section 328(a) of the Bankruptcy Code at the time of such professional's retention, then the application seeking such approval should so indicate and the Court will consider such request after an evidentiary hearing on notice to be held after the United States trustee has had an opportunity to form a statutory committee of creditors pursuant to section 1102 of the Bankruptcy Code and the debtor and such committee have had an opportunity to review and comment on such application. At a hearing to consider whether a professional's compensation arrangement should be approved pursuant to section 328(a), such professional should be prepared to produce evidence that the terms of compensation for which approval under section 328(a) is sought comply with the certification requirements of section I.G(3) of these guidelines.

I. NARRATIVE

A. Employment and Prior Compensation

The application should disclose the date of the order approving applicant's employment and contain a clear statement itemizing the date of each prior request for compensation, the amount requested, the amount approved, and the amount paid.

B. Case Status

With respect to interim requests, the application should briefly explain the history and the present posture of the case, including a description of the status of pending litigation and the amount of recovery sought for the estate.

In chapter 11 cases, the information furnished should describe the general operations of the debtor; whether the business of the debtor, if any, is being operated at a profit or loss; the debtor's cash flow; whether a plan has been filed, and if not, what the prospects are for reorganization and when it is anticipated that a plan will be filed and a hearing set on the disclosure statement.

In chapter 7 cases, the application should contain a report of the administration of the case including the disposition of property of the estate; when property remains to be disposed of: why the estate is not in a position to be closed; and whether it is feasible to pay an interim dividend to creditors.

In both chapter 7 and chapter 11 cases, the application should state the amount of money on hand in the estate and the estimated amount of other accrued expenses of administration. On applications for interim fees, the applicant should orally supplement the application at the hearing to inform the Court of any changes in the current financial status of the debtor's estate since the filing of the application. All retainers, previous draw downs, and fee applications and orders should be listed specifying the date of the event and the amounts involved and drawn down or allowed.

With respect to final requests, applications should meet the same criteria except where a chapter 7 trustee's final account is being heard at the same time, the financial information in final account need not be repeated.

Fee applications submitted by special counsel seeking compensation from a fund generated directly by their efforts, auctioneers, real estate brokers, or appraisers do not have to comply with the above. For all other application, when more than one application is noticed for the same hearing, they may, to the extent appropriate, incorporate by reference the narrative history furnished in a contemporaneous application.

C. Project Billing

This is required in all cases where the applicant's professional fee is expected to exceed $10,000.00. The narrative should be categorized by subject matter, and separately discuss each

professional project or task. All work for which compensation is requested should be in a category. Miscellaneous items may be included in a category such as "Case Administration." The professional may use reasonable discretion in defining projects for this purpose, provided that the application provides meaningful guidance to the Court as to the complexity and difficulty of the task, the professional's efficiency, and the results achieved. With respect to each project or task, the number of hours spent and the amount of compensation and expenses requested should be set forth at the conclusion of the discussion of that project or task. In larger cases with multiple professionals, efforts should be made by the professionals for standard categorization.

D. Billing Summary

Hours and total compensation requested in each application should be aggregated and itemized as to each professional and paraprofessional who provided compensable services. Dates of changes in rates should be itemized as well as reasons for said changes.

E. Paraprofessionals

Fees may be sought for paralegals, professional assistants and law clerks only if identified as such and if the application includes a resume or summary of the paraprofessional's qualifications.

F. Preparation of Application

Reasonable fees for preparation of a fee application and responding to objections thereto may be requested. The aggregate number of hours spent, the amount requested, and the percentage of the total request which the amount represents must be disclosed. If the actual time spent will be reflected and charged in a future fee application, this fact should be stated, but an estimate provided, nevertheless.

G. Certification

Each application for compensation and expense reimbursement must contain a certification by the professional designated by the applicant with the responsibility in the particular case for compliance with these guidelines ("Certifying Professional") that 1) the Certifying Professional has read the application: 2) to the best of the Certifying Professional's knowledge, information and belief, formed after reasonable inquiry, the compensation and expense reimbursement sought is in conformity with these guidelines, except as specifically noted in the application; and 3) the compensation and expense reimbursement requested are billed at rates, in accordance with practices, no less favorable than those customarily employed by the applicant and generally accepted by the applicant's clients.

H. Interim Compensation Arrangements in Complex Cases

In a complex case, the Court may, upon request, consider at the outset of the case approval of an interim compensation mechanism for estate professionals that would enable

professionals on a monthly basis to be paid up to 80% of their compensation for services rendered and reimbursed up to 100% of their actual and necessary out of pocket expenses. In connection with such a procedure, if approved in a particular complex case, professionals shall be required to circulate monthly billing statements to the U.S. Trustee and other primary parties in interest, and the Debtor in Possession or Trustee will be authorized to pay the applicable percentage of such bill not disputed or contested by a party in interest.

II. TIME RECORDS

A. Time Records Required

All professionals, except auctioneers, real estate brokers, and appraisers must keep accurate contemporaneous time records.

B. Increments

Professionals are required to keep time records in minimum increments no greater than six minutes. Professionals who utilize a minimum billing increment greater than 1 hour are subject to a substantial reduction of their requests.

C. Descriptions

At a minimum, the time entries should identify the person performing the service, the date(s) performed, what was done, and the subject involved. Mere notations of telephone calls, conferences, research, drafting, etc., without identifying the matter involved, may result in disallowance of the time covered by the entries.

D. Grouping of Tasks

If a number of separate tasks are performed on a single day, the fee application should disclose the time spent for each such task, i.e., no “grouping” or “clumping.” Minor administrative matters may be lumped together where the aggregate time attributed thereto is relatively minor. A rule of reason applies as to how specific and detailed the breakdown needs to be. For grouped entries, the applicant must accept the Court inferences therefrom.

E. Conferences

Professionals should be prepared to explain time spent in conferences with other professionals or paraprofessionals in the same firm. Relevant explanation would include complexity of issues involved and the necessity of more individuals’ involvement. Failure to justify this time may result in disallowance of all, or a portion of, fees related to such conferences.

F. Multiple Professionals

Professional should be prepared to explain the need for more than one professional or paraprofessional from the same firm at the same court hearing, deposition, or meeting. Failure to justify this time may result in compensation for only the person with the lowest billing rate. The Court acknowledges, however, that in complex chapter 11 cases the need for multiple professionals' involvement will e more common and that in hearings involving multiple or complex issues, a law firm may justifiably be required to utilize multiple attorneys as the circumstances of the case require.

G. Travel Time

Travel time is compensable at one-half rates, but work actually done during travel time is fully compensable.

H. Administrative Tasks

Time spent in addressing, stamping and stuffing envelopes, filing, photocopying or "supervising" any of the foregoing is generally not compensable, whether performed by a professional, paraprofessional, or secretary.

III. EXPENSES

A. Firm Practice

The Court will considered the customary practice of the firm in charging or not charging non-bankruptcy/insolvency clients for particular expense items. Where any other clients, with the exception of pro-bono clients, are not billed for a particular expense, the estate should not be billed. Where expenses are billed to all other clients, reimbursement should be sought at the least expensive rate the firm or professional charges to any client for comparable services or expenses. It is recognized that there will be differences in billing practices among professionals.

B. Actual Cost

This is defined as the amount paid to a third party provider of goods or services without enhancement for handling or other administrative charge.

C. Documentation

This must be retained and made available upon request for all expenditures in excess of $50.00. Where possible, receipts should be obtained for all expenditures.

D. Office Overhead

This is not reimbursable. Overhead includes: secretarial time, secretarial overtime (where clear necessity for same has not been shown), word processing time, charges for after-hour and

weekend air conditioning and other utilities, and cost of meals, or transportation provided to professionals and staff who work late or on weekends.

E. Word Processing

This is not reimbursable.

F. Computerized Research

This is reimbursable at actual cost. For large amounts billed to computerized research, significant explanatory detail should be furnished.

G. Paraprofessional Services

These services may be compensated as a paraprofessional under §330, but not charged or reimbursed as an expense.

H. Professional Services

A professional employed under §327 may not employ, and charge as an expense, another professional (e.g., special litigation counsel employing an expert witness) unless the employment of the second professional is approved by the Court prior to the rendering of service.

I. Photocopies (Internal)

Charges must be disclosed on an aggregate and per-page basis. If the per-page cost exceeds $.20, the professional must demonstrate to the satisfaction of the Court, with data, that the per-page cost represents a good faith estimate of the actual cost of the copies, based upon the purchase or lease cost of the copy machine and supplies therefor, including the space occupied by the machine, but not including time spent in operating the machine.

J. Photocopies (Outside)

This item is reimbursable at actual cost.

K. Postage

This is reimbursable at actual cost.

L. Overnight Delivery

This is reimbursable at actual cost where it is shown to be necessary. The court acknowledges that in complex chapter 11 cases overnight delivery or messenger services may often be appropriate, particularly when shortened notice of a hearing has been requested.

M. Messenger Service

This is reimbursable at actual cost where it is shown to be necessary. An in-house messenger service is reimbursable, but the estate cannot be charged more than the cost of comparable services available outside the firm.

N. Facsimile Transmissions

The actual cost of telephone charges for outgoing transmissions is reimbursable. Transmissions received are reimbursable on a per-page basis. If the per-page cost exceeds $.20, the professional must demonstrate, with data, to the satisfaction of the Court, that the per-page cost represents a good faith estimate of the actual cost of the copies, based upon the purchase or lease cost of the facsimile machine and supplies therefor, including the space occupied by the machine, but not including time spent in operating the machine.

O. Long Distance Telephone

This is reimbursable at actual cost.

P. Parking

This is reimbursable at actual cost.

Q. Air Transportation

Air travel is expected to be at regular coach fare for all flights.

R. Hotels

Due to wide variation in hotel costs in various cities, it is not possible to establish a single guideline for this type of expense. All persons will be required to exercise reasonable discretion and prudence in connection with hotel expenditures.

S. Meals (Travel)

Reimbursement may be sought for the reasonable cost of breakfast, lunch and dinner while traveling.

T. Meals (Working)

Working meals at restaurants or private clubs are not reimbursable. Reasonable reimbursement may be sought for working meals only where food is catered to the professional's office in the course of a meeting with clients, such as a Creditors' Committee, for the purpose of allowing the meeting to continue through a normal meal period.

U. Amenities

Charges for entertainment, alcoholic beverages, newspapers, dry cleaning, shoe shines, etc. are not reimbursable.

V. Filing Fees

These are reimbursable at actual cost.

W. Court Reporter Fees

These are reimbursable at actual cost.

X. Witness Fees

These are reimbursable at actual cost.

Y. Process Service

This is reimbursable at actual cost.

Z. UCC Searches

These are reimbursable at actual cost.

APPENDIX G

GUIDELINES FOR EARLY DISPOSITION OF ASSETS IN CHAPTER 11 CASES, THE SALE OF SUBSTANTIALLY ALL ASSETS UNDER 11 U.S.C. § 363 AND OVERBID AND TOPPING FEES

The following guidelines are promulgated as a result of the increasing use of pre-negotiated or pre-packaged plans and 11 U.S.C. § 363 sales to dispose of substantially all assets of a Chapter 11 debtor shortly after the filing of the petition. The guidelines recognize that parties in interest perceive the need at times to act expeditiously on such matters. In addition, the guidelines are written to provide procedural protection to the parties in interest. The court will consider requests to modify the guidelines to fit the circumstances of a particular case.

OVERBIDS AND TOPPING FEES

1. Topping Fees and Break-up Fees. Any request for the approval of a topping fee or break-up fee provision shall be supported by a statement of the precise conditions under which the topping fee or break-up fee would be payable and the factual basis on which the seller determined the provision was reasonable. The request shall also disclose the identities of other potential purchasers, the offers made by them (if any), and the nature of the offer, including, without limitation, any disclosure of their plans as it relates to retention of debtor's employees.

2. Topping fees, break-up fees, overbid amounts and other buyer protection provisions will be reviewed on a case by case basis and approved if supported by evidence and case law. Case law may not support buyer protection provisions for readily marketable assets.

3. In connection with a request to sell substantially all assets under § 363 within 60 days of the filing of the petition, buyer protections may be considered upon motion, on an expedited basis.

THE SALE OF SUBSTANTIALLY ALL ASSETS UNDER SECTION 363 WITHIN 60 DAYS OF THE FILING OF THE PETITION

1. The Motion to Sell. In connection with any hearing to approve the sale of substantially all assets at any time before 60 days after the filing of the petition, a motion for an order authorizing a sale procedure and hearing or the sale motion itself when regularly noticed, should include factual information on the following points:

   a. Creditors' Committee. If a creditors' committee existed pre-petition, indicate the date and manner in which the committee was formed, as well as the identity of the members of the committee and the companies with which they are affiliated.

b. Counsel for Committee. If the pre-petition creditors' committee retained counsel, indicate the date counsel was engaged and the selection process, as well as the identify of committee counsel.

c. Sale Contingencies. Statement of all contingencies to the sale agreement, together with a copy of the agreement.

d. Creditor Contact List. If no committee has been formed, a list of contact persons, together with fax and phone numbers for each of the largest 20 unsecured creditors.

e. Administrative Expenses. Assuming the sale is approved, an itemization and an estimate of administrative expenses relating to the sale to be incurred prior to closing and the source of payment for those expenses.

f. Proceeds of Sale. An estimate of the gross proceeds anticipated from the sale, together with an estimate of the new proceeds coming to the estate with an explanation of the items making up the difference. Itemize all deductions that are to be made from gross sale proceeds and include a brief description of the basis for any such deductions.

g. Debt Structure of Debtor. A brief description of the debtor's debt structure, including the amount of the debtor's secured debt, priority claims and general unsecured claims.

h. Need for Quick Sale. An extensive description of why the assets of the estate must be sold on an expedited basis. Include a discussion of alternatives to the sale.

i. Negotiating Background. A description of the length of time spent in negotiating the sale, and which parties in interest were involved in the negotiation, along with a description of the details of any other offers to purchase, including, without limitation, the potential purchaser's plans in connection with retention of the debtor's employees.

j. Marketing of Assets. A description of the manner in which the assets were marketed for sale, including the period of time involved and the results achieved.

k. Decision to Sell. The date on which the debtor accepted the offer to purchase the assets.

l. Relationship of Buyer. A statement identifying the buyer and setting forth all of the buyer's (including its officers, directors and shareholders) connections with the debtor, creditors, any other party in interest, their respective attorneys, accountants, the U.S. Trustee or any person employed in the office of the U.S. Trustee.

m. Post Sale Relationship with Debtor. A statement setting forth any relationship or connection the debtor (including its officers, directors, shareholders and employees) will have with the buyer after the consummation of the sale, assuming it is approved.

n. Relationship with Secured Creditors. If the sale involves the payment of all or a portion of secured debt(s), a statement of all connections between debtor's officers, directors,

employees or other insiders and each secured creditor involved (for example, release of insider's guaranty).

o. Insider Compensation. Disclosure of current compensation received by officers, directors, key employees or other insiders pending approval of the sale.

p. Notice Timing. Notice of the hearing on the motion to approve the motion to sell will be provided as is necessary under the circumstances.

2. Proposed Order Approving Sale. A proposed order approving the sale must be included with the motion or the notice of hearing. A proposed final order and redlined version of the order approving the sale should be provided to chambers twenty-four hours prior to the hearing.

3. Good Faith Finding. There must be an evidentiary basis for a finding of good faith under 11 U.S.C §363(m).

4. Competing Bids. Unless the court orders otherwise, competing bids may be presented at the time of the hearing. The motion to sell and the notice of hearing should so provide.

5. Financial Ability to Close. Unless the court orders otherwise, any bidder must be prepared to demonstrate to the satisfaction of the court, through an evidentiary hearing, its ability to consummate the transaction if it is the successful bidder, along with evidence regarding any financial contingencies to closing the transaction.

6. Hearing and Notice Regarding Sale. Unless the court orders otherwise, all sales governed by these guidelines, including auctions or the presentation of competing bids, will occur at the hearing before the court. The court may, for cause, including the need to maximize and preserve asset value, expedite a hearing on a motion to sell substantially all assets under §363.

APPENDIX H

CHECKLIST FORM AND COMMENTS
FOR MOTIONS AND ORDERS PERTAINING TO
THE USE OF CASH COLLATERAL AND POST- PETITION FINANCING

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
_____DIVISION

IN RE:	**§**	
	§	
_____	**§**	**CASE NO.**
		_____
DEBTOR.	**§**	
	§	**HEARING:_____**
	§	

ATTORNEY CHECKLIST CONCERNING MOTIONS AND ORDERS
PERTAINING TO USE OF CASH COLLATERAL AND
POST-PETITION FINANCING
(WHICH ARE IN EXCESS OF TEN (10) PAGES)

Motions and orders pertaining to cash collateral and post-petition financing matters tend to be lengthy and complicated. Although the Court intends to read such motions and orders carefully, it will assist the Court if counsel will complete this checklist. All references are to the Bankruptcy Code (§) or Rules. PLEASE NOTE:

* Means generally not favored by Bankruptcy Courts in this District.
** Means generally not favored by Bankruptcy Courts in this District without a reason and a time period for objections.

If your motion or order makes provision for any of the following, so indicate in the space provided:

CERTIFICATE BY COUNSEL

This is to certify that the following checklist fully responds to the Court's inquiry concerning material terms of the motion and/or proposed order:

Yes, at Page/Exhibit
Y means yes; N means no
N/A means not applicable
(Page Listing Optional)

1. Identification of Proceeding:

(a) Preliminary or final motion/order (circle one) _____
(b) Continuing use of cash collateral (§ 363) ..... _____
(c) New financing (§ 364) ..... _____
(d) Combination of §§ 363 and 364 financing ..... _____
(e) Emergency hearing (immediate and irreparable harm)

2. Stipulations:

(a) Brief history of debtor's businesses and status of debtor's prior relationships with lender ..... _____
(b) Brief statement of purpose and necessity of financing ..... _____
** (c) Brief statement of type of financing (i.e.) accounts receivable, inventory) .....
(d) Are lender's pre-petition security interest(s) and liens deemed valid, fully perfected and non-avoidable? ..... _____

(i) Are there provisions to allow for objections to above? ..... _____

(e) Is there a post-petition financing agreement between lender and debtor?.... _____

(i) If so, is agreement attached?..... _____

** f) If there is an agreement, are lender's post-petition security interests and liens deemed valid, fully perfected and non-avoidable?..... _____
(g) Is lender under secured or oversecured? (circle one) ..... _____
(h) Has lender's non-cash collateral been appraised? ..... _____

Insert date of latest appraisal ..... _____

(i) Is debtor's proposed budget attached?..... _____
(j) Are all pre-petition loan documents identified? ..... _____
(k) Are pre-petition liens on single or multiple assets? (circle one)..... _____
(l) Are there pre-petition guaranties of debt? ..... _____

Yes, at Page/Exhibit
Y means yes; N means no
N/A means not applicable
(Page Listing Optional)

(i) Limited or unlimited (circle one)..... _____

3. Grant of Liens:

* (a) Do post-petition liens secure pre-petition debts?..... _____
* (b) Is there cross-collaterization? ..... _____
** (c) Is the priority of post-petition liens equal to or higher than existing _____
** liens? ..... _____
(d) Do post-petition liens have retroactive effect? ..... _____
* (e) Are there restrictions on granting further liens or liens of equal or higher _____
** priority? _____
(f) Is lender given liens on claims under §§ 506(c), 544-50 and §§ 522? ..... _____
* (i) Are lender's attorney's fees to be paid?.....
(ii) Are debtor's attorney's fees excepted from § 506(c)?.....
(g) Is lender given liens upon proceeds of causes of action under §§ 544, 547, _____
and 548?

4. Administrative Priority Claims:

(a) Is lender given an administrative priority? ..... _____
(b) Is administrative priority higher than § _____
507(a)? ..... _____

(c) Is there a conversion of pre-petition secured claim to post-petition administrative claim by virtue of use of existing collateral? .....

5. Adequate Protection (§ 361):

(a) Is there post-petition debt service? ..... _____
(b) Is there a replacement/additional 361(1) lien? (circle one or both)..... _____
** (c) Is the lender's claim given super-priority? ..... _____
(§ 364(c) or (d)) [designate]..... _____
(d) Are there guaranties? ..... _____
(e) Is there adequate insurance coverage?..... _____
(f) Other?_____ _____

6. Waiver/Release Claims v. Lender:

** (a) Debtor waives or releases claims against lender, including, but not limited to, claims under §§ 506(c), 544-550, 552, and 553 of the Code?..... _____
** (b) Does the debtor waive defenses to claim or liens of lender?..... _____

Yes, at Page/Exhibit
Y means yes; N means no
N/A means not applicable
(Page Listing Optional)

7. Source of Post-Petition Financing (§ 364 Financing):

(a) Is the proposed lender also the pre-petition lender? ..... _____
(b) New post-petition lender? ..... _____
(c) Is the lender an insider? ..... _____

8. Modification of Stay:

** (a) Is any modified lift of stay allowed? ..... _____
** (b) Will the automatic stay be lifted to permit lender to exercise self-help upon default without further _____
order? _____
(c) Are there any other remedies exercisable without further order of court? ..... _____
(d) Is there a provision that any future modification of order shall not affect status of debtor's post-petition obligations to lender? .....

9. Creditors' Committee:

(a) Has creditors' committee been appointed? ..... _____
(b) Does creditors' committee approve of proposed financing? ..... _____

10. Restrictions on Parties in Interest:

** (a) Is a plan proponent restricted in any manner, concerning modification of lender's rights, liens and/or causes? ..... _____
** (b) Is the debtor prohibited from seeking to enjoin the lender in pursuit of rights? _____
_____
** (c) Is any party in interest prohibited from seeking to modify this order? ..... _____
(d) Is the entry of any order conditioned upon payment of debt to lender? ..... _____
(e) Is the order binding on subsequent trustee on conversion? .....

11. Nunc Pro Tunc:

** (a) Does any provision have retroactive effect? ..... _____

12. Notice and Other Procedures:

(a) Is shortened notice requested? ..... _____
(b) Is notice requested to shortened list? ..... _____
(c) Is time to respond to be shortened? ..... _____

Yes, at Page/Exhibit
Y means yes; N means no
N/A means not applicable
(Page Listing Optional)

(d) If final order sought, have 15 days elapsed since service of motion pursuant to Rule 4001(b)(2)? ..... _____

(e) If preliminary order sought, is cash collateral necessary to avoid immediate and irreparable harm to the estate pending a final hearing? ..... _____

(f) Is a Certificate of Conference included?..... _____

(g) Is a Certificate of Service included? ..... _____

(h) Is there verification of transmittal to U.S. Trustee included pursuant to Rule 9034? ..... _____

(i) Has an agreement been reached subsequent to filing motion? ..... _____

(i) If so, has notice of the agreement been served pursuant to Rule 4001(d)(1)? ..... _____

(ii) Is the agreement in settlement of motion pursuant to Rule 4001(d)(4)? ..... _____

(iii) Does the motion afford reasonable notice of material provisions of agreement pursuant to Rule 4001(d)(4)? ..... _____

(iv) Does the motion provide for opportunity for hearing pursuant to Rule 9014?

.....

SIGNED this the _____ day of _____, 20___.

[Firm Name]
By: _____
[Attorney's Name]
[Texas Bar No.]

[Address]
[Telephone Number]
[Email Address]
[Identification of role in case]

COMMENTS TO CASH COLLATERAL AND DIP FINANCING CHECKLIST

1. Interim vs. Final Orders

a. Stipulations in preliminary or interim orders should be minimized. Notice is generally not adequate to test the validity of stipulations, and they should be avoided to the extent not absolutely necessary to the interim approval process.

b. Simply state the nature of notice given; do not recite notice was "sufficient and adequate" since that is usually not the case particularly on the first day. The order should simply note that the financing is being approved pursuant to Bankruptcy Rule 4001(c)(2) authorizing such financing to avoid immediate and irreparable harm.

c. Adequate protection for the use of pre-petition cash collateral may be granted to the extent of a diminution of collateral. The court will not approve on an interim basis language that adequate protection is granted in the form of replacement liens on post-petition assets based on stipulations that use of cash collateral shall be deemed a dollar for dollar decrease in the value of the pre-petition collateral." At the final hearing, the court will consider evidence to determine the extent to which the lender's pre-petition collateral has or is likely to diminish in value. That evidence will inform the extent to which adequate protection will be granted.

d. The court expects that other parties in interest will be involved in the process of developing an interim cash collateral order to the extent practicable. If the court finds that the debtor and lender have not made reasonable efforts to afford the best notice possible, preliminary relief will not be granted until parties in interest have had a reasonable opportunity to review and comment on any proposed interim order.

e. Bankruptcy Rule 4001(b) and (c) limit the extent to which the court may grant relief on less than 15 days= notice. The debtor and the lender must negotiate interim orders within the confines of that authority. Interim orders shall be expressly without prejudice to the rights of parties in interest at a final hearing.

2. Stipulations

a. The lender may request a stipulation as to the amount, validity, priority and extent of the pre-petition documents. The stipulation will only be approved if the order provides the stipulation is binding on other parties in interest only after the passage of an appropriate period of time (customarily 90 days) during which the parties in interest will have the opportunity to test the validity of the lien and the allowance of the claim.

3. Grant of Liens

a. Liens granted in the cash collateral and DIP financing orders may not secure pre-petition debts. Financing orders should not be used to elevate a pre-petition lender=s collateral inadequacy to a fully secured status.

b. Avoidance actions are frequently one of the few sources of recovery for creditors other than secured lenders. Orders granting liens on these unencumbered assets for the benefit of the lender will require a showing of extraordinary circumstances. In most cases the adequate protection grant will protect the lender since the lender will have a super priority under ' 507(b) that will give the lender who suffers a failure of adequate protection a first right to payment out of the proceeds from such actions before payment of any other expenses of the Chapter 11 case. Avoidance actions in the event of a conversion to Chapter 7 may be the only assets available to fund the trustee=s discharge of his or her statutory duties.

c. Similarly, limitations on the surcharge of the lender=s collateral under ' 506(c) are disfavored. The secured creditor may be the principal beneficiary of the proceedings in Chapter 11. Since the burden to surcharge requires a showing of direct benefit to the lender=s collateral, lenders are not unreasonably exposed to surcharges of their collateral. And in light of the decision in Hartford Underwriter=s Insurance Co. v. Union Planters Bank N.A. (In re Hen House Interstate Inc.), 530 U.S. 1, 120 S.Ct. 1942 (2000), only the DIP or the trustee may recover under ' 506(c).

4. Modification of Stay

a. Authority for unilateral action by lender without necessity to return to court to establish post-petition default or breach or at least a notice to parties in interest will not be approved. If the cash collateral or financing order provides for a termination of the automatic stay in the event of a default, parties in interest must have an opportunity to be heard before the stay lifts.

5. Restrictions on Plan Process

a. The court will not approve cash collateral orders (or post-petition financing orders that are in substance cash collateral orders that have the effect of converting all the pre-petition liens and claims to post-petition liabilities under the guise of collecting pre-petition accounts and re-advancing them post-petition) that have the effect of converting pre-petition secured debt into post-petition administrative claims that must be paid in full in order to confirm a plan. That type of provision unfairly limits the ability and flexibility of the debtor and other parties in interest to formulate a plan. That type of provision, granted at the outset of a case,

effectively compels the debtor to pay off the secured lender in full on the effective date and has the consequence of eviscerating ' 1129(b).

b. On the other hand, persons who are advancing new money to the debtor post-petition may include in financing orders provisions that the post-petition loans have a ' 364(c)(1) super-super priority.

6. Loan Agreements

a. If there will be a loan agreement, the language of the financing order does not need to restate all of the terms of the loan agreement. The financing motion should, however, summarize the essential elements of the proposed borrowing or use of cash collateral, such as, amount of loan facility, sublimits on availability, borrowing base formula, conditions to new advances, interest rate, maturity, events of default, limitation on use of funds and description of collateral.

7. Professional Fees

a. To the extent consistent with the market for similar financings, the lender may request reimbursement of reasonable professional fees. The lender should provide reasonably detailed invoices to the debtor and the committees so a proper assessment of reasonableness can be made.

b. The parties may agree on carve-outs for estate professionals. Lenders may exclude from the carve-out payment of professional fees for litigation of the extent, validity or perfection of the lender=s claim as well as prosecution of lender liability suits. The carve-out should not, however, exclude the due diligence work by the committee or its professionals to determine whether a challenge to the lender is justified.

8. Work Fees/Loan Fees

a. Underwriting a substantial DIP loan may involve both direct out-of-pocket expenses and, at times, a certain lost opportunity cost. The debtor may move for the reimbursement of its lender=s direct out-of-pocket expenses. The debtor and lender must be prepared to establish actual out-of-pocket costs, the reasonableness of the costs, and that the type of costs are actually paid in the market. On a case-by-case basis, the court will consider on an expedited basis the debtor=s request to pay a reasonable up-front fee to a prospective DIP lender to reimburse it for direct out-of-pocket costs. In addition, in connection with approving a DIP loan facility, on motion of the debtor, the court will consider evidence of market rates and pricing for comparable loans in determining whether commitment fees, facility or availability fees, and other up-front or periodic loan charges are appropriate. The lender must provide evidence that it actually has provided or will provide the services customarily associated with these fees.