

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
OFFICE OF THE CLERK

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February 24, 2021

CLERK'S NOTICE 21-03

**NOTICE REGARDING GENERAL ORDER 2021-03,  
STANDING ORDER CONCERNING ALL CHAPTER 13 CASES**

The United States Bankruptcy Court for the Northern District of Texas has entered General Order 2021-03, *Standing Order Concerning All Chapter 13 Cases*. **General Order 2021-03 shall be effective as of February 24, 2021.**

General Order 2021-03 amends General Order 2021-01 to clarify that, unless otherwise ordered by the Court, the Notice of Additional Fees and Rule 2016 Disclosure must be filed using the form provided on each Trustee's website, and that if no objection is filed to the Notice, the additional fees may be paid without further order of the Court. A redline of the amended provisions is attached.

Please click [here](#) to view General Order 2021-03.

FOR THE COURT  
Robert P. Colwell  
Clerk of Court

ineffective and will not be considered a part or provision of the confirmed Plan or approved Plan Modification, unless specifically approved in the Court order confirming such Plan or approving such Plan Modification.

**Notice of Additional Fees and Rule 2016 Disclosure** - A notice filed and served by the Debtor's Counsel to be awarded Additional Fees as set out in paragraph 21 herein. Also referred to as the ("**Notice of Additional Fees**"). [A copy of the Notice of Additional Fees and Rule 2016 Disclosure form shall be placed on the website of each Trustee and shall be used by any party filing a Notice of Additional Fees and Rule 2016 Disclosure. To alter or amend any provision of the Notice of Additional Fees and Rule 2016 Disclosure form, a party is required to file a motion requesting such relief, which motion shall be served on all parties in interest, including the Trustee.](#)

**Notice of Fees, Expenses, and Charges** - The notice required pursuant to Bankruptcy Rule 3002.1(c) which notice complies with the provisions of that Rule and any applicable Local Bankruptcy Rules. For avoidance of doubt, pursuant to this General Order, Bankruptcy Rule 3002.1(c) applies to a HOA and to any other lienholder secured by the Debtor's principal place of residence, whether such residence is real or personal property.

**Notice of Payment Change by Mortgage Lender** - The notice required pursuant to Bankruptcy Rule 3002.1(b) which notice complies with the provisions of that Rule and any applicable Local Bankruptcy Rules.

**Notice by Trustee of Increased Plan Base, Plan Term and/or Plan Payments** - The notice filed and sent by the Trustee to the Debtor and Debtor's counsel notifying the Debtor of a change in the Base Amount, Plan Payment, or term of the Plan in order to cure an insufficiency in the Plan as a result of an increase in the amount of attorney's fees to be disbursed by the Trustee, as set out in Paragraphs 21 and 22 of this General Order.

**Notice of Plan Payment Adjustment** - The notice filed and sent by the Trustee in a Conduit Case to the Conduit Debtor, Debtor's Counsel, and the Mortgage Lender, notifying the Conduit Debtor of an adjustment to the monthly Plan Payment to be paid to the Trustee and any adjustment to the Base Amount.

**Notice to Reserve Funds** - A notice filed with the Court by any party in interest requesting that the Trustee reserve funds received from the Debtor which would otherwise be disbursed by the Trustee or, if filed by the Trustee, notifying parties that the Trustee will reserve funds as described therein.

**Petition Date** - The date the Debtor's bankruptcy petition is filed.

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5. **OTHER REQUIRED DOCUMENTS AND GENERAL PROVISIONS.**

(a) Within 10 business days of the Petition Date or Conversion Date, every Debtor shall submit to the Trustee a completed and signed *Authorization to Release Information to the Trustee Regarding Claims*. A copy of this form is posted on the website of each Trustee which are accessible through [www.13network.com](http://www.13network.com).

(b) A Debtor with domestic support obligations shall provide the Trustee with the name, address, and telephone number of the domestic support claimant, if known, at or before the Section 341 Meeting.

(c) No party may, either directly or indirectly, alter or amend the Order of Payment set out in the AAPD, a Plan, or Plan Modification. Any request to deviate from this provision shall be made by motion. The title of the motion shall state that the motion contains a request to alter or amend the Order of Payment and shall be served on all parties in interest, including the Trustee.

(d) Any AAPD~~-or~~, Debtor's Plan Modification, [or Notice of Additional Fees and Rule 2016 Disclosure](#) shall be filed using the form posted on ~~the~~[each](#) Trustee's website. To alter or amend any provision of the AAPD form~~-or~~, the Debtor's Plan Modification Form, [or the Notice of Additional Fees and Rule 2016 Disclosure form](#), a party is required to file a motion requesting such relief, which motion shall be served on all parties in interest, including the Trustee. No motion is required to alter or amend the provisions of the Debtor's Plan Modification Form if the alteration or amendment is the inclusion of a Nonstandard Provision and the procedures set out in the definition of Nonstandard Provision are followed.

(e) In order to pay any allowed fees and expenses to any attorney, in the event the Plan, including any Plan Modification, becomes insufficiently funded during the term of the Plan, the Trustee may, but is not required to, increase the Base Amount, Plan Payment, and/or term of the Plan as needed. The Trustee will notify the Debtor of any change by filing and serving a Notice by Trustee of Increased Plan Base, Plan Term and/or Plan Payments on the Debtor and the Debtor's Counsel.

(f) The Court directs that, after 70 days following the order for relief in the Case or the date of the order converting a case to a Chapter 13 proceeding, all notices described in Rule 2002(a) and the related pleadings may be served only on those parties listed in Rule 2002(h) and all parties who have filed a Notice of Appearance in the Case. Such parties shall be considered as "parties in interest" for purposes of this General Order. The Court may direct service on additional parties as appropriate.

6. **GOOD FUNDS.** The Trustee is not required to disburse any funds to any party in interest unless the Trustee is satisfied, within the Trustee's sole discretion, that good funds have been received by the Trustee.

stay motion by agreement or by a contested hearing (at either the preliminary hearing or final hearing, or both) lasting up to 30 minutes per hearing for each motion;

(14) Taking all steps reasonably necessary to ensure that the Debtor receives a discharge in the Case other than defending an adversary proceeding objecting to discharge or dischargeability (see paragraph 21(h) of this General Order regarding adversary proceedings);

(15) Negotiating, signing, and timely submitting to the Trustee all letter agreements and stipulations resolving objections to confirmation; and

(16) Other miscellaneous normal, customary services, including correspondence to the Debtor and review of correspondence from the Debtor, communication with the Trustee and the Trustee's office, communication with the Bankruptcy Clerk, communication with the US Trustee, and any communications with any party regarding an audit pursuant to 28 U.S.C. §586(f).

(f) In addition to the legal services and tasks listed above, the following additional legal services and tasks shall be included in the **BUSINESS STANDARD FEE**:

(1) Assisting the Debtor in preparation and submission to the Trustee of monthly profit and loss statements if required by the Trustee and any other documents required by the Trustee regarding the operation or profitability of any business operated by the Debtor; and

(2) Attendance at the Level 2 Business Case meeting, if required by the Trustee, and any continuations or resets of same.

(g) **ADDITIONAL FEES -**

(1) Provided the Debtor agrees and there is no objection by any other party, and notwithstanding any other provision of this General Order, for certain matters not included in the Standard Fee or the Business Standard Fee, and to encourage uniformity and consistency and to minimize the expense of the fee application process, the Court will approve the Additional Fees described herein upon the filing of a Notice of Additional Fees and Rule 2016 Disclosure. Parties in interest will have 14 days from the date of the service of such Notice to file and serve and objection to same. If no timely objection is received, the Additional Fees set out in the Notice may be deemed allowed and payment may be made directly by the Debtor or through the confirmed Plan as set out in the Notice: without further order of the Court.

(2) The Notice of Additional Fees shall be considered to satisfy the requirements of 11 U.S.C. §§329 and 330, Rule 2016 and any Local Rules regarding professional fees. The Notice of Additional Fees must be served on the Debtor, the Trustee, the United States Trustee, and any party in interest affected by the Additional Fees unless the

payment of the Additional Fees will not result in any change in the amounts to be distributed to that creditor.

(3) If allowed, the Additional Fees may be disbursed by the Trustee or disbursed directly by the Debtor to the Debtor's Counsel for services rendered (see paragraph 21(i) of this General Order regarding disbursements by the Debtor to the Debtor's Counsel). In the event there is an objection to the Notice of Additional Fees, if those fees or any part thereof are allowed by the Court, then the allowed Additional Fees may be disbursed upon order of the Court.

(4) The fees for services listed include: (a) preparation and filing of documents and pleadings with the appropriate court; (b) preparation and filing of any required amended Schedules, including Schedules I and J; (c) preparation and service of any exhibits; (d) preparation of and submission of any orders; and (e) preparation and filing of the Notice of Additional Fees. Each Additional Fee includes service costs and other expenses, except for court filing fees. Each Additional Fee includes attendance at all Court hearings and any pre-hearing conference, if required and noticed by the Trustee, including all continuances and resets of all hearings. For purposes of this paragraph 21(g) of this General Order, if Schedules I and J have been filed within 90 days of the filing of the pleading described below and there would be no material changes to these Schedules, no amendment is required unless otherwise requested by the Trustee or other party in interest.

(5) The Debtor's Counsel may apply for fees and costs in addition to those listed below by filing a separate fee application pursuant to paragraph 21(h) of this General Order.

(6) The Debtor's Counsel's signature and filing of the Notice of Additional Fees is a representation to the Court that each Debtor consents to the payment of the Additional Fee and a representation to the Court that the requested Additional Fee is not necessary due to the error or negligence of the Debtor's Counsel.

**(7) THE COURT PRESUMES THE ADDITIONAL FEE OF \$650.00 IS REASONABLE FOR THE FOLLOWING SERVICES:**

Preparation of and representation of the Debtor regarding post-confirmation Plan Modifications filed by the Debtor: (1) to cure a Plan Payment arrears after the Trustee has filed a Notice of Intent to Dismiss or Motion to Dismiss; (2) to change the amount to be paid to unsecured creditors; (3) to surrender real or personal property; (4) to provide for or modify the payment to a creditor; or (5) post-confirmation, to bring the Debtor into the Conduit Program. For the sake of clarity, the preparation of any documentation ancillary to such post-confirmation Plan Modification, including any required amendment to the Schedules, the submission of any additional information requested by the Trustee, and any response to a Notice