### UNITED STATES BANKRUPTCY COURT DISTRICT OF ARIZONA

In the matter of:

ADOPTION OF LOCAL RULE AND FORM IN CHAPTER 11 SUBCHAPTER V CASES **GENERAL ORDER 20-2** 

In order to implement the changes to the Bankruptcy Code effectuated by the Small Business Reorganization Act of 2019, and in accordance with Local Rule 1001(a), the bankruptcy judges of the District of Arizona adopt this General Order to be effective February 19, 2020, and amend the Local Rules as follows:

## 1. Local Rule 3003-1. Filing Proof of Claim or Equity Security Interest in Chapter 9 and Chapter 11 Cases

- (a) By Motion. A claims bar date may be requested and set by motion. An order setting the claims bar date may be entered by the Court without a hearing. The order must provide no less than 60 days notice and conform to Local Form No. 3003-1 Order Setting Claims Bar Date. Service of the order must comply with FRBP 2002(a)(7).
- (b) By Order Setting Hearing on Disclosure Statement. Unless a bar date has previously been set, a claims bar date order must conform to Local Form No. 3003-2 Order Setting Initial Hearing on Approval of Disclosure Statement. Service of the order must comply with FRBP 2002(b).
- (c) Notwithstanding sections (a) and (b) above, in a case under subchapter V of chapter 11, and unless otherwise ordered by the Court, creditors other than governmental units shall file a proof of claim or interest not later than 70 days

following entry of the order for relief. 11 U.S.C. § 502(b)(9) and Fed. R. Bankr. P. 3002(c)(1) shall govern the timing of the filing of proofs of claim by governmental units.

2. The Court requires the use of certain Local Forms, which may be modified from time to time without prior notice. Changes to the procedures and/or forms will be posted on the Court's website. The Court adopts new local form 3003-4 Order Setting Confirmation Hearing (Subchapter V Only), as attached hereto.

### IT IS SO ORDERED.

Dated this 6 day of February, 2020.

FOR THE COURT:

Brenola Moody Whinery, Chief Judge

# UNITED STATES BANKRUPTCY COURT DISTRICT OF ARIZONA

Click here to enter text,

In re:

Debtor(s).

Chapter 11 Proceedings

Case No. Click here to enter text

#### **ORDER:**

- 1. SETTING CONFIRMATION HEARING; AND
- 2. FIXING DEADLINES TO
- (i) MAKE § 1111(b) ELECTION,
  - (ii) OBJECT TO PLAN,
  - (iii) VOTE ON PLAN, and
  - (iv) OBJECT TO DISCHARGE

On [insert date] the Debtor filed a plan at Dkt. [insert docket number] (the "Plan").

### IT IS ORDERED AND NOTICE IS HEREBY GIVEN THAT:

- 1. <u>HEARING ON CONFIRMATION OF THE PLAN</u>: The Court will consider whether to confirm the Plan at a hearing on Click or tap to enter a date, at Click or tap here to enter time (hh:mm) Click or tap here to choose a.m. or p.m. ("Confirmation Hearing"). The Confirmation Hearing will be held in Courtroom Click or tap here to enter Courtroom number or letter, at the Click or tap here to choose Court address/location. Parties may also appear by video from Click or tap here to choose Video location(s).<sup>1</sup>
  - 2. **DEADLINE TO MAKE § 1111(b)(2) ELECTION**: Any secured creditor that

<sup>&</sup>lt;sup>1</sup> If video appearances/locations are not set by the Court, please delete from "Parties may also appear by video from" and "Click or tap here to choose Video location(s)" and footnote "1."

wishes to make an election under 11 U.S.C. § 1111(b)(2) must do so no later than seven (7) calendar days prior to the initial confirmation hearing.

3. <u>DEADLINE TO OBJECT TO THE PLAN</u>: Any party desiring to object to confirmation of the Plan must file a written objection with the Court via the Electronic Court Filing System or, if the objecting party is not an authorized user of the System, then by delivering the objection to the Court Clerk of the Court.<sup>2</sup> The objection must be filed by Click or tap to enter the deadline for objection(s) (which date is at least seven (7) calendar days prior to the initial confirmation hearing). Any party that files an objection to confirmation of the Plan must serve a copy of the objection on the Debtor and subchapter V trustee at the following addresses:

[Name of Debtor or its Attorney]
[Name of Firm, if applicable]
[Debtor's or Firm's Street Address]
[Debtor's or Firm's City, State and Zip Code]

[Name of Subchapter V Trustee]
[Trustee's Street Address]
[Trustee's City, State and Zip Code]

- 4. <u>DEADLINE TO VOTE</u>: The Debtor shall provide creditors with a copy of a ballot conforming to Official Form No. 14 ("Ballot"). Any creditor desiring to vote for or against confirmation of the Plan must complete and sign a Ballot. To be timely, a completed Ballot must be delivered to the Proponent at the address listed in paragraph 3 above by Click or tap to enter a date (which is at least seven (7) calendar days prior to the Confirmation Hearing).
- 5. <u>DEADLINE TO OBJECT TO DISCHARGE</u>: The date of the initial Confirmation Hearing is the deadline for any creditor to file a complaint objecting to the discharge of an individual debtor. Fed. R. Bankr. P. 4004(a).

<sup>&</sup>lt;sup>2</sup> The Clerk's office in Phoenix is located at the U.S. Bankruptcy Court, 230 N. First Ave, Suite 101, Phoenix, AZ 85003 and the Clerk's office in Tucson is located at the U.S. Bankruptcy Court, 38 S. Scott Ave, Suite 100, Tucson, AZ 85701.

- **BALLOT REPORT**: The Debtor shall file a report, consistent with Local Bankruptcy Rule 3018-1, no later than three (3) business days prior to the Confirmation Hearing.
- 7. <u>SERVICE OF THIS ORDER, DISCLOSURE STATEMENT, PLAN AND</u>

  <u>BALLOT:</u> Pursuant to Bankruptcy Rule 3017(d), the Debtor shall serve a copy of this Order, the Plan, and a Ballot (collectively, the "Plan Documents") on:
  - a. All creditors;
  - b. The United States trustee; and
  - c. The subchapter V trustee.
- 8. <u>TIMING OF SERVICE</u>: Pursuant to Bankruptcy Rule 2002(b), the Plan Documents shall be served so that creditors have not less than twenty-eight (28) days after receipt (or, pursuant to Bankruptcy Rule 9006(f), thirty-one (31) days if the Plan Documents are served by mail) to file objections to confirmation and to vote on the Plan.
- **9.** <u>CERTIFICATE OF SERVICE</u>: Promptly after serving the Plan Documents, the Debtor shall file with the Court a certificate or affidavit evidencing such service.
- 10. PROCEDURE IF A PLAN OBJECTION IS FILED: If a party objects to confirmation of the Plan, the Court will determine the appropriate manner to address the objection at the initial Confirmation Hearing. The Court may continue the hearing if it determines that additional evidence or argument is required.
- 11. PROCEDURE IF NO PLAN OBJECTION IS FILED: If no party objects to confirmation of the Plan, the Court may confirm the Plan at the Confirmation Hearing if the Debtor presents sufficient evidence (e.g., witness testimony, declaration, or documents) to allow the Court to make findings required by Bankruptcy Code § 1129.

#### DATED AND SIGNED ABOVE.