

LOCAL RULES OF BANKRUPTCY PROCEDURE
OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF ARIZONA

As of September 30, 1996

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Uniform Local
Rule Number

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Rule 1000-1 Prohibition of Bias

Litigation, inside and outside the courtroom, in the United States District Court for the District of Arizona, including the bankruptcy court, must be free from prejudice and bias in any form. Fair and equal treatment must be accorded all courtroom participants, whether judges, attorneys, witnesses, litigants, jurors, or court personnel. The duty to be respectful of others includes the responsibility to avoid comment or behavior that can reasonably be interpreted as manifesting prejudice or bias toward another on the basis of categories such as gender, race, ethnicity, religion, disability, age, or sexual orientation.

Rule 1001-1 General Scope

The Local Rules supplement or, if permitted, modify the Federal Rules of Bankruptcy Procedure, as amended. They shall be construed to be consistent with such Rules to promote speedy and inexpensive litigation. The definition of words and phrases in the Code and the Rules govern their use in the Local Rules.

Rule 1005-1 Petition - Caption

- (a) The caption of a petition or a pleading filed in this district shall designate the court as the United States Bankruptcy Court for the District of Arizona.
- (b) The number to be assigned each new bankruptcy case resulting from the filing of a petition shall initially be placed thereon by the clerk or designated deputy clerk. The case number shall include the last two digits of the calendar year in which the case is filed, the number of the case assigned when the case was filed during the calendar year, followed by the designation of where the bankruptcy case will be heard, and ending with the initials of the judge to whom the case is assigned.
- (c) The chapter of the case shall also be included as part of the caption on any petition.
- (d) Doing Business. A caption for an individual petition or a joint petition by a husband or wife shall include any sole proprietorships under which they do business. Corporations, partnerships, or similar entities shall not be joined in one petition or in an individual's petition.
- (e) Involuntary. An involuntary joint petition against a husband and wife shall not be filed. Two separate involuntary petitions shall be filed.

Rule 1006-1 Fees

(a) Petition Filing Fee/Installments.

(1) Chapter 7, 11 and 12 Individual Voluntary Cases. Any order granting an application to pay the filing fee in installments shall order the final installments paid prior to the last date to file complaints objecting to the discharge or to determine the dischargeability of a debt.

(2) Chapter 13 Cases. Any order granting an application to pay the filing fee in installments shall order the total balance due to be paid within 45 days of the filing of the bankruptcy petition.

(b) Adversary Proceeding Filing Fee.

(1) The filing fee required by 28 U.S.C. § 1930(b) shall be paid upon the filing of a complaint initiating an adversary proceeding.

(2) Failure to pay the filing fee as required in this Rule shall result in dismissal of the adversary proceeding without prejudice.

(c) Form of Payment.

(1) All filing fees and other court costs payable to the clerk shall be made in cash, by certified check or money order, or by personal check drawn on the account of an attorney admitted to practice before this court or a business check of a process server or trustee and shall be made payable to "Clerk, U.S. Bankruptcy Court."

(2) Any personal check drawn on the account of an attorney or business check of a process server or trustee which is returned unpaid due to insufficient funds or for any other reason shall incur a fee. The fee shall be paid in cash, by certified check or money order within 48 hours of notification the check has been returned. Failure to pay the amount due or the second instance of a returned check may result in that attorney or process server no longer being able to pay fees by personal check or business check.

(d) Appellate Filing Fee. The fee shall be paid at the time of the filing of the notice of appeal to the clerk of the bankruptcy court.

Rule 1007-1 Lists, Schedules and Statements

(a) Number of Copies. The number of copies of the petition, schedules, statement of financial affairs, list of equity security holders, list of the twenty largest unsecured creditors, debtor's statement of intention and disclosure of compensation paid or promised to debtor's attorney required to be filed are as follows:

Chapter 9 or 11	6 copies
Chapter 12	4 copies
Chapter 13	4 copies
Chapter 7	3 copies

(b) Master Mailing List.

(1) A master mailing list shall be filed with the petition in the format specified by the clerk. The master mailing list shall include the names and addresses of all creditors, in alphabetical order, the debtor and the attorney for debtor. The clerk may request a different format if the information concerning the name and address of the debtor and the attorney for the debtor has already been inputted by the clerk's office on the system. A chapter 11, 12 or 13 case shall include the address of the Internal Revenue Service and the Arizona Department of Revenue. Addresses shall include zip codes. All cases except chapter 13 cases shall include the address of the United States trustee.

(2) When an addition or change is made to the master mailing list, the entire master mailing list shall not be filed. Only a supplemental master mailing list, in the required format, containing only the newly added or changed creditors shall be filed.

(3) An attorney of record shall notify the clerk in a separate letter of a change of mailing address.

(4) If a master mailing list submitted for filing does not comply with the specified requirements, the clerk shall immediately notify the debtor's attorney or debtor, if pro se, of the fact. The debtor shall have ten days from the filing of the petition to file a master mailing list in compliance with the specified requirements. Failure to timely file a properly formatted master mailing list shall be cause for dismissal of the petition.

(5) A separate master mailing list in the format specified by the clerk shall be filed with the petition that includes the names and addresses (to include zip codes) of all equity security holders. The master mailing list shall identify that it is a master mailing list of only equity security holders. If the number of equity security holders

is less than twenty, they may be included in the creditors' master mailing list, if known.

(c) In a chapter 9 or chapter 11 case, the list of twenty largest unsecured creditors required to be filed with the petition shall include the creditors' phone and facsimile numbers, if known.

Rule 1009-1 Amendments to Petition, Schedules and Statements

(a) The debtor shall provide a copy of any amendment to the trustee and any entity affected thereby.

(b) If an amendment to the schedules adds one or more creditors, the debtor shall file with the amendment a supplemental master mailing list which lists the names and addresses of those creditors added by the amendment.

(c) Amendments are to be filed with the court by filing an original and one copy.

Rule 1017-2 Dismissal of Cases

(a) Notice of the proposed dismissal of a case for failure to file in a timely manner the schedules, statement of affairs, chapter 13 plan, or failure to appear and be examined at a meeting of creditors shall be given in the notice of meeting of creditors to all creditors and other interested parties.

(b) Failure of the debtor to file in a timely manner the documents required by the Rules or the Local Rules or to appear at the meeting of creditors shall be cause for dismissal of the bankruptcy case.

Rule 1071-1 Divisions - Bankruptcy Court

(a) Petitions initiating cases under Title 11 shall be filed with the Clerk of the United States Bankruptcy Court for the District of Arizona.

(b) Maricopa, Apache, Navajo, Coconino and Yavapai county cases should be filed with, and will be maintained by, the clerk's office in the Phoenix Division.

(c) Pima, Cochise, Santa Cruz, Graham, Gila, Pinal and Greenlee county cases should be filed with, and will be maintained by, the clerk's office in the Tucson Division.

(d) Yuma, La Paz and Mohave county cases should be filed with, and will be maintained by, the clerk's office in the Yuma Division.

Rule 1072-1 Places of Holding Court

(a) Hearing Sites. Unless otherwise directed by the court, all judicial proceedings in bankruptcy cases will be heard at the following sites:

- (1) Cases originating from Maricopa County shall be heard in Phoenix.
- (2) Cases originating from Cochise, Gila, Graham, Greenlee, Pima, Pinal, and Santa Cruz Counties shall be heard in Tucson.
- (3) Cases originating in Yuma and La Paz Counties shall be heard in Yuma.
- (4) Cases originating in Coconino, Mohave, Apache, Navajo and Yavapai Counties shall be heard in Prescott, Flagstaff, or Bullhead City as the court may direct.

(b) Motions for Change of Hearing Site. Any party who wishes to change the hearing site of a particular judicial proceeding or an entire case shall file a motion justifying the change of hearing site with the division of the clerk's office where the matter is pending.

(c) Judicial Discretion on Change of Hearing Site. Notwithstanding the provisions of this Local Rule, the court reserves the right to assign a particular judicial proceeding or case to another site elsewhere in the district.

Rule 1073-1 Assignment of Cases

(a) New Petitions. Except as may be provided by General Order of the court, new petitions commencing a case shall be assigned by the clerk or designated deputy clerk according to a random draw so that neither the clerk, deputy clerk, nor any parties or their attorneys shall be able to make a deliberate choice of a particular judge.

(b) Temporary Reassignments. A case assigned to a particular judge may be temporarily reassigned to another judge, if the judge to whom the case is assigned is unavailable and an emergency exists which requires prompt action by the court. The case will be temporarily reassigned by the clerk or designated deputy clerk to an available judge by random draw. The reassignment shall be for the limited purpose of hearing or determining that matter.

(c) Recusal. Upon recusal of the assigned judge of an entire case, an adversary proceeding, contested matter, or other single matter within a case, the recused case,

proceeding or matter will be reassigned by the clerk or designated deputy clerk to another judge by random draw.

(d) Related Cases. Whenever more than one bankruptcy case is filed or pending in which the debtor entities are related or the cases are otherwise related, counsel may file a motion to transfer the assignment of the cases to a single judge. The motion shall specify the reasons for having the related cases heard by one judge. The motion to transfer the assignment shall be filed in the lower numbered case only. It shall identify the other cases to be assigned by case name and number in the body of the motion. The judge assigned the lower numbered case will rule on the motion.

(e) Joint Administration/Substantive Consolidation. A motion for joint administration or for substantive consolidation shall include therein a Local Rule 1073-1 motion to transfer the assignment of the cases to be jointly administered or substantively consolidated if those cases are not all assigned to one judge.

(f) Miscellaneous Assignments. Whenever action is required on a miscellaneous matter for which there is no bankruptcy case pending in this district, the clerk or designated deputy clerk shall assign the matter by random draw.

(g) Voluntary Judicial Reassignments or Transfers. Notwithstanding this Local Rule, any judge may transfer any bankruptcy case, adversary proceeding, contested or other matter to another judge with such judge's consent. Nothing in this Local Rule precludes one judge from hearing any matter for the judge to whom the bankruptcy case, adversary proceeding, contested or other matter is assigned without the entry of an order of transfer.

(h) Reinstatements. Cases commenced by the reinstatement of a petition after dismissal may be reassigned to the judge to whom the case was previously assigned.

Rule 2002-1 Notices to Creditors

(a) Motions and Applications. It shall be the responsibility and duty of the movant or the applicant, except for the United States trustee and case trustee, to give the required notice of the hearing set on the motion or application or of the bar date by which an objection is to be filed if a hearing is not required.

(b) 300 or More Creditors and Equity Security Holders. In chapter 7 cases where there are in excess of 300 creditors and equity security holders combined and when the case trustee has \$5,000 or more in funds of the estate on deposit, the case trustee shall give any required notice to all creditors and equity security holders whenever such notice is required as a result of the filing of a motion or application by the case trustee.

(c) 500 or More Creditors and Equity Security Holders. In chapter 11 cases, where the number of creditors and equity security holders combined exceeds 500, it shall be the responsibility and duty of the debtor to give notice of the filing of the petition and the meeting of creditors to all creditors and equity security holders.

(d) Notwithstanding the provisions of this Local Rule, the court may order that a particular party shall be responsible for any or all noticing to creditors.

(e) Forms of Notice. Whenever a motion or application is filed which is required to be noticed or requires a hearing, the movant or applicant shall provide the form of notice.

(f) Service on Interested Parties. In all cases, if any notice is not required to be mailed to all creditors, but instead is required to be served only on certain interested parties, the moving party or applicant shall serve said interested parties.

Committee Note

1. Individuals that have not retained counsel are generally responsible to provide notice of the hearing or of the bar date on a particular matter.

2. Moreover, Local Rules may independently provide separate procedures concerning the noticing requirements of a particular matter. See, for instance, Local Rule 6007-1 as to the abandonment of property.

Rule 2003-1 Meeting of Creditors

(a) Continuance, Consolidation or Change of Location. Any request to continue the meeting of creditors, to consolidate the meetings of creditors in several cases, or to change the location of the meeting of creditors shall be directed to the United States trustee in chapter 11 cases or to the trustee in the case in chapter 7, 12 or 13 cases. Such requests shall not be filed with the court.

(b) Waiver of Appearance. Motions to waive the appearance of a debtor shall be filed with the court and shall state that the United States trustee in chapter 11 cases or the trustee in the case in chapter 7, 12 or 13 cases has been contacted and whether there is an objection to such waiver.

Rule 2015-1 Interim Reports

(a) In all chapter 11 cases, on a 30-day basis until the plan is confirmed or the case is converted or dismissed, the trustee or debtor in possession shall file with the court and transmit

to the United States trustee an interim operating report or reports in substantial compliance with the local forms developed by the United States trustee.

(b) Until the plan is confirmed or the case is converted or dismissed, each interim operating report shall be filed and transmitted within 15 days of the end of the month for which the report should be prepared.

(c) In all chapter 12 cases or in chapter 13 cases in which a debtor is engaged in business, the debtor or the trustee (if the trustee is acting on behalf of the debtor in a chapter 12 case) shall file and transmit the interim operating report in the form and within the time limits set forth in subsections (a) and (b).

(d) In addition to the foregoing, the court may require the filing and transmittal of interim operating reports in any case and to additional parties.

Rule 2083-1 Scope - Chapter 13 Rules

These Local Rules shall govern practice in chapter 13 cases.

Rule 2083-2 Filing Requirements - Chapter 13

(a) In addition to other documents required to be filed, the debtor shall file an original and four copies of the following:

(1) Chapter 13 Plan;

(2) Disclosure Statement of compensation paid or promised to be paid to the debtor's attorney; and

(3) Application and proposed order authorizing payment of filing fee in installments (if needed).

(b) If the debtor is self-employed or engaged in business, the debtor shall also:

(1) Complete the Statement of Financial Affairs for a debtor who is self-employed or engaged in business; and

(2) File a current and ongoing monthly operating reports for the self-employment or business.

(c) If a petition is filed without the documents set forth in paragraph (a) and, if applicable, paragraph (b), the debtor shall file the missing documents within 15 days of the date the petition is filed or, if cause exists, file a motion within that time to obtain an order extending the time to file the documents. If the debtor does not timely file the documents or a motion to extend the time to file the documents, then the case may be dismissed as provided in Local Rule 1017-2 or the chapter 13 trustee may move for dismissal of the case.

Rule 2083-4 Plan - Chapter 13

(a) A plan shall contain, in addition to the requirements of 11 U.S.C. § 1322(a):

(1) The debtor's estimate of the value of each secured claim; the method of determining the value and the estimated amount of each claim that is secured;

(2) The time within which the debtor proposes to cure any arrearages on a mortgage, secured claim or lease;

(3) A plan analysis, the form of which substantially complies with Local Sample Form 13-2, which contains an estimate of what general unsecured claimants would receive if the case were a chapter 7 case and the anticipated dividend if the plan is completed;

(4) A statement of the rate of interest to be paid on each mortgage or other secured claim; and

(5) A statement that all tax returns due have been filed or which returns have not been filed.

(b) An amended plan filed prior to entry of an order of confirmation shall be entitled "Amended Plan."

(c) A plan filed after entry of an order of confirmation shall be titled as a "Modified Plan."

(d) The attorney for the debtor, or the trustee if the debtor is not represented by counsel, shall mail copies of the notice of confirmation hearing and copies of the plan, amended plan or modified plan, with the plan analysis, to all creditors at the time the plan is filed except as provided below in subsection (e). If the plan is filed with the petition or within 15 days of the filing of the petition, the debtor's attorney shall mail copies of the plan and plan analysis to all creditors no later than 20 days after the filing of the petition.

(e) If an amended plan or a motion for a moratorium on payments is filed and served with a notice of hearing on all creditors 25 or more days before the date set for hearing on the

original plan, then the amended plan shall be heard at the confirmation hearing scheduled for the original plan. If an amended plan is filed less than 25 days before the hearing on the original plan, the debtor shall appear at the scheduled confirmation hearing, advise the court of the amended plan or motion for moratorium, and obtain a new confirmation hearing date. The debtor's attorney shall serve the amended plan or motion with a notice of the new confirmation hearing date to all creditors 25 or more days before the new hearing date.

Rule 2083-5 Tax Returns - Chapter 13

The debtor shall, by no later than 7 business days before the first date set for confirmation of the plan, file any due but unfiled tax returns. The debtor shall show cause at the confirmation hearing why any tax returns which are due have not been filed. If the tax returns are not filed within such time and the debtor fails to show cause why the returns have not been filed, then the trustee may move for dismissal of the case.

Rule 2083-6 Objections to Confirmation - Chapter 13

(a) An objection to the confirmation of a plan shall be in writing and filed no later than 7 business days before the first date set for confirmation of the plan or, in the event of an amended plan, the first date set for confirmation of the amended plan. A copy of the objection shall be served by the objector upon the trustee and the debtor's counsel or the debtor if the debtor is unrepresented. The objector shall indicate on the pleading the parties served and the date and method of service.

(b) A secured creditor who disagrees with the debtor's valuation of the creditor's secured claim shall file a timely objection to the plan. The objection shall state the creditor's estimate of the value of the collateral, the method of determining the value and the amount of the claim that is secured. Upon receipt of such an objection, the debtor shall make the collateral available to the creditor for examination and appraisal.

Rule 2083-7 Procedure Upon Plan Confirmation - Chapter 13

(a) The chapter 13 trustee shall lodge with the court or return to the debtor any proposed stipulated order confirming a chapter 13 plan within 30 days of receipt of the proposed order, unless cause is shown by the trustee. Within 15 days from receipt of a signed stipulated order from the trustee, the debtor shall lodge the order with the court or a motion to extend the time to lodge the order.

(b) The chapter 13 trustee shall commence payments pursuant to the plan within 60 days after entry of an order confirming the plan, unless cause is shown by the trustee.

(c) When the trustee determines that the plan has been completed, the trustee shall file a Final Report and Account.

Rule 2083-8 Attorney's Duty of Representation - Chapter 13

An attorney who represents a debtor in a chapter 13 case or in a case under another chapter of the Code which is converted to chapter 13 has a continuing duty to represent the debtor in all proceedings in the bankruptcy court until the occurrence of the earlier of: (a) dismissal of the case; (b) discharge of the debtor; or (c) entry of an order allowing the attorney to withdraw from representation of the debtor.

Rule 2083-9 Service - Chapter 13 Trustee

All pleadings and other papers filed in the administrative case shall be promptly served upon the chapter 13 trustee.

Rule 2083-10 Priority or Secured Claims - Chapter 13

Any claimant who files a secured or priority claim shall serve a copy of the claim upon the debtor and the chapter 13 trustee.

Rule 2083-11 Attorneys' Fees - Chapter 13

(a) Unless a separate fee application is filed, a chapter 13 plan, plan modification or motion for moratorium (hereinafter "the Plan") shall contain an application for approval of compensation for services rendered by the attorney for the debtor (hereinafter "the Application"). The Plan shall include in its title "Application for Payment of Administration Expense" or similar language. The Application shall be heard at the same time and in conjunction with the hearing on the Plan.

(b) The Application shall be a separate provision in the Plan that sets forth the amount of compensation sought; whether it is a flat fee, hourly fee or subject to contingencies; and a comprehensive narrative of the legal services rendered and to be rendered. The Application need not state the actual time expended or to be expended but shall provide generally for services performed or contemplated.

(c) In cases which are dismissed prior to confirmation of the Plan, the order of dismissal shall include a provision for the retention by the trustee of funds on hand pending approval of administrative expenses of the trustee and debtor's attorney. After the expiration of the time

for filing an objection to the Plan and no timely objection to the Application in the Plan being filed, the debtor's attorney may lodge an order directing the trustee to pay allowed administrative expenses.

(d) Any disclosure statement required by Rule 2016(b), or any other statute, rule or order shall contain a comprehensive narrative explanation of the services rendered or to be rendered and expenses incurred or to be incurred. The statement shall state whether the disclosing party asserts a lien or claims an assignment of the Plan payments.

(e) Nothing in these rules shall prohibit a debtor's attorney from filing a separate application or the court from ordering the filing of a separate application pursuant to Rule 2016(a).

Rule 2090-1 Attorneys - Admission to Practice

(a) Any attorney admitted to practice before the United States District Court, District of Arizona, may practice before the bankruptcy court.

(b) Nothing herein shall prevent the bankruptcy court from ordering that local counsel be associated in any case.

(c) An attorney who is not a member of the bar of the United States District Court, District of Arizona, but who is a member in good standing of the bar of another United States District Court, upon application and court order, may be permitted to appear and participate in a particular case. Unless otherwise ordered, the applicant shall designate in the application with whom the court and opposing counsel may readily communicate regarding the conduct of the case. If appropriate, the application shall also contain the address, telephone number and written consent of the designated local counsel. The application and order shall substantially conform to Local Form No. 3.

(d) An attorney who changes office address must furnish the court with either a list of all open cases and proceedings in which the attorney is appearing or file a separate notice of change of address in each case or proceeding.

Rule 3007-1 Claims - Objections

(a) The party filing an objection to a proof of claim that is not asserted as part of an adversary proceeding shall give notice (1) that the claimant has 15 days from service of the objection to file and serve a response to the objection, and (2) that if a timely response is not filed and served, the objection may be sustained by the court without further notice or hearing.

(b) If a timely response is not filed and served by the claimant, the objecting party may lodge an order with the court sustaining the objection.

(c) If the claimant timely files and serves a response to the objection, the objecting party shall request a hearing from the court, which hearing shall be on at least 30 days' notice to the claimant.

Rule 3018-2 Acceptance or Rejection of Plans

(a) The case number shall appear on each page of the ballot.

(b) No later than 3 days before the hearing on the confirmation of the plan, the proponent of the plan shall file a written report setting forth the results of the voting by class. The written reports shall include a list of all creditors and equity security holders who have filed acceptances or rejections of the plan. The written report shall also include a tally, by class, of the number of acceptances and rejections and the dollar amount in claims and the amount of allowed interests represented by the acceptances and rejections. The report shall identify any ballots received after the due date set by the court and shall state whether such ballots are included in the tally. Unless otherwise ordered by the court, at or prior to the confirmation hearing, the proponent shall provide a copy of the report tally and the ballots to the court and to parties in interest who have requested such copies.

Rule 4001-1 Automatic Stay - Relief From

(a) Form. A motion for relief from the automatic stay shall be dual captioned as an administrative and as a contested matter which discloses the names of the movant and the respondents and shall be filed by the clerk in the administrative file.

(b) Service.

(1) The motion, a proposed form of order and the notice required by subsection (d) shall be promptly served by movant upon:

(A) The debtor;

(B) The debtor's counsel;

(C) The trustee; and

(D) In a chapter 11 case, the twenty largest unsecured creditors listed by the debtor or the unsecured creditors' committee and counsel for any committee appointed under the Code.

(2) The notice only, required by subsection (d), shall be promptly served by movant upon:

(A) Any other party known to movant to claim an interest in the property or cash collateral which is the subject of the motion; and

(B) Any other person or entity required by law or the court.

(3) The motion and notice provided for in this Local Rule together shall constitute a request for relief from the automatic stay and such request shall be deemed to have been made after completion of service of the motion and notice.

(c) Movant's Supporting Documents. Each such motion shall be supported by legible copies of:

(1) All documents which movant asserts establish a valid, perfected security interest; and

(2) All documents which movant contends support an assertion of a lack of adequate protection or equity in property, including appraisals or summaries thereof, currently in movant's possession or control upon which it intends to rely at final hearing.

(d) Notice of Motion. Contemporaneously with the motion, movant will serve and file a form of notice providing the details of the motion and that if no objection is served on movant and filed within 15 days of service, the motion may be granted.

(e) Entry of Order. If an objection is not timely filed and served, the proposed form of order may be lodged and served with a certification of service and of no objection, which certification may not be made until the expiration of 3 days after the last day for objection. If the court determines that the movant filed improperly or in bad faith a certification of no objection, the movant may be subject to sanctions.

(f) Objection. Objection to relief from stay shall be supported by specific facts and, if respondent is alleging the existence of adequate protection, legible copies of all appraisals or summaries thereof, currently in the objector's possession or control upon which it intends to rely at final hearing.

(g) Procedure Upon Objection. If a timely objection is filed and served, the court shall issue an order establishing the procedures for determination of the motion, including how the movant may obtain and notice a date, time, and place for a preliminary hearing in the matter. The court may issue an order promptly setting a preliminary or final hearing.

(h) Separate Litigation File. Upon request or sua sponte, the court may order the clerk to establish a separate contested matter litigation file for the dispute.

Rule 4001-2 Cash Collateral - Agreement For Immediate Use

(a) Interim Order. Where the debtor and one or more parties with an interest in the cash collateral have agreed to its immediate use, the court, upon motion, may enter an interim order approving the agreement.

(b) Service And Form Of Notice. The debtor shall serve notice of the interim order and bar date for objections on parties to the agreement, the United States trustee, and entities entitled to notice under Rule 4001(d). The notice shall contain: (1) a detailed description of the terms of the agreement and the interim order, or in lieu of a detailed description, a copy of the agreement and interim order; (2) the date by which objections must be filed and served, which shall be 15 days from the date the notice is served, unless otherwise ordered by the court; and (3) the names and addresses of those persons upon whom objections must be served. The notice shall state that, if no objection is timely filed and served, the court may direct that the interim order shall continue in effect until a specified date or that the interim order shall become the operative order on the use of cash collateral until modified by the court.

(c) Certificate Of Service. The debtor shall file a certificate of service evidencing compliance with this Local Rule and Rule 4001(d).

(d) Procedure If No Objection. If no objection is timely filed and served, the court may direct that the interim order shall continue as noted in subsection (b).

(e) Procedure Upon Objection. If a timely objection is filed and served, the debtor shall obtain a hearing date and notice all parties entitled to notice under this Local Rule.

Rule 4003-2 Lien Avoidance

(a) Form. A motion to avoid a lien which impairs an exemption under Section 522(f) of the Code shall be captioned as a contested matter disclosing as the movant the name of the debtor and as respondent the name of all affected lienholders and entities that are liable on such debt.

(b) Notice of Motion. Contemporaneously with the filing of the motion, the movant shall file a form of notice, substantially conforming with Local Sample Form 4003-2, stating that any response objecting to the motion and requesting a hearing must be filed within 15 days of service of the motion and notice.

- (c) Service. The motion and notice shall be served by the movant on all respondents.
- (d) Entry of Order. If an objection to the motion is not timely filed and served upon the movant, a proposed form of order granting the motion may be lodged with a certificate of service and of no objection. The certificate and proposed form of order may not be filed until 3 days after the last day for objection.
- (e) Procedure Upon Objection. If a timely objection is filed and served, the movant shall lodge a form of notice to set a hearing on the motion and objection.

Rule 4008-1 Reaffirmation

- (a) Form. Without limiting the independent requirements of the Code and the Rules, every agreement to reaffirm, in whole or in part, a dischargeable debt pursuant to Section 524(c) of the Code shall:
 - (1) Be in writing;
 - (2) State the date on which such agreement was entered into;
 - (3) Set forth the complete agreement between the parties, and if the debtor is acting without counsel, attach any and all documents which evidence a perfected security interest in the property which is referred to in the agreement or which are incorporated by reference in the agreement; and
 - (4) Be signed by the reaffirming debtor(s) and creditor.
- (b) Procedure.
 - (1) Time. The debtor and the creditor shall enter into a written agreement to reaffirm before the granting of the discharge.
 - (2) With Representation of Counsel. In a case concerning an individual who is represented by an attorney during the course of negotiating an agreement to reaffirm, the agreement shall be accompanied by an appropriate affidavit or declaration of the attorney. A sample reaffirmation agreement may be found in Local Sample Form 4008-1.
 - (3) Without Representation or Affidavit of Counsel. In a case concerning an individual who is not represented by an attorney, or where an attorney is unwilling or unable to sign an affidavit or declaration, a motion for approval of the reaffirmation agreement shall be filed along with a form of notice. A form of motion for approval

of reaffirmation agreement, a form of notice and a form of order shall be in substantial conformity with Local Sample Forms 4008-2, 4008-3 and 4008-4.

Rule 5005-1 Filing Papers

(a) Discovery Papers. Unless the court orders otherwise, transcripts of depositions, interrogatories and answers thereto, requests for production, inspection or admissions and responses thereto shall not be filed with the court except that a "Notice of Service" of the foregoing papers shall be filed. Filing a notice of taking deposition satisfies the requirement of filing a "Notice of Service" with respect to depositions. This Local Rule does not preclude the use of discovery papers as exhibits or as evidence in a motion or a trial. Any party may request that the court permit an original document, such as a subpoena, be filed with it.

(b) Exhibits. Exhibits which are in the custody of the clerk as a result of being marked for identification or having been introduced and/or admitted into evidence during any proceeding shall be disposed of as follows:

(1) Returned to the party who offered the exhibit if the party makes written request for their return within 30 days after the time for taking an appeal has expired or after an appeal has become final.

(2) If not returned pursuant to a timely request, the clerk shall destroy the exhibits upon the closing of the case.

(c) Sealed Documents. Documents ordered to be filed under seal shall be disposed of as follows:

(1) Returned to the party who filed the document if such party obtains a court order for its return.

(2) If not returned pursuant to court order, upon the closing of the case, any document filed under seal will be placed in the case file when it is sent to the Federal Records Center.

Rule 5011-1 Withdrawal of Reference

(a) A motion to withdraw the reference of a case or proceeding shall be filed with the bankruptcy court clerk.

(b) The motion shall specifically state whether the request is to withdraw the reference, in whole or in part, of the case, adversary, or contested matter.

(c) The bankruptcy court clerk shall transmit the motion to the district court clerk and notify the parties of the district court case number.

(d) All further pleadings and other papers related to the motion shall be filed with the district court clerk, captioned as a district court pleading, and shall include both the district court and the bankruptcy court case numbers.

Rule 5095-1 Deposit of Funds in the Registry Account

(a) When funds are sought to be deposited in the Registry Account of the court, the party or parties shall make application to the court for an order to invest the funds. The form of order submitted shall be in accordance with the following provisions of this Local Rule.

(b) An order directing the clerk to deposit funds in the Registry Account of the court shall specify the name of the bank or financial institution where the funds are to be invested, the type of account and the terms of the investment. Failure to specify these matters in the order shall result in the clerk exercising his or her discretion to determine the financial institution, type of account and terms of investment.

(c) Funds can only be deposited in financial institutions designated in Department of the Treasury Circular 176 or similar document, provided that such designated financial institution has pledged sufficient securities to secure the total sum of deposits in excess of FDIC coverage. Should the financial institution designated in the order not have sufficient securities pledged, the funds will be deposited in another financial institution of the clerk's choosing until the designated financial institution has pledged the required securities and the clerk has been provided with written verification. At that time, the funds will be transferred to the designated financial institution.

(d) Counsel obtaining an order as described above shall serve a copy of the signed order personally upon the clerk or deputy in charge and the financial deputy in the Phoenix, Tucson or Yuma Division as appropriate.

(e) Payment of funds from any funds deposited pursuant to this Local Rule shall be by order of the court only. The form of order submitted shall contain the names of the parties to whom funds are to be paid and the amounts to be paid. After entry of an order for disbursement, the parties to whom funds are to be disbursed shall provide to the financial deputy their tax identification numbers or social security numbers and complete any forms required by the Internal Revenue Service for the reporting of earned interest. Disbursements may not be made until this information and the required Internal Revenue Service forms are submitted to the financial deputy.

(f) The clerk shall deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office.

(g) Cash Bonds. Cash bonds posted with the court shall be deposited into the Registry Account in a financial institution of the clerk's choosing in a non-interest bearing account unless otherwise ordered by the court.

Rule 6004-1 Sales Not in the Ordinary Course of Business

(a) Notice. The notice of a sale not in the ordinary course of business shall, at a minimum, set forth:

- (1) The time and place of sale;
- (2) The name and address of the prospective buyer and whether the prospective buyer is an insider;
- (3) A description of the property or interest to be sold in reasonable detail;
- (4) All entities known or believed to hold interests in the property to be sold;
- (5) Whether the sale is free and clear of interests, or subject to them, and a description of any such interests;
- (6) The terms and conditions of the offer;
- (7) Whether the property may be viewed, and if so, when and where;
- (8) Whether the offer is subject to higher and better bids;
- (9) The date by which objections must be filed and served;
- (10) Whether any compensation will be paid from the sale proceeds, if so, to whom and whether such recipient is an insider; and
- (11) Whether there is an appraisal of the property, and if so, the value of the property stated therein.

Rule 6006-1 Executory Contracts and Unexpired Leases

(a) Form of Motion.

(1) Rejection. A motion for rejection of an executory contract or unexpired lease shall include:

(A) The date of the contract or lease;

(B) The names of all entities known to movant to claim or to have claimed an interest in the contract or lease, including the original parties, assignees, sublessors, sublessees and parties holding a security interest therein or in the subject property;

(C) The subject matter and essential terms of the contract or lease, including (i) if a real property lease, the location (including the street address, legal description and assessor's parcel number if known), or (ii) if a personal property lease, a description of the items of personal property;

(D) The balance of any payments or other performance required to be paid or performed under the contract or lease; and

(E) The reasons for the relief requested.

(2) Assumption. A motion for assumption of an executory contract or unexpired lease shall include:

(A) The items listed in paragraph 1 above;

(B) If there has been a default, how the movant will cure or provide adequate assurance that the movant will promptly cure such default;

(C) How the movant will compensate, or provide adequate assurance that the movant will promptly compensate, a party other than the debtor for any actual pecuniary loss to such party resulting from such default; and

(D) How adequate assurance of future performance will be provided.

(3) Assignment. A motion to assign, whether or not included with a motion to assume, shall also include:

(A) The name of the proposed assignee and essential terms of the assignment;

(B) How adequate assurance of future performance will be provided, whether or not there has been a default;

(C) Whether the proposed assignment is subject to higher and better bids; and

(D) Whether any disbursements will be paid from any proceeds received and, if so, to whom and whether such recipient is an insider.

(b) Form of Notice. The notice of motion shall set forth those items listed in paragraph (a)(1) or, if applicable, paragraph (a)(2) and (a)(3) above and shall provide that if no objection is served on movant and filed within 15 days of service, the motion may be granted.

(c) Service.

(1) The Motion. The motion shall be served upon those parties listed in paragraph (a)(1)(B) above.

(2) The Notice of Motion. Notice of the motion shall be served upon:

(A) Those parties listed in paragraph (a)(1)(B) above;

(B) The United States trustee;

(C) If appropriate, the attorney for any trustee or, if not represented by an attorney, upon the trustee;

(D) If appropriate, the attorney for the debtor or, if not represented by an attorney, upon the debtor;

(E) In chapter 11 cases, the twenty largest unsecured creditors listed by the debtor;

(F) The attorney for any committee appointed under the Code;

(G) Any proposed assignee;

(H) Any party requesting notice; and

(I) Any other person or entity upon whom service is required by law or the court.

(d) Entry of Order.

(1) Lack of Objection. If, after filing a motion to assume, reject or assign, an objection is not timely filed and served, a proposed form of order may be lodged and served with a certification of service and of no objection, which certification may not be made until expiration of 3 days after the last day for objection.

(2) Service of Certifications and Proposed Orders. Certifications and proposed orders shall be served upon the parties listed in paragraph (c)(2) above.

(e) Objections. If a timely objection is filed and served, the court will issue an order setting a hearing and establishing the procedures for determination of the motion.

(f) Expiration of the Time to Assume. If a lease or executory contract is deemed rejected by virtue of the expiration of the applicable period for assumption, any party to the lease or contract may lodge with the court an order rejecting such lease or contract, together with a motion stating that the time for assumption has expired and that no motion to assume or to extend the time to assume has been filed and is pending. Such motion and form of order shall be served upon those parties listed in paragraph (a)(1)(B) above.

Rule 6007-1 Abandonment of Property

(a) Definitions. For purpose of this Local Rule, the term "trustee" does not include a "debtor in possession".

(b) Procedure.

(1) Notice of Intent to Abandon. A trustee or debtor in possession who desires to abandon property of the estate may seek to do so by a notice of intent to abandon, without necessity for filing a motion to abandon.

(2) Motion to Compel Abandonment. A party in interest who seeks to compel the trustee or debtor in possession to abandon property of the estate shall do so by motion.

(c) Notice.

(1) By Trustee. A trustee's notice of intent to abandon shall be served by the clerk.

(2) By Debtor in Possession. A debtor in possession's notice of intent to abandon shall be served by the debtor in possession.

(3) By Movant. Notice of a party in interest's motion to compel abandonment shall be prepared and served by the movant.

(4) Contents. The notice of intent or motion shall briefly describe the nature or type of property to be abandoned, including the address of the property if applicable, and the basis upon which the trustee, debtor in possession or movant concludes that the property is burdensome to the estate or that it is of inconsequential value and benefit to the estate.

(d) Objections. Objections must be filed with the court and served upon the person(s) specified in the notice, within 15 days of service of the notice.

(e) Hearings. Unless a timely objection is filed, a notice of intention or motion to abandon property shall not be set for hearing unless otherwise ordered by the court.

(f) Orders.

(1) If No Objection is Filed and Served. If no timely objection to a notice of intent or motion to abandon is filed and served, the property is deemed abandoned without further order of the court unless the court otherwise directs. If an entity desires an order of the court authorizing or directing, and confirming, the trustee's or debtor in possession's abandonment of the property, that entity may submit to the court a proposed form of order, together with a certificate which recites (A) the circumstances of compliance with the notice requirements of Rule 6007 and this Local Rule, (B) that the time for objection has expired, and (C) that no objection has been filed and served, and 3 days has passed since the last day for objections. If the proposed form of order has been approved as to form by the trustee or debtor in possession, it may be signed and entered forthwith. Otherwise, it shall be lodged and a copy thereof shall be served on the trustee or debtor in possession.

(2) If Objection is Filed. If a timely objection is filed, the court shall conduct such proceedings as are appropriate.

(3) If the party submitting a certificate pursuant to paragraph (f)(1) has actual knowledge that an objection has been filed or served, but was untimely, the certificate should so state.

Committee Note

1. This Local Rule implements § 554 of the Code and Rule 6007. This Local Rule has no application to dispositions of property pursuant to § 363 of the Code or Rules 6004 or 7001(3), which involve the sale or lease of property of the estate.

2. Rule 2002 and Local Rule 2002-1 should be consulted for general provisions relating to notice.

Rule 6008-1 Redemption

(a) Procedure.

(1) Motion. A motion for order authorizing redemption of personal property shall be in substantial conformity with Local Sample Form 6008-1.

(2) Service. A motion for order authorizing redemption of personal property shall be served upon:

(A) Any creditor claiming a lien upon the property to be redeemed;

(B) The trustee; and

(C) Any other person or entity required by law or the court.

(3) Entry of Order. If an objection is not timely filed and served, the proposed form of order which shall be in substantial conformity with Local Sample Form 6008-3 shall be lodged and served by movant with a certificate of service and of no objection. The certification shall not be made until the expiration of 3 days after the last day for objection.

(b) Objection.

(1) An objection shall be served and filed within 15 days of service.

(2) An objection shall be supported by specific facts and law. Legible copies of all appraisals or summaries thereof currently in the objector's possession or control upon which the objector intends to rely shall be attached.

(3) If a timely objection is filed and served, movant will submit a notice of hearing in substantial conformity with Local Sample Form 6008-2.

Rule 7054-1 Costs - Taxation

(a) A party allowed costs shall, within 10 days after entry of the judgment unless the time is extended by motion filed prior to the expiration of the 10 days, file with the clerk and serve upon all adverse parties, a cost statement together with a notice of application to have the costs

taxed and a proposed form of taxation of costs. The cost statement shall include a memorandum of the costs and shall be verified.

(b) Unless the clerk otherwise directs, the notice of application to have costs taxed shall give adverse parties notice that they have 10 days to file and serve on the party who seeks costs, any objections to the cost statement. Any evidence supporting the objection shall be attached thereto. Thereafter, the clerk shall tax the costs.

(c) The clerk will not tax costs unless the judgment allows costs.

Rule 9004-1 Papers - Caption Requirements in Form, General

(a) Caption. The caption of each paper filed, other than the petition, unless otherwise specified in this Local Rule, shall include the title of the court as set forth in Local Rule 1005-1, the name of the debtor, the chapter of the case, the bankruptcy case number in the form required by Local Rule 1005-1 and a brief designation of the nature of the relief requested. In motions to modify the stay or for abandonment, a short description of the property shall be included. The title of the court in all papers shall commence on or below line 6 of the first page.

(b) Adversary Proceedings, Contested Matters or Certain Motions. The caption of an adversary complaint and all other pleadings filed in an adversary proceeding shall be dual captioned. The first caption shall include the debtor's name. The second caption shall include the names of the plaintiffs and defendants. The caption shall also include the chapter, the bankruptcy case number and the adversary proceeding number, once assigned. The caption of a motion to avoid a lien or a motion to vacate the stay and all subsequent pleadings related to the motions shall be dual captioned. The first caption shall include the debtor's name, case number, and the chapter under which the debtor filed. The second caption shall include the name of the movant and the respondent and the identifying alphabetical letter or number, if any, assigned to the proceeding.

(c) Jointly Administered or Substantively Consolidated Cases. Unless otherwise ordered, after the entry of an order for joint administration or substantive consolidation of two or more bankruptcy cases, all pleadings filed shall be jointly captioned to include the debtors' names and the case numbers of all the cases ordered jointly administered or substantively consolidated. The caption shall include whether the cases are jointly administered or substantively consolidated. All pleadings shall be filed and docketed in only the lowest numbered case. The caption shall identify the jointly administered case or cases to which the pleading relates.

(d) No pleadings or motions other than those specified in these Local Rules shall be dual captioned.

(e) Date and Time of Hearing. The caption shall include the date, time and place of the hearing if known. The place of hearing shall indicate the city, street address, and the courtroom number. This information shall be placed to the right of the caption name and beneath the case number.

(f) Pleadings and Other Papers.

(1) All pleadings and other papers, except for exhibits attached thereto, shall be submitted on paper 8 1/2 inches by 11 inches and shall be signed as provided in the Rules. Unless prior approval of the court is granted, the body of all documents, except exhibits attached thereto, shall be typed space-and-a-half or double-spaced except for footnotes or quotations which may be single-spaced.

(2) Hole Punched. All pleadings and other papers, including petitions, schedules and statements shall have two holes punched at the top of the paper prior to submission for filing with the clerk. The two holes are to be centered and set three inches apart.

(3) Proposed orders shall be prepared as a separate document containing the appropriate caption required by this Local Rule and shall not be included as part of stipulations, motions or other pleadings. The last page of an order must contain more of the order than the date and signature line.

(g) Amended Pleadings. Any party filing an amended pleading may incorporate, unless otherwise ordered by the court, any part of the preceding pleading, including the exhibits, by reference.

(h) Copies of Pleadings. Unless otherwise specified by the Rules or these Local Rules, an original and one copy of all pleadings and other papers shall be filed with the clerk.

(i) Adversary Cover Sheet. A completed adversary cover sheet substantially conforming to Local Form No. 2 shall be filed with any complaint commencing an adversary proceeding under Rule 7001.

(j) Copies for the United States Trustee. Any copies of pleadings or other papers required by the United States trustee shall be delivered or mailed directly to the office of the United States trustee.

Committee Note

1. The property description required in the caption of motions to modify the stay or for abandonment are to assist the clerk's office in docketing the motion. The description needs to identify the property; e.g., 1986 Ford Truck; 20 acres in Yuma County; or 1015 N. Central, Phoenix.

Rule 9009-1 Forms

- (a) The following Local Forms are required to be used:
- (1) Local Form No. 1 - Master Mailing List
 - (2) Local Form No. 2 - Adversary Proceeding Cover Sheet
 - (3) Local Form No. 3 -Application and Order for Limited Admission
- (b) Upon request, the clerk shall provide, without cost, any of the required Local Forms. All forms may be duplicated by the user as needed.
- (c) The Local Sample Forms which are attached as an appendix to the Local Rules are suggested and may be used.

Rule 9010-1 Attorneys

- (a) Attorney of Record. An attorney who has appeared on behalf of a party in a case or proceeding becomes the attorney of record for the party in that case or proceeding. An attorney of record shall remain such until the time for appeal of any judgment has expired or any such judgment has become final, the case has been closed or dismissed, or the court has entered a formal order of withdrawal or substitution in the case.
- (b) Withdrawal and Substitution. No attorney shall seek withdrawal or substitution as attorney of record in any pending case or proceeding except by written application. Unless the Rules require otherwise, the application shall contain at a minimum: (1) the name, address and telephone number of the substituting attorney, and such attorney's approval; or (2) if no substituting attorney exists, the client's name, last known address and telephone number, and a certificate of the attorney that the client has been notified in writing of the status of the case, including the dates and time of any court hearings or trial settings and the need to comply with any existing court orders, discovery requests and the possibility of sanctions for the failure to comply. The application shall be presented to the court, may be considered without a hearing, and shall be accompanied by a proposed order containing the name, address and telephone number of the person to whom subsequent pleadings shall be sent.
- (c) Notice. Prompt notice of any withdrawal or substitution order shall be given to all interested parties in any case, adversary proceeding, or contested matter in which the withdrawing attorney has appeared.

(d) Under Advisement Matters. Whenever any motion or other matter (such as a decision in a bench trial) has been taken under advisement by the court for more than 60 days, the attorneys of record in the matter, or any party affected by the undecided matter, shall inquire of the court, in writing, as to the status of the matter, and may do so every 30 days thereafter until the submitted matter has been decided.

Committee Note

1. This Local Rule does not negate the independent requirement of counsel to comply with Rules 2014, 2016, etc.

Rule 9011-1 Attorneys - Ethical Obligations

Without limiting the effect of an attorney's ethical responsibility under the Code, the Rules, and any case law, the "Rules of Professional Conduct," as set forth in Rule 42 of the Rules of the Supreme Court of the State of Arizona, shall apply to attorneys which file any pleading or document or which attend and are heard in any matter before the court.

Rule 9013-1 Motion Practice

For purposes of these Local Rules, a request for an order, including a motion, application or other pleading (herein collectively referred to as "motions") in administrative cases, contested matters and adversary proceedings shall be governed by the following requirements.

- (a) Motions. All motions, unless made in open court, shall include a memorandum setting forth the points and authorities relied upon in support of the request.
- (b) Length of Motions and Memoranda. Unless otherwise permitted by the court, a pleading, such as the motion or the supporting memorandum, shall not exceed 15 pages, exclusive of attachments.
- (c) Response and Reply Times for Motions in Adversary Proceedings. Unless otherwise set forth in the Rules, the Local Rules, or in an order of the court, the party in an adversary proceeding opposing or responding to a motion shall have 15 days after service within which to serve and file a responsive memorandum. The moving party, in an adversary proceeding and subject to the same limitations, shall have 10 days after service of the responsive memorandum to serve and file a reply.

(d) Unopposed or Ex Parte Motions. Motions which the proponent contends are unopposed or need not be set for hearing shall so state and be accompanied by a separate proposed order granting the relief requested. If the motion should be granted on an ex parte basis, the motion shall state why the motion need not be noticed to creditors and/or interested parties. The ex parte motion shall also be accompanied by a form of order.

(e) Discovery Disputes. No motion concerning discovery disputes will be considered unless a statement of moving counsel is attached certifying that after personal consultation and sincere efforts to do so, counsel have been unable to resolve the matter.

(f) Motions to Compel. When a motion for an order compelling discovery is brought, in addition to the requirements set forth in paragraph (e) above, movant shall set forth the following in separate, distinct, numbered paragraphs:

- (1) The questions propounded, the interrogatory submitted, the designation requested or the inspection requested;
- (2) The answer, designation or response received; and
- (3) The reason(s) why said answer, designation or response is deficient.

The foregoing requirements shall not apply where there has been a complete failure to respond to a discovery request.

(g) Motions for Summary Judgment. In any administrative case, contested matter or adversary proceeding, any motion for summary judgment shall set forth separately from the memorandum of law, and in full, the specific facts on which movant relies in support of the motion. The specific facts shall be set forth in serial fashion, not in narrative form. As to each fact, the statement shall refer to a specific portion of the record where the fact may be found (i.e., affidavit, deposition, etc.). Any party opposing summary judgment must comply with the foregoing in setting forth the specific facts, including those facts which establish a genuine issue of material fact precluding summary judgment. In the alternative, the movant and the opponent shall jointly file a stipulation setting forth a statement of the stipulated facts, if the parties agree there is no genuine issue of material fact. As to any stipulated facts, the parties may state their stipulations are entered into only for the purposes of the motion for summary judgment and are not to be otherwise binding. Unless otherwise set forth in the Rules, the Local Rules, or in an order of the court, and notwithstanding the provisions of paragraph (c) above, the party opposing or responding to a motion for summary judgment shall have 30 days after service within which to serve and file a responsive memorandum; the moving party shall have 15 days after service of the responsive memorandum to serve and file a reply.

(h) Accelerated Hearings. Motions to accelerate hearings or reduce notice periods are disfavored and should not result from delay or inadvertence by movant or movant's counsel. The procedure for requesting such relief shall be governed by the following requirements.

(1) Before requesting such relief, the movant shall make every practicable effort to notify opposing parties if any. The movant shall serve the pleadings at the earliest possible time.

(2) The request for relief shall be a separate motion and bear a caption such as "Motion for Accelerated Hearing" or "Motion to Reduce Notice Period." A proposed order granting the relief requested shall be lodged with the motion.

(3) Such motion shall contain:

(A) The telephone numbers and office addresses of the attorneys for the opposing parties;

(B) Facts showing the existence and nature of the claimed emergency; and

(C) When and how counsel for the opposing parties were notified and whether they have been served with the motion, or, if not notified and served, why that was not done.

(i) Motions for Continuance or Extensions of Time. Requests for continuance of hearings or extensions of time as to briefing schedules or other matters shall state whether any other party objects to the request, or why the moving party has been unable to determine the other party's position.

(j) Notice for Motion Requiring a Hearing. A motion which the proponent contends requires a hearing shall be accompanied by a notice in the following format:

(1) If the hearing is to be set by the court, the notice shall specify the details of the requested relief, provide for any response or objection to be filed with the court and served on the proponent by a blank date, and may further provide for a hearing at a blank date and time.

(2) If the hearing may be set by the proponent from dates obtained from the court, the notice shall specify the details of the requested relief and the proponent may complete the information as to the response or objection date and the date, time, and location of the hearing.

(3) The proposed notice may state that the court may vacate the hearing and grant the requested relief at the proponent's request if no timely objection is served and filed.

(4) The proponent shall serve the completed notice as required by the Rules, Local Rules, or order of the court and file a certificate or affidavit of mailing.

(5) If a bar date notice has been utilized previously by the proponent and the proponent has received an objection or an objection has been filed with the court, the proponent shall submit an abbreviated form of notice which shall have

(A) The location of the hearing; and

(B) A blank date and time for the hearing, or the hearing date and time filled in, whichever is the procedure of the court hearing the matter; and

(C) The proponent shall serve the notice only on the objecting party or parties, and file a certificate or affidavit of mailing.

Rule 9022-1 Notices of Judgments or Orders

When a judgment or order is entered, it shall be the responsibility of the party obtaining the judgment or order to serve a copy upon the contesting parties and any other person or entity as the court may direct.

Rule 9027-1 Removal And Remand

(a) Notice of Removal of Litigation. A notice of removal of litigation pending in a court in Arizona, together with an adversary proceeding cover sheet, shall be filed with the bankruptcy court clerk's office in the division where the removed litigation is pending.

(b) Remand. A motion for remand of the litigation removed under subsection (a) shall be filed with the bankruptcy court clerk's office in the division where the removed litigation is pending and shall be heard by the bankruptcy court.

Committee Note

1. Local Sample Form 9027-1 is a sample notice of removal to be used for state court litigation and is suggested for use.

2. The practitioner should consult and comply with the following: 28 U.S.C. § 157; 28 U.S.C. § 158; 28 U.S.C. § 1334(b); 28 U.S.C. § 1452; and Rule 9027. Rule 2.23 of the United States District Court for the District of Arizona may also be consulted.

Rule 9071-1 Stipulations of Counsel

(a) Written. Stipulations of counsel or parties relating to the business of the court, other than stipulations made on the record in open court, shall be contemporaneously memorialized in writing and signed by and transmitted to all affected parties and counsel.

(b) Binding Effect. No stipulation between parties or counsel relating to the business of the court shall be binding on the court until approved by the court. Stipulations made in compliance with paragraph (a) above shall be binding on the participating parties and counsel until disapproved by the court or overruled by court order. Except as provided by law, the court may refuse to consider parole evidence of any stipulation not made in compliance with paragraph (a) above.

APPENDIX OF LOCAL SAMPLE FORMS

<u>Local Sample Form Number</u>	<u>Description</u>
4003-2	Notice of Motion to Avoid Lien
4008-1	Agreement to Reaffirm
4008-2	Motion for Approval of Reaffirmation Agreement
4008-3	Notice of Hearing on Motion to Approve Reaffirmation Agreement
4008-4	Order Approving Reaffirmation Agreement
6007-1	Notice of Intent to Abandon
6007-2	Notice of Motion to Compel Abandonment
6007-3	Order for Abandonment
6008-1	Motion for Order Authorizing Redemption of Personal Property
6008-2	Notice Setting Hearing on Motion for Order Authorizing Redemption of Personal Property and Objection Thereto
6008-3	Order Authorizing Redemption of Personal Property
9027-1	Notice of Removal
13-2	Plan Analysis

Local Sample Form 4003-2

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re	)	Chapter ____
)	
_____ ,	)	No. B-_____
)	
Debtor(s).)	
_____)	
)	
_____ ,	)	NOTICE OF MOTION
	)	TO AVOID LIEN
Movant(s),)	
)	
vs.)	
)	
_____ ,)	
)	
Respondent(s).)	
_____)	

NOTICE IS HEREBY GIVEN that the above-captioned debtor(s) have filed a MOTION TO AVOID LIEN or other transfer of property exempt under Section 522(f) of the Bankruptcy Code.

FURTHER NOTICE IS HEREBY GIVEN that respondent(s), pursuant to Local Bankruptcy Rule 4003-2, shall have fifteen (15) days after the date of service of the motion and this notice within which to object by filing with the Court a response objecting to the motion and requesting a hearing and to serve a copy of any such response upon the debtor(s)' attorney whose address is:

and to serve a copy of the response upon any other respondent(s) named in the debtor(s)' motion.

DATED: _____.

Movant's Attorney

Local Sample Form 4008-1

AGREEMENT TO REAFFIRM

WHEREAS, on the date of filing bankruptcy, _____
_____ [debtor] (hereinafter referred to as "Debtor") was
indebted to _____ [creditor] (hereinafter referred
to as "Creditor") as evidenced by _____
[e.g., a promissory note, security agreement, sales/lease
contract], copies of which are attached, dated _____,
and upon which remains as of _____ an unpaid balance
of \$_____ [secured by ___ personal property, ___ motor
vehicle, and/or ___ real estate].

NOW, THEREFORE, Debtor wishes to reaffirm said debt [and
security agreement]. This new agreement refinances only that
portion of the debt reaffirmed according to the following terms.
Debtor agrees to pay Creditor the sum of \$_____ at ___
% interest per annum from _____, in consecutive monthly
installments of \$_____ beginning _____ and all
subsequent installments on the same day of each consecutive month
until paid in full. Debtor agrees to be bound by all other terms
and conditions of the original loan documents.

Upon payment in full, Creditor shall terminate upon
request any security interest it may have in the property of
Debtor.

Debtor acknowledges [does not acknowledge] [indicate which
is appropriate] that there is a default pursuant to the terms and

conditions of the loan documentation. The debtor and creditor agree that the default shall be cured as follows: [describe]

This Reaffirmation Agreement may be rescinded at any time prior to discharge or within sixty (60) days after it has been filed with the Court, whichever occurs later, by giving written notice of the rescission to Creditor.

In the event Debtor timely rescinds, Debtor is aware that Creditor will keep all payments made and is entitled to certain remedies available, which may include, if there is a default, taking possession of any collateral.

Debtor understands and is aware that this Reaffirmation Agreement is not required under the Bankruptcy Code, under nonbankruptcy law, or under any agreement not in accordance with the provisions of Section 524(c) of the Bankruptcy Code.

Debtor certifies that this Reaffirmation Agreement is purely voluntary, is not an undue hardship and is entered into before the discharge date.

Dated this ____ day of _____, 19__.

Debtor

Creditor

Debtor

DEBTOR'S ATTORNEY'S DECLARATION

The undersigned has represented Debtor during the course of the negotiations of this Reaffirmation Agreement. The undersigned has fully advised the Debtor of the legal effect and consequences of the Reaffirmation Agreement and any default thereunder. The above Reaffirmation Agreement represents a fully informed and voluntary agreement by the Debtor or dependent(s) of the Debtor.

Date

Debtor's Attorney

Local Sample Form 4008-2

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re _____,) Chapter ____
)
) No. B-_____
)
 Debtor(s).) MOTION FOR APPROVAL OF
) REAFFIRMATION AGREEMENT
 _____)

_____ [Debtor] hereby moves, pursuant to Section 524(c)(6) of the Code, for entry of an order approving the Reaffirmation Agreement identified below and attached hereto, representing as follows:

1. Name and address of Creditor with whom Reaffirmation Agreement was made, and date of agreement:

2. Amount of debt: \$_____

3. Nature of debt: _____

4. Nature of security for debt, if any, and estimated value of collateral: _____

5. Attach copy of the Reaffirmation Agreement for which Court approval is sought.

6. Will enforcement of the agreement impose an undue hardship on the debtor or a dependent of the Debtor?

Yes ___ No ___ Explain: _____

7. Explain the circumstances under which the debtor entered into the agreement, including the reason why such agreement was made despite the fact that Debtor is under no obligation to make agreements to pay debts discharged in bankruptcy. (Explain why it is in the best interest of Debtor to reaffirm. The Debtor should explain whether the Debtor is in default pursuant to the terms and conditions of the loan documentation and how the default is to be cured. Attach additional pages if necessary.) _____

8. Was the agreement entered into in a good faith settlement of litigation regarding the dischargeability of this debt under Section 523 of the Code? Yes ___ No ___

(If Yes, attach explanation.)

9. Debtor understands that this reaffirmation of the debt is voluntary and is not required by the Code, nonbankruptcy law or under any agreement not in accordance with Section 524(c) of the Code. Yes ___ No ___

10. Debtor understands that if Debtor does not rescind this agreement within 60 days from the date of filing of this agreement with the Court or from date of discharge, whichever is later, Debtor will be legally obligated to comply with the terms of the agreement despite the fact that the debt may be or has been dischargeable. Debtor understands that if debtor neither complies with the terms of the agreement nor rescinds within the 60 days, the creditor may utilize all legally available remedies to enforce this agreement, despite the fact that this debt may be dischargeable in bankruptcy. Yes ___ No ___

I, _____, the Debtor who is applying for Court approval to reaffirm debt(s), certify that the foregoing is true and correct and that on _____, a copy of this Application was [mailed first class] [hand-delivered] to the creditor whose name and address appear in paragraph one of this Application.

DATED: _____

Debtor

*Attach separate sheets for each debt reaffirmed.

Local Sample Form 4008-3

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re	)	Chapter __
)	
_____ ,	)	No. B-_____
)	
Debtor(s).	)	NOTICE OF HEARING ON
	)	MOTION TO APPROVE
_____	)	REAFFIRMATION AGREEMENT

TO DEBTOR AND REAFFIRMING CREDITOR(S):

Notice is hereby given that a hearing will be held on the ___ day of _____, 19__, at _____ .m. Courtroom #____, _____, _____, Arizona, before a United States Bankruptcy Judge to act upon and consider the Motion for Approval of Reaffirmation Agreement.

DATED: _____

KEVIN E. O'BRIEN
CLERK, U. S. BANKRUPTCY

COURT

Deputy Clerk

Local Sample Form 4008-4

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re	)	Chapter __
)	
_____ ,	)	No. B-_____
)	
Debtor(s).	)	ORDER APPROVING
	)	REAFFIRMATION AGREEMENT
_____)	

The Reaffirmation Agreement between the Debtor(s) and _____ dated _____, having come before this Court and the requirements of Section 524 of the Code having been satisfied,

IT IS ORDERED that the above Reaffirmation Agreement is hereby approved.

DATED: _____

UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re	)	Chapter __
)	
_____ ,	)	No. B-_____
)	
Debtor(s).	)	NOTICE OF INTENT TO
	)	ABANDON
_____)	

PLEASE TAKE NOTICE that the [trustee] [debtor in possession] intends to abandon the following property (the "Subject Property"):

for the reason that the Subject Property is [burdensome to the estate in that _____] [and] [of inconsequential value and benefit to the estate in that _____].

If you desire to object to the abandonment, you must file your objection, specifying the reasons therefor, with the Court and serve a copy upon the undersigned at the address set

forth below on or before the expiration of fifteen (15) days from the mailing of this notice.

Unless you file and serve a timely objection, the abandonment may be authorized without further notice or a hearing.

[Trustee] [Debtor in Possession]
[mailing address]

Copies mailed on
_____, 19__ to:

[Person certifying to the mailing]

Local Sample Form 6007-2

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re	)	Chapter __
)	
_____ ,	)	No. B-_____
)	
Debtor(s).)	
	)	NOTICE OF MOTION TO COMPEL
_____	)	ABANDONMENT

PLEASE TAKE NOTICE that _____
 (the "Movant") has filed a motion to compel the [trustee] [debtor
 in possession] to abandon the following property (the "Subject
 Property"):

for the reason that the Subject Property is [burdensome to the
 estate in that _____ [and] [of
 inconsequential value and benefit to the estate in that _____
 _____.]

If you desire to object to the abandonment, you must
 file your objection, specifying the reasons therefor, with the
 Court and serve a copy upon the Movant at the following address:

[Insert the address of the Movant or, if the Movant is represented by an attorney, of the Movant's attorney]

and on the [trustee] [debtor-in-possession] at the following address:

[Insert the address of the trustee or debtor-in-possession and the address of the trustee's or debtor-in-possession's attorney]

Unless you file and serve a timely objection, the abandonment may be authorized without further notice or a hearing.

[Movant or its attorney]
[mailing address]

Copies mailed on _____, 19__ to:

[Person certifying to the mailing]

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re _____,) Chapter __
Debtor(s).) No. B-_____
ORDER FOR ABANDONMENT

Upon [notice by the trustee] [notice by the debtor in possession] [motion of _____], [there being no objection thereto and] good cause appearing, it is

ORDERED that the [trustee] [debtor in possession] is authorized and directed to abandon the following described property:

and that the [trustee's] [debtor in possession's] abandonment of such property is hereby confirmed.

DATED: _____

UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re	)	Chapter __
)	
_____ ,	)	No. B-_____
)	
Debtor(s).	)	MOTION FOR ORDER
	)	AUTHORIZING REDEMPTION OF
_____	)	PERSONAL PROPERTY

_____ [Debtor], Debtor, moves the court to issue an order authorizing the redemption of certain tangible personal property described below, and in support of this motion states:

1. Debtor has an interest in certain tangible personal property consisting of _____ secured by a lien on the property in the approximate amount of _____ in favor of _____ [lienholder].

2. That such property is used primarily for _____ [personal or family or household] use, and that the debt incurred constitutes a "consumer debt" within the meaning of Section 101(7) of the Code, which is dischargeable under Section 727(b) of the Code.

3. That such property _____ [is exempt from inclusion in the debtor's estate under the terms of

Section 522(____) of the Code or has been abandoned by the trustee under Section 554 of the Code].

4. That any objection must be served and filed within fifteen (15) days of service, otherwise an order granting the relief requested by this motion may be entered.

WHEREFORE, the debtor prays that the court issue an order:

a. Requiring the lienholder to accept _____ in full satisfaction of the lien upon the property described above.

b. Authorizing the debtor to _____ [retake or retain] possession of the property.

c. Granting the debtor such other and further relief as the court may deem just in the circumstances.

DATED: _____.

Local Sample Form 6008-2

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re	)	Chapter __
)	
_____ ,	)	No. B-_____
)	
Debtor(s).	)	NOTICE SETTING HEARING ON
	)	MOTION FOR ORDER
	)	AUTHORIZING REDEMPTION OF
	)	PERSONAL PROPERTY AND
	)	OBJECTION THERETO
_____)	

NOTICE IS HEREBY GIVEN that _____ [Debtor] has moved from an order authorizing redemption of personal property identified as _____ for the amount of \$_____. _____ [creditor(s)] has [have] objected to the motion. A hearing on the motion for order authorizing redemption, and the objection[s] thereto, is set for the ____ day of _____, 19____, at _____ .m., in Hearing Room #____, _____, _____, Arizona.

DATED: _____.

KEVIN E. O'BRIEN
CLERK, U. S. BANKRUPTCY COURT

Deputy Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re	)	Chapter __
)	
_____ ,	)	No. B-_____
)	
Debtor(s).	)	ORDER AUTHORIZING
	)	REDEMPTION OF PERSONAL
	)	PROPERTY
_____)	

It appearing to the court that the debtor has an interest in certain tangible property consisting of _____, secured by a lien on the property in favor of _____ (hereafter "Lienholder"), under a contract whereby Lienholder did retain a lien against such property to secure full payment of the purchase price of \$_____, and it further appearing that the same constitutes _____ [exempt or abandoned] property, now, therefore, upon the motion of the debtor for an order authorizing the redemption of such property, and after a hearing before the court on such motion on _____, and any objection being denied, it is ORDERED:

1. That _____, the lienholder above-named, accept the debtor's tender of \$_____ in full satisfaction of his/her secured claim as heretofore allowed, and

• • •

2. That the debtor may _____ [retake or
retain] possession of the property.

DATED: _____.

UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re	)	Chapter __
)	
_____ ,	)	No. B- _____
)	
Debtor.)	
_____	)	Adv. No. _____
)	
_____ ,)	
)	
Plaintiffs,	)	NOTICE OF REMOVAL
)	
vs.)	
)	
_____ ,)	
)	
Defendants.)	
_____)	

_____ (the "Movants"), as
[plaintiffs] [defendants] in Arizona [Superior] [_____] Court (_____
County) (the "[Superior] [_____] Court"),
Case No. _____ (the "Removed Case"), hereby remove the
Removed Case to the United States Bankruptcy Court for the
District of Arizona (the "Bankruptcy Court").

Entitlement to Removal.

The Removed Case was commenced in the [Superior]
[_____] Court on _____. On _____, the
_____ commenced Chapter __, Case No. _____ (the

"Bankruptcy Case") in the Bankruptcy Court in the District of _____.

[The date of the order for relief in the Bankruptcy Case was _____.]

[On _____, the Bankruptcy Judge entered an order which terminated the automatic stay imposed by § 362(a) of the Bankruptcy Code with respect to the Removed Case.]

[The Bankruptcy Case is a Chapter 11 case in which a trustee qualified on _____.]

The Removed Case is a case related to the Bankruptcy Case. As such, the United States District Court for the District of Arizona (the "District Court") has jurisdiction of the Removed Case pursuant to 28 U.S.C. § 1334(b). Therefore, pursuant to 28 U.S.C. § 1452(a), the Removed Case may be removed to the District Court.

Pursuant to 28 U.S.C. § 157, the District Court may refer the Removed Case to the bankruptcy judges for the district. By its General Order 128, the District Court has referred to the bankruptcy judges for this district all cases under Title 11 and all proceedings under Title 11 or arising in or related to a case under Title 11. That includes the Removed Case.

As permitted by Bankruptcy Rule 9027(a)(2), this Notice of Removal is being filed within [90 days after the order for relief in the Bankruptcy Case] [30 days after entry of the order terminating the automatic stay with respect to the Removed Case] 30 days after the trustee qualified in the Chapter 11

Bankruptcy Case and not later than 180 days after the order for relief in the Bankruptcy Case].

Core/Non-Core Status of Removed Case.

The Removed Case [is a core proceeding within the meaning of 28 U.S.C. § 157(b)] [is not a core proceeding within the meaning of 28 U.S.C. § 157(b) but is instead a case which is otherwise related to a case under Title 11 within the meaning of 28 U.S.C. § 157(c)]. [Pursuant to 28 U.S.C. § 157(c)(2), the Movants [do] [do not] consent to the District Court's referral of the Removed Case to the Bankruptcy court to hear and determine and to enter appropriate orders and judgments, subject to review under 28 U.S.C. § 158.] Pursuant to Bankruptcy Rule 9027(a)(1), the Movants [do] [do not] consent to the entry of final orders or judgments by the bankruptcy judge.

Process and Pleadings.

This notice is accompanied by a copy of all process, pleadings and orders in the Removed Case.

Filing in Superior Court.

Promptly after the filing hereof, the undersigned shall file a copy of this notice with the Clerk of the [Superior] [_____] Court.

DATED: _____

Attorney for Movants

LOCAL SAMPLE FORM 13-2. PLAN ANALYSIS

Debtor(s): _____ Case No.: _____

Prior: Chapter 7 () Chapter 13 () Date: _____

**TOTAL DEBT AND ADMINISTRATIVE EXPENSES
PROVIDED FOR BY THE PLAN**

- A. DEBTOR'S UNPAID ATTORNEY FEES \$ _____
- B. PRIORITY CLAIMS \$ _____
 - 1. Taxes \$ _____
 - 2. Other \$ _____
- C. PAYMENTS TO CURE DEFAULTS \$ _____
- D. PAYMENTS ON SECURED CLAIMS \$ _____
- E. PAYMENTS ON OTHER CLASS \$ _____
- F. PAYMENTS ON GENERAL UNSECURED CLAIMS \$ _____
- G. SUB-TOTAL \$ _____
- H. TRUSTEE'S COMPENSATION (___% of debtor's payments) . \$ _____
- I. TOTAL AMOUNT OF PLAN PAYMENTS \$ _____

RECONCILIATION WITH CHAPTER 7

- J. INTEREST OF GENERAL UNSECURED CREDITORS IF CHAPTER 7 FILED
 - 1. Value of debtor's interest in nonexempt property \$ _____
 - 2. Value of property recoverable under avoiding powers . . . \$ _____
 - 3. Less: Estimated Chapter 7 administrative expenses \$ _____
 - 4. Less: Priority claims \$ _____
- K. EQUALS ESTIMATED DIVIDEND FOR GENERAL UNSECURED CREDITORS UNDER CHAPTER 7 \$ _____
- L. ESTIMATED DIVIDEND UNDER PLAN \$ _____

IF THERE ARE DISCREPANCIES BETWEEN THE PLAN AND THIS PLAN ANALYSIS, THE PROVISIONS OF THE PLAN, AS CONFIRMED, CONTROL.