

**LOCAL BANKRUPTCY RULES
OF THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

EFFECTIVE SEPTEMBER 10, 2010

Revised as of December 1, ~~2016~~2017

**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 prepared ~~by the Bankruptcy Clerk. The notice shall be~~ served by the Bankruptcy Clerk in all cases under ~~chapter~~ chapters 7, 12 and 13, and by the debtor in possession or the trustee in all cases under chapter 11, ~~and by the standing trustee in all cases under chapter 12 or 13.~~
- (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 ~~in chapter 7 cases, and by the standing trustee in chapter 12 and 13 cases,~~ and shall be combined with the ~~notice of commencement of case, meeting of creditors, and fixing dates.~~ 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

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 ~~(1)~~ that are (1) secured by a security interest in the debtor's principal residence, and (2) provided for ~~which~~ under § 1322(b)(5) of the Code in the debtor's plan ~~provides that either the trustee or the debtor will make contractual installment payments. Unless the court orders otherwise, the notice requirements of this rule cease to apply when an order terminating or annulling the automatic stay becomes effective with respect to the residence that secures the claim.~~ This rule is in addition to the requirements of Rule 3002.1.

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

~~For~~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 notice shall also contain negative notice language, informing the holder of its obligation to file and serve a response within 60 days, or else the information contained in the notice will be deemed unopposed and/or undisputed. If the trustee does not timely file and serve the notice required by this subdivision, the debtor may file and serve the notice.~~The Mortgage Notice shall also contain negative notice language.

(c) Response to Mid-Case Notice.

Within 60 days after ~~service~~the filing of a ~~"Notice to Deem Mortgage Current"~~ or, alternatively, a ~~"Notice of Amount Deemed Necessary to Cure,"~~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.~~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/~~Response~~ by Court.

Whenever there is a response and/or reply to a ~~mid-case "Notice to Deem Mortgage Current" or, alternatively, a "Notice of Amount Deemed Necessary to Cure,"~~ on request by the debtor, trustee, or claim holder, 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) Failure to Respond to a Mid-Case Notice.~~

~~If the holder of a claim fails to respond as set forth in subdivisions (b) and (c) above, the court shall issue an Order by default, finding the mortgage to be current as of the date of the "Notice to Deem Mortgage Current," or alternatively, deeming the mortgage to be delinquent in the amount set forth in the Trustee's "Notice of Amount Deemed Necessary to Cure,"~~

~~(f) Effect of Order on Mid-Case Notice.~~

Any ~~Order~~order issued on a ~~"Notice to Deem Mortgage Current" or, alternatively, on a "Notice of Amount Deemed Necessary to Cure,"~~Mortgage Notice, (whether by default or after a

response, and/or reply) shall preclude the holder ~~from asserting cure amounts or postpetition arrearages that allegedly accrued before the date of “Notice to Deem Mortgage Current” or the “Notice of Amount Deemed Necessary to Cure.”~~ and the debtor from contesting the amounts set forth in the order in any contested matter or adversary proceeding in ~~the~~this case, or in any other matter, manner, or forum after a discharge in ~~the~~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.

(g)-(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 ~~at the address~~ as provided on the proof of claim, 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