

United States Bankruptcy Court  
District of Arizona



*REDLINE*

Proposed Local Rules of Bankruptcy Procedure  
for the District of Arizona

**2021 – 2022 Cycle**

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**2021-2022 :: SUMMARY OF PROPOSED LOCAL RULE AMENDMENTS  
UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ARIZONA**

<b>Local Rule</b>	<b>Note/Explanation Regarding Amendment</b>
<p>1. LR 1005-1(b).  Page No. 01</p>	<p><b>CAPTION OF PETITION.</b> Subsection (b) is amended in response to the Supreme Court’s decision in <i>Obergefell v. Hodges</i>, 576 U.S. 644 (2015), to replace “a husband or wife” with “spouses.” Other minor stylistic changes made.</p>
<p>2. LR 2003-2 &amp; two related Forms. <i>(New)</i>  Page Nos. 15, 17, 19</p>	<p><b>DOCUMENTS AND QUESTIONNAIRE TO BE DELIVERED TO TRUSTEE.</b> This rule is added to facilitate the chapter 7 process and require individual debtors to complete and return to the trustee a local form questionnaire and document checklist before the Section 341 Meeting of Creditors.</p>
<p>3. LR 2084-3.  Page No. 01</p>	<p><b>ATTORNEY FEES.</b> The rule is amended to clarify the procedure for applying for fees and to include the flat fee amount. The amendment also re-sequences the subsections and makes other stylistic changes made. <i>(Upon final adoption, this amendment will render GO 17-2 obsolete.)</i></p>
<p>4. LR 2084-4(b)(1)(a).  Page No. 05</p>	<p><b>PLAN.</b> The language of subsection (b) is updated to clarify that the conduit payment requirement applies to any obligation secured by residential real property, not just to mortgage obligations. This subsection is also amended to limit the notice required for motions to waive conduit payments.</p>
<p>5. LR 3003-1 (c).  Page No. 06</p>	<p><b>FILING PROOF OF CLAIM OR EQUITY SECURITY INTEREST IN CHAPTER 9 AND CHAPTER 11 CASES.</b> New subsection (c) is added to establish a claim deadline for Subchapter V cases (70 days after the bankruptcy filing date and 180 days for creditors that are government units). This time period is consistent with chapter 13 case claim deadlines. <i>(Upon final adoption, this amendment will render GO 20-2 obsolete. Note: That GO also adopted Local Form 3003-4 Order Setting Confirmation Hearing (Subchapter V Only))</i></p>

<p>6. LR 3007-1.  Page No. 07</p>	<p><b>CLAIMS – OBJECTIONS.</b> Subsection (a) is amended to clarify that filers of omnibus objections to claims are excepted from identifying the claim number and name of claimant in the caption. Other stylistic changes made throughout.</p>
<p>7. LR 4001-1(b) &amp; (h).  Page No. 07</p>	<p><b>AUTOMATIC STAY – RELIEF FROM OR ABSENCE OF; RESIDENTIAL PROPERTY PRE-FILING CERTIFICATION; OBJECTION PROCEDURE.</b> The rule is amended to remove subsection (b) requiring a movant to certify that at least seven (7) days before filing a motion concerning residential real property a letter was sent to debtor’s counsel or debtor and the matter was not resolved after sincere efforts. Also amended to add new subpart (g)(3) directing that the stay remains in effect without further court order until the conclusion of the preliminary hearing. Other stylistic changes.</p>
<p>8. LR 9013-1(d) &amp; (e)(3).  Page No. 09</p>	<p><b>MOTION PRACTICE, UNOPPOSED OR EX PARTE MOTIONS, MOTIONS TO EXCEED THE PAGE LIMIT.</b> The rule is amended to add new subsection (d) restricting the parties from changing court ordered briefing deadlines shortly before hearings without court approval. Subsection (e)(3) amended to require a request to exceed page limits to state how many pages are necessary. The subsections are re-sequenced.</p>
<p>9. LR 9029-1. <i>(New)</i>  Page No. 15</p>	<p><b>LOCAL RULES ADVISORY COMMITTEE.</b> The new rule is added to establish an annual cycle and structure for amending the Local Rules. <i>(Upon final adoption, this amendment will render GO 21-2 obsolete.)</i></p>
<p>10. LR 9076-1.  Page No. 13</p>	<p><b>ELECTRONIC SERVICE.</b> The rule is amended to include objections to proofs of claim in the list of items where service by NEF is not effective. Current subsection (5) is re-sequenced as (6). Other stylistic changes.</p>

## Rule 1005-1. Caption of Petition

(a) **Caption.** The caption of any petition must designate the Court as the United States Bankruptcy Court, District of Arizona.

(b) **Trade Name(s)-Names.** The caption for an individual petition or joint petition by ~~a husband or wife~~spouses must include, after the name(s) of the debtor(s), the name of any sole proprietorship operated by the debtor(s). The caption for a debtor that is not an individual must include, after the name of the debtor, any trade name(s) used by that entity, ~~which shall be~~ and identified by the letters “d/b/a”.

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~~Notes 2018: LR was amended to add paragraph (b) calling for the bankruptcy petition to identify the name(s) of an individual debtor's sole proprietorship(s) and an entity debtor's trade names. LR 9004-1 contains other requirements for filing papers.~~

~~Notes 2022: Subdivision (b) is amended to replace "a husband or wife" with "spouses".~~

## Rule 2084-3. Attorney Fees

~~Application for Flat Fee Payment in Plan.~~ **(a) Fee Election and Disclosures.** Any original, amended, or modified chapter 13 plan (collectively the “plan”) must indicate on the plan form whether compensation by the attorney representing the debtor will be on a flat fee or hourly basis. ~~In hourly fee cases, counsel must file a separate fee application as provided in section (e). If a flat fee is elected, the plan must state the amount of the flat fee and specify what services are to be included in the flat fee. The fees sought in the plan must be consistent in amount and description with counsel's FRBP 2016(b) disclosure. The fee disclosures in amended and modified plans must be consistent with the fee disclosures in the original plan.~~

~~(a) — Flat Fee Requirements.~~ An attorney may elect to seek approval for fees in the order confirming the plan up to the amounts set forth in this Court's General Orders.

### (b) Flat Fee Requirements.

(1) Entitlement to Flat Fee. A flat fee is available if:

(A) The attorney agrees to provide all services listed in subsection (3);

(A) (B) Section (C)(2)(a) of the plan form contains the attorney's election to accept a flat fee and identifies the amount of the flat fee;

(C) No party objects to the requested fees; and

(D) The Court confirms the plan or otherwise ~~determines that the requested~~ enters an order approving such fees.

**(2) Amount of Flat Fee.** The maximum fees that may be approved as a flat fee are reasonable:

(A) \$4,500 for a non-business case; and

(B) \$5,500 for a case where the debtor indicates in the statement of financial affairs that they are self-employed or engaged in business and required to file monthly operating reports under Local Rule 2084-2(b).

**(3) Minimum Required Services.** Attorneys electing a flat fee must provide legal services through confirmation of a debtor's plan, and thereafter assist a debtor to obtain a discharge, including, but not limited to:

~~Review of~~ (A) Reviewing financial documents and information;

~~Consultation~~ (B) Consulting, planning and ~~advice~~ advising, including office visits, email and telephone communications;

~~Representation and~~ (C) Providing advice regarding ~~filing of~~ pre-filing credit briefing;

~~Preparation~~ (D) Preparing/filing of petition, schedules, statement of financial affairs, current monthly income, payment advice declaration, master mailing list, and declaration re: electronic filing;

~~Preparation~~ (E) Preparing/filing of chapter 13 plan, plan analysis, and necessary amendments;

~~Preparation~~ (F) Preparing/filing of bankruptcy notice in state court actions;

~~Representation~~**(G)** Appearing at §341 meeting of creditors, ~~or and~~  
continued ~~meeting~~meetings;

~~Resolution of~~**(H)** Resolving non-adversary proceeding creditor  
objections and ~~any hearings~~attending related ~~there to~~hearings;

~~Review~~**(I)** Reviewing and ~~analysis of~~analyzing creditor claims for  
potential objections, and ~~attendance at~~attending related  
hearings;

~~Objections~~**(J)** Objecting to proofs of claim;

~~Preparation~~**(K)** Preparing/filing ~~of~~ affidavit of no income  
regarding tax claims;

~~Notify~~**(L)** Notifying client of unfiled tax return claims, follow up  
with taxing authority;

~~Preparation of~~**(M)** Preparing proposed order confirming plan with  
cover letter to trustee addressing each issue numerically;

~~Preparation~~**(N)** Preparing/filing ~~of motion~~motions to extend  
(~~for each: schedules, stipulated order of confirmation, motion to~~  
~~dismiss~~);time;

~~Preparation~~**(O)** Preparing/filing ~~of responses to pre-~~  
confirmation ~~objections~~motions to ~~dismissal~~dismiss;

~~Preparation~~**(P)** Preparing/filing ~~of pre-confirmation stipulation~~  
~~to reinstate case~~stipulations to vacate a dismissal order;

~~Responses~~(Q) Responding to motions for stay relief, and ~~attendance~~at attending related hearings;

(R) Drafting and mailing any necessary correspondence;

~~Change of~~(S) Filing debtor changes of address ~~filings~~;

~~Representation~~(T) Providing advice regarding filing ~~of~~ post-filing education course certificate;

~~Representation~~(U) Providing advice regarding discharge eligibility certificate;

~~Amendments to~~ (V) Amending schedules; and

(W) Filing ~~of~~ business operating statements, if applicable.

(c) Effect of Flat Fee Election. Unless ordered otherwise, an attorney's election to accept a flat fee is irrevocable and the Court will not approve additional compensation for work necessary to confirm the initial or an amended plan or in cases where the Court confirms no plan. ~~The application must state the amount of the flat fee and specify what services are to be rendered for the debtor.~~ The flat fee election does not prohibit debtor's counsel from seeking additional flat fee or hourly compensation for services not mandated in subsection ~~(a)~~(b)(3).

~~Separate Application.~~ (d) Procedure for Seeking Approval of Pre-Confirmation Fees.

(1) Flat Fees. An attorney may elect to seek approval for flat fees in the order confirming the plan up to the amounts set forth in subsection (b)(2).

(2) Hourly Fees. Unless a flat fee has been elected, ~~debtor's counsel~~an attorney must file a separate application for allowance of compensation and reimbursement of expenses in compliance with Code § 330 and FRBP 2016(a).

~~(b) — **Attorney Disclosure.** The fees sought in the plan must be consistent in amount and description with counsel’s FRBP 2016(b) disclosure.~~

(e) **Procedure for Seeking Approval of Post-Confirmation Fees.** An attorney must file a separate application for allowance of compensation and reimbursement of expenses in compliance with Code § 330 and FRBP 2016(a) regardless of whether hourly or flat fees have been elected.

(f) **Payment of Attorney’s Fees.** Unless ordered otherwise and except for pre-petition retainers, all fees must be paid through the plan.

(g) **Payment on Dismissal.** If no party objects to counsel’s fees disclosed in the plan, ~~the Court~~ reasonable fees may ~~approve the fees~~ be awarded in the dismissal order or in a separate order lodged by debtor’s counsel.

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Notes ~~2017~~2022: LR was amended to clarify the procedure for applying for fees and to include the services required for amount of the flat fee compensation (previously delineated in former General Order 106)-within the rule, rendering GO 17-2 moot.

#### **Rule 2084-4. Plan**

(a) **Plan Requirements.** Local Form 2084-4 (Chapter 13 Plan) must be used for all original, amended, or modified plans. All sections of the plan must be completed, or if not applicable marked with N/A or NONE. The treatment of all known secured or priority creditors must be disclosed in the plan. Varying provisions must be specific and ~~not inconsistent~~ consistent with the Code, FRBP ~~or~~ and Local Rules.

(b) **Defaulted Payments On Residential Real Property Mortgage Payments-Obligations.** This subsection applies to all plans filed in this District when the debtor is in default ~~under the terms of the mortgage as of the petition date or is in default after the petition date.~~ of any obligations secured by residential real property.

(1) **Conduit Payments.** Conduit payments must be made by the debtor to the trustee through the plan. A debtor may be excused from making conduit payments only by a Court order. ~~If the debtor cures the arrearage,~~ The debtor may seek to be excused from conduit payments by:

(A) **Obtaining a Court order after notice to the trustee and ~~all~~ creditorsholder or servicer of the secured obligation;** and

(B) **Filing an amended or modified plan to eliminate future conduit payments-, if necessary.**

Notes 2022: The language of subsection (b) is updated to clarify that the conduit payment requirement applies to any obligation secured by residential real property, not just to mortgage obligations. This subsection is also amended to limit the notice required for motions to waive conduit payments. Other technical changes made.

**Rule 3003-1. Setting Deadline for Filing ProofProofs of Claim or Equity Security InterestInterests in Chapter 9 and Chapter 11 Cases**

**(a) By Motion.** A claims bar date may be requested and set by motion. The Court may enter 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~~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).

Notes 2018: New LR establishing procedures for setting claims bar dates in Chapter 9 and Chapter 11 cases.

**(c) Subchapter V Cases.** In a case under Subchapter V of Chapter 11, unless otherwise ordered by the Court, a proof of claim is timely filed if it is filed:

**(1)** By a creditor, other than a governmental unit, not later than 70 days after the order for relief; or,

**(2)** By a governmental unit, not later than 180 days after the order for relief.

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Notes 2022: New subpart (c) added to establish a claim deadline in Subchapter V cases that is within 70 days after the bankruptcy filing date (180 days for creditors that are governmental units). These time periods are consistent with claim deadlines in Chapter 13 cases and were previously established by General Order 20-2.

## Rule 3007-1. Claims - Objections

**(a) Requirements for Claim-Related Filings.** All objections must state a specific basis for disallowing the claim under Code § 502. Except for omnibus objections, the caption for any claim-related filing must identify the claim number and the name of the claimant as set forth in the official claims register.

**(b) Notice of Bar Date to Respond to Objection.** A party filing an objection to a proof of claim that is not asserted as part of an adversary proceeding ~~shall~~must give notice that: (1) the claimant has twenty-one (21) days from service of the objection to file and serve a response; and (2) if a response is not timely filed and served the Court may sustain the objection ~~may be sustained by the Court~~ without further notice or hearing.

**(c) Order Sustaining Objection.** If a response is not timely filed and served, the objecting party may file a certificate of service and of no objection and lodge an order granting the relief requested.

**(d) Hearing.** If a response is timely filed and served, the objecting party must ~~set~~obtain a hearing. Once a hearing is set, the objecting party must serve notice on the claimant and file a certificate of service.

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~~Notes 2018: Amendment extends the notice period to respond to a claim objection from 14 to 21 days and clarifies negative notice procedures including requirement for certification of service and of no objection. Amendment also expands to all cases and all filings the duty to identify claimant and claim number in caption.~~

~~Notes 2022: Subsection (a) is amended to clarify that filers of omnibus objections to claims are excepted from identifying the claim number and name of claimant in the caption. Other stylistic changes made to subsections (b) and (d).~~

## Rule 4001-1. Automatic Stay - Relief From or Absence Of

**(a) Form.** A motion or stipulation for relief from the automatic stay or a motion for an order confirming the termination or absence of a stay must be dual captioned and contain a brief description of the property, and the nature of the relief requested.

~~**(b) Residential Property Pre-Filing Certification.** Unless the movant is seeking emergency relief under Code § 362(f), a motion seeking relief as to the debtor's residence must be accompanied by movant's certification that at least seven (7) days before filing the motion a letter was sent to debtor's counsel or the debtor, if unrepresented, and the matter was not resolved after sincere efforts.~~

~~(c)~~**(b) Service.**

(1) **Motions; Stipulations.** A motion for stay relief or a stipulation for stay relief in lieu of a motion, the proposed form of order, and the notice required by subsection (d) must be promptly served by movant on:

- (A) The debtor;
- (B) The debtor's counsel;
- (C) Any case 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) **Additional Notice.** Movant must promptly serve the notice required by subsection (d) on:

- (A) Any other party known to movant to claim an interest in the property that is the subject of the motion or stipulation; and
- (B) Any other person or entity required by law or the Court.

~~(d)~~(c) **Notice of Motion or Stipulation.** ~~Contemporaneously~~Contemporaneous with the motion or stipulation, movant ~~will~~must file and serve notice providing the details of the motion or stipulation and that if no objection is filed and served within fourteen (14) days of service, the ~~Court may approve the~~ motion or stipulation ~~may be approved by the Court.~~

~~(e)~~(d) **Movant's Supporting Documents.** Each motion or stipulation shall be supported by legible copies of:

- (1) All documents that establish a valid, perfected security interest;
- (2) All documents that movant contends establish a lack of adequate protection or equity in the property, including appraisals or summaries, currently in movant's possession or control that will be relied on at the final hearing; and
- (3) Movant must disclose the date, time and place of any pending foreclosure or trustee sale.

~~(f)~~(e) **Entry of Order.** If an objection to the motion or stipulation is not timely filed and served, the movant may file a certificate of service and of no objection and lodge an order granting the relief requested. The caption must contain a brief description of the property.

~~(g)~~(f) **Objection.** An objection to the motion or stipulation for relief must be supported by specific facts and legible copies of all documents that the objecting party contends establish adequate protection or equity in the property, including appraisals or summaries, currently in the objector's possession or control that will be relied on at the final hearing.

~~(h)~~(g) **Objection Procedure.**

- (1) If an objection is timely filed and served, the movant ~~shall set~~must request a preliminary hearing, serve notice on the objector and file a certificate of service.
- (2) Relief may be granted or denied at the preliminary hearing if the parties' affidavits, declarations and supporting documentation fail to establish the existence of a material issue of fact that requires an evidentiary hearing.
- (3) If the movant obtains a hearing date that is more than thirty (30) days after making the request for relief, the movant will be deemed to have waived its rights under 11 U.S.C. § 362(e) until the conclusion of the preliminary hearing.

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Notes ~~2018~~2022: Rule amended to ~~incorporate~~remove former LR ~~4001-2~~ concerning motions to confirm termination or absence of automatic stay. A Stipulated Order Modifying the Automatic Stay does not incur a subsection (b) requiring a residential property pre-filing fee. The timing for entry of a lodged certification and to add section (g)(2) clarifying that the stay remains in effect without further court order under subsection (f) must comply with FRBP 9006(f) until the conclusion of the preliminary hearing.

### **Rule 9013-1. Motion Practice**

For purposes of these Local Rules, a request for an order, including a motion, application or other request for relief (all of the foregoing will be referred to in this Local Rule as a "motion") are to be governed by the following requirements.

- (a) **Motions.** All motions, unless made in open Court, must include a memorandum setting forth the supporting authorities.
- (b) **Length of Motions and Memoranda.** Unless ordered otherwise, a motion, a response or reply and the supporting memoranda must not exceed fifteen (15) pages exclusive of attachments.
- (c) **Response and Reply Times.** Unless ordered otherwise or as set forth in the Rules, the Local Rules, or the notice required by paragraph (j), the party responding to a motion will have fourteen (14) days after service within which to serve and file a response, and the moving party will have fourteen (14) days after service of the response to serve and file a reply.
- (d) Stipulations on Briefing. Unless ordered otherwise, stipulations that purport to make the filing of a reply or other final memorandum due fewer than five (5) days before a hearing date will not be effective.

~~(d)~~(e) **Unopposed or Ex Parte Motions.** If the movant contends that the motion is unopposed or should be granted on an ex parte basis, the motion must state why it may be

granted without notice and must be accompanied by a form of order. The following non-exclusive list of motions may be filed on an ex parte basis. Other motions may be filed on an ex parte basis if authorized by the Court.

- (1) Motions for 2004 examinations;
- (2) Applications to approve estate professionals;
- (3) Motions to exceed the page limit (must include explanation and how many pages are necessary);
- (4) Motions to set bar date for filing claims;
- (5) Motion to pay filing fee in installments;
- (6) Motion to continue hearing, with statement of whether opposing counsel consented, and if not, the reason consent was not obtained;
- (7) Motion to delay discharge;
- (8) Motion to appear pro hac vice;
- (9) Motion to reopen a case; and
- (10) Trustee's motion to defer filing fee.

**(e)(f) Discovery Disputes – Required Request for Informal Conference.**

After personal consultation and a sincere effort to resolve a discovery dispute that cannot be resolved without Court intervention, the parties must promptly call chambers and await further instruction before filing a discovery related motion. Instructions for contacting chambers are set forth on the Judge's Procedures page of the Arizona Bankruptcy Court website located at [www.azb.uscourts.gov](http://www.azb.uscourts.gov). "Personal consultation" means a face-to-face meeting or phone discussion, in addition to emails, voicemails, and texts.

**(f)(g) Motions to Compel.** When the Court has authorized the filing of a motion for an order compelling discovery, the moving party must 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 the answer, designation or response is deficient.

**(g)(h) Motions for Summary Judgment.** Any motion for summary judgment must set forth separately from the memorandum of law the specific facts on which the moving party relies. The specific facts must be set forth in serial fashion, not in narrative form. For each fact, the statement must refer to a specific part of the record where the fact may be found (e.g., affidavit, deposition, discovery responses, etc.). A failure to submit a separate statement of facts in this form may constitute grounds for the denial of the motion.

- (1) Any party opposing summary judgment must comply with the foregoing in setting forth the specific facts relied on in opposing the motion or that otherwise establish that a genuine issue of material fact exists that precludes summary judgment.
- (2) In the alternative, if the parties agree that no genuine issue of material fact exists, they must jointly file a statement of stipulated facts. For stipulated facts, the parties may state that their stipulations are entered into only for the purposes of the motion for summary judgment and are not to be otherwise binding.
- (3) Unless ordered otherwise, the party opposing or responding to a motion for summary judgment will have thirty (30) days after service within which to serve and file a response and the moving party will have fourteen (14) days after service of the response to serve and file a reply.

**(h)(i) Accelerated Hearings.** Motions to accelerate hearings or reduce notice periods are governed by the following requirements:

- (1) The moving party must notify any opposing parties and must serve the pleadings at the earliest possible time and by the most expeditious means;
- (2) The request for relief must 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 must be lodged with the motion; and
- (3) The motion must contain:
  - (A) The telephone numbers, fax numbers, email addresses and office addresses of the attorneys for the opposing parties;
  - (B) Facts showing the existence and nature of the claimed emergency;
  - (C) The date by which the hearing is needed and why; and

- (D) 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.

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

**(k) Notice for Motion Requiring a Hearing.** For any motion that requires a hearing, the moving party must obtain and provide notice of the date, time and location of the hearing to all interested parties along with the following information:

- (1) The details of the relief requested, the deadline for any response or objection, and the requirement that any response or objection be filed with the Court and served on the moving party; and
- (2) That the Court may vacate the hearing and grant the relief requested if no timely objection is served and filed.

The moving party must serve the notice as required by the Rules, Local Rules, or Court order and file a certificate or affidavit of service.

**(l) Relief Possible on 21-Day Bar Date Notice.**

- (1) In addition to the bar date procedures established by these Local Rules, unless ordered otherwise, the moving party may use a 21-day bar date notice for:
  - (A) Motions to approve § 363 sales other than real property, and other than under Code § 363(h);
  - (B) Motions to approve compromises and settlements under FRBP 9019;
  - (C) Applications for professional fees;
  - (D) Objections to exemptions claimed by the debtor;
  - (E) Motions by debtors to sell or refinance homestead property;
  - (F) Motions to extend time to assume or reject aan unexpired lease or an executory contract except as required by Code § 365(d)(4); and
  - (G) Motions by debtors to avoid liens.

- (2) All motions and applications using the negative notice process must comply with LR 2002-2.
- (3) If an objection is filed or received, the moving party must obtain a hearing and serve notice of the date, time and location of the hearing, and file a certificate of service.

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Notes 2018: Numerous amendments made to LR 9013-1. Amendments to LR 9013-1(b) are 2022: New subparagraph (d) is intended to clarify that the fifteen (15) page limit is applicable to responses and replies (including supporting memoranda).

Subpart (d) amendments are intended to clarify which motions may be filed ex parte.

Subpart (e) was added to provide guidance for discovery disputes. Many discovery disputes can be resolved through sincere efforts and discussions a briefing schedule agreed to by the parties and counsel. Early guidance or intervention from will not bind the Court can often help to avoid costly and resource-consuming motion practice regarding discovery disagreements. Accordingly, parties are required to engage in sincere good faith efforts and personal consultation as set forth in the Rules, and if they are unable to resolve the dispute, a telephone call to chamber the final brief is appropriate. However, use of due less than five days before a hearing on the motion. With this informal procedure does not suspend the time requirements set forth in FRBP 7030-7036.

This LR has been updated to reference the new LR 2002-2 for proper noticing procedures in connection with matters served with negative notice. Subpart (k) is intended to provide a comprehensive list of all matters for which negative notice is authorized. Other matters not specifically provided for in these LRs may not be served with negative notice absent specific subparagraph the Court order seeks to ensure it has sufficient time to read and analyze the final brief. Further amended to require a request to exceed page limits to state how many pages are necessary

## Rule 9076-1. Electronic Service

**NEF(a) Notice of Electronic Filing (NEF) Constitutes Service on Registered CM/ECF Users.** Registration as an ECF user constitutes consent to electronic service under FRCP 5. Receipt of the ~~Notice of Electronic Filing (NEF)~~ NEF constitutes service on a registered CM/ECF user who has electronically filed a document in the case. The filer **shall must** provide non-registered users with notice of the filing by other means in accordance with the FRBP.

**(b) NEF Does Not Constitute Service.** Electronic transmission of a NEF does not constitute service or notice of certain initiating documents. A filer must serve by hand-delivery, courier, mail, or email (if the party has consented to email service) the following documents:

- (1) Service of a summons and involuntary petition under FRBP 1010;
- (2) Service of a summons and complaint under FRBP 7004;
- (3) Service of papers that commence a contested matter under FRBP 9014, e.g., a motion for stay relief or objection to claim;
- (4) Service of a subpoena under FRBP 9016; ~~and~~
- ~~(5) Service of notice of a claim objection required by Local Rule 3007-1(b);~~  
~~and~~
- (6) Where conventional service is otherwise required under the FRCP, FRBP, LRs, or by court order.

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~~Notes 2018: New LR adopted to conform to amendments made to the FRCP 5 authorizing a party to use the Court's transmission facilities to make service under FRCP 5(b)(2)(E). Serving papers under FRCP 5 or FRBP 9022, including answers to complaints, motions in adversary proceedings, responses to motions, and notices of entry of judgment or order, is governed by subparagraph (a) of this LR. Service on any party registered as an Electronic Case participant may be accomplished by the automatically generated NEF. This LR does not apply to initiating papers such as a complaint served under FRCP 4.~~

Notes 2022: Subsection (b)(5) is amended to include objections to proofs of claim.

## **Rule 2003-2. Documents and Questionnaire to Be Delivered to Trustee Before Section 341 Meeting of Creditors**

**(a)** Individual Chapter 7 debtors must deliver the following to their Chapter 7 trustee:

- (1)** Completed Local Form \_\_\_\_ (Debtor Questionnaire); and
- (2)** Completed Local Form \_\_\_\_ (Document Checklist) and all applicable documents identified thereon. If any required document is unavailable, the debtor must provide a written explanation of their efforts to obtain copies of the documents.

**(b)** Unless the Chapter 7 trustee requests otherwise, the completed forms and documents referenced in paragraph (a) must be delivered to the Chapter 7 trustee via U.S. Mail, postmarked no later than 14 days before the date set for the Section 341 Meeting of Creditors.

**(c)** Nothing in this rule limits a Chapter 7 trustee from making additional, specific requests for information or documents in a specific case.

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Note 2022: The purpose of this rule is to facilitate the Chapter 7 process by creating a local form questionnaire and document request to be completed by all individual debtors in preparation for the Section 341 Meeting of Creditors.

## **Rule 9029-1. Local Rules Advisory Committee**

**(a) Advisory Committee; Appointment.** The Chief Bankruptcy Judge will appoint members of a Local Rules of Bankruptcy Procedure Advisory Committee (the “Committee”) to serve such terms as the Chief Judge designates, along with a Bankruptcy Judge to serve as Committee Chair.

**(b) Responsibilities.** The Committee shall make reports and recommendations to the Court on the following matters:

- (1) consistency with the United States Constitution, Acts of Congress, FRBP, and General Orders of the Court; and
- (2) proposed amendments to the Local Rules.

**(c) Procedures.**

- (1) Submitting Proposals.** Any person or organization may propose amendments to the Local Rules by submitting them online on the Court website at <https://azb.uscourts.gov/lrc> or sending them by email to

local\_rules@azb.uscourts.gov. Proposals submitted by August 31 will become effective on December 1 of the following year, if adopted.

**(2) Initial Consideration.** The Chair will convene the Committee's first meeting each September. The Committee will review proposals for rejection, deferral, or recommendation to the Court for consideration. The Chair will assign drafting responsibility to a Committee member of those proposals being recommended to the Court. The Committee will forward the final proposed amendments to the Court by March 31. The Court will decide whether to approve the proposed amendments for circulation to the bar and the public by May 30.

**(3) Public Comment.** The Court will distribute approved proposed amendments to the State Bar of Arizona and post them on the Court's website. The bar and the public may submit comments until July 30 either online on the Court website or to the Clerk, marked to the attention of the Committee. The Committee will forward the comments, an evaluation of the comments, and the final proposed amendments to the Court by September 7.

**(4) Final Adoption.** The Court will adopt, modify, or reject the final proposed amendments by October 31. Amendments are effective as to all cases filed on or after December 1 of the year in which the amendments are adopted and may apply to pending cases to the extent it is practical and fair.

**(5) Altering Timing and Procedure.** For cause, the Court may alter the timing or procedures in this Local Rule.

**(d) Emergency Amendments.** When the Court or the Committee determine there is an immediate need to implement an amendment, including a technical, clarifying, or conforming amendment, the Court may adopt it without prior comment by the bar or the public. Amendments adopted under this subsection will later be circulated to the bar and the public for comment and reevaluated by the Committee and the Court under the above deadlines.

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Notes 2022: This new LR establishes an annual cycle for amendments, lends structure to the process, and helps ensure that the LR are current.

## CHAPTER 7 DEBTOR DOCUMENT CHECKLIST

DEBTOR(S)

NAME(S): \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_ MEETING OF CREDITORS/341 HEARING DATE: \_\_\_\_\_

The following documents must be sent to your Chapter 7 trustee. Unless the Chapter 7 trustee requests otherwise, this completed form and the requested documents shall be sent via U.S. Mail, postmarked no later than 14 days before the Meeting of Creditors/341 Hearing Date. For any unavailable document, provide a written explanation regarding your efforts to obtain copies of the document.

If represented by an attorney, all debtors should discuss their responses with their attorneys before sending to the trustee.

**UNLESS INDICATED, PROVIDE COPIES ONLY (DOCUMENTS WILL NOT BE RETURNED)**

**N/A Enclosed** (please mark a box for each item)

		1.	<b>ORIGINAL</b> completed and signed Chapter 7 Debtor Questionnaire (attached).
		2.	<b>ORIGINAL</b> completed "Domestic Support Form" (attached).
		3.	If your Meeting of Creditors/341 Hearing is being conducted by telephone or video conference, <b>ORIGINAL</b> completed Declaration (attached) with legible copies of your valid photo identification and proof of Social Security Number (color copies of your photo identification are preferred).
		4.	Two most recently filed tax returns, both federal and state.
		5.	Tax returns (both federal and state) for the tax year that includes the date of your bankruptcy filing when they have been filed with the appropriate taxing authorities.
		6.	Statements for every FINANCIAL ACCOUNT held in your name, or on your behalf, for the three (3) complete months before the date of your bankruptcy filing, and the statement(s) that cover the date of your bankruptcy filing (four months total). FINANCIAL ACCOUNT includes bank accounts, credit union accounts, prepaid debit card accounts, cash app accounts, money market accounts, brokerage accounts, and any other deposit or investment accounts. If statements are issued only on a quarterly basis, please provide the most recent statement(s) that you received before the date of your bankruptcy filing and the statement that covers the date of your bankruptcy filing.
		7.	Statements for every retirement account held in your name, or on your behalf, for the three (3) complete months before the date of your bankruptcy filing, and the statement(s) that cover the date of your bankruptcy filing (four

			months total). If statements are issued only on a quarterly or annual basis, please provide the most recent statement(s) that you received before the date of your bankruptcy filing.
		8.	Most recent statement for all whole life insurance policies and annuities that you own.
		9.	Pay stubs or other income verification covering the pay periods before and immediately following the date of your bankruptcy filing.
		10.	Most recent loan statement for any loan secured by real property held in your name or on your behalf.
		11.	If you are making payments on a car loan (including a title loan or registration loan), the most recent statement for the loan.
		12.	Certificates of Title for all vehicles (copies only). If you do not have the Certificates of Title, please provide either (i) a print-out of a motor vehicle record or title status obtained from the Motor Vehicle Department (either in person or online) showing the title issuance date or (ii) a copy of your vehicle registration, showing the full VIN number.  <b><i>A Vehicle Title Status can be obtained for <u>FREE</u> at <a href="http://www.azmvdnow.gov">www.azmvdnow.gov</a></i></b>
		13.	If you have been divorced within the past two years, a copy of your divorce decree and/or property settlement agreement.

## CHAPTER 7 DEBTOR QUESTIONNAIRE

All debtors must complete this Questionnaire and send it to their Chapter 7 trustee. Unless the Chapter 7 trustee requests otherwise, the completed Questionnaire shall be sent via U.S. Mail, postmarked no later than 14 days before the date set for the Meeting of Creditors/341 Hearing Date. If represented by an attorney, debtors should discuss their responses with their attorneys prior to sending their completed questionnaire to the Chapter 7 trustee.

DEBTOR 1 NAME:

\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

DEBTOR 2 NAME (if applicable):

\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

CASE NUMBER:

\_\_\_\_\_ 341 HEARING DATE: \_\_\_\_\_

1. Have you reviewed your Petition, Schedules, and Statement of Financial Affairs and do you understand the information contained in them?

Yes                      No

2. Have you reviewed the Bankruptcy Information Sheet and do you understand the information contained in it?

Yes                      No

3. For those filing individually, are you presently married?

Yes                      No

If you answered yes to this question, please provide the following information:

(a) Date married: \_\_\_\_\_

(b) Name of spouse: \_\_\_\_\_

- (c) Are all of your, your spouse's and your marital community's assets listed on your schedules?

Yes                      No

4. Have you been divorced in the 2 years prior to your bankruptcy filing?

Yes                      No

5. Do you own any bitcoin or other cryptocurrency?

Yes                      No

6. Are you involved in any lawsuit in which you are seeking to recover money or property from a person or entity (such as a personal injury claim, automobile accident claim, or class action claim)?

Yes                      No

If you answered yes to this question, please provide the following information:

(a) Nature of the lawsuit (example: personal injury/auto accident, class action, etc.):

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(b) Case number: \_\_\_\_\_

(c) Name and telephone number of the attorney handling that lawsuit: \_\_\_\_\_

7. Are you aware of any **potential** claim or right to payment that you may have against any person or entity (such as personal injury claims, automobile accident claims, class action claims or settlements)?

Yes                      No

If you answered yes to this question, please provide the following information:

(a) Nature of your claim or right to payment: \_\_\_\_\_

(b) Name and telephone number of the attorney handling that claim, if any:

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8. Are you entitled to receive a death benefit under a will or insurance policy where the person has already died?

Yes                      No

9. Do you understand that you must report any rights to an inheritance or life insurance proceeds that arise within 180 days after your bankruptcy filing by notifying your trustee and by filing amended Schedules A/B and C with the court?

Yes                      No

10. Are you the beneficiary of any estates or trusts?

Yes                      No

11. Are you the trustee or settlor of any trusts?

Yes                      No

12. Have you filed federal and state income tax returns for the 2 years before your bankruptcy filing?

Yes                      No

13. Do you understand that any tax refunds due to you at the time of your bankruptcy filing must be turned over to your Chapter 7 trustee?

Yes                      No

14. Do you understand that you must provide your Chapter 7 trustee with a copy of your federal and state tax returns for the tax year that includes the date of your bankruptcy filing? (Example: If you filed your bankruptcy petition on February 2, 2022, you must provide copies of your 2022 federal and state tax returns when you file them in 2023).

Yes                      No

15. Do you understand that any tax refund due to you for the year that includes the date of your bankruptcy filing must be turned over to your Chapter 7 trustee? Your trustee will return to you any portion of the refund to which you are entitled.

Yes                      No

16. In the 12 months before filing your bankruptcy petition, did you fully or partially repay any family members, friends, or relatives on any loans?

Yes                      No

17. In the 12 months before filing your bankruptcy petition, did you transfer any assets or money to family members, friends, or relatives?

Yes                      No

18. Have you purchased a vehicle or refinanced a vehicle loan in the 6 months prior to your bankruptcy filing?

Yes                      No

**I declare under penalty of perjury that the above information is true and correct.**

Debtor 1: \_\_\_\_\_ Date: \_\_\_\_\_  
                  [Signature]

Debtor 2: \_\_\_\_\_ Date: \_\_\_\_\_  
                  [Signature]