

**United States Bankruptcy Court
District of Arizona**



Local Rules of Bankruptcy Procedure for the District of Arizona

2084 Series

December 1, 2017

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Rule 2084-1. Scope and Definition - Chapter 13 Rules

- (a) Scope.** Local Rules 2084-1 through 2084-28 govern chapter 13 practice.
- (b) Definitions.** As used in these 2084 Rules:
 - (1)** “arrearage” is the total amount past due to a secured creditor or lessor as of the petition date or, if applicable, as of the date of the filing of a plan;
 - (2)** “conduit payment” is the regular contractual post-petition payment owed by a debtor to a real property creditor 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;
 - (3)** “mortgage” is any form of perfected security interest in real property consensually granted by the debtor;
 - (4)** “plan” means the original, amended, or modified plan;
 - (5)** “real property creditor” is an entity holding a mortgage on real property, or a servicer of that mortgage, that is the principal residence of the debtor;
 - (6)** “serve” means by regular mail, email or fax; and
 - (7)** “trustee” means the chapter 13 trustee.

Notes 2017: Amended to include definitions relevant to chapter 13 practice.

Rule 2084-2. Filing Requirements

- (a) Application to Pay Fee in Installments.** Debtor’s petition must be accompanied by the entire fee or an application to pay the filing fee in installments.
- (b) Statement of Financial Affairs and Operating Reports.** If the debtor is self-employed or engaged in business, the debtor must:
 - (1)** Complete Part 11 of the Statement of Financial Affairs; and
 - (2)** File monthly operating reports (using Local Form 2084-2) for each month – including the month in which the petition was filed – until plan confirmation.
- (c) Dismissal for Failure to File Documents.** All documents required by LR 1007-1, the FRBP, and Code § 521 must be timely filed absent a Court order granting an extension. Failure to file required documents in a timely manner may result in case dismissal without further notice or hearing.

Rule 2084-3. Attorney Fees

(a) Application for Flat Fee Payment in Plan. 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 (c).

(b) 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.

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

- (A)** The attorney agrees to provide all services listed in subsection (2);
- (B)** The plan provision entitled “Application for Payment of Administrative Expense” 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 fees are reasonable.

(2) 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:

- (A)** Review of financial documents and information;
- (B)** Consultation, planning and advice, including office visits, email and telephone communications;
- (C)** Representation and advice regarding filing of pre-filing credit briefing;
- (D)** Preparation/filing of petition, schedules, statement of financial affairs, current monthly income, payment advice declaration, master mailing list, and declaration re: electronic filing;
- (E)** Preparation/filing of chapter 13 plan, plan analysis, and necessary amendments;
- (F)** Preparation/filing of bankruptcy notice in state court actions;
- (G)** Representation at §341 meeting of creditors, or continued meeting;
- (H)** Resolution of non-adversary proceeding creditor objections and any hearings related thereto;

- (I) Review and analysis of creditor claims for potential objections, and attendance at related hearings;
 - (J) Objections to proofs of claim;
 - (K) Preparation/filing of affidavit of no income regarding tax claims;
 - (L) Notify client of unfiled tax return claims, follow up with taxing authority;
 - (M) Preparation of proposed order confirming plan with cover letter to trustee addressing each issue numerically;
 - (N) Preparation/filing of motion to extend (for each: schedules, stipulated order of confirmation, motion to dismiss);
 - (O) Preparation/filing of responses to pre-confirmation objections to dismissal;
 - (P) Preparation/filing of pre-confirmation stipulation to reinstate case;
 - (Q) Responses to motions for stay relief, and attendance at hearings;
 - (R) Drafting and mailing any necessary correspondence;
 - (S) Change of debtor address filings;
 - (T) Representation regarding filing of post-filing education course certificate;
 - (U) Representation regarding discharge eligibility certificate;
 - (V) Amendments to schedules; and
 - (W) Filing of Business Operating Statements, if applicable.
- (3) **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 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 (2).

(c) **Separate Application.** Unless a flat fee has been elected, debtor's counsel must file a separate application for allowance of compensation and reimbursement of expenses in compliance with Code § 330 and FRBP 2016(a).

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

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

(f) Payment on Dismissal. If no party objects to counsel's fees disclosed in the plan, the Court may approve the fees in the dismissal order or in a separate order lodged by debtor's counsel.

Notes 2017: LR was amended to include the services required for flat fee compensation (previously delineated in former General Order 106).

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 with the Code, FRBP or Local Rules.

(b) Defaulted Residential Real Property Mortgage Payments. 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.

(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 creditors; and

(B) Filing an amended or modified plan to eliminate future conduit payments.

(2) Debtor's Duties:

Unless the Court has entered an order allowing the debtor to make direct payment to the real property creditor:

(A) Debtor must complete the Mortgage Creditor Checklist (Local Form 2084-4A) and Authorization to Release Information (Local Form 2084-4B), and serve these Forms on the trustee – not the Court – within seven (7) days of the petition date.

(B) Debtor or debtor's counsel must serve on the trustee a copy of all correspondence, notices, statements, payment coupons, escrow

notices and default notices concerning any post-petition adjustment to the monthly mortgage payment or interest rate immediately on receipt or creation of that document.

- (C) Debtor must include the regular post-petition payment amount owing to the real property creditor along with the trustee's fee of 10% in the regular plan payments.
- (D) In the event the monthly conduit payment is changed due to either a change in escrow requirements or a change in an adjustable interest rate, debtor must decrease or increase the plan payment by the same amount including the trustee's fee of 10%.

(3) Trustee's Duties:

- (A) Under 28 U.S.C. § 586, the trustee is authorized to deduct from any payments collected under the plan the authorized percentage fee. The trustee's obligations under this Local Rule shall not render the trustee subject to any rules and regulations governing mortgage servicers.
- (B) The trustee will disburse conduit payments regardless of whether the Court has confirmed a plan or the real property creditor has filed a proof of claim. The trustee is not required to distribute a partial payment to a real property creditor.
- (C) If the trustee does not have sufficient funds to pay all required monthly conduit disbursements and any required adequate protection payments, the trustee will internally allocate the funds on a pro rata basis to the creditors entitled to disbursements. The trustee will retain the amount allocated to the conduit until there are sufficient funds to make a full conduit payment. The trustee is authorized to pay partial adequate protection payments.
- (D) The trustee may rely on the debtor's representation of the amount of the conduit payment pending notice from the real property creditor of a different amount.
- (E) Within twenty-eight (28) days after the trustee has received any notice of a change in the monthly conduit payment, the trustee will file a notice of the terms of the change with the Court and provide notice of that change to debtor, debtor's attorney and real property creditor. The notice will be treated as an amendment to the creditor's real property proof of claim and a modification to the debtor's plan under Code §§ 1323 or 1329. A party in interest will have an opportunity to object within twenty-one (21) days after the trustee files it. After the filing of the notice, the trustee is authorized to disburse the new monthly conduit payment. In the event of an objection to the notice, the objecting party must set the objection for hearing. Unless a Court order is entered sustaining

the objection, the trustee is authorized to disburse the new monthly conduit payment.

- (F) If the amount of the new conduit payment jeopardizes the feasibility of the plan, the trustee may file a motion to modify the plan or seek dismissal.
- (G) The trustee shall comply with FRBP 3002.1(f).

(4) Real Property Creditor's Duties:

- (A) The real property creditor must file a proof of claim (Official Form B410) with attachments, within seventy (70) days after the filing of the petition or conversion of the case.
- (B) The real property creditor must comply with FRBP 3002.1 and file Official Form B410s-1 or Official Form B410s-2, as applicable.
- (C) At least sixty (60) days before a change of name or address where payments are to be made, the real property creditor must file a notice of the change on the claims register, and serve the trustee, debtor and debtor's counsel. If a transfer of a claim is other than for security, the transferee must file official forms B2100A and B2100B, pay any applicable fee, and serve the official forms on the trustee, debtor, and debtor's counsel.
- (D) The real property creditor must immediately serve the trustee with copies of correspondence, notices, statements, payment coupons, escrow notices and default notices concerning any change to the monthly payment or interest rate.
- (E) Confirmation of a plan imposes an affirmative duty and legal obligation on the real property creditor to do all of the following:
 - (i) Apply payments on the arrearage in accordance with the plan. Unless ordered otherwise, the arrearage shall be deemed cured and paid in full upon the entry of the discharge order.
 - (ii) Treat the debtor's account as current upon confirmation of the plan, thereby precluding the imposition of late payment charges or other default-related fees based solely on any pre-petition default.
 - (iii) Apply the conduit payments to the month in which they were designated under the plan. Even if payments are placed into a suspense, forbearance or similar account, they will be deemed applied to the debt pursuant to this subsection.

- (iv) The real property creditor cannot impose a late charge on conduit payments paid or tendered to the real property creditor during the contractual grace period. For purposes of determining whether a late charge may be imposed, a conduit payment tendered by the trustee must be applied to the post-petition installment payment then due.
- (v) Conduit payments received timely by the trustee in accordance with these procedures shall be deemed payments made timely under the terms of the mortgage.

(F) The real property creditor must comply with FRBP 3002.1(g).

- (5) **Interim Mortgage Payments.** The trustee may pay an amount not exceeding two full regular monthly payments inclusive of escrow deposits. These payments shall reimburse the real property creditor for post-petition delinquencies that may accrue until the trustee begins payments to that creditor. Once the trustee begins disbursements that include conduit payments, those payments shall constitute current payments on the mortgage regardless of the contractual due date.
- (6) **Effect of Plan Completion.** If the debtor pays the arrearage, together with any interest as specified in the confirmation order, then all pre-petition defaults under the note and other loan documents will be deemed cured.

(c) **Amended Plan.** Other than the original plan, a plan filed before entry of a confirmation order must be titled “Amended Plan.”

(d) **Modified Plan.** A plan filed after entry of a confirmation order must be titled as a “Modified Plan.” A modified plan must conform with Local Form 2084-4, and account for disbursements made to creditors.

(e) **Service of Plan.** The debtor must file each plan using the applicable ECF filing event so that service can be effected by the Clerk or Bankruptcy Noticing Center.

(f) **Dismissal for Failure to Properly File.** If the debtor fails to file any plan, the trustee may lodge and serve a proposed dismissal order. If the deficiency is not cured or a hearing is not requested within fourteen (14) days of service of the proposed dismissal order, the Court may dismiss the case without further notice or a hearing.

Notes 2017: LR 2084-4 was substantially amended. It requires mortgage conduit payments for all chapter 13 cases where there are pre- or post-petition mortgage arrears. The amendments also require Local Form 2084-4 Plan to be used for all original, amended, or modified plans, clarifying that requests for moratorium are plan amendments or modifications and should be treated as such. Finally, the amendments set forth a procedure authorizing a trustee to lodge a dismissal order for failure to properly file plan.

Rule 2084-5. Tax Returns

Unless the Court grants a motion for an extension of time, if a debtor fails to comply with Code § 521(e) or (f), or § 1308(a), the trustee may lodge a dismissal order and the Court may summarily dismiss the case, or the trustee may file a motion to dismiss. The Notice of Commencement of Case issued by the Clerk's Office will include a statement that the Court may summarily dismiss the case for failure to file the required tax returns. If the debtor elects to provide a transcript in lieu of a return, the debtor must provide a "Tax Return Transcript" that includes a line item summary with substantially similar information as provided on the tax return.

Notes 2017: A simple account transcript that summarizes the financial status of the account, date of filing, assessments, and so forth, is not substantially similar to a tax return and fails to comply with Code § 521(e) or (f).

Rule 2084-6. Adequate Protection Payments

(a) Plan Proposal. A plan must include monthly adequate protection payments to creditors secured by depreciating personal property, beginning with month one. Unless ordered otherwise, the debtor shall not make adequate protection payments directly to any creditor or reduce the amount of the plan payments for any amount attributable to the adequate protection payments.

(b) Trustee Payment. The trustee is authorized to make pre-confirmation adequate protection payments to one or more secured creditors if:

- (1)** The plan provides for payment of the adequate protection payments;
- (2)** The debtor's Schedule D discloses the debt and describes the collateral;
- (3)** A secured proof of claim is filed, with documentation evidencing a perfected purchase money security interest in the personal property;
- (4)** The debtor or creditor sends a request to the trustee for payment of pre-confirmation adequate protection payments set forth in the plan; and
- (5)** The personal property collateral is depreciating and the amount of the adequate protection payments approximates the depreciation, which is generally at least 1% of the value of the property per month.

(c) Payment Without Prejudice. Payment of pre-confirmation adequate protection is without prejudice to the secured creditor's right to object to the plan, or seek a determination on the value of the secured claim or amount necessary to provide adequate protection.

(d) Timing of Payments. The trustee is entitled to take the percentage fee from all adequate protection payments received or collected. To the extent the trustee has funds on

hand, the trustee must begin making pre-confirmation adequate protection payments if the trustee receives the request more than fourteen (14) days before the trustee's scheduled monthly distribution; otherwise the trustee will distribute adequate protection payments beginning with the next month's distribution. If the debtor has paid an insufficient amount to pay adequate protection payments in full, the trustee will pay the creditors pro rata, as modified by LR 2084-4(b)(3)(C).

(e) Payment on Confirmation. If the trustee has not made pre-confirmation adequate protection payments, the trustee will disburse the adequate protection payments after plan confirmation.

(f) Payment on Pre-Confirmation Dismissal. If the Court dismisses the case before plan confirmation, the trustee will pay the creditor any adequate protection payments due and owing, in accordance with (b) above or Court Order, from funds received by the trustee under Code § 1326(a)(1)(A), less the statutory trustee's fee and allowed administrative expenses. If the trustee is required to pay adequate protection payments to more than one creditor but the trustee has insufficient funds to pay them in full, the trustee shall pay the creditors pro rata.

Rule 2084-7. Rescheduled or Continued Meeting of Creditors

For good cause, the trustee may reschedule or continue the meeting of creditors. If rescheduled, the trustee must request that the Clerk provide notice of the rescheduled meeting using the applicable ECF filing event so that service can be effected by the Clerk or Bankruptcy Noticing Center. If continued, the trustee will note the continued hearing date on the docket.

Notes 2017: This is new LR establishes notice procedures for a rescheduled or continued meeting of creditors and incorporates subsection (f) of former LR 2084-8 concerning continuance of a meeting. The amendments also clarify that rescheduling or continuing is at the trustee's discretion. See also LR 2003-1 Meeting of Creditors.

Rule 2084-8. Reserved

[RESERVED]

Notes 2017: LR 2084-8 Serving the Plan or Motion for Moratorium has been eliminated. Text concerning serving a plan has been incorporated into LR 2084-4 and text concerning continuing meeting of creditors has been incorporated into LR 2084-7.

Rule 2084-9. Creditor Objection to Plan

(a) Time for Filing Creditor Objection.

- (1)** The deadline for a creditor to file an objection to confirmation of a plan is fourteen (14) days after the date set for the first meeting of creditors or twenty-eight (28) days after service of the plan, whichever is later.
- (2)** In the event of a continued meeting of creditors or reinstatement of the case, the deadline for creditor objections to the plan will be reset to fourteen (14) days after the date of the continued meeting of creditors or twenty-eight (28) days after service of the plan, whichever is later.
- (3)** If the case is dismissed after the meeting of creditors but before the expiration of the deadline for creditor objections, and is thereafter reinstated, the deadline for creditor objections will be the original objection deadline or fourteen (14) days from the date of reinstatement, whichever is later.

(b) Non-Objection Is Acceptance. The failure of a party in interest to timely file an objection to confirmation will constitute acceptance of the plan under Code § 1325 and a waiver of the requirement that the Court hold a confirmation hearing within forty-five (45) days after the date of the meeting of creditors under Code § 1324(b). Notice of the waiver of the 45-day confirmation hearing requirement and acceptance of the plan due to a creditor's failure to timely object must be conspicuous in the notice of date to file objections served on all creditors.

(c) Valuation Objection. A secured creditor who disagrees with the valuation of the creditor's collateral must file an objection containing the creditor's estimate of the value of the collateral, the method of determining the value, and the amount of claim that is secured. On request, the debtor must make the collateral available to the creditor for inspection and appraisal.

Notes 2017: The time deadlines have been amended and supplant those in FRBP 3015(f). Separate deadlines are established in the event of a continued meeting of creditors or case reinstatement and depending on whether a case is dismissed before or after a meeting of creditors is held.

Rule 2084-10. Trustee's Recommendation/Objection

(a) Trustee Recommendation/Objection. The trustee will file a recommendation/objection within twenty-eight (28) days after the last date set for creditor objections to a plan.

(b) Debtor Compliance or Dismissal. Within thirty (30) days after the trustee files the recommendation/objection, the debtor must either comply with the trustee's requests or file an objection and obtain a hearing date. The Court may summarily overrule any objection that fails to identify an issue or other impediment to plan confirmation. A request for additional

time to respond does not constitute an objection. If the debtor does not timely comply, the trustee may file and serve a notice of intent to lodge a form of order dismissing the case, with a copy of the order attached. Ten (10) calendar days after serving the notice, the trustee may lodge an order dismissing the case without further notice or hearing.

(c) Dismissal If No Plan Payments. If the debtor makes no plan payments by the deadline for the trustee's recommendation/objection, the trustee may lodge an order dismissing the case rather than filing a recommendation/objection, and the Court may summarily dismiss the case.

Notes 2017: This LR does not alter the obligations or time periods set forth in LR 2084-15 concerning failure to make plan payments. Rule amended to provide that Court may summarily overrule any objection to dismissal that fails to identify an issue or other impediment to plan confirmation, incorporating former LR 2086-16.

Rule 2084-11. Plan Confirmation Hearings

(a) Trustee Need Not Attend. Unless ordered otherwise, the trustee need not attend hearings on creditor plan objections.

(b) Confirmation Hearing. The Court will set a confirmation hearing on any party in interest's request. The right to a confirmation hearing within forty-five (45) days of the creditors meeting is waived absent a timely filed objection and hearing request.

Rule 2084-12. Confirmation of Plan Without Hearing

Subject to LR 2084-13, the Court may confirm a plan without a hearing if: (1) there are no timely filed objections and the proposed order is signed by the trustee; or (2) the trustee and all objecting creditors sign a stipulated order.

Rule 2084-13. Order Confirming Plan

(a) Approval. Unless ordered otherwise, any order confirming a plan must be signed by the trustee and any objecting creditor or party.

(b) Form of Order. A plan confirmation order must be in a form approved by the trustee.

(c) Treatment of Docketed Claims. Debtor must ensure that the proposed confirmation order provides appropriate treatment for each secured or priority claim in the claims register.

(d) Notice of Submitting. When a proposed confirmation order is submitted to the trustee, debtor's counsel must file a notice of submission attaching a copy of the order.

(e) Trustee to Lodge Order Confirming. No later than forty-five (45) days after receipt of the proposed confirmation order, the trustee will (1) approve and lodge, or (2) file a notice of rejection. If the trustee approves the stipulated order, the trustee will file a notice of lodging attaching a copy of the order.

(f) Trustee Plan Payment. Unless ordered otherwise, the trustee must commence disbursements under the order confirming plan within forty-five (45) days after entry of the order.

Notes 2017: Amended LR requires counsel to file a notice of submission when the confirmation order is submitted to the trustee.

Rule 2084-14. Confirmation Status Hearing

Any party in interest may set a confirmation status hearing and provide notice to the debtor, debtor's counsel, the trustee and all parties in interest.

Notes 2017: This is a new LR.

Rule 2084-15. Trustee Motion to Dismiss

(a) Trustee Motion. A trustee's request to dismiss for debtor's failure to make timely plan payments or move the case toward confirmation may be summarily granted unless, within thirty (30) days after service of the motion, the debtor:

- (1)** Brings plan payments current or agrees with the trustee to a payment schedule;
- (2)** Files a detailed response and requests a hearing;
- (3)** Files and serves a conversion notice or motion; or
- (4)** Files and serves an amended or modified plan.

(b) Dismissal. The trustee may lodge a dismissal order and the Court may summarily grant the motion if the debtor fails to comply with (a).

Notes 2017: LR amended to clarify that the case may be summarily dismissed if the debtor fails to comply with this Local Rule.

Rule 2084-16. Reserved

[RESERVED]

Notes 2017: Former LR concerning a debtor's objection to a proposed dismissal order is incorporated into amended LR 2084-10.

Rule 2084-17. Vacating Dismissal Order

The Court may vacate a dismissal order without a hearing if the trustee consents. If the trustee does not consent, the debtor must set the matter for hearing.

Notes 2017: LR amended to clarify that the procedure to reinstate dismissed cases is to seek an order vacating the dismissal order.

Rule 2084-18. Plan Payments

The trustee may designate the form and where plan payments must be directed.

Rule 2084-19. Reserved

[RESERVED]

Notes 2017: This LR concerning filing secured or priority claims has been subsumed into amended LR 5005-4.

Rule 2084-20. Reserved

[RESERVED]

Rule 2084-21. Reserved

[RESERVED]

Rule 2084-22. Reserved

[RESERVED]

Rule 2084-23. Stay Relief to Secured Creditors

Unless ordered otherwise, or directed by the parties, the trustee will cease making payments on the secured claim of a creditor who has obtained stay relief.

Rule 2084-24. Reserved

[RESERVED]

Rule 2084-25. Sale of Property or Incurring New Debt

(a) Pre-confirmation Motion to Incur New Debt. With the trustee's consent, the debtor may, before plan confirmation, seek ex parte approval to incur new debt, or refinance an existing home loan. The debtor's motion must certify that:

- (1)** The debtor is current on plan payments and has provided the trustee with current income verification;
- (2)** The debtor is not in default under the terms of the chapter 13 plan;
- (3)** Schedules I and J – whether original or amended – were filed within the prior thirty (30) days showing that the debtor has the ability to pay all future plan payments, projected living and business expenses, and the new debt;
- (4)** The debt is for a reasonable amount; and
- (5)** Depending on the nature of the loan, that:
 - (A) Vehicle Loan:**
 - (i)** The new debt is a single loan to purchase a motor vehicle that is necessary for the maintenance or support of the debtor or a dependent of the debtor or, if the debtor is self-employed or engaged in business, is necessary for the continuation, preservation, and operation of the debtor's business; and
 - (ii)** The only security for the new debt will be the motor vehicle.
 - (B) New Home Loan:**
 - (i)** The new debt is a single loan incurred to purchase a residence that is necessary for the maintenance or support of the debtor and debtor's family;

- (ii) The only security for the new debt will be the residence; and
- (iii) The monthly payment (the principal and interest payment on account of the new debt plus all impounds, taxes, insurance, association fees, and bonds and other assessments) will not exceed the debtor's current monthly mortgage or rental payment, or a reasonable amount.

(C) Refinancing an Existing Home Loan:

- (i) The new debt is a single loan incurred only to refinance existing debt encumbering the debtor's residence;
- (ii) The only security for the new debt will be the residence;
- (iii) All existing liens and security interests encumbering the residence will be paid from the proceeds of the new debt; and
- (iv) The monthly payment (the principal and interest payment on account of the new debt plus all impounds, taxes, insurance, association fees, and bonds and other assessments) will not exceed the debtor's current monthly mortgage payment.

(b) Pre-Confirmation Sale. With the trustee's consent, the Court may approve an ex parte motion by the debtor to sell real or personal property with a value of \$2,500 or more other than in the ordinary course of business. The debtor's motion must contain the following certification:

- (1) The sale price represents a fair value for the subject property;
- (2) All creditors with liens and security interests encumbering the subject property will be paid in full before or simultaneously with the transfer of title or possession to the buyer;
- (3) All costs of sale, including escrow fees, title insurance, and broker's commissions, will be paid in full from the sale proceeds;
- (4) The sale price is all cash;
- (5) The debtor will not relinquish title to or possession of the property before payment in full of the purchase price;
- (6) The sale is an arm's length transaction; and
- (7) "Trading in" a vehicle as part of the purchase price for a new vehicle complies with the requirements of (4) and (5) of this subsection.

(c) Post-Confirmation Sale or Incurring New Debt. In a confirmed case, in lieu of obtaining a Court order, the debtor may request the trustee's written consent by providing all of the information required to be included in a Motion as authorized by subsections (a) & (b).

(d) Incurring Other New Debt and Transfers of Debt. If the trustee does not give consent or if the debtor wishes to incur new debt or transfer property on terms and conditions other than provided for in subsections (a) – (c), the debtor may file a motion, serve it on the trustee and those creditors who are entitled to notice, set the hearing on the Court's calendar with the notice required by Rule 2002 and LR 9014-1, and file a certificate of service.

Notes 2017: This Local Rule has been restructured to clarify the information required for the sale of property or incurring of new debt applies in both pre-confirmation ex parte motions by the debtor and post-confirmation requests for written authorization from the trustee.

Rule 2084-26. Debtor Completion of Plan Requirements; Discharge

Before the Court enters the debtor's discharge under Code § 1328(a), the debtor must provide to the trustee information required by Code § 1302(d)(1)(C) and file Local Form 2084-26.

Rule 2084-27. Transmission of Documents with Personally Identifiable Information to Trustee

Personally Identifiable Information as described in FRBP 9037 must be redacted in any document submitted to the trustee. The trustee may require debtors and counsel to use a specific method or portal, such as a website, for the transmission of documents that may contain personally identifiable information, including tax returns and bank statements.

Notes 2017: This is a new LR.

Rule 2084-28. Electronic Service on Chapter 13 Trustees

Electronic service of process on trustees must be accomplished in accordance with the instructions provided on the Court's website.

Notes 2017: This is a new LR.